

27K1

Administration

Land Information and Local Planning Programs

(LFB Budget Summary Document: Page 83)

LFB Summary Items for Which Issue Papers Have Been Prepared

<u>Item #</u>	<u>Title</u>
1	Land Information and Local Planning Program Development of a Computer-Based Land Information System (Paper #195)
-	GIS Property Assessment Database Project (Paper #196)

(Gov) Agency: DOA - Land Information & Local Planning Program

Recommendations:

Paper No. 195: Part A - Alternatives 2 & 3
Part B - Alternatives 2 & 3
Part C - Alternative 1 (no action needed)

Comments: **For Part A** - the gov's proposal is ok and could be approved as is (i.e. alternative 1), but other committee members might be more comfortable with Alternative 2 which gives JFC another look at this new initiative once DOA has a plan worked out. Alternative 3 is just a good budgeting provision (see paragraph 19), but isn't essential either way.

For Part B - again, the gov's proposal is ok, but FB makes some suggestions (i.e. Alternatives 2 & 3) that reflect more accurate budgeting and could make the program run smoother (see paragraphs 34-37). However, just approving the gov would we fine as well.

For Part C - DOA is probably the best agency to run the computer system. They would lend some certainty and stability to the process, since the Land Council and Land Information Board are still in flux (i.e. 2002 deadline to make consolidation recommendations).

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June 1, 1999

Joint Committee on Finance

Paper #195

Development of a Computer-Based Land Information System (DOA -- Land Information and Local Planning Programs)

[LFB 1999-01 Budget Summary: Page 83, #1; Page 110, #4(part); Page 435, #8 and Page 616, #7]

CURRENT LAW

DOA has established an Office of Land Information Services (OLIS) under the Secretary's Office to advise state and local governments regarding land use, the development of information, land and geographic systems, and strategies for land records modernization and systems integration. The Office is responsible for providing staff and other support to both the Wisconsin Land Information Board and the Wisconsin Land Council and for overseeing the statewide activities of municipal boundary review and plat review. The Office has base level funding of \$1,227,800 PR and \$104,100 GPR and is authorized 15.5 PR and 2.0 GPR positions.

The Land Information Board is attached administratively to DOA and directs and supervises the implementation of the Wisconsin land information program under s. 16.967 of the statutes. Under this program, the Board's general responsibilities include: (1) preparing guidelines to coordinate the modernization of land records; (2) administering a land information project grant program for counties; (3) reviewing for approval county-wide plans for land records modernization; (4) maintaining and distributing an inventory of land information available in the state; (5) serving as a clearinghouse for access to land information; and (6) providing technical assistance to those state and local governmental units with land information responsibilities. However, it is DOA (rather than the Board) that currently has the statutory authority to develop and maintain geographic information systems (GIS) for the use of governmental and nongovernmental entities.

The Board's administrative and grant program appropriations are funded from a portion of recording fees collected by county registers of deeds. Under current law, \$6 of the \$10 collected by a county register of deeds for recording the first page of a legal document is forwarded to the Board, unless the county has a land information office, in which case the county

may retain an additional \$4 to support the office and transfer only \$2 to the Board. Currently, all counties have such an office and retain the \$4, so \$2 of the total \$10 filing fee is all that is currently transmitted to the Board. The monies currently received by the Board are first credited to support its budgeted general program operations amounts. Following this allocation, all remaining revenues are then credited to an aids to counties appropriation that supports grants to counties for land information projects. The current base level funding authority for this county aids appropriation is \$1,799,000 PR annually.

A separate Wisconsin Land Council is also attached administratively to DOA and is charged with facilitating local land use planning efforts and identifying state land use goals and areas of conflict between state statutes and local ordinances on land use issues. The Council is currently supported by assessments levied against state agencies. Currently, six agencies are assessed for these costs: DATCP, Commerce, DNR, DOT, DOA and DOR.

The Land Information Board, the Land Council, their supporting appropriations, all of their powers and duties, the county register of deeds recording fee transfer to the state (for the Board) and the state agency assessment mechanism (for the Council) are all scheduled to sunset, effective September 1, 2003. After that date, only those land information support activities expressly assigned to DOA as ongoing responsibilities (such as operation of the GIS function) would remain in force.

GOVERNOR

Provide \$1,222,300 PR in 1999-00 and \$1,430,300 PR in 2000-01 for the development of a new computer-based land information system and for the funding of soil survey and soil mapping activities, as follows:

Computer-Based Land Information System. Require DOA to develop and maintain, as a permanent agency responsibility, a computer-based Wisconsin land information system and establish a PR appropriation under DOA to support the development of this new system.

Conduct of Soil Survey and Soil Mapping Activities. In conjunction with the proposed computer-based land information system, authorize DOA to conduct soil surveys and soil mapping activities and use the new PR appropriation for the development of the system to partially fund these soil survey and mapping activities.

Use of Land Information Board Revenues for Computer-Based Land Information System Activities. Authorize the use of a portion of the monies received by the Land Information Board from the county register of deeds recording fees to fund the proposed computer-based land information system and to partially support the soil surveying and mapping activities.

