

2011 DRAFTING REQUEST

Bill

Received: **09/28/2010**

Received By: **mglass**

Wanted: **As time permits**

Companion to LRB:

For: **Administration-Budget 2670370**

By/Representing: **Stinebrink**

May Contact:

Drafter: **mglass**

Subject: **Nat. Res. - stewardship**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

Requester's email:

Carbon copy (CC:) to:

Pre Topic:

DOA:.....~~Stinebrink~~, BB0039 -

Topic:

Costs for stewardship acquisitions

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?				_____			S&L
/1	mglass 10/27/2010	csicilia 11/05/2010	jfrantze 11/05/2010	_____	mbarman 11/05/2010		S&L
/2	mglass 11/18/2010	csicilia 11/18/2010	jfrantze 11/19/2010	_____	cduerst 11/19/2010		

FE Sent For:

<END>

2011 DRAFTING REQUEST

Bill

Received: 09/28/2010

Received By: mglass

Wanted: As time permits

Companion to LRB:

For: Administration-Budget 2670370

By/Representing: Wavrunek

May Contact:

Drafter: mglass

Subject: Nat. Res. - stewardship

Addl. Drafters:

Extra Copies:

Submit via email: YES

Requester's email:

Carbon copy (CC:) to:

Pre Topic:

DOA:.....Wavrunek, BB0039 -

Topic:

Costs for stewardship acquisitions

Instructions:

See attached

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/?							S&L
/1	mglass 10/27/2010	csicilia 11/05/2010	jfrantze 11/05/2010		mbarman 11/05/2010		

FE Sent For:

Handwritten notes:
2 - ejs 11/18/10
Jb 11/18
Kmc 11/19
<END>

2011 DRAFTING REQUEST

Bill

Received: **09/28/2010**

Received By: **mglass**

Wanted: **As time permits**

Companion to LRB:

For: **Administration-Budget 2670370**

By/Representing: **Wavrunek**

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Drafter: **mglass**

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Pre Topic:

DOA:.....Wavrunek, BB0039 -

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Costs for stewardship acquisitions

Instructions:

See attached

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/?	mglass	1 cjs 11/3 10	J 11/5	cmk 11/5 Jo			

FE Sent For:

<END>

Gibson-Glass, Mary

From: Teves, Mary R - DNR [Mary.Teves@Wisconsin.gov]
Sent: Thursday, October 07, 2010 10:35 AM
To: Gibson-Glass, Mary
Subject: RE: Budge request regarding land valuation for stewardship grant programs, DOA tracking code BB0039

Here's the language I propose for s. 23.0717(7), Stats:

- (a) No change from current wording
- (b) For land that has been owned by the current owner for less than one year, the acquisition costs of the land shall equal the lesser of the fair market value or the owner's acquisition price.
- (c) For land that has been owned by the current owner for more than one year but less than 3 years, the acquisition costs of the land shall equal the lesser of the fair market value or the owner's acquisition price and the annual adjustment increase shown in sub. (d).
- (d) No change from current wording
- (e) No change from current wording
- (f) No change from current wording

I'd be happy to discuss further, if you have any questions.

Thank you,

Mary Rose

 *Mary Rose Teves*

Director

Bureau of Community Financial Assistance

Wisconsin Department of Natural Resources

(☎) phone: (608) 267-7683

(☎) fax: (608) 267-0496

(✉) e-mail: Mary.Teves@wisconsin.gov

Visit my Bureau's web pages by starting at <http://dnr.wi.gov/org/caer/cfa/cfindex.html>

From: Gibson-Glass, Mary [mailto:Mary.Gibson-Glass@legis.wisconsin.gov]
Sent: Thursday, October 07, 2010 09:41 AM
To: Teves, Mary R - DNR
Subject: RE: Budge request regarding land valuation for stewardship grant programs, DOA tracking code BB0039

Next week is fine. Regarding s. 23.0917 (b) (c) and (d), I am dealing with your concerns about them in the draft by repealing them. If that does not make sense to you, give me a call.

Mary
267 3215

10/26/2010

From: Teves, Mary R - DNR [<mailto:Mary.Teves@Wisconsin.gov>]
Sent: Thursday, October 07, 2010 8:50 AM
To: Gibson-Glass, Mary
Cc: Polasek Jr, Joseph P - DNR; Steinmetz, Jana D - DOA
Subject: RE: Budge request regarding land valuation for stewardship grant programs, DOA tracking code BB0039

I see by Tim Andryk's out-of-office message that he is gone until Oct 14. I expect to have an answer for you the following week.

