

2003 DRAFTING REQUEST

Senate Amendment (SA-SB44)

Received: **05/19/2003**

Received By: **jkuesel**

Wanted: **Soon**

Identical to LRB:

For: **Legislative Fiscal Bureau 6-9915**

By/Representing: **Renner**

This file may be shown to any legislator: **NO**

Drafter: **jkuesel**

May Contact:

Addl. Drafters: **mshovers**

Subject: **State Govt - miscellaneous**

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Pre Topic:

LFB:.....Renner -

Topic:

Lapse of land information fee revenue; comprehensive planning grant elements; Land Council technical changes

Instructions:

Per LFB paper # 101, alts C2 and D1 and motion #550.

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>
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/1			rschluet	_____	sbasford		

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/3	jkuesel 06/03/2003	kfollett 06/03/2003	rschluet 06/03/2003 _____		sbasford 06/04/2003		
/4	jkuesel 06/05/2003	csicilia 06/05/2003	rschluet 06/05/2003 _____		sbasford 06/05/2003		

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FE Sent For: 6/5

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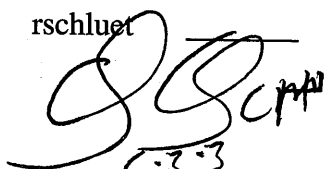
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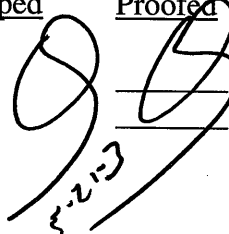
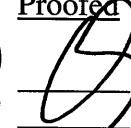
Lapse of land information fee revenue; comprehensive planning grant elements; Land Council technical changes

Instructions:

Per LFB paper # 101, alts C2 and D1 and motion #550.

- add LRB 60128/1

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<p>11 NES 5/21/02</p> <p>FE Sent For:</p>							

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(608) 266-3847 • Fax: (608) 267-6873

May 16, 2003

Joint Committee on Finance

Paper #101

Land Programs (Administration -- General Programs)

[LFB 2003-05 Budget Summary: Page 22, #6 and #7]

CURRENT LAW

The Department of Administration (DOA) has established an Office of Land Information Services (OLIS) in the Division of Housing and Intergovernmental Relations to advise state and local governments on matters relating to 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.

Land Information Board. The Land Information Board (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. The Board has 15 members, including the Secretaries (or their designees) of DOA, DATCP, DNR, DOR and DOT. The Board is generally responsible for: (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; (6) providing technical assistance to those state and local governmental units with land information responsibilities; and (7) conducting soil surveys and soil mapping activities.

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, \$7 of the \$11 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 \$5 to support the county land office and transfer only \$2 to the Board. Currently, all counties have a land information office and retain the \$5. Consequently, only \$2

of the total \$11 filing fee is currently forwarded to the state. The \$2 filing fee generated program revenues of \$3,749,400 PR in 2001-02 and is expected to generate \$4,330,600 in 2003-04, based on receipts through early April.

Base level funding of \$2,113,000 PR annually from these revenues supports the following Board programs: (1) grants to counties for various purposes (\$700,000 PR annually); (2) soil surveys and soil mapping activities (\$415,000 PR annually); and (3) Board administrative costs, geographic information system staff support, and the development of a computerized land information system (\$598,000 PR and 4.0 PR positions annually). The remaining \$500,000 PR annually is allocated to fund comprehensive planning grants. Provisions of 2001 Wisconsin Act 16 also required the Board to lapse \$400,000 PR annually from these county filing fee revenue balances to the general fund.

Land Council. A separate, 16-member Wisconsin Land Council (Council) is also attached administratively to DOA and is charged with: (1) facilitating local land use planning efforts; (2) identifying state land use goals; (3) identifying areas of conflict between state statutes and local ordinances on land use issues; (4) recommending legislation; and (5) approving or disapproving proposed comprehensive planning grants to local units of government. The Secretaries (or their designees) of DOA, DATCP, Commerce, DNR, DOR, and DOT all sit on the Council. The Council is currently funded by direct assessments of the six state agencies represented on the Council. Base level funding for the Council is \$355,600 PR and 4.0 PR positions annually for the Land Council, funded from these assessments.

Sunset of the Board and the Council. The 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 as ongoing DOA responsibilities (such as operation of the geographic information system function) would remain in force.

Comprehensive Planning Grants. The state awards \$3,000,000 annually of comprehensive planning grants to local units of government to encourage "smart growth" planning. The grants may be used to finance the costs of local planning activities, the purchase of computerized planning data, or planning software or hardware required to utilize that data or software. Base level grant funding includes \$1,500,000 GPR annually appropriated under s. 20.505(1)(cm) of the statutes, \$500,000 PR annually appropriated under s. 20.505(1)(if) of the statutes and \$1,000,000 SEG annually for transportation-related planning grants appropriated under s. 20.505(1)(z) of the statutes. The PR-funded comprehensive planning grants are supported from the county recording fees remitted to the state. The SEG-funded planning grants are supported from federal transportation planning allocations in the transportation fund. Finally, there is \$46,900 GPR and 1.0 GPR position in 2002-03 appropriated under s. 20.505(1)(cn) of the statutes budgeted for the administrative support associated with the comprehensive planning grant program.

GOVERNOR

Extension of Scheduled Sunset Date. Extend the scheduled sunset date for the Land Information Board, the Land Council, related programs and appropriations from the current September 1, 2003, to September 1, 2005, and make the following additional changes:

Land Information Board Modifications. Delete adjusted base level funding (including standard budget adjustments) of \$50,000 GPR and 1.0 GPR position annually associated with comprehensive planning grant administration and provide increased expenditure authority of \$50,000 PR and 1.0 PR position to reflect the funding conversion of this function. Provide an additional \$137,300 PR annually and 2.0 PR positions in 2004-05 to continue two of the Board's four positions. These PR-funded positions would be supported through the proposed two-year extension of the \$2 land record fee assessed on the first page of documents filed or recorded with county registers of deeds.