Funding the Computer-Based Land Information System Project. Provide \$202,300 PR in 1999-00 and \$410,300 PR in 2000-01 from Land Information Board revenues for the development of the new computer-based land information system.

Funding the Soil Survey and Soil Mapping Activities. From register of deeds filing fees, provide \$620,000-PR annually to support the costs of soil surveys and soil mapping activities. In addition, authorize DOA to assess any state agency any amount that DOA determines would be required in order to conduct the soil survey and soil mapping activities. Provide \$400,000 in a new continuing PR appropriation for this purpose. Permit DOA to contract with the Board of Commissioners of Public Lands to perform soil survey and soil mapping activities on trust lands that are under the jurisdiction of that Board. Also provide \$200,000 SEG annually under both DNR and DOT to fund these DOA assessments for soil survey and soil mapping activities and provide \$30,000 PR annually under the Board of Commissioners of Public Lands for proposed soil survey and soil mapping activities on trust lands.

Sunset of Appropriations. Repeal, effective September 1, 2003, the new PR appropriations supporting the computer-based land information system function under DOA, including the soil mapping and soil surveying activities. The separate PR appropriation established to receive assessments transferred from other agencies for soil survey and soil mapping activities would not be repealed, and DOA would continue to have the on-going authority to assess agencies for such activities.

DISCUSSION POINTS

1. Under the Governor's recommendation, a total of \$1,222,300 PR in 1999-00 and \$1,430,300 PR in 2000-01 would be provided for the development of a new computer-based land information system and for the conduct of soil survey and soil mapping activities. These land information program activities would be outside of the general land information program that is currently the responsibility of the Land Information Board. Funding of these new activities would be provided as follows:

<u>Funding Source</u>	<u>New or Changed Use of Funding</u>	<u>Purpose</u>	<u>Amount (All PR Funds)</u>	
			<u>1999-00</u>	<u>2000-01</u>
State Share of Register of Deeds Filing Fees	Changed Use	Computer-based Land Information System	\$202,300	\$410,300
State Share of Register of Deeds Filing Fee	Changed Use	Soil Surveys	220,000	220,000
Assessment of State Agencies	New	Soil Surveys	400,000	400,000
State Share of Register of Deeds Filing Fees	Changed Use	Soil Mapping	<u>400,000</u>	<u>400,000</u>
Totals			\$1,222,300	\$1,430,300

2. With regard to funding for the establishment of the computer-based land information system, these funds would be used for master-lease payments of projected hardware and software

costs for installation of the new system and for contractor or in-house programming staff costs. It is estimated that master lease costs in the next biennium would total \$172,300 PR in 1999-00 and \$350,000 PR in 2000-01. In the succeeding biennium, additional master lease costs of \$300,300 PR in 2001-02 and \$178,000 PR in 2002-03 would be required to complete payments of the master lease arrangements.

3. With regard to funding for the proposed soil mapping and soil survey activities that would be conducted as a part of the new computer-based land information system project, a total of \$1,050,000 PR annually would be required in 1999-00 and in 2000-01. DOA envisions additional annual funding requirements of \$1,050,000 PR in 2001-02 and in 2002-03 to complete what it is expected to be a four-year project. The state funds earmarked for the soil survey and soil mapping activities would be used to match federal funds that would be available through the federal Natural Resources Conservation Service (NRCS). The NRCS would actually be responsible for conducting the necessary field work, data collection and analysis.

4. The following aspects of each of the Governor's recommended initiatives are discussed below: (a) the need for the project; (b) the nature of the project, including the current extent of plan details; (c) how the project would be funded, including proposed timelines; and (d) what entity should most appropriately have the responsibility for these projects.

Computer-Based Land Information System Project

5. Under the Governor's proposal, the current statutory language which permits, but does not require, DOA to develop and maintain geographic information systems relating to land in this state for the use of governmental and non-governmental units would be modified. The proposed changes would require DOA to develop and maintain a new, non-defined "computer-based Wisconsin land information system" and would also permit the development and maintenance of other geographic information systems relating to land in this state. There is no definition or other identification of how these computer-based systems would differ nor how DOA should decide what systems to pursue.

6. In the 1997-99 budget, as a part of its land information program initiatives, the administration proposed the repeal of the Land Information Board, the transfer of the Board's responsibilities and duties to DOA under a new land information program and the creation of a new Wisconsin Land Council. As a part of that proposal, the new land information program under DOA would have had an added new responsibility to develop and maintain geographic information systems (GIS). That bill also did not provide any specific definition of what was meant by geographic information systems. Under the Governor's recommendation at that time, a total of \$500,000 SEG from the recycling fund would have been allocated for development and maintenance of a GIS under the new land information program in DOA.