If you need an answer before that, please let me know. I'll try to find another source for an answer.

Thanks,

Mary Rose

 *Mary Rose Teves*

Director
Bureau of Community Financial Assistance
Wisconsin Department of Natural Resources
(☎) phone: (608) 267-7683
(☎) fax: (608) 267-0496
(✉) e-mail: Mary.Teves@wisconsin.gov
Visit my Bureau's web pages by starting at <http://dnr.wi.gov/org/caer/cfa/cfindex.html>

From: Teves, Mary R - DNR
Sent: Wednesday, October 06, 2010 04:30 PM
To: 'Gibson-Glass, Mary'
Cc: Polasek Jr, Joseph P - DNR; Steinmetz, Jana D - DOA
Subject: RE: Budge request regarding land valuation for stewardship grant programs, DOA tracking code BB0039

Mary,

I'm familiar with the citations below. As my involvement with the Stewardship grant program only began in 2003, I want to confer with DNR attorney Tim Andryk on the answer to your questions. Tim has been working on Stewardship grants since "day 1". By when do you need an answer?

When I saw that this e-mail was coming from Leg Ref Bureau, I was hoping that you were writing about corrections to s. 23.0917(7)(b), (c), and (d), Stats. We really do need those sections to be revised. This attachment from Mike Barman summarizes our concerns in this case:

<< File: MGG Doc.PDF >>

Thanks for your attention to this matter,

Mary Rose

 *Mary Rose Teves*

Director

Bureau of Community Financial Assistance

Wisconsin Department of Natural Resources

(☎) phone: (608) 267-7683

(☎) fax: (608) 267-0496

(✉) e-mail: Mary.Teves@wisconsin.gov

Visit my Bureau's web pages by starting at <http://dnr.wi.gov/org/caer/cfa/cfindex.html>

From: Gibson-Glass, Mary [<mailto:Mary.Gibson-Glass@legis.wisconsin.gov>]

Sent: Wednesday, October 06, 2010 01:37 PM

To: Teves, Mary R - DNR

Cc: Steinmetz, Jana D - DOA; Polasek Jr, Joseph P - DNR

Subject: Budget request regarding land valuation for stewardship grant programs, DOA tracking code BB0039

Mary Rose,

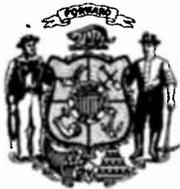
Joe Polasek gave me your name as the program person who may be able to answer a technical question about how the valuation and appraisal process for stewardship land acquisitions is administered under various stewardship cost sharing programs. There appears to be an anomaly in the current statutory language found in s. 23.0917 (7) (a) and (e). Our front office is sending you a copy by separate e-mail of the information I received from DOA concerning this request.

The cross references in s. 23.0917 (7) (a) and in s. 23.0917 (7) (e) are not the same. Under current law, the appraisal requirements in s. 23.0917 (7) (e) apply by cross reference to the following stewardship cost sharing programs: the urban green space program under s. 23.09 (19), the local park aids program under s. 23.09 (20), the development grant program under s. 23.09 (20m) and the urban river grant program under s. 30.277. They do not apply to the habit area program under s. 23.092 (4), the stream bank protection program under s. 23.094 (3g), the county grant program under s. 23.053, or the bluff protection program under s. 30.24. I don't know whether this was an oversight in drafting or whether this anomaly is intentional. Please review these cross references and let me know if you want them to remain the same.

The basic distinction I see is that the cross references currently included in the list of cross references in s. 23.0917 (e) are the programs where the recipients of the cost sharing grants are nonprofit conservation organizations or "governmental units", as defined for purposes of these programs. See the definitions in ss. 23.09 (19) (a) 2., 23.019 (20) (ab) 1. and 2., 23.019 (20m)(a) 1., and 30.277 (1) (b). The ones excluded are the programs where the recipients are landowners (habit area program), only counties (county grant program), or political subdivisions (stream bank protection program). Note that the definition for "governmental unit" is different than the definition for "political subdivision". See. s. 23.094 (1).

I realize this is complicated. Feel free to call me at my number below to discuss this further.