Require the Board to submit a report, in conjunction with the Council, on the continuation of the Board's functions and the feasibility of combining the functions of the two entities by September 1, 2004.

Land Council Modifications. In addition to the two-year extension of the Council's sunset date, delay the transfer of land information technology processing services and functions from the Council to DOA until September 1, 2005. Require the Council, in conjunction with its working group, to submit an evaluation of the Council's functions and activities by September 1, 2004. The new report must include a recommendation on whether the Council should continue to operate and whether there should be any changes to its duties. Under the Governor's recommendation, no funding or position authority would be provided to the Council after August 31, 2003. Any required staffing resources would be provided by the remaining Board staff.

Under standard budget adjustments, the Governor has deleted base level funding and staffing associated with the Board and the Council for the period after August 31, 2003. These reductions total \$1,723,800 PR in 2003-04 and \$2,086,600 PR and 8.0 PR positions in 2004-05.

Comprehensive Planning Grants Funding Conversion. Delete \$1,500,000 GPR annually and provide increased expenditure authority of \$1,500,000 PR annually under the existing PR-funded comprehensive planning grants appropriation to reflect the conversion of all GPR-funded grants to PR funding. The additional PR-funded grants would be supported through the proposed extension to September 1, 2005, of the \$2 land record fee collected by county registers of deeds and remitted to the state.

DISCUSSION POINTS

Previous Legislative Activity Relating to the Land Information Function

1. In the 1997-99 biennial budget, the Governor recommended repealing the Land

Information Board and shifting its duties and responsibilities to DOA. However, the Board was ultimately retained as a separate entity and the Wisconsin Land Council was also created to provide technical and policy direction to the land information function. A sunset of September 1, 2003, was established for both bodies. In a separate review by the Office of the Lieutenant Governor relating to whether the new Council should be continued or repealed, a sunset date of September 1, 2001, was proposed for that body, but this earlier termination date was not agreed to by the Legislature.

2. In the 1999-01 biennial budget, the Governor recommended authorizing DOA, rather than the Board, to develop and maintain a computer-based land information system and to conduct soil testing and mapping activities. The Legislature eliminated DOA's express authority to develop and maintain a computer-based land information system, deleted funding for the system and authorized the Board to undertake soil surveying and mapping activities. The Legislature also extended the sunset date for the Board (but not for the Council) until September 1, 2005. The Governor subsequently vetoed this extension, thereby leaving the current September 1, 2003, sunset date in place.

3. In the 2001-03 biennial budget, the Governor recommended the immediate repeal of the Board and the transfer of its functions and related assets, liabilities, rules and orders to DOA. The Legislature deleted the proposed repeal of the Board and extended the scheduled sunset date for the Board and the Council from September 1, 2003, to September 1, 2007. The Governor also vetoed this extension, again leaving the current September 1, 2003, sunset date in place for both entities.

4. As part of the scheduled sunset process, the Board (in conjunction with the Council) was required to submit a report by September 1, 2002, on the continuation of the Board's functions and the feasibility of combining the functions of the two entities. The Council was also required to submit an evaluation of its functions and activities by that same date, including a recommendation on whether the Council should continue to operate and whether there should be any changes to its duties.

5. Both the Board and the Council submitted these required reports in September, 2002. A Board recommendation that its functions and those of the Council be combined failed on a 6-6 vote. The Board subsequently approved (on a vote of 7-5) a recommendation to lift the scheduled sunset of the Board and Council and to maintain the two bodies as separate entities. Meanwhile, the Council voted 15-1 to sunset both bodies and to combine their functions under a single new entity, but with statutorily defined separate working groups.

6. Against this backdrop, DOA's 2003-05 biennial budget request did not seek a change to the scheduled September 1, 2003, sunset date for either body. Further, continuation funding was requested only through August 31, 2003, and \$1,723,800 PR in 2003-04 and \$2,068,600 PR and 8.0 PR positions in 2004-05 were deleted under standard budget adjustments as noncontinuing items to reflect the repeal of the Board and the Council on that date.

The Governor's Budget Proposal

7. The Governor has recommended extending the sunset on both the Board and the Council for another two years (until September 1, 2005), retaining the \$2 land record fee remittance to the state until that date, utilizing a portion of the land record fees for the funding conversion of the GPR-supported portion of the comprehensive planning grant program, and supporting a reduced Land Information Board function. No funding is provided under the Governor's recommendation for the Wisconsin Land Information Council. The Governor's funding and staffing proposal is summarized by fiscal year in the following table.

Governor's Recommended Land Programs Funding Changes (2003-04)

<u>Appropriation and Fund Source</u>	<u>Base Funding</u>		<u>SB 44</u>		<u>Net Change</u>	
	<u>Funding</u>	<u>Positions</u>	<u>Funding</u>	<u>Positions</u>	<u>Funding</u>	<u>Positions</u>
GPR Appropriations						
Comprehensive Planning Grants	\$1,500,000	0.00	\$0	0.00	-\$1,500,000	0.00
Comp. Planning Grant Administration	<u>50,000</u>	<u>1.00</u>	<u>0</u>	<u>0.00</u>	<u>-50,000</u>	<u>-1.00</u>
GPR Funding Changes	\$1,550,000	1.00	\$0	0.00	-\$1,550,000	-1.00
PR Appropriations						
Comprehensive Planning Grants	\$500,000	0.00	\$2,000,000	0.00	\$1,500,000	0.00
Land Information Board Operations	598,000	4.00	286,900	5.00	-311,100	1.00
Technical Assistance	0	0.00	0	0.00	0	0.00
Aids to Counties for Land Projects	700,000	0.00	116,700	0.00	-583,300	0.00
Soil Surveys and Mapping	415,000	0.00	69,200	0.00	-345,800	0.00
Soil Surveys State Agency Support	0	0.00	0	0.00	0	0.00
Land Council Operations	<u>355,600</u>	<u>4.00</u>	<u>59,300</u>	<u>4.00</u>	<u>-296,300</u>	<u>0.00</u>
PR Funding Changes	\$2,568,600	8.00	\$2,532,100	9.00	-\$36,500	1.00
All Funds Total	\$4,118,600	9.00	-\$1,723,800	9.00	-\$1,586,500	0.00

