

2005 Assembly Bill 1012

Date of enactment: **April 19, 2006**

Date of publication\*: **May 2, 2006**

## 2005 WISCONSIN ACT 352

**AN ACT** *to renumber and amend* 24.10; *to amend* 24.09 (1) (a) and 24.09 (1) (d); and *to create* 23.1985, 24.10 (2), 24.11 (1) (c), 24.59, 24.605, 24.61 (2) (a) 10., 24.61 (2) (cm) and 24.62 (3) of the statutes; **relating to:** sale of public lands and investment of proceeds from the sale of public lands and requiring the Department of Natural Resources to obligate moneys under the Warren Knowles–Gaylord Nelson Stewardship 2000 Program to acquire certain public lands from the Board of Commissioners of Public Lands.

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

**SECTION 1.** 23.1985 of the statutes is created to read:

**23.1985 Acquisition of certain public lands.**

Beginning in fiscal year 2006–07 and ending in fiscal year 2009–10, from the appropriation under s. 20.866 (2) (ta), the department shall set aside \$2,000,000 in each fiscal year that may be obligated only to acquire land from the board of commissioners of public lands under s. 24.59 (1). If the department sets aside, but does not obligate moneys in a fiscal year under this section, the department may obligate those nonobligated moneys in a subsequent fiscal year under this section in addition to the amounts the department is required to set aside for that subsequent fiscal year. For purposes of s. 23.0917, moneys provided from the appropriation under s. 20.866 (2) (ta) shall be treated as moneys obligated under the subprogram under s. 23.0917 (3).

**SECTION 1m.** 24.09 (1) (a) of the statutes is amended to read:

24.09 (1) (a) Except as provided under par. (c), the board may not sell or exchange any public lands which were not appraised or appraised under s. 24.08. Except as provided under pars. (b), (bm) and (c), the board may

not sell or exchange any public lands except at public auction or by sealed bid.

**SECTION 2.** 24.09 (1) (d) of the statutes is amended to read:

24.09 (1) (d) All sales other than sales under par. (b) or (c) shall be made at the times and public places by sealed bid or public sale as the board designates. Prior to any sale, the board shall publish a class 3 notice, under ch. 985, specifying the time and place and describing the lands to be sold in a newspaper published in the county where the lands are situated.

**SECTION 3.** 24.10 of the statutes is renumbered 24.10 (1) and amended to read:

24.10 (1) ~~At~~ If the sale is to be by public auction, at the time and place specified in the notice under s. 24.09 (1) (d), the board shall commence the sale of the lands described in the notice and thereafter continue the same from day to day, Sundays excepted, between 9 a.m. and the setting of the sun, until all lands described in the notice have been offered. The order of the sale shall be to begin at the lowest number of the sections, townships, and ranges in each county and proceed regularly to the highest, until all then to be sold are offered for sale. Except for lands withheld from sale under s. 24.09 (2), each lot ~~or~~ tract of lands, or collection of tracts of lands

\* Section 991.11, WISCONSIN STATUTES 2003–04 : Effective date of acts. “Every act and every portion of an act enacted by the legislature over the governor’s partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated” by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

to be sold shall be offered separately at the minimum price fixed by law and shall be cried at public auction long enough to enable every one present to bid. If the minimum price or more is bid, the lot or tract shall be struck off to the highest bidder, but if the minimum price is not bid the tract shall be set down unsold.

**SECTION 4.** 24.10 (2) of the statutes is created to read:

24.10 (2) If the sale is to be by sealed bid, the highest bid for any lot, tract of lands, or collection of tracts of lands shall be accepted, unless the highest bid is below the minimum price fixed by law. If the highest bid is below the minimum price fixed by law, then all bids may be rejected. If all bids are rejected or if no bid is received, the board may readvertise the sale, adjourn the sale to a definite date, or withhold the lands from sale pursuant to s. 24.09 (2).

**SECTION 5.** 24.11 (1) (c) of the statutes is created to read:

24.11 (1) (c) Unless otherwise required by law to be deposited into a fund other than any of the trust funds, as defined in s. 24.60 (5), all moneys received from the sale of public lands on or after the effective date of this paragraph ... [revisor inserts date], shall be credited to the appropriate trust fund in an account specified in s. 24.605.

**SECTION 6.** 24.59 of the statutes is created to read:

**24.59 Sale of public lands to state under Warren Knowles-Gaylord Nelson stewardship 2000 program.** (1) Notwithstanding ss. 24.09, 24.10, 24.15, 24.16, and 24.32, but subject to subs. (2) and (3), the board shall sell to the state under s. 23.1985 public lands that the board identifies as available for sale to the state. Notwithstanding s. 24.08 (4), the public lands shall be sold at the appraised value determined under sub. (2).

(2) The board shall have all of the public lands specified under sub. (1) independently appraised under s. 24.08 (2) and (3) after the effective date of this subsection ... [revisor inserts date], but before sale under sub. (1).

(3) Notwithstanding s. 24.11, public lands sold under sub. (1) may not be paid for in installments.

**SECTION 7.** 24.605 of the statutes is created to read:

**24.605 Accounts in trust funds for deposit of proceeds from sale of certain lands.** The board shall establish in each of the trust funds an account to which are credited the proceeds from the sale of any public lands on or after the effective date of this section ... [revisor inserts date], that are required by law to be deposited in the funds. Moneys credited to the accounts in the funds may only be used to invest in land under s. 24.61 (2) (a) 10. and for the payment of expenses necessarily related to investing in land under s. 24.61 (2) (a) 10.

**SECTION 8.** 24.61 (2) (a) 10. of the statutes is created to read:

24.61 (2) (a) 10. Land in this state, but subject to the condition established under par. (cm).

**SECTION 9.** 24.61 (2) (cm) of the statutes is created to read:

24.61 (2) (cm) *Investments in land in this state.* The board may not invest moneys in the purchase of any land under par. (a) 10. unless all of the following occur:

1. The land is within any applicable consolidation area approved by the board.

2. The total acreage of public lands managed by the board does not exceed the total acreage of public lands managed by the board on the effective date of this subdivision ... [revisor inserts date].

3. The board determines that the purchase of the land will improve timberland management, address forest fragmentation, or increase public access to the land.

4. The moneys are in an account specified in s. 24.605.

**SECTION 10.** 24.62 (3) of the statutes is created to read:

24.62 (3) If any land purchased under s. 24.61 (2) (a) 10. was at the time of purchase subject to assessment or levy of a real property tax, the board shall make annual payments in lieu of property taxes from the proceeds from the sale of timber or from appropriate trust fund incomes to the appropriate local governmental unit in an amount equal to property taxes levied on the land in the year prior to the year in which the board purchased the land.