Mary Gibson-Glass
Senior Legislative Attorney
Legislative Reference Bureau
608 267 3215



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-0143/?? 1 RMR
MGG: /:....
gjs

w
10/27 D-N

DOA:.....Wavrunek, BB0039 - Costs for stewardship acquisitions

FOR 2011-13 BUDGET -- NOT READY FOR INTRODUCTION

SA ✓
T-reb ✓

Do NOT Gen

1 AN ACT ...; relating to: the budget.

the acquisition costs equal

Analysis by the Legislative Reference Bureau

**NATURAL RESOURCES
OTHER NATURAL RESOURCES**

Current law authorizes the state under the stewardship program administered by DNR to incur public debt to provide matching grants to certain governmental units and nonprofit conservation organizations to acquire land or easements for certain conservation activities. Under current law, the acquisition costs for the lands or easements to be used in calculating the amount of the grant is the fair market value and any other acquisition costs, such as survey or appraisal costs, if the land has been owned by the person conveying the land for three years or more. If the land has been owned for one or two years, is the sum of the current owner's acquisition price and an annual adjustment increase (adjusted price). If the land has been owned for less than one year, the acquisition cost is the current owner's acquisition price.

Under this bill, the acquisition costs for land that has been owned for one or two years is the adjusted price or the current fair market value, whichever is lower. The acquisition costs for land that has been owned for less than one year is the current owner's acquisition price or the current fair market value of the land, whichever is lower.

Under current law, for some but not all of these grants, at least two appraisals are required when it is necessary to determine the fair market value. Under the bill, at least two appraisals are required for all of these grants.

year or more but less than three

plus

equal

a

equal

Current

equal

year or more but less than three

costs equal

For further information see the **state and local** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 SECTION 1. 23.0917 (7) (b) of the statutes is amended to read:

2 23.0917 (7) (b) For land that has been owned by the current owner for less than
3 one year, the acquisition costs of the land shall equal the current fair market value
4 of the land or the current owner's acquisition price, whichever is lower.

History: 1999 a. 9, 185; 2001 a. 16, 30, 109; 2003 a. 33; 2007 a. 20; 2009 a. 28.

5 SECTION 2. 23.0917 (7) (c) of the statutes is ^{renumbered 23.0917 (7)(c)(intro.)} amended to read: ^{and}

Fix component 7

6 23.0917 (7) (c) ^(intro.) For land that has been owned by the current owner for one year
7 or more but for less than 3 years, the acquisition costs of the land shall equal the
8 lower of the following:

9 2. The sum of the current owner's acquisition price and the annual adjustment
10 increase.

History: 1999 a. 9, 185; 2001 a. 16, 30, 109; 2003 a. 33; 2007 a. 20; 2009 a. 28.

11 SECTION 3. 23.0917 (7) (c) 1. of the statutes is created to read:

12 23.0917 (7) (c) 1. The current fair market value of the land.

13 SECTION 4. 23.0917 (7) (d) (intro.) of the statutes is amended to read:

14 23.0917 (7) (d) (intro.) For purposes of par. (c) ~~2~~, the annual adjustment
15 increase shall be calculated by multiplying the current owner's acquisition price by
16 5% and by then multiplying that product by one of the following numbers:

History: 1999 a. 9, 185; 2001 a. 16, 30, 109; 2003 a. 33; 2007 a. 20; 2009 a. 28.

17 SECTION 5. 23.0917 (7) (e) 1. of the statutes is amended to read:

18 23.0917 (7) (e) 1. For any land for which moneys are proposed to be obligated
19 from the appropriation under s. 20.866 (2) (ta) in order to provide a grant ~~or~~, state
20 aid for other funding to a governmental unit or nonprofit conservation organization

Space

(2)

1 under s. 23.09 (19), (20), or (20m), ~~23.092 (4), 23.094 (3g), 23.0953, 23.096, 30.24/30.24~~
 2 or 30.277 or to a nonprofit conservation organization under s. 23.096, the department stays
 3 shall use at least 2 appraisals to determine the current fair market value of the land.
 4 The governmental unit or nonprofit conservation organization shall submit to the
 5 department one appraisal that is paid for by the governmental unit or nonprofit
 6 conservation organization. The department shall obtain its own independent
 7 appraisal. The department may also require that the governmental unit or nonprofit
 8 conservation organization submit a 3rd independent appraisal. The department
 9 shall reimburse the governmental unit or nonprofit conservation organization up to
 10 50% of the costs of the 3rd appraisal as part of the acquisition costs of the land if the
 11 land is acquired by the governmental unit or nonprofit conservation organization
 12 with moneys obligated from the appropriation under s. 20.866 (2) (ta).