(2004-05)

Appropriation and Fund Source	Base Funding		SB 44		Net Change	
	Funding	Positions	Funding	Positions	Funding	Positions
GPR Appropriations						
Comprehensive Planning Grants	\$1,500,000	0.00	\$0	0.00	-\$1,500,000	0.00
Comp. Planning Grant Administration	<u>50,000</u>	<u>1.00</u>	<u>0</u>	<u>0.00</u>	<u>-50,000</u>	<u>-1.00</u>
GPR Funding Changes	\$1,550,000	1.00	\$0	0.00	-\$1,550,000	-1.00
PR Appropriations						
Comprehensive Planning Grants	\$500,000	0.00	\$2,000,000	0.00	\$1,500,000	0.00
Land Information Board Operations	598,000	4.00	187,300	3.00	-410,700	-1.00
Technical Assistance	0	0.00	0	0.00	0	0.00
Aids to Counties for Land Projects	700,000	0.00	0	0.00	-700,000	0.00
Soil Surveys and Mapping	415,000	0.00	0	0.00	-415,000	0.00
Soil Surveys State Agency Support	0	0.00	0	0.00	0	0.00
Land Council Operations	<u>355,600</u>	<u>4.00</u>	<u>0</u>	<u>0.00</u>	<u>-355,600</u>	<u>-4.00</u>
PR Funding Changes	2,568,600	8.00	\$2,187,300	3.00	-\$381,300	-5.00
All Funds Total	\$4,118,600	9.00	\$2,187,300	3.00	-\$1,931,300	-6.00

8. Under the Governor's recommendation, Board operational funding would be reduced to an amount sufficient to fund basic program administration (\$286,900 PR in 2003-04 and \$187,300 PR in 2004-05 and 3.0 PR positions). The Board's responsibilities include the development of a computerized Wisconsin land information system. No funding would be provided for this activity under the Governor's recommendation. Further, all funding for Land Council staff would be eliminated. The Council's duties include identifying and recommending land use goals, identifying state land use priorities and approving applications for comprehensive planning grant funding. On September 1, 2003, these functions would transfer to DOA.

9. Currently, the Board may conduct soil surveys and mapping activities, funded through an appropriation established for this purpose. In March, 2000, an agreement was signed with the U. S. Department of Agriculture's Natural Resources Conservation Service to complete initial soil surveys in the remaining unsurveyed counties of the state and to computerize ("digitize") the resulting soil survey data. Soil mapping and survey data is one of the basic elements of the state's planned land information databank. The original project was planned to require six years to complete and run from 1999 through 2004. However, because of the delayed start of the project, some 10 Wisconsin counties remain unsurveyed and 38 have not yet had all their soil survey data digitized. The Governor's budget proposal would delete all funding associated with the continuation of these activities, effective September 1, 2003.

10. Further, any county land information office may currently apply to the Board for project funding from its aids to counties appropriation to develop and implement county land

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information system that integrate property and ownership records with boundary information, prepare property and planning maps, and develop and improve Internet-accessible housing assessment capabilities. The Governor's proposal would delete all funding associated with these county grants, effective September 1, 2003.

Revised Funding Proposal for Land Programs

11. DOA, in conjunction with the U. S. Department of Agriculture's Natural Resources Conservation Service and interested state land information groups, has developed an alternative budget proposal for funding the land information function during the 2003-05 biennium. The revised proposal would appropriate an additional \$907,000 PR in 2003-04 and \$1,092,900 PR in 2004-05 from available land recording fees program revenue balances. The Department anticipates that an unencumbered balance of \$2,000,000 will remain in the appropriation account on June 30, 2003, which would be used to fund these additional proposed expenditures.

12. The revised DOA funding proposal for land information activities, compared to the Governor's original SB 44 recommendations, is summarized in the following table.

**Revised Land Program Expenditure Proposal
Compared to Governor's SB 44 Recommendation
(PR Funding)**

2003-04

<u>Appropriation</u>	<u>Governor's SB 44 Proposal</u>		<u>DOA Revised Proposal</u>	
	<u>Funding</u>	<u>Positions</u>	<u>Funding</u>	<u>Positions</u>
Comprehensive Planning Grants	\$2,000,000	0.00	\$2,000,000	0.00
Land Information Board Operations	286,900	5.00	410,800	5.00
Technical Assistance	0	0.00	0	0.00
Aids to Counties for Land Projects	116,700	0.00	269,000	0.00
Soil Surveys and Mapping	69,200	0.00	700,000	0.00
Soil Surveys State Agency Support	0	0.00	0	0.00
Land Council Operations	59,300	4.00	59,300	4.00
Total	\$2,532,100	9.00	\$3,439,100	9.00
 Change to Governor			 \$907,000	 0.00

2004-05

<u>Appropriation</u>	<u>Governor's Proposal</u>		<u>DOA Revised Proposal</u>	
	<u>Funding</u>	<u>Positions</u>	<u>Funding</u>	<u>Positions</u>
Comprehensive Planning Grants	\$2,000,000	0.00	\$2,000,000	0.00
Land Information Board Operations	187,300	3.00	311,200	3.00
Technical Assistance	0	0.00	0	0.00
Aids to Counties for Land Projects	0	0.00	269,000	0.00
Soil Surveys and Mapping	0	0.00	700,000	0.00
Soil Surveys State Agency Support	0	0.00	0	0.00
Land Council Operations	0	0.00	0	0.00
Total	\$2,187,300	3.00	\$3,280,200	3.00
Change to Governor			\$1,092,900	0.00