7. Ultimately, the 1997-99 budget retained the Land Information Board and its land information program responsibilities, created a new Wisconsin Land Council and provided the permissive authority for DOA to develop and maintain geographic information systems relating to

land in this state. However, no funding was provided for the development of such a system. Instead, the Joint Committee on Finance included language which specified that this permissive authority was subject to the condition that any legislation required to fund the development of such a system must first be enacted and that DOA would then have to submit to the Committee a plan concerning how the agency planned to use this authority. Approval of the plan would have been under a 14-day passive review process. However, the Governor used his partial veto authority to delete all of these provisions, except for the permissive authority for DOA to develop the system.

8. The current proposal in this budget is apparently the administration's revised approach to this issue. It can be assumed that the proposed "computer-based Wisconsin land information system" is intended to be a geographic information system. In general, the term geographic information system (GIS) can be described as a computer system which allows the graphical representation of land information displaying such items as jurisdictional boundaries, property lines and watershed boundaries. Under such a system, other information such as property easements, zoning restrictions, economic data and the placement of utility lines and facilities can then be superimposed on boundary maps.

9. The Governor's recommended statutory language would authorize DOA to conduct soil surveys and soil mapping activities in conjunction with the computer-based land information system. The Governor's budget would also provide funding for both the computer-based land information system and the soil survey and soil mapping activities.

10. However, the development of the new computer-based land information system is not a prerequisite to proceeding with the soil surveys and soil mapping initiative. In other words, the soil survey and soil mapping efforts could be undertaken whether or not the Legislature chose to authorize or fund the computer-based land information system project. Similarly, the new computer system could be developed without initiating the soil survey and mapping project.

11. Ultimately, however, the data gathered from any soil survey and mapping effort needs to be accessible by being stored either on individual county land information systems or on a state system that would contain comprehensive statewide soils data, as well as other key land information. Under the Governor's recommendation, it is presumably intended that the latter situation is what would happen.

12. Under provisions of s. 16.023(1)(f) of the statutes, the Land Council is already required to convene a technical group of individuals with expertise in land use issues to study the development of such a computer-based land information system.

13. This technical group has been and still is meeting to define the functional requirements of such a system. At this writing, it is apparently the intent that this system would include many of the following components: (a) geographic data from state agency resources (such as wetlands, water resources and transportation data) and county and municipal information (such as roads, parcel descriptions, and zoning and land use data); (b) information about state statutes and administrative rules on land use planning; and (c) a computer program to make this information

easily accessible to all interested persons. The system would likely reside on the Internet.

14. This working group, however, has yet to make its final recommendations to the Land Council, including its recommendations for legislation to implement the proposed system. Further, while funding has been included in the Governor's budget for costs anticipated to be associated with the development of a GIS system, there is little detail at this time regarding the likely cost components. To a large degree, the funding in the budget has been "reserved" in anticipation of final development of a detailed computer system plan based on a proposal from this working group of the Land Council.

15. The Wisconsin Land Information Association (an association of land information professionals) has indicated concerns regarding this proposal, including the following:

- "The funding of the DOA's WLIS [Wisconsin Land Information System] is premature, since the statutory charge of the WLC [Wisconsin Land Council] is to study and propose recommendations for a WLIS prior to legislative funding requests;"

- "It diverts WLIP [Wisconsin Land Information Program] funds to the DOA for an as yet undefined WLIS which has the disastrous potential of being a monolithic database housed and controlled at DOA, eliminating the confederated system already being developed by experts statewide."

16. For this project, the Governor recommends that the base level funding for Land Information Board's grants to counties be reduced by \$202,300 PR in 1999-00 and by \$410,300 PR in 2000-01 and that these revenues instead be used to fund the costs in the next biennium of the proposed computer-based land information system. The intent would apparently be that the estimated 2001-03 costs remaining for master lease and other development costs would be funded by a similar reallocation of revenues since the appropriation structure to allow this would be permanent even though this particular the revenue source will, under current law, expire on September 1, 2003. The impact of this recommendation on the Board's grant program would presumably result in either a lower number of grants being given out or a reduction in the average amount of the grants awarded.

17. Another funding consideration regarding the development of the land information system is how any additional development costs as well as operating and maintenance costs would be funded when the state share of the register of deeds recording fee ends on September 1, 2003. The question could be raised whether on-going funding for operation and maintenance of the system should be determined before there is a commitment to develop the system which would entail on-going operating costs.

18. The Land Information Board has expressed its concern regarding the use of the register of deeds recording fee revenues for the land information projects. The Board voted on March 10, 1999, to oppose the expenditure or commitment of what it termed "Wisconsin Land Information Program funds" without the approval of the Board. It is open to question as to what

purposes the register of deeds fee can appropriately be put. However, under current law, the fee revenues clearly go to the Land Information Board for expenditure by the Board pursuant to state appropriation. Under the Governor's recommendation, the funding for the development and operation of the computer-based land information system is funded by diverting a portion of the fee revenues received by the Board to this project. The general administrative costs of the Board and the funding for the land information system (including the funds from fee revenues for soil surveys and soil mapping activities) are first draws against these revenues, with any remaining revenues then being available to fund the grants to counties program for local land information projects.

