

2013 DRAFTING REQUEST

Assembly Amendment (AA-AB40)

Received: 5/17/2013 Received By: rkite
Wanted: As time permits Same as LRB:
For: Legislative Fiscal Bureau By/Representing: Probst
May Contact: Drafter: rkite
Subject: Nat. Res. - stewardship Addl. Drafters:
Extra Copies:

Submit via email: YES
Requester's email: Legislative Fiscal Bureau
Carbon copy (CC) to:

Pre Topic:

LFB:.....Probst -

Topic:

Land sales required

Instructions:

See attached (items 9. and 10. from motion 267)

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>
/?	rkite 5/23/2013			_____			
/1		evinz 5/23/2013	jmurphy 5/23/2013	_____	sbasford 5/23/2013		

FE Sent For:

<END>

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/?	rkite	1 ew 5/23/13	jm 5/23	_____	_____		
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8. *Acquisition Limit.* Specify that DNR may not acquire land if the number of acres held by the Department in fee simple exceeds 1.9 million acres, unless the Joint Committee on Finance approves the proposed acquisition under a 14-day passive review process.

9. *Land Sales.* Direct DNR to offer for sale by June 30, 2017, at least 10,000 acres of property located outside the project boundaries established as of May 1, 2013. Specify that the net proceeds be used for the following, as applicable: (a) to repay any outstanding public debt used to finance the acquisition or improvement of the property, including providing a sufficient amount for the costs of maintaining federal tax law compliance applicable to any such debt; (b) to pay the federal government any of the net proceeds required by federal law (if the property was acquired or improved with federal financial assistance); and (c) if the property was acquired by gift or grant or acquired with gift or grant funds, to adhere to any restriction governing use of the proceeds. Specify that after meeting any of the aforementioned requirements that apply, any remaining net proceeds be used to pay principal on outstanding public debt issued under the stewardship program.

10. *Farmland Sales.* In addition to the 10,000 acres *per year*, direct DNR to sell at least 250 acres of productive agricultural land annually through 2019-20 and specify that the land must remain in use as productive agricultural land in perpetuity. Further, specify that the net proceeds be used for the following, as applicable: (a) to repay any outstanding public debt used to finance the acquisition or improvement of the property, including providing a sufficient amount for the costs of maintaining federal tax law compliance applicable to any such debt; (b) to pay the federal government any of the net proceeds required by federal law (if the property was acquired or improved with federal financial assistance); and (c) if the property was acquired by gift or grant or acquired with gift or grant funds, to adhere to any restriction governing use of the proceeds. Specify that after meeting any of the aforementioned requirements that apply, any remaining net proceeds be used to pay principal on outstanding public debt issued under the stewardship program.

11. *Road Access.* Direct DNR to inventory and map all roads on DNR-owned property and identify whether each road is currently open or closed for public motorized use. In addition, specify that DNR work in cooperation with the public, governmental units, and other partners to evaluate roads using ecological, economic and social criteria to develop a motorized vehicle access plan and an implementation plan for the access plan for each DNR-owned property. Require that the plan establish criteria for circumstances when motorized access may be restricted or temporarily prohibited by the Department, including when the land is actively being logged.

12. *Road Designation.* Modify s. 23.115 of the statutes, to specify that, in addition to the Department's current ability to designate trails, campgrounds, and special use areas for property under its control, the Department may also designate roads. Specify that these roads shall be designated on maps available at the Department's district office, on a sign outside the office on the property or on signs placed by the roads at the option of the Department (as is currently specified for trails, campgrounds, and special use areas) and that the requirement that the Department must inspect "designated features" twice a year would not apply to roads. Further, modify s. 895.52(1)(g) of the statutes to specify that recreational activity includes "operating a vehicle [as defined under s. 340.01(74)] on roads designated under s. 23.115".