13. Under the revised funding proposal, the following principal funding changes would be made: (a) an additional \$123,900 PR annually would be provided under the Board's general program operations appropriation to support maintenance costs and limited system development activities associated with the Wisconsin land information system; (b) an additional \$152,300 PR in 2003-04 and \$269,000 PR in 2004-05 would be provided to ensure that sufficient funding is available so that each county will receive a minimum of \$35,000 annually from its own retained land record fees plus the state grants for the purpose of county land information efforts; (c) an additional \$630,800 PR in 2003-04 and \$700,000 PR in 2004-05 would be provided to ensure annual funding of \$700,000 for continuing soil survey and mapping efforts by the Natural Resources Conservation Service.

14. The proposed funding modifications would: (a) continue the comprehensive soil surveying and mapping initiative begun in the 1999-01 biennium and projected to be concluded during the next two years; (b) support modest improvements to the state's computerized land information database; and (c) continue minimum land information improvement grants to those counties with the least amount of land record filing fees to support such efforts. Further, these modifications could be funded without the need to adjust the current \$2 land record fee amounts remitted to the state.

15. The modification has the support of DOA's Office of Land Information Services, the Natural Resources Conservation Service, and a number of interested parties involved in land information activities in the state. If the Committee believes that the types of land information initiatives supported by the modified funding proposal should be continued through September 1, 2005, it may wish to approve the revised land information funding proposal relating to Board operations, Wisconsin land information system funding, soil survey and mapping activities and minimum county aid guarantees for local land information record improvements.

Comprehensive Planning Grant Funding Conversion

16. GPR-funded and SEG-funded comprehensive planning grants were authorized under 1999 Wisconsin Act 9 as part of the "Smart Growth" initiative. Local units of government are to use the planning grants to ensure that comprehensive plans are in place by January 1, 2010. Provisions of 2001 Wisconsin Act 16 provided for PR-funded comprehensive planning grants, funded from part of the current \$2 land record fee amounts remitted to the state. All funds base level funding for these grants is \$3,000,000 annually (\$1,500,000 GPR, \$1,000,000 SEG, and \$500,000 PR). The GPR and PR grant appropriations may be used fund any planning activity, while the SEG grant appropriation may be used to support planning grants in the transportation sector.

17. The Governor's proposal would delete all base level GPR funding for comprehensive planning grants and replace these amounts with a corresponding increase to the amounts appropriated from the \$2 land record fee amounts remitted to the state.

18. The rationale for proposing this additional diversion of land record fee revenues appears to be the same as that advanced when the initial proposal was advanced under Act 16 to use a portion of these fees for the new appropriation funded at \$500,000 PR annually. It was argued that the use of a portion of the state's share of the land record filing fee for comprehensive planning grants was appropriate since the grants are returned to local units of government to support a portion of their costs to develop comprehensive plans. Under the current proposal, it could also be argued that the Governor's proposed use of PR funding would achieve the goal of maintaining the overall funding level for comprehensive planning grant levels without increasing the fee amount. If the Committee finds that these arguments have merit, it could approve the Governor's funding conversion proposal for comprehensive planning grants.

19. Alternatively it could be argued that the filing fee revenues received by the state were initially intended for the development of land information data systems, and grant distributions to counties for land record modernization. While it might be appropriate to fund a portion of the comprehensive planning effort with these revenues (as is currently authorized at the \$500,000 level annually), it was never intended that the land record fees become the principal source of funding for the planning grants. Further, it could be argued that while the filing fee is scheduled to sunset with the Board's operations (September 1, 2003, under current law and September 1, 2005, under the Governor's proposal), comprehensive plans are not required to be in place until January 1, 2010. If the Committee finds that these arguments have merit, it could deny the Governor's funding conversion proposal for comprehensive planning grants.

20. The Committee could also approve the Governor's recommendation to delete current GPR funding for comprehensive planning grants (\$1,500,000 GPR annually) and provide no additional PR-funded comprehensive planning funds. Such an action would reduce total all funds base level support for comprehensive planning grants from \$3,000,000 annually to \$1,500,000 annually. However, this reduced funding level could make it more difficult for local units of government to meet the January 1, 2010, deadline to have their comprehensive plans in place. If the

Committee chooses to deny the Governor's recommendation to provide additional PR-funded comprehensive planning grant amounts, the resulting available fee revenues could be diverted to other Board operational or county grant earmarks of the Committee's choosing, or could be lapsed to the general fund, as described further in the next section.

Lapse of Program Revenue Balances

21. The Governor's modified land program funding proposal has identified \$2,000,000 PR of unobligated land record fee revenues. In addition, it is estimated that the annual revenue generated from the \$2 filing fee will be in excess of amounts appropriated under the Governor's original recommendation or under the DOA revised recommendation. While it is difficult to estimate the amount of fee revenues, since the total will be based on the volume of future land record filings, the Committee could choose to require the Department to lapse a portion of the unobligated balance in the appropriation account to the general fund. The following table shows revenues remitted to the state from these filing fees during the last five years.

Revenues From Filing Fees

<u>Year</u>	<u>Revenues</u>
1997-98	\$2,757,200
1998-99	3,360,800
1999-00	2,551,400
2000-01	2,610,445
2001-02	3,749,365

22. The following analysis conservatively assumes that: (a) county register of deeds filing fee revenues remitted to the state during the next biennium will at least equal the average of the annual amounts received during the preceding five year (\$3,005,800); and (b) an unobligated balance of \$2,000,000 will be available in the appropriation account at the beginning of the 2003-05 biennium. Based on these assumptions, the following unobligated appropriations balances are projected at the end of each fiscal year of the 2003-05 biennium: (a) under the Governor's original land programs funding proposal in SB 44; (b) under the revised DOA proposal; and (c) under current law, which would sunset the Board, Council and the \$2 land record fee remittance to the state, effective September 1, 2003.