19. If the Committee decides to fund the computer-based land information system development project at this time, it could consider a modification to the Governor's recommendation to partition the current \$2 fee revenue that goes to the Board to instead provide that \$1.80 of each \$2 fee payment go to the Board but that the other \$0.20 of the current fee go instead directly to the separate program revenue appropriation for development of the computer-based land information system. Under this modification, it would be clear as to the distinct purposes for which the \$2 fee is to be used. Further, establishing this structure now would allow the Legislature to review the sunset of the fee revenues to the state in 2003. This would facilitate a decision at that time whether some portion of the state share of the fee should be retained to providing funding for on-going maintenance and operation costs of the new land information system.

20. Alternatively, given the preliminary nature of the current proposal and the fact that the Land Council's recommendations have not yet been completed, it could be argued that statutory authorization and funding for computer-based land information system should not be approved at this time. Under this alternative, once the technical group has reported, implementing legislation has been developed and a detailed project budget has been developed, the separate legislative proposal could then be considered. This would be consistent with the Legislature's intent under the last budget. The Committee could delete the proposed requirement contained in the budget bill for DOA to develop and maintain such a system, delete the \$202,300 PR in 1999-00 and \$410,300 PR in 2000-01 recommended for the new system and increase the Board's grants to counties appropriation by the same amounts.

21. As another alternative, the Committee could approve the Governor's recommendation to establish a new statutory requirement for DOA to develop and maintain a computer-based land information system but delete the associated funding of \$202,300 PR in 1999-00 and \$410,300 PR in 2000-01 from the new appropriation in DOA and instead place it in the Committee's PR appropriation. Then, once the Land Council's technical working group has developed its detailed system recommendations and a detailed budget, DOA could request release of funding under a 14-day passive review process. Further, the Committee could approve the new appropriation for this purpose as a sum certain rather than a continuing appropriation.

Soil Surveys and Soil Mapping Activities Project

22. The funding proposal to undertake soil survey and soil mapping activities in a number of Wisconsin counties is an outgrowth of earlier actions by the Land Information Board to

devise a series of standards that county land information modernization plans are ultimately expected to meet. The specification of such a plan is established as a part of the statutory requirement that the Board review and approve countywide plans for land records modernization. Five basic standards, or technical foundational elements, have been established by the Board as the most essential types of data that should be collected by a county in order to establish a basic integrated land information system for the whole state. One of these five foundational elements is the development of soils mapping data for every Wisconsin county. The other four elements are: basic geographic reference systems (such as public land survey monuments), land parcel descriptions, wetlands mapping and zoning mapping.

23. The Board has previously adopted the soil survey and mapping standards used by the Natural Resources Conservation Service (NRCS), a federal agency that has primary soil mapping responsibilities in the United States. Currently, however, there are nine counties (Ashland, Bayfield, Burnett, Douglas, Iron, Price, Rusk, Sawyer and Washburn Counties) in the state that have not had their soils mapped comprehensively and need funds to do so. Further, 38 counties (the nine unmapped counties plus Adams, Columbia, Crawford, Dane, Eau Claire, Florence, Grant, Green, Iowa, Juneau, Kenosha, Lafayette, Langlade, Marinette, Marquette, Milwaukee, Monroe, Oconto, Ozaukee, Polk, Racine, Trempealeau, Vernon, Walworth, Washington, Waukesha, Waupaca, Winnebago and Wood Counties) have yet to have their existing soils data certified as meeting federal NRCS standards. These counties need funding to complete their soil mapping digitization and certification activities. Certification by the NRCS would allow such data to then be computerized ("digitized") and incorporated into a statewide soils database that could be part of the computer-based land information system.

24. The Board believes that proceeding with soil mapping and digitization efforts at this time will enable it to complete the soil survey and mapping foundational element for the entire state by 2004. Proceeding with this foundational element is considered a priority because of both federal funding concerns and the status of the other foundational elements. Board documents suggest that the completion of any of the other four foundational elements during the next few years "is questionable for various reasons, such as lack of standards, large volume of work and lack of sufficient funding."

25. The Governor's current recommendation to fund a soil survey and soil mapping project is the outgrowth of a proposal developed by the federal NRCS, with the support of the Department of Agriculture, Trade and Consumer Protection. The NRCS has indicated that it believes federal funding, totaling almost \$4.6 million for the soil mapping initiative and \$1.6 million for the soil survey project, could be available if state matching funds of \$4.2 million could be provided. The NRCS proposed allocation of this funding is shown in the table below.

Soil Surveys/Soil Mapping Activities Project

Calendar Year	SOIL SURVEYS			SOIL MAPPING		
	Federal Share	State Share	TOTAL	Federal Share	State Share	TOTAL
1999	\$780,000	\$455,000	\$1,235,000	\$270,000	\$270,000	\$540,000
2000	780,000	455,000	1,235,000	270,000	270,000	540,000
2001	780,000	455,000	1,235,000	270,000	270,000	540,000
2002	780,000	455,000	1,235,000	270,000	270,000	540,000
2003	715,000	390,000	1,105,000	260,000	260,000	520,000
2004	<u>715,000</u>	<u>390,000</u>	<u>1,105,000</u>	<u>260,000</u>	<u>260,000</u>	<u>520,000</u>
Totals	\$4,550,000	\$2,600,000	\$7,150,000	\$1,600,000	\$1,600,000	\$3,200,000

26. Further, the NRCS has proposed committing an additional \$1,700,000 of federal funds for field photo work, soil sample laboratory, analysis, publications costs and quality control activities, for which no state match would be required. In total, the cost of proposed total entire soil survey and mapping project would be estimated at \$12,050,000, of which the NRCS would provide \$7,850,000 (65%) and the state would provide \$4,200,000 (35%).