History: 1999 a. 9, 185; 2001 a. 16, 30, 109; 2003 a. 33; 2007 a. 20; 2009 a. 28.

History: 1989 a. 31; 1991 a. 39; 1993 a. 16, 343; 1995 a. 27; 1999 a. 9; 2001 a. 38, 104; 2003 a. 33; 2007 a. 20.

13 **SECTION 6.** 23.0917 (7) (e) 2. of the statutes is amended to read:

14 23.0917 (7) (e) 2. Subdivision 1. does not apply if the current fair market value
 15 of the land is estimated by the department to be \$350,000 or less.

History: 1999 a. 9, 185; 2001 a. 16, 30, 109; 2003 a. 33; 2007 a. 20; 2009 a. 28.

16 **SECTION 7.** 23.0917 (7) (f) 2. of the statutes is amended to read:

17 23.0917 (7) (f) 2. For any acquisition of any land that is funded with moneys
 18 obligated from the appropriation under s. 20.866 (2) (ta), the department, within 30
 19 days after the moneys are obligated, shall submit to the clerk and the assessor of each
 20 taxation district in which the land is located a copy of every appraisal in the
 21 department's possession that was prepared in order to determine the current fair
 22 market value of the land involved. An assessor who receives a copy of an appraisal

1 under this subdivision shall consider the appraisal in valuing the land as provided
2 under s. 70.32 (1).

3 History: 1999 a. 9, 185; 2001 a. 16, 30, 109; 2003 a. 33; 2007 a. 20; 2009 a. 28.

3 **SECTION 9335. Initial applicability; Natural Resources.**

4 (1) STEWARDSHIP ACQUISITION COSTS. The treatment of section 23.0917 (7) (b), (c),
5 (d) (intro.) and (e) 1. of the statutes and the creation of section 23.0917 (7) (c) 1. of the
6 statutes first apply to applications for grants, state aid, or funding that are
7 submitted to the department of natural resources on the effective date of this
8 subsection.

9 (END)

↑ the renumbering and amendment of
section 23.0917(7)(c) of
the statutes ↑

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-01437/dn
MGG:.....

g's

Late

As drafted, the cross references in s. 23.0917⁽⁷⁾(a) and (e) 1. are the same because I cannot understand why they are different under current law. Please have DNR review this draft to make sure DNR is OK with this change. I have spoken with Mary Rose Teves in DNR concerning this draft.

I have made the language consistent by referring to "current fair market value" throughout s. 23.0917 (7). ✓

I have added the words "or other funding" in s. 23.0917 (7) (e) 1. because s. 23.092 (4), which is now cross-referenced in s. 23.0917 (7) (e) 1. does not use the term "grant" or "state aid." ✓

Mary Gibson-Glass
Senior Legislative Attorney
Phone: (608) 267-3215

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0143/1dn
MGG:cjs:jf

November 5, 2010

As drafted, the cross-references in s. 23.0917 (7) (a) and (e) 1. are the same because I cannot understand why they are different under current law. Please have DNR review this draft to make sure DNR is OK with this change. I have spoken with Mary Rose Teves in DNR concerning this draft.

I have made the language consistent by referring to "current fair market value" throughout s. 23.0917 (7).

I have added the words "or other funding" in s. 23.0917 (7) (e) 1. because s. 23.092 (4), which is now cross-referenced in s. 23.0917 (7) (e) 1. does not use the term "grant" or "state aid."

Mary Gibson-Glass
Senior Legislative Attorney
Phone: (608) 267-3215

Gibson-Glass, Mary

From: Gibson-Glass, Mary
Sent: Thursday, November 18, 2010 11:24 AM
To: Stinebrink, Cory R - DOA
Subject: RE: Stewardship Program Cross References/LRB #0143

I am preparing a redraft that makes changes in the initial applicability provision.

Mary

From: Stinebrink, Cory R - DOA [mailto:Cory.Stinebrink@wisconsin.gov]
Sent: Wednesday, November 17, 2010 4:40 PM
To: Gibson-Glass, Mary
Subject: RE: Stewardship Program Cross References/LRB #0143

Not unless something has to be redrafted for the effective date or initial applicability has to be changed and incorporated the way DNR was recommending.

