

2005 DRAFTING REQUEST

Bill

Received: **01/17/2006**

Received By: **rkite**

Wanted: **As time permits**

Identical to LRB:

For: **Scott Jensen (608) 264-6970**

By/Representing: **Steve Knudson**

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

Drafter: **rkite**

May Contact:

Addl. Drafters: **rchampag**

Subject: **Nat. Res. - LWSR stewardship
State Finance - public lands**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Jensen@legis.state.wi.us**

Carbon copy (CC:) to: **daryl.hinz@legis.state.wi.us**

Pre Topic:

No specific pre topic given

Topic:

Required sale of certain BCPL lands

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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/2	rchampag 01/23/2006	csicilia 01/23/2006	jfrantze 01/23/2006	_____	lnorthro 01/23/2006		S&L

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 jdyer
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rschluet
02/06/2006

mbarman
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mbarman
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FE Sent For:

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	02/06/2006	_____

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Added 01-20-06 see attached

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mbarman 01/20/2006

e-mail only

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/? rkite

Handwritten notes:
11 cjs 1/20/06
11 kjf 1/19/06
1196 pg
<END>

FE Sent For:

Concept Paper
DNR/Board of Commissioners of Public Lands
Collaboration on Sustainable Forestry and Natural
Areas Management

Purpose

To further the goal of improving the management efficiency of state lands through the transfer of certain BCPL owned lands to the DNR and the granting of limited “land bank” authority to BCPL for improving its timber management.

The goal includes structuring and pacing the proposed acquisition of BCPL lands in a manner which allows the DNR flexibility to complete other high priority transactions, while ensuring measurable progress towards the goal of consolidating natural area lands under a single agency.

The primary purpose of this legislation is to provide for the realignment of BCPL land holdings into more productive timber management units, while consolidating natural areas under the ownership of the DNR.

This land consolidation plan has the following benefits:

- I. The transfer of natural area quality land from BCPL to the DNR**
- II. Increased tax receipts for local municipalities**
- III. Increased timber management efficiency**
- IV. Reduced forest fragmentation**
- V. Increased public access for hunting, fishing and recreation**

DNR Acquisition of BCPL Owned Lands

The goals of the proposed acquisitions are to achieve the greatest amount of conservation at the lowest cost to the Stewardship Fund. That goal includes structuring and pacing the proposed acquisitions to minimize the extent to which it compromises DNR’s ability to complete other priority transactions.

There are three categories of BCPL owned land that should be managed by DNR or have additional conservation protections:

Natural Areas Lands:

# BCPL Natural Area quality lands within an existing DNR project boundary	3,471 acres
# BCPL Natural Area quality lands not within an existing DNR project	8,667 acres

Other Lands:

# BCPL non Natural Area lands within existing DNR project boundaries	TBD
--	------------

TOTAL	12,138
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Legislation would direct that DNR utilize Stewardship Funds to the extent available but not to exceed \$2 million in each year of 2007-2010 to obtain, directly or through trade, fee title or conservation easements on BCPL Natural Area quality land. Certain other BCPL lands within existing DNR project boundaries may also be included as agreed to by each respective agency. All proposed purchases by the DNR shall be subject to the existing Natural Resource Board review and approval process, and all proposed BCPL purchases shall be subject to Board of Commissioners review and approval.

BCPL Land Bank Authority

BCPL will use the proceeds from the sale of its natural areas quality land and other non-productive or isolated parcels to invest in property that enhances the consolidation of its land holdings. Qualifying natural areas will be sold to the DNR, as well as certain other lands within existing DNR project boundaries. The remaining isolated or non-productive parcels will be offered for sale to local governments for right of first refusal, after which those parcels remaining will be made available for sale to private parties under a competitive, sealed bid process.

Land sale proceeds will be deposited in an account [e.g. land bank] within the applicable Trust Fund and can be used for land purchases under the following conditions: (a) the land to be purchased is within the land consolidation zone approved by the Board; (b) the total acreage of public land managed by the Board after such purchase shall not exceed the total acreage managed by the Board at the time this authority is granted; and (c) the BCPL has determined that the proposed purchase will do one or more of the following: (1) improve the Board's timber land management activities; (2) reduce forest fragmentation; or (3) increase public access to BCPL land.

The legislation will establish accounts within the respective Trust Funds for the deposit of any proceeds from the sale of BCPL lands and will specify that monies in those accounts shall only be used to invest in future land purchases described above, or for costs associated with such purchases.

Further, this legislation shall require that the Board make annual payments in lieu of taxes to the appropriate local governmental unit for any land it purchases in an amount equal to the taxes assessed against such property at the time of purchase. Separate legislation will authorize an appropriation funded from the respective Trust Fund revenue to fund such payments.

Kite, Robin

From: Knudson, Steve
Sent: Tuesday, January 17, 2006 4:35 PM
To: Kite, Robin
Subject: FW: BCPL Natural Areas definition

Robin,

Please find below the definition of "natural area" used by the BCPL.

If you have any questions, or need additional information, please feel free to contact me.

Steve Knudson
Scott Jensen's Office

-----Original Message-----

From: Schwarzmann, John
Sent: Tuesday, January 17, 2006 4:29 PM
To: Knudson, Steve
Subject: BCPL Natural Areas definition

Steve:

The BCPL uses definitions for its in-house management of natural areas that are very similar to the DNR.

Let me know if you have any other questions.
John Schwarzmann
Forester, BCPL
(715) 277-3366

A natural area is an area of land or water which has educational or scientific value or is important as a reservoir of the state's genetic or biological diversity. Frequently, natural areas are important as a reserve for native biotic communities, provide habitat for endangered species or species of special concern to scientists. In some cases, natural areas contain highly significant geological or archeological features. Generally natural areas are areas which have escaped unnatural environmental disturbance or which exhibit little evidence of recent environmental so that recovery of natural conditions has occurred.

Furthermore, the Board of Commissioners of Public Lands classifies sites into three classes according to their significance. In general, the highest rated sites are larger, are less disturbed and have more threatened and endangered species than lower ranking sites.

* NA-1 sites are of statewide significance and contain excellent examples of natural communities and/or rare plants or animals, which are believed to be among the best remaining examples in the eco-region. Such sites are generally large enough to support the resources of significance without major restoration efforts and are at least somewhat buffered by compatible land uses in the surrounding landscape. These sites are comparable in significance to existing State Natural Areas.

* NA-2 sites are of more regional than statewide importance and contain good to excellent examples of communities or rare plants and animals but are somewhat compromised by human disturbance, incompatible surrounding land uses, or small size.

* NA-3 sites are generally of local significance and may contain good examples communities or rare plants or animals but are significantly compromised by past disturbance, small size, surrounding land uses, or other significant

ecological constraints.

Per Steve -

if \$2 million not fully expended in a fiscal year,
it should roll over - e.g. do not specifically
limit \$2 to each fiscal year

FRI
AM

LRB Number: 4418, 1

Nonsubmittal Form

LPSes: DO NOT FORWARD THIS DRAFT FOR SUBMITTAL, UNLESS INSTRUCTED TO DO SO BY THE DRAFTING ATTORNEY.

|1| Return everything to the primary drafting attorney.

After you have completed typing this draft, return the camera-ready copy to the primary drafting attorney, along with the drafting file. Also, forward the electronic file to the primary drafting attorney for the task of drafting.

TO Robin Kite

OR