27. The argued benefits of this project are that the complete mapping and digitization of soil surveys would help many local, state and federal agencies with their agricultural and land use planning responsibilities. For example, it is suggested that urban development could be targeted in areas of marginal agricultural value, the knowledge of soil characteristics would be useful in siting certain industrial and agricultural operations, assessment and zoning decisions could be facilitated and soil conservation and farm-based nutrient and pesticide management planning could be improved.

28. In advancing this proposal, the state office of the NRCS has also indicated that federal law changes effective in 2004 will require higher state and local matching fund commitments for any soil survey activities after that date. In conjunction with that change, the NRCS is also planning a shift of emphasis to focus more on updating and maintaining completed soil surveys and to decrease the number of new surveys undertaken in a year. The NRCS estimates that if the current Wisconsin soil mapping and survey effort is not concluded before 2004, it would be unlikely that the NRCS could complete these activities in Wisconsin until 2014 or beyond.

Funding Issues Associated with the Soil Survey and Mapping Activities Project

29. The original soil survey and mapping proposal developed by the NRCS would have had the state and/or its counties contribute a total of \$4,200,000 PR over a six-year period [1999 through 2004] for the project. The state's share would have ranged from \$650,000 to \$725,000 annually. The Governor's proposal would anticipate the state providing \$1,050,000 PR annually over a four-year period.

30. An alternative proposal developed by the Land Information Board at its January 20,

1999, meeting instead recommended using: (a) \$270,000 PR annually (from register of deeds recording fees) for six years for soil survey and digitization activities; and (b) \$145,000 PR annually (from register of deeds recording fees) for six years for soil mapping efforts. Under this Board proposal, a six-year total of \$2,490,000 PR (\$415,000 PR annually for six years) for these projects would have been allocated from register of deeds recording fees. The Board also proposed that these register of deeds fees not be used for this purpose unless the remaining \$1,710,000 PR (\$285,000 PR annually for six years) necessary to generate the non-federal \$4,200,000 share of the project's total costs was obtained from other state agencies or from Wisconsin counties.

31. The Governor's recommendation would instead provide the total funding of \$4,200,000 for the project over a four-year period by allocating \$1,050,000 annually from the following sources: (a) \$620,000 PR annually (from register of deeds recording fees); and (b) \$400,000 PR annually from agency assessments (\$200,000 each from DNR and DOT) and \$30,000 PR from contract payments (made by the Board of Commissioners of Public Lands).

32. The apparent rationale for the funding proposals developed by the Governor is that the Land Information Board and its share of the register of deeds recording fees authority are all scheduled to sunset, effective September 1, 2003. Consequently, the timeline for funding these projects either must be accelerated from six years, as proposed by the NRCS, to four years in order to assure the availability of the full \$4,200,000 state commitment before the scheduled sunset of the Board and the associated fee authority; or the Board and fee would have to be extended for an additional two years beyond the current sunset date.

33. However, the NRCS has indicated that the four-year project timetable may not be feasible for the agency to accommodate. Specifically, an official from the agency has indicated "[I] don't feel it is technically possible to complete the field work on the initial soil survey during the four-year Wisconsin state budget cycle nor do [I] feel we can get all of the additional federal funding needed over that time period. Of course, if we have six years to complete the project that isn't an issue."

34. DOA has advised the NRCS that while the budget bill assumes a four-year funding cycle for its soil survey and mapping projects, these activities need not actually be completed during that same four-year period. Further, DOA indicated that the project timeframe could be addressed in future contract negotiations. NRCS, for its part, however, has indicated that if "Wisconsin wants to make payments to NRCS over four years, while still allowing six years to complete the project, it will be extremely difficult for us to hold the funds in trust and not risk a loss of our normal annual [federal] allocations. It would be better for NRCS if the State of Wisconsin could obligate or encumber the funds and pay us as work is completed."

35. It is apparent that the scheduled September 1, 2003, Land Information Board and state share of the register of deeds recording fee authority sunset provisions have affected the annual funding requirements for the proposed soil surveying and mapping projects by compressing the necessary funding for six years of costs into four years. Further, as noted, the accelerated timeline has also raised potential workload and federal funding issues for the NRCS.

36. A six-year project timeline could easily be accommodated if the register of deeds recording fee revenues proposed to fund the project were instead separately identified as a distinct part of the \$2 state fee share and were directly credited to the appropriation that is proposed to fund the soil surveys and mapping activities (the same appropriation that is to fund the development of the computer-based land information system). The statutes could be amended to provide that that portion of the \$2 fee be continued until September 1, 2005, and then sunsetted. An allocation of \$0.30 of the \$2 fee would be estimated to be sufficient to yield the \$415,000 in revenues needed to finance the project over a six-year period.