From: Gibson-Glass, Mary [mailto:Mary.Gibson-Glass@legis.wisconsin.gov]
Sent: Wednesday, November 17, 2010 4:38 PM
To: Stinebrink, Cory R - DOA
Subject: RE: Stewardship Program Cross References/LRB #0143

Cory,

I assume you do not want any further redrafting at this point.

Mary

From: Stinebrink, Cory R - DOA [mailto:Cory.Stinebrink@wisconsin.gov]
Sent: Wednesday, November 17, 2010 4:19 PM
To: Gibson-Glass, Mary
Subject: FW: Stewardship Program Cross References/LRB #0143

Mary-
I forwarded the draft for LRB 0143 to DNR. Their response is below.

Cory Robert Stinebrink

From: Teves, Mary R - DNR
Sent: Wednesday, November 17, 2010 11:04 AM
To: Stinebrink, Cory R - DOA
Cc: Andryk, Tim A - DNR
Subject: RE: Stewardship Program Cross References/LRB #0143

Cory,

Tim Andryk and I have discussed this latest version and offer the following:

The proposed draft legislation seems to address our proposal adequately, and addresses the

11/18/2010

statutory cross reference issue. It would be good if the effective date or "initial applicability" coincide with the grant cycle ... so let's say start of next fiscal year (July 1, 2011).

Other questions? Please let us know.

Thanks for your help with this,

Mary Rose

Mary Rose Teves

Director

Bureau of Community Financial Assistance

Wisconsin Department of Natural Resources

(☎) phone: (608) 267-7683

(☎) fax: (608) 267-0496

(✉) e-mail: Mary.Teves@wisconsin.gov

Visit my Bureau's web pages by starting at <http://dnr.wi.gov/org/caer/cfa/cfindex.html>

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0143/2dn

MGG:j...
jis

- late -

Since the budget may well not pass before July 1, 2011, I have written the initial applicability provision ⁱⁿ such a way that the new requirements will apply to those applications submitted to DNR after July 1, 2011, ^{on or} and that have not been acted on by DNR on or before the effective date of the budget.

Mary Gibson-Glass
Senior Legislative Attorney
Phone: (608) 267-3215



State of Wisconsin
2011 - 2012 LEGISLATURE



RMR

LRB-0143/2
MGG:cjs:jf

w
11/18

(D-N)

slays

DOA:.....Stinebrink, BB0039 – Costs for stewardship acquisitions

FOR 2011-13 BUDGET — NOT READY FOR INTRODUCTION

Do NOT Gen

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

NATURAL RESOURCES

OTHER NATURAL RESOURCES

Current law authorizes the state under the stewardship program administered by DNR to incur public debt to provide matching grants to certain governmental units and nonprofit conservation organizations to acquire land or easements for certain conservation activities. Under current law, the acquisition costs for the lands or easements to be used in calculating the amount of a grant equal the current fair market value plus any other acquisition costs, such as survey or appraisal costs, if the land has been owned by the person conveying the land for three years or more. If the land has been owned for one year or more but less than three years, the acquisition costs equal the sum of the current owner's acquisition price and an annual adjustment increase (adjusted price). If the land has been owned for less than one year, the acquisition costs equal the current owner's acquisition price.

Under this bill, the acquisition costs for land that has been owned for one year or more but less than three years equal the adjusted price or the current fair market value, whichever is lower. The acquisition costs for land that has been owned for less than one year equal the current owner's acquisition price or the current fair market value of the land, whichever is lower.

Under current law, for some but not all of these grants, at least two appraisals are required when it is necessary to determine the fair market value. Under the bill, at least two appraisals are required for all of these grants.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 23.0917 (7) (b) of the statutes is amended to read:

2 23.0917 (7) (b) For land that has been owned by the current owner for less than
3 one year, the acquisition costs of the land shall equal the current fair market value
4 of the land or the current owner's acquisition price, whichever is lower.

5 **SECTION 2.** 23.0917 (7) (c) of the statutes is renumbered 23.0917 (7) (c) (intro.)
6 and amended to read:

7 23.0917 (7) (c) (intro.) For land that has been owned by the current owner for
8 one year or more but for less than 3 years, the acquisition costs of the land shall equal
9 the lower of the following:

10 2. The sum of the current owner's acquisition price and the annual adjustment
11 increase.

12 **SECTION 3.** 23.0917 (7) (c) 1. of the statutes is created to read:

13 23.0917 (7) (c) 1. The current fair market value of the land.