Projected Fund Balances from Recording Fee Revenues

	<u>2003-04</u>	<u>2004-05</u>
Governor's SB 44 Recommendation		
Opening Balance	\$2,000,000	\$2,533,000
Projected Revenues	3,005,800	3,005,800
Less Appropriations	<u>-2,472,800</u>	<u>-2,187,300</u>
Estimated Ending Balance	\$2,533,000	\$3,351,500
Revised Funding Proposal		
Opening Balance	\$2,000,000	\$1,626,000
Projected Revenues	3,005,800	3,005,800
Less Appropriations	<u>-3,379,800</u>	<u>-3,280,200</u>
Estimated Ending Balance	\$1,626,000	\$1,351,600
Sunset (Current Law)		
Opening Balance	\$2,000,000	\$0
Projected Revenues	501,000	0
Less Appropriations*	<u>-785,500</u>	<u>0</u>
Estimated Ending Balance	\$1,715,500	\$0

*Assumes that \$500,000 PR would be expended on comprehensive planning grants prior to September 1, 2003.

23. The Committee could choose to lapse some or all of the identified unobligated ending balances under each of the above scenarios. Because of the unpredictability of future recording fee revenues, the Committee could choose to provide a sufficient reserve to ensure a fund balance of \$250,000 at the end of the biennium. Under such an approach, \$2,553,000 in 2003-04 and \$568,500 in 2004-05 could be lapsed to the general fund (for a biennial total of \$3,121,500), if the Committee adopts the Governor's proposed funding recommendations in SB 44. A total of \$1,101,600 in 2003-04 and \$524,400 in 2004-05 could be lapsed to the general fund (for a biennial total of \$1,626,000), if the Committee adopts the revised funding proposal. If the Committee chooses to retain the current law September 1, 2003, sunset date, a total of \$1,715,500 could be lapsed to the general fund in 2003-04.

24. Further, if the Committee chooses not to authorize additional PR funding in connection with the Governor's proposed funding conversion for the comprehensive planning grants program, and also does not redirect the available PR funds to another land program of the Committee's choosing, it could lapse an additional \$1,500,000 annually to the general fund from land record fee revenues remitted to the state.

Technical Considerations

25. If the Committee chooses to extend the September 1, 2003, sunset date for the Land Council to September 1, 2005, two current statutory references to the 2003 sunset date have not been modified under the bill and should be corrected. The first sunsets the provision establishing the Council's statutory membership, and the second transfers the Council's responsibilities with respect to its review and approval of comprehensive planning grants to DOA, effective September 1, 2003. Both provisions should be extended to September 1, 2005.

26. If the Committee chooses to allow the current September 1, 2003, sunset date to go forward, there is no comparable sunset date provided for the PR-funded comprehensive planning grants appropriation, funded from the state's share of land record filing fees. Those fee remittances to the state would end on September 1, 2003. The appropriation funded from that source should also be repealed on September 1, 2003, if the Committee chooses to retain the current law sunset provisions for various land information functions.

ALTERNATIVES

A. Land Information Programs

1. Approve the Governor's recommendation to extend the sunset date for the Land Information Board, the Wisconsin Land Council, related programs and appropriations from September 1, 2003, until September 1, 2005, and to provide funding adjustments of -\$50,000 GPR and \$187,300 PR and -1.0 GPR and 3.0 PR positions annually.

2. Modify the Governor's recommendation by providing \$907,000 PR in 2003-04 and \$1,092,900 PR in 2004-05 as follows: (a) \$123,900 annually for Land Information Board operations relating to the Wisconsin land information system; (b) \$152,300 PR in 2003-04 and \$269,000 PR in 2004-05 to provide minimum land information aids allocations to counties; and \$630,800 PR in 2003-04 and \$700,000 PR in 2004-05 for a continuation of soil survey and mapping activities.

<u>Alternative A2</u>	<u>PR</u>
2003-05 FUNDING (Change to Bill)	\$1,999,900

3. Delete provision [retains September 1, 2003, sunset].

<u>Alternative A3</u>	<u>GPR</u>	<u>PR</u>	<u>TOTAL</u>
2003-05 FUNDING (Change to Bill)	\$100,000	\$374,600	\$274,600
2004-05 POSITIONS (Change to Bill)	1.00	- 3.00	- 2.00

B. Comprehensive Planning Grants Funding Conversion

1. Approve the Governor's recommendation to delete \$1,500,000 GPR and to provide \$1,500,000 PR annually (funded from land record fees) to reflect the funding conversion of the comprehensive planning grant program.
2. Modify the Governor's recommendation by deleting \$1,500,000 PR annually for comprehensive planning grants.

<u>Alternative B2</u>	<u>PR</u>
2003-05 FUNDING (Change to Bill)	- \$3,000,000

3. Delete provision.

<u>Alternative B3</u>	<u>GPR</u>	<u>PR</u>	<u>TOTAL</u>
2003-05 FUNDING (Change to Bill)	\$3,000,000	- \$3,000,000	\$0

C. Lapse of Program Revenue Balances

1. *If the Committee adopts Alternative A1*, lapse \$2,553,000 in 2003-04 and \$568,500 in 2004-05 to the general fund from the balances in DOA's Land Information Board aids to counties appropriation account.

<u>Alternative C1</u>	<u>GPR</u>
2003-05 REVENUE (Change to Bill)	\$3,121,500

2. *If the Committee adopts Alternative A2*, lapse \$1,101,600 in 2003-04 and \$524,400 in 2004-05 to the general fund from the balances in DOA's Land Information Board aids to counties appropriation account.