37. Under this alternative, a total of \$700,000 PR annually would be required for these projects rather than the \$1,050,000 PR annually provided under the Governor's recommendation. Of the amounts recommended by the Governor, the \$620,000 PR annually provided from register of deeds fees could be reduced by \$205,000 PR to provide \$415,000 PR annually. The \$200,000 PR annually of assessments from both DNR and DOT could be reduced by \$67,400 PR to provide \$132,600 PR annually from each of these agencies. [There would also be corresponding annual reductions of \$67,400 SEG under each of these agencies.] Finally the \$30,000 PR annually appropriated under the Board of Commissioners of Public Lands for soil survey and mapping contract costs could be reduced by \$10,200 PR to provide only \$19,800 PR annually in that agency. The reduction in allocated register of deeds fee revenues to this project would mean that an additional \$205,000 PR annually would be available for the Board's grants to counties program.

38. Alternatively, the Committee may conclude that the Governor's proposal as it relates to soil surveys and mapping should be approved as proposed in order to fully fund these activities in advance of the scheduled sunset of the state share of the register of deeds fee. DOA has already assured the NRCS that the project timeframe could be further discussed (and presumably adjusted) in subsequent contract negotiations. The appropriation for expenditure of these project revenues is a continuing appropriation; consequently, any revenues received prior to the sunset of the fee revenue allocation to the state could still be expended after that sunset date.

39. Finally, there is a related-issue that the Committee could also consider. Regardless of amount or timetable for funding this project, it should be noted that the register of deeds recording fee revenues for both the computer-based land information system and for the soil surveys and mapping activities would be deposited in a single appropriation. Under this arrangement, it would be possible for some or all of the funds intended for one project to be used for the other project. This might be the case in particular in the event that the actual development costs of the land information system exceeded current allocated amounts for of such costs. The Committee could create separate, sum certain appropriations for the use of register of deeds fees for each project.

Assessment of State Agencies for Soil Survey and Soil Mapping Activities

40. If the Committee approves the Governor's recommendation to proceed with the soil surveys and soil mapping project, the question may be raised whether any limitations should be placed on DOA's ability to assess any state agency any amount that DOA determines would be

required to conduct these activities. The monies assessed would be deposited to a PR continuing appropriation where they would remain available for use on these projects until expended.

41. The presumed rationale for this assessment mechanism is to have state agencies that would stand to benefit from the soil survey and mapping data share in the overall cost of the development of this information which would presumably be of use to them. Under the Governor's recommendation, it is currently anticipated that only the Departments of Natural Resources and Transportation would be directly assessed in the next biennium for the proposed soil survey and mapping effort, at a cost to each agency of \$200,000 annually. However, discussions with individuals knowledgeable about the proposed project indicate that the Departments of Revenue, Commerce and Agriculture, Trade and Consumer Protection and the University of Wisconsin System would also stand to benefit from the products of these surveys. This suggests that these agencies might also be assessed in the future for the project. Further, under the proposed language, there is no limit on which agencies may be assessed. Any agency that DOA determines to assess, including the Legislature and the courts, could be assessed for such costs.

42. Comparable broad assessment language was adopted in the last budget to provide funds for support of staff costs and other activities in the Wisconsin Land Council. These assessment monies, as determined by DOA, would be deposited in a continuing appropriation to fund soil survey and soil mapping activities. Under a PR continuing appropriation, there is no legislative limit on the amount of funds that may be expended.

43. In order to assure greater legislative oversight of these assessments and to ensure that excessive assessments are not made, the Committee could establish the new separate new appropriation to receive the agency assessments as an annual appropriation rather than a continuing appropriation as currently proposed. The actual total amounts to be assessed against state agencies would then be limited to the amount actually listed in the schedule of the budget. Further, since the revenues needed to meet a capped expenditure level would be known, the Legislature could determine the specific amounts to be assessed each state agency and include those required funds in the budgets of the specific agencies to be assessed.

What Entity Should Have Responsibility for the Computer-Based Land Information System and the Soil Mapping and Soil Survey Initiatives?

44. If the Committee chooses to proceed with either the computer-based land information system or the soil survey and mapping project, or both, another question that may be posed is which entity, DOA or the Land Information Board, should be authorized to undertake these activities?

45. Under the Governor's recommendation, both activities would be under the authority of DOA, through its Office of Land Information Services. The apparent rationale for newly requiring DOA to implement a computer-based land information system, including the conduct of soil survey and soil mapping elements if DOA chooses to do so, is that DOA currently has the permissive authority to develop and maintain geographical information systems as a result of partial

veto action on the last budget. The proposed computer-based land information system would presumably be such a geographical information system. Consequently, it could be argued that DOA should also have the authority over this similar type of system.