14 **SECTION 4.** 23.0917 (7) (d) (intro.) of the statutes is amended to read:

15 23.0917 (7) (d) (intro.) For purposes of par. (c) 2., the annual adjustment
16 increase shall be calculated by multiplying the current owner's acquisition price by
17 5% and by then multiplying that product by one of the following numbers:

18 **SECTION 5.** 23.0917 (7) (e) 1. of the statutes is amended to read:

19 23.0917 (7) (e) 1. For any land for which moneys are proposed to be obligated
20 from the appropriation under s. 20.866 (2) (ta) in order to provide a grant ~~or~~, state
21 aid, or other funding to a governmental unit or nonprofit conservation organization

1 under s. 23.09 (19), (20), or (20m), 23.092 (4), 23.094 (3g), 23.0953, 23.096, 30.24 (2),
2 or 30.277 ~~or to a nonprofit conservation organization under s. 23.096~~, the department
3 shall use at least 2 appraisals to determine the current fair market value of the land.
4 The governmental unit or nonprofit conservation organization shall submit to the
5 department one appraisal that is paid for by the governmental unit or nonprofit
6 conservation organization. The department shall obtain its own independent
7 appraisal. The department may also require that the governmental unit or nonprofit
8 conservation organization submit a 3rd independent appraisal. The department
9 shall reimburse the governmental unit or nonprofit conservation organization up to
10 50% of the costs of the 3rd appraisal as part of the acquisition costs of the land if the
11 land is acquired by the governmental unit or nonprofit conservation organization
12 with moneys obligated from the appropriation under s. 20.866 (2) (ta).

13 **SECTION 6.** 23.0917 (7) (e) 2. of the statutes is amended to read:

14 23.0917 (7) (e) 2. Subdivision 1. does not apply if the current fair market value
15 of the land is estimated by the department to be \$350,000 or less.

16 **SECTION 7.** 23.0917 (7) (f) 2. of the statutes is amended to read:

17 23.0917 (7) (f) 2. For any acquisition of any land that is funded with moneys
18 obligated from the appropriation under s. 20.866 (2) (ta), the department, within 30
19 days after the moneys are obligated, shall submit to the clerk and the assessor of each
20 taxation district in which the land is located a copy of every appraisal in the
21 department's possession that was prepared in order to determine the current fair
22 market value of the land involved. An assessor who receives a copy of an appraisal
23 under this subdivision shall consider the appraisal in valuing the land as provided
24 under s. 70.32 (1).

25 **SECTION 9335. Initial applicability; Natural Resources.**

1 (1) STEWARDSHIP ACQUISITION COSTS. The treatment of section 23.0917 (7) (b), (d)
 2 (intro.), and (e) 1. of the statutes, the renumbering and amendment of section
 3 23.0917 (7) (c) of the statutes, and the creation of section 23.0917 (7) (c) 1. of the
 4 statutes first apply to applications for grants, state aid, or funding that are
 5 submitted to the department of natural resources on ~~the effective date of this~~

6 subsection
 7 period stays

(END)

~~AAAA~~ July 1, 2011, and that have not
 been approved or denied by the
 department of natural resources
 on or before the effective date
 of this subsection

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0143/2dn
MGG:cjs:jf

November 18, 2010

Since the budget may well not pass before July 1, 2011, I have written the initial applicability provision in such a way that the new requirements will apply to those applications submitted to DNR on or after July 1, 2011, that have not been acted on by DNR on or before the effective date of the budget.

Mary Gibson-Glass
Senior Legislative Attorney
Phone: (608) 267-3215



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-0143/2
MGG:cjs:jf

DOA:.....Stinebrink, BB0039 - Costs for stewardship acquisitions

FOR 2011-13 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

NATURAL RESOURCES

OTHER NATURAL RESOURCES

Current law authorizes the state under the stewardship program administered by DNR to incur public debt to provide matching grants to certain governmental units and nonprofit conservation organizations to acquire land or easements for certain conservation activities. Under current law, the acquisition costs for the lands or easements to be used in calculating the amount of a grant equal the current fair market value plus any other acquisition costs, such as survey or appraisal costs, if the land has been owned by the person conveying the land for three years or more. If the land has been owned for one year or more but less than three years, the acquisition costs equal the sum of the current owner's acquisition price and an annual adjustment increase (adjusted price). If the land has been owned for less than one year, the acquisition costs equal the current owner's acquisition price.