<u>Alternative C2</u>	<u>GPR</u>
2003-05 REVENUE (Change to Bill)	\$1,626,000

3. *If the Committee adopts Alternative A3*, lapse \$1,715,500 in 2003-04 to the general fund from the balances in DOA's Land Information Board aid to counties appropriation account.

<u>Alternative C3</u>	<u>GPR</u>
2003-05 REVENUE (Change to Bill)	\$1,715,500

4. If the Committee also adopts Alternative B2, lapse \$1,500,000 annually to the general fund from the balances in DOA's Land Information Board aids to counties appropriation account.

<u>Alternative C4</u>	<u>GPR</u>
2003-05 REVENUE (Change to Bill)	\$3,000,000

5. Take no action.

15.107(16)(e)

D. Technical Considerations

1. Include technical corrections to extend the sunset date until September 1, 2005, for provisions relating to: (a) the membership of the Wisconsin Land Information Council; and (b) the Council's responsibilities to review and approve comprehensive planning grant submissions to DOA.

2. If the Committee adopts Alternative A3, include a September 1, 2003, sunset on the current law PR funded comprehensive planning grant appropriation

Prepared by: Darin Renner

66.1001(4)(6)4

<u>MO#</u>		<u>MO#</u>	
Darling	Y N	Darling	Y N
Welch	Y N	Welch	Y N
Fitzgrid	Y N	Fitzgrid	Y N
Lazich	Y N	Lazich	Y N
Harsdorf	Y N	Harsdorf	Y N
Kanavas	Y N	Kanavas	Y N
Decker	Y N	Decker	Y N
Moore	Y N	Moore	Y N
Kaufert	Y N	Kaufert	Y N
Huebsch	Y N	Huebsch	Y N
Ward	Y N	Ward	Y N
Stone	Y N	Stone	Y N
Rhoades	Y N	Rhoades	Y N
Meyer	Y N	Meyer	Y N
Coggs	Y N	Coggs	Y N
Schooff	Y N	Schooff	Y N

Senator Welch

ADMINISTRATION - GENERAL PROGRAMS

[LFB Paper #101 - Substitute Alternative]

Motion:

Move to adopt Alternatives A2, B1, C2, and D1. In addition, move to specify that grant proposals funded from comprehensive planning grants supported by the \$2 land records fee received by the state would also have to include the following planning elements in order to be funded: (a) expediting and integrating the use of existing, locally created and maintained Wisconsin land information program data; (b) developing digital data that is consistent with Wisconsin land information program interests, modernization and public access standards; and (c) expanding public participation through access to planning support tools.

Note:

This motion adopts the revised DOA proposal for funding land programs during the 2003-05 biennium and provides an additional \$907,000 PR in 2003-04 and \$1,092,900 PR in 2004-05 for this purpose (Alternative A2). The motion incorporates the Governor's recommendation to convert \$1,500,000 GPR of comprehensive planning grants funding to PR funding (Alternative B1). The motion would lapse \$1,101,600 in 2003-04 and \$524,400 in 2004-05 from land program PR balances (Alternative C2) and would make technical changes extending the land program sunset date that were omitted under the bill (Alternative D1).

The motion also affects how comprehensive planning grant funds supported from land record fees could be expended. Under the bill, \$2,000,000 PR annually funded from the \$2 land records fee received by the state from county registers of deeds is appropriated for comprehensive planning grants. Under current law, comprehensive planning grants may be provided to local units of government to finance the cost of planning a variety of activities, including contracting for planning consultant services, public planning sessions and other planning outreach and educational activities, or for the purchase of computerized planning data, planning software or the hardware required to utilize that data or software.

Applications made by local governments must contain a complete statement explaining how the funding would be used. In determining whether to approve a proposed grant, current law requires that preference be given to applications that contain all of the following planning effort elements: (a) address the interests of overlapping or neighboring jurisdictions; (b) promote the redevelopment of lands with existing infrastructure and public services; (c) encourage a range of neighborhood transportation choices; (d) protect natural areas; (e) protect economically productive

areas; (f) encourage land uses, densities, and regulations that promote efficient development patterns; (g) preserve cultural, historic and archaeological sites; (h) encourage coordination among nearby units of government; (i) build community identity; (j) provide an adequate supply of affordable housing; (k) provide adequate infrastructure and public services to meet existing and future market demand; (l) promote the expansion or stabilization of the current economic base; (m) balance individual property rights with community interests; (n) plan land uses that create varied and unique communities; (o) provide an integrated transportation system; (p) planning efforts that identify smart growth areas; (q) planning efforts, including subsequent updates and amendments; (r) planning efforts for which completion is contemplated within 30 months of the grant award; and (s) planning efforts that provide opportunities for public participation.

This proposal would require that for those grants funded from land record fees, the new planning elements specified in the motion would also have to be addressed.

[Change to Bill: \$1,626,000 GPR-REV and \$1,999,900 PR]

MO#	550
Darling	X N
1 Welch	X N
Fitzgrid	X N
Lazich	X N
Harsdorf	X N
Kanavas	X N
Decker	X N
Moore	X N
Kaufert	X N
Huebsch	X N
2 Ward	X N
Stone	X N
Rhoades	X N
Meyer	X N
Coggs	X N
Schoof	X N

Pass 16-0

2003

Date (time) needed _____

DNOR

LRB b 0235, 1

**LFB BUDGET AMENDMENT
[ONLY FOR LFB]**

JRAMES
TCJS (RMR)

See form AMENDMENTS — COMPONENTS & ITEMS.