46. Furthermore, since the Land Information Board is scheduled to sunset on September 1, 2003, it could be argued that it is necessary and desirable to place this new system with an entity that will be able to provide ongoing responsibility for the system's operation and maintenance after it is developed. This consideration could be significant since the expected six-year timeframe for the proposed soil survey and mapping initiative would extend beyond this sunset date. In addition, the Office of Land Information Services was established by DOA, in part, to provide an entity that could serve as a permanent clearinghouse for land information databases. Consequently, the statutory assignment of these activities to DOA would allow the Secretary to also assign that responsibility to OLIS.

47. If the Committee concludes that these considerations have merit, it could approve the Governor's recommendation to newly require that DOA develop and maintain a computer-based land information system, including any soil survey and mapping activities that the DOA chooses to pursue.

48. Alternatively, it could be argued that under current law that it is the Land Information Board, not DOA, that has the express responsibility to direct and supervise the state land information program, including the specific duty to prepare guidelines to coordinate the modernization of land records and land information systems. Further, the Board's statutes define a land information system as "an orderly method of organizing and managing land information and land records. More importantly, it may be noted that when the Board was first created by 1989 Wisconsin Act 31, then existing authority for DOA to coordinate land resource data collection in this state, to establish recommendations for information technology equipment and programs to be used with land resource data and the responsibility to maintain and distribute an inventory of available state land resource data was removed from DOA and superseded by the responsibilities newly placed with the Land Information Board.

49. Thus, it is the Board that currently has these arguably broader responsibilities with regard to state land information activities, yet it is DOA and not the Board that has the current permissive authority to develop and maintain geographic information systems relating to land in this state. Further, it is DOA, rather than the Board, that under the Governor's recommendation would be newly charged with the specific requirement to develop and maintain a computer-based Wisconsin land information system and that would be authorized to conduct soil surveys and soil mapping activities in conjunction with that specific land information system. The argument could be made that the new responsibilities relating to development of a computer-based land information system and associated soil survey and soil mapping activities would be more appropriately placed with the Land Information Board.

50. Further, given both the importance of these soil mapping and surveying activities to the development of an integrated land information system and the Board's general familiarity with

these foundation element concepts as they relate to such the conduct of soil survey and soil mapping activities, it could also be argued that the Board, rather than DOA, should have the principal statutory responsibility to oversee the funding and conduct of these activities.

51. Additionally, the Board has argued that since it has the authority to receive and use the register of deeds recording fees to make grants to counties for land records modernization activities and since under the Governor's recommendations a portion of these fees would be diverted to the proposed computer system and soil survey and mapping activities, the Board should also have control over these expenditures. The Board, in fact, has formally indicated its opposition to "the expenditure or commitment of [Board] funds without the approval of the [Board]."

52. However, if the Committee were to choose to assign these new responsibilities to the Land Information Board instead of to DOA (which intends to locate these duties with the Office of Land Information Services in the Secretary's Office), it could be argued that the issue of either an extension of the sunset date for the Board or a repeal of the sunset date for the Board should be addressed at the same time. Alternatively, it would be possible to argue that the current sunset does not occur until September 1, 2003 and that therefore two successive biennial Legislatures would have the opportunity to consider the ultimate end of the Board and that in the meantime the Board could assume these new responsibilities along with its existing duties in its overall supervision of the state land information program.

53. In summary, with regard to the assignment of agency responsibility for the computer-based land information system and associated soil survey and mapping initiatives, the Committee could: (a) leave the responsibility for development and maintenance of a computer-based land information system and for the associated soil survey and soil mapping activities with DOA, as provided for under the Governor's recommendation; or (b) place the responsibility for one or both these activities exclusively with the Land Information Board. In addition, the Committee could: (a) retain the Board's current sunset date of September 1, 2003; (b) extend the sunset date under September 1, 2005, (which would be after the time at which the anticipated six-year soil survey and soil mapping activities project would be completed); (c) pick an even later sunset date; or (d) repeal the sunset date entirely.

ALTERNATIVES

A. Computer-Based Land Information System Project

1. Approve the Governor's recommendation to require DOA to develop and maintain a new computer-based land information system and provide \$202,300 PR in 1999-00 and \$410,300 PR in 2000-01 from register of deeds recording fees for this purpose.

2. Modify the Governor's recommendation by: (a) making the appropriation a sum certain appropriation; (b) deleting \$202,300 PR in 1999-00 and \$410,300 PR in 2000-01 of funding for the system from the appropriation; and (c) placing these amounts in the Committee's

PR appropriation for release once the Land Council's technical group has reported regarding a proposed system and a detailed budget has been developed and submitted to the Committee. *[Under this alternative, the authority for DOA to develop and maintain the system would be approved. DOA could submit a request under s. 16.515 for release of the funds once the scope of the system and its funding requirements have been determined.]*

3. In addition to Alternative 1 or 2, provide that 20¢ of the \$2 register of deeds recording fee which goes to the state be credited directly to the new DOA appropriation for a computer-based land information system.