Under this bill, the acquisition costs for land that has been owned for one year or more but less than three years equal the adjusted price or the current fair market value, whichever is lower. The acquisition costs for land that has been owned for less than one year equal the current owner's acquisition price or the current fair market value of the land, whichever is lower.

Under current law, for some but not all of these grants, at least two appraisals are required when it is necessary to determine the fair market value. Under the bill, at least two appraisals are required for all of these grants.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 23.0917 (7) (b) of the statutes is amended to read:

2 23.0917 (7) (b) For land that has been owned by the current owner for less than
3 one year, the acquisition costs of the land shall equal the current fair market value
4 of the land or the current owner's acquisition price, whichever is lower.

5 **SECTION 2.** 23.0917 (7) (c) of the statutes is renumbered 23.0917 (7) (c) (intro.)
6 and amended to read:

7 23.0917 (7) (c) (intro.) For land that has been owned by the current owner for
8 one year or more but for less than 3 years, the acquisition costs of the land shall equal
9 the lower of the following:

10 2. The sum of the current owner's acquisition price and the annual adjustment
11 increase.

12 **SECTION 3.** 23.0917 (7) (c) 1. of the statutes is created to read:

13 23.0917 (7) (c) 1. The current fair market value of the land.

14 **SECTION 4.** 23.0917 (7) (d) (intro.) of the statutes is amended to read:

15 23.0917 (7) (d) (intro.) For purposes of par. (c) 2., the annual adjustment
16 increase shall be calculated by multiplying the current owner's acquisition price by
17 5% and by then multiplying that product by one of the following numbers:

18 **SECTION 5.** 23.0917 (7) (e) 1. of the statutes is amended to read:

19 23.0917 (7) (e) 1. For any land for which moneys are proposed to be obligated
20 from the appropriation under s. 20.866 (2) (ta) in order to provide a grant ~~or~~, state
21 aid, or other funding to a governmental unit or nonprofit conservation organization

1 under s. 23.09 (19), (20), or (20m), ~~23.092 (4), 23.094 (3g), 23.0953, 23.096, 30.24 (2),~~
2 or 30.277 ~~or to a nonprofit conservation organization under s. 23.096~~, the department
3 shall use at least 2 appraisals to determine the current fair market value of the land.
4 The governmental unit or nonprofit conservation organization shall submit to the
5 department one appraisal that is paid for by the governmental unit or nonprofit
6 conservation organization. The department shall obtain its own independent
7 appraisal. The department may also require that the governmental unit or nonprofit
8 conservation organization submit a 3rd independent appraisal. The department
9 shall reimburse the governmental unit or nonprofit conservation organization up to
10 50% of the costs of the 3rd appraisal as part of the acquisition costs of the land if the
11 land is acquired by the governmental unit or nonprofit conservation organization
12 with moneys obligated from the appropriation under s. 20.866 (2) (ta).

13 **SECTION 6.** 23.0917 (7) (e) 2. of the statutes is amended to read:

14 23.0917 (7) (e) 2. Subdivision 1. does not apply if the current fair market value
15 of the land is estimated by the department to be \$350,000 or less.

16 **SECTION 7.** 23.0917 (7) (f) 2. of the statutes is amended to read:

17 23.0917 (7) (f) 2. For any acquisition of any land that is funded with moneys
18 obligated from the appropriation under s. 20.866 (2) (ta), the department, within 30
19 days after the moneys are obligated, shall submit to the clerk and the assessor of each
20 taxation district in which the land is located a copy of every appraisal in the
21 department's possession that was prepared in order to determine the current fair
22 market value of the land involved. An assessor who receives a copy of an appraisal
23 under this subdivision shall consider the appraisal in valuing the land as provided
24 under s. 70.32 (1).

25 **SECTION 9335. Initial applicability; Natural Resources.**

1 (1) STEWARDSHIP ACQUISITION COSTS. The treatment of section 23.0917 (7) (b), (d)
2 (intro.), and (e) 1. of the statutes, the renumbering and amendment of section
3 23.0917 (7) (c) of the statutes, and the creation of section 23.0917 (7) (c) 1. of the
4 statutes first apply to applications for grants, state aid, or funding that are
5 submitted to the department of natural resources on July 1, 2011, and that have not
6 been approved or denied by the department of natural resources on or before the
7 effective date of this subsection.

8

(END)