**LFB AMENDMENT
TO 2003 SENATE BILL 44**

>>FOR JT. FIN. SUB. — NOT FOR INTRODUCTION<<

At the locations indicated, amend the bill as follows:

#. Page , line :

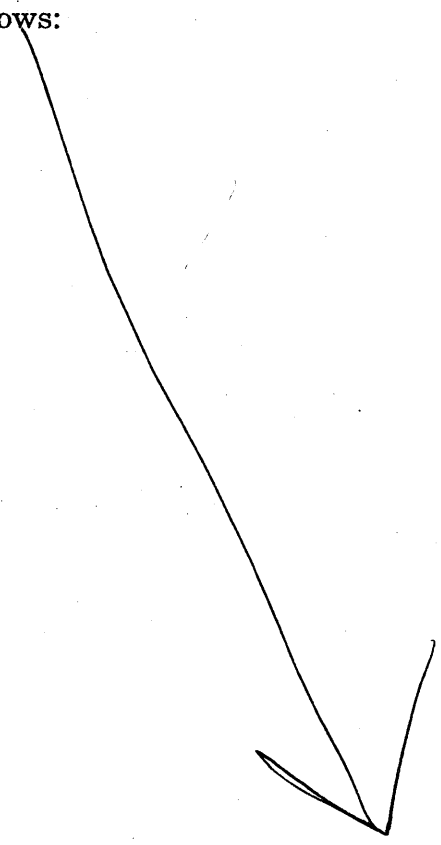
#. Page , line :

#. Page , line :

#. Page , line :

#. Page , line :

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2003-2004 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb0231/1ins
JTK.....

INS 1

1. Page 119, line 15: after that line insert:

230M
"SECTION 16.965 (4) (g), (h) and (i) of the statutes are created to read:

16.965 (4) (g) Planning efforts that expedite and integrate the use of locally created and maintained ^{Wisconsin} land information program data.

(h) Planning efforts that utilize digital data that is consistent with Wisconsin land information program interests, modernization, and public access standards.

(i) Planning efforts that maximize public participation through access to planning support tools."

INS 2

2. Page 1105, line 20: after that line insert:

"(*) LAPSE OF LAND RECORDING FEE REVENUE. Notwithstanding section 20.001 (3) (c) of the statutes, the department of administration shall lapse to the general fund from the appropriation account under section 20.505 (1) (ij) of the statutes \$1,101,600 in fiscal year 2003-04 and \$524,400 in fiscal year 2004-05."

no
stat
\$
change

(END)

19

**SENATE AMENDMENT ,
TO 2003 SENATE BILL 44**

INS 1

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 74, line 15: after that line insert:

3 "SECTION 98e. 15.107 (16) (e) of the statutes is amended to read:

4 15.107 (16) (e) *Sunset*. This subsection does not apply after August 31, 2003
5 2005."

6 **2.** Page 666, line 12: after that line insert:

7 "SECTION 1533d. 66.1001 (4) (b) 4. of the statutes is amended to read:

8 66.1001 (4) (b) 4. After September 1, 2003 2005, the department of
9 administration."

10 (END)

INS
2

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

LRB0b0235/1dn

JTK...y:...



Darin Renner:

In incorporating your new comprehensive planning elements into the statues, I modified the language slightly to use timeless phraseology in consideration of the fact that this language has perpetual application and must be applied not only next year but in all future years. I think the phraseology is consistent with the intent.

Jeffery T. Kuesel
Managing Attorney
Phone: (608) 266-6778



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

LRBb0235/1dn
JTK:cjs:rs

May 21, 2003

Darin Renner:

In incorporating your new comprehensive planning elements into the statues, I modified the language slightly to use timeless phraseology in consideration of the fact that this language has perpetual application and must be applied not only next year but in all future years. I think the phraseology is consistent with the intent.

Jeffery T. Kuesel
Managing Attorney
Phone: (608) 266-6778



State of Wisconsin
2003 - 2004 LEGISLATURE

LRBb0235/A
JTK&MES:cjs:rz

Stays

LFB:.....Renner – Lapse of land information fee revenue; comprehensive planning grant elements; Land Council technical changes

FOR 2003-05 BUDGET — NOT READY FOR INTRODUCTION

SENATE AMENDMENT ,

TO 2003 SENATE BILL 44

1 At the locations indicated, amend the bill as follows:

2 1. Page 74, line 15: after that line insert:

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5 2005.”

6 2. Page 119, line 15: after that line insert:

7 “SECTION 230m. 16.965 (4) (g), (h) and (i) of the statutes are created to read:

8 16.965 (4) (g) Planning efforts that expedite and integrate the use of ^{preexisting} locally
9 created and maintained Wisconsin land information program data.

10 (h) Planning efforts that utilize digital data that is consistent with Wisconsin
11 land information program interests, modernization, and public access standards.

1 (i) Planning efforts that maximize public participation through access to
2 planning support tools.”

3 **3.** Page 666, line 12: after that line insert:

4 “SECTION 1533d. 66.1001 (4) (b) 4. of the statutes is amended to read:

5 66.1001 (4) (b) 4. After September 1, 2003 2005, the department of
6 administration.”

7 **4.** Page 1105, line 20: after that line insert:

8 “(1q) LAPSE OF LAND RECORDING FEE REVENUE. Notwithstanding section 20.001

9 (3) (c) of the statutes, the department of administration shall lapse to the general

10 fund from the appropriation account under section 20.505 (1) (ij) of the statutes

11 \$1,101,600 in fiscal year 2003–04 and \$524,400 in fiscal year 2004–05.”

12 (END)



State of Wisconsin
2003 - 2004 LEGISLATURE

LRBb0235/3
JTK&MES:cjs:pg

+kif

LFB:.....Renner - Lapse of land information fee revenue; comprehensive planning grant elements; Land Council technical changes

FOR 2003-05 BUDGET - NOT READY FOR INTRODUCTION

SENATE AMENDMENT ,

TO 2003 SENATE BILL 44

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2005."

2. Page 119, line 15: after that line insert:

"SECTION 230m. 16.965 ^(3M) ~~(f) (g), (h) and (i)~~ of the statutes ¹³ are created to read:

16.965 ^(3M) ~~(f) (g)~~ (a) Planning efforts that expedite and integrate the use of preexisting locally created and maintained Wisconsin land information program data.