4. Maintain current law. *[Under this alternative, the separate appropriations and funding for the computer-based land information system would be deleted and funds for the Land Information Board's grant to counties appropriation would be correspondingly increased.]*

Alternative A4	PR
1999-01 FUNDING (Change to Bill)	- \$612,600

B. Soil Surveys and Soil Mapping Activities Project

1. Approve the Governor's recommendation to: (a) authorize DOA to conduct soil survey and soil mapping activities as a part of the computer-based land information system; (b) appropriate \$1,020,000 PR annually under DOA and \$30,000 PR annually under the Board of Commissioners of Public Lands to fund soil survey and mapping activities; (c) authorize DOA to assess any state agency any amount to support the costs of these soil survey and mapping activities; and (d) appropriate \$200,000 SEG annually under both DNR and DOT to support assessments from DOA to provide funds for the soil survey and soil mapping initiative.

2. Modify the Governor's recommendation by: (a) extending the current sunset date for the state share of the register of deeds recording fee from the current effective date of September 1, 2003, to a new effective date of September 1, 2005; (b) modify the funding requirements for these soil survey and mapping activities to reflect the spreading of project costs over six years instead of four years by deleting: (a) \$205,000 PR annually from the amounts provided for the project from register of deeds recording fees; (b) \$67,400 PR annually from the amounts to be provided from assessments against DNR and DOT for the project; and (c) \$67,400 SEG annually from the amounts appropriated under DNR and DOT for the costs of the assessments for the project; and (d) \$10,200 PR annually under the Board of Commissioners of Public Lands for soil survey and mapping contract costs in connection with the project.

Alternative B2	PR	SEG	TOTAL
1999-01 FUNDING (Change to Bill)	- \$700,000	- \$269,600	- \$969,600

3. In addition to Alternative B1 or B2, provide that 30¢ of the \$2 register of deeds recording fee which goes to the state be credited directly to the DOA appropriation for this purpose and provide that the collection of this portion of the recording fee would continue until September 1, 2005.

4. In addition to Alternatives B1, B2 or B3, modify the Governor's recommendation by creating the PR appropriation to receive agency assessments for financing the costs of the soil surveys and mapping activities project as a separate, annual appropriation.

5. Maintain current law. *[This would delete all funding for this project and the separate appropriations, but would restore funding for the Land Information Board's grants to counties appropriation.]*

<u>Alternative B5</u>	<u>PR</u>	<u>SEG</u>	<u>TOTAL</u>
1999-01 FUNDING (Change to Bill)	- \$2,100,000	- \$800,000	- \$2,900,000

C. Responsibility for the Computer-Based Land Information System and the Soil Mapping and Soil Survey Initiatives

1. Approve the Governor's recommendation to place the responsibility for development and maintenance of a computer-based land information system, including associated soil survey and mapping activities with the Department of Administration.

2. Modify the Governor's recommendation to place the responsibility for development and maintenance of a computer-based land information system with the Land Information Board instead of with the Department of Administration.

3. Modify the Governor's recommendation to place the responsibility for the conduct of the soil survey and soil mapping activities project with the Land Information Board instead of with the Department of Administration.

4. In addition to Alternatives 2 and/or 3, extend the sunset of Land Information Board until September 1, 2005.

Prepared by: Tony Mason

MO# A-2, B-2+4, C-2,3,4

BURKE	<input checked="" type="radio"/>	N	A
2 DECKER	<input checked="" type="radio"/>	N	A
JAUCH	<input checked="" type="radio"/>	N	A
MOORE	<input checked="" type="radio"/>	N	A
SHIBILSKI	<input checked="" type="radio"/>	N	A
PLACHE	Y	<input checked="" type="radio"/>	A
COWLES	Y	<input checked="" type="radio"/>	A
PANZER	<input checked="" type="radio"/>	N	A
GARD	Y	<input checked="" type="radio"/>	A
PORTER	Y	<input checked="" type="radio"/>	A
KAUFERT	Y	<input checked="" type="radio"/>	A
ALBERS	Y	<input checked="" type="radio"/>	A
DUFF	Y	<input checked="" type="radio"/>	A
WARD	Y	<input checked="" type="radio"/>	A
HUBER	<input checked="" type="radio"/>	N	A
RILEY	<input checked="" type="radio"/>	N	A

AYE 8 NO 8 ABS _____

MO# A-4, B-2, C-3+4

BURKE	<input checked="" type="radio"/>	N	A
DECKER	<input checked="" type="radio"/>	N	A
JAUCH	<input checked="" type="radio"/>	N	A
MOORE	<input checked="" type="radio"/>	N	A
SHIBILSKI	<input checked="" type="radio"/>	N	A
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COWLES	<input checked="" type="radio"/>	N	A
PANZER	<input checked="" type="radio"/>	N	A
1 GARD	<input checked="" type="radio"/>	N	A
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KAUFERT	<input checked="" type="radio"/>	N	A
2 ALBERS	<input checked="" type="radio"/>	N	A
DUFF	<input checked="" type="radio"/>	N	A
WARD	<input checked="" type="radio"/>	N	A
HUBER	<input checked="" type="radio"/>	N	A
RILEY	<input checked="" type="radio"/>	N	A

AYE 16 NO 0 ABS _____