State of Wisconsin
2013 - 2014 LEGISLATURE



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LFB:.....Probst – Land sales required

**FOR 2013-2015 BUDGET -- NOT READY FOR INTRODUCTION
ASSEMBLY AMENDMENT ,
TO ASSEMBLY BILL 40**

D-Note

- 1 At the locations indicated, amend the bill as follows:
- 2 **1.** Page 351, line 10: after that line insert:
- 3 “SECTION 287m. 20.370 (7) (ad) of the statutes is created to read:
- 4 20.370 (7) (ad) *Land sales — principal repayment.* All moneys received from
- 5 the proceeds from the sale of land and property under s. 23.145 to reimburse s. 20.866
- 6 (1)(u) for the payment of principal on outstanding public debt incurred under the
- 7 Warren Knowles–Gaylord Nelson stewardship 2000 program under s. 23.0917 and
- 8 to make payments under an agreement or ancillary arrangement entered into under
- 9 s. 18.06 (8) (a).”
- 10 **2.** Page 395, line 19: after “(ac),” insert “(ad).”
- 11 **3.** Page 403, line 8: after that line insert:

1 “SECTION 509f. 23.145 of the statutes is created to read:

2 23.145 **Certain land sales required.** (1) The natural resources board shall
3 do all of the following:

4 (a) On or before June 30, 2017, offer for sale at least 10,000 acres of land owned
5 by the state, under the jurisdiction of the department, and outside of project
6 boundaries that were established by the department on or before May 1, 2013.

7 (b) Sell at least 250 acres of productive agricultural land each fiscal year
8 beginning with fiscal year 2013–14 and ending with fiscal year 2019–20. The
9 department shall require as a condition of any sale under this subdivision that the
10 land sold must remain in use as productive agricultural land in perpetuity.

11 (2) If there is any outstanding public debt used to finance the acquisition of any
12 land that is sold under sub. (1), the department shall deposit a sufficient amount of
13 the net proceeds from the sale of the land in the bond security and redemption fund
14 under s. 18.09 to repay the principal and pay the interest on the debt, and any
15 premium due upon refunding any of the debt. If there is any outstanding public debt
16 used to finance the acquisition of any land that is sold under sub. (1), the department
17 shall then provide a sufficient amount of the net proceeds from the sale of the land
18 for the costs of maintaining federal tax law compliance applicable to the debt. If the
19 land was acquired with federal financial assistance, the department shall pay to the
20 federal government any of the net proceeds required by federal law. If the land was
21 acquired by gift or grant or acquired with gift or grant funds, the department shall
22 adhere to any restriction governing use of the proceeds. If there is no such debt
23 outstanding, there are no moneys payable to the federal government, and there is no
24 restriction governing use of the proceeds, and if the net proceeds exceed the amount
25 required to be deposited, paid, or used for another purpose under this paragraph, the

paragraph

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subsection

1 department shall use the net proceeds or remaining net proceeds from the sale of
2 land under sub. (1) to pay principal on outstanding public debt under the Warren
3 Knowles-Gaylord Nelson stewardship 2000 program under s. 23.0917.

4 SECTION 509m. 23.15 (6) of the statutes is amended to read:

5 23.15 (6) This section does not apply to property that is authorized to be sold
6 under s. 16.848 or that is required to be sold ^{or offered for sale} under s. 23.145.

History: 1983 a. 27; 1983 a. 423 s. 3; Stats. 1983 s. 23.15; 1989 a. 31; 1991 a. 39, 316; 1993 a. 184; 2003 a. 33; 2005 a. 25; 2007 a. 20; 2011 a. 32.

7 (END)

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

LRBb0124/?dn

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date

Erin Probst:

This amendment covers items 9 and 10 in motion 267 adopted by the Joint Committee on Finance. I modeled the language in the amendment on language in Assembly Bill 40 concerning the sale of state property. See for example, s. 16.848 (4) (a) as amended in AB-40.

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Senior Legislative Attorney
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DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb0124/1dn
RNK:eev:jm

May 23, 2013

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State of Wisconsin
2013 - 2014 LEGISLATURE



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