The department shall not approve a proposed grant to a local governmental unit under this section unless the application for the grant contains all of the following elements: ¶

LPS:
insert
lines #5

(b) Planning efforts that utilize digital data that is consistent with Wisconsin land information program interests, modernization, and public access standards.

(c) Planning efforts that maximize public participation through access to planning support tools.”.

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(END)

Post-it® Fax Note	7671	Date	# of pages ▶ 2
To	Jeff Kussal	From	Darna Renner
Co./Dept.	LFB	Co.	LFB
Phone #		Phone #	
Fax #		Fax #	

RE

LRBb0235/3
JTK&MES:cjs&kjfrs

LFB:.....Renner – Lapse of land information fee revenue; comprehensive planning grant elements; Land Council technical changes

FOR 2003-05 BUDGET — NOT READY FOR INTRODUCTION

SENATE AMENDMENT ,

TO 2003 SENATE BILL 44

*only relates to
appropriations that are amended
from the PR approp.
not the GRK approp.*

1 At the locations indicated, amend the bill as follows:

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8 16.965 (3m) The department shall not approve a proposed grant to a local
9 governmental unit under this section unless the application for the grant contains
10 all of the following elements:



*Jeff. these requirements only apply to
PR Comprehensive planning grants.*

1 (a) Planning efforts that expedite and integrate the use of preexisting locally
2 created and maintained Wisconsin land information program data.

3 (b) Planning efforts that utilize digital data that is consistent with Wisconsin
4 land information program interests, modernization, and public access standards.

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16 (END)



State of Wisconsin
2003 - 2004 LEGISLATURE

LRBb0235/8 4
JTK&MES:cjs&kj:rs

stays

LFB:.....Renner – Lapse of land information fee revenue; comprehensive planning grant elements; Land Council technical changes

FOR 2003-05 BUDGET — NOT READY FOR INTRODUCTION

SENATE AMENDMENT,
TO 2003 SENATE BILL 44

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5 2005."

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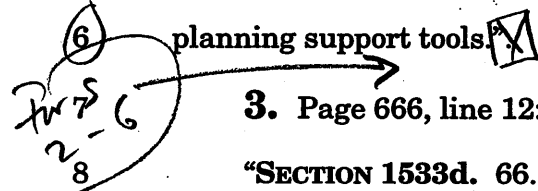
7 "SECTION ~~230m~~^{230g} 16.965 (3m) of the statutes is created to read:

8 16.965 (3m) The department shall not approve a proposed grant to a local
9 governmental unit under this section unless the application for the grant contains
10 all of the following elements:

appropriation
under
s.
20.505
(1) (if) ✓

1 (a) Planning efforts that expedite and integrate the use of preexisting locally
2 created and maintained Wisconsin land information program data.

3 (b) Planning efforts that utilize digital data that is consistent with Wisconsin
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14 fund from the appropriation account under section 20.505 (1) (ij) of the statutes
15 \$1,101,600 in fiscal year 2003–04 and \$524,400 in fiscal year 2004–05.”.

16 (END)

(FWS 2-6)



2301

Section # 16.965 (4) (intro.) of the statutes is amended to read:

to be funded from the appropriations under
S. 20.505(1)(c)

16.965 (4) (intro.) In determining whether to approve a proposed grant, preference shall be and accorded to applications of local governmental units that contain all of the following elements: (if)

~~History: 1999 a. 9, 148, 185; 2001 a. 16, 30, 105.~~



State of Wisconsin
2003 - 2004 LEGISLATURE

LRBb0235/4
JTK&MES:cjs&kjf:rs

LFB:.....Renner – Lapse of land information fee revenue; comprehensive
planning grant elements; Land Council technical changes

FOR 2003-05 BUDGET — NOT READY FOR INTRODUCTION

SENATE AMENDMENT ,

TO 2003 SENATE BILL 44

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 74, line 15: after that line insert:

3 “SECTION 98e. 15.107 (16) (e) of the statutes is amended to read:

4 15.107 (16) (e) *Sunset*. This subsection does not apply after August 31, 2003
5 2005.”.

6 **2.** Page 119, line 15: after that line insert:

7 “SECTION 230g. 16.965 (3m) of the statutes is created to read:

8 16.965 (3m) The department shall not approve a proposed grant to a local
9 governmental unit under this section to be funded in whole or in part from the
10 appropriation under s. 20.505 (1) (if) unless the application for the grant contains all
11 of the following elements:

1 (a) Planning efforts that expedite and integrate the use of preexisting locally
2 created and maintained Wisconsin land information program data.

3 (b) Planning efforts that utilize digital data that is consistent with Wisconsin
4 land information program interests, modernization, and public access standards.

5 (c) Planning efforts that maximize public participation through access to
6 planning support tools.

7 **SECTION 230r.** 16.965 (4) (intro.) of the statutes is amended to read:

8 16.965 (4) (intro.) In determining whether to approve a proposed grant to be
9 funded from the appropriations under s. 20.505 (1) (cm) and (if), preference shall be
10 accorded to applications of local governmental units that contain all of the following
11 elements:".

12 **3.** Page 666, line 12: after that line insert:

13 "SECTION 1533d. 66.1001 (4) (b) 4. of the statutes is amended to read:

14 66.1001 (4) (b) 4. After September 1, 2003 2005, the department of
15 administration."

16 **4.** Page 1105, line 20: after that line insert:

17 "(1q) LAPSE OF LAND RECORDING FEE REVENUE. Notwithstanding section 20.001
18 (3) (c) of the statutes, the department of administration shall lapse to the general
19 fund from the appropriation account under section 20.505 (1) (ij) of the statutes
20 \$1,101,600 in fiscal year 2003–04 and \$524,400 in fiscal year 2004–05."

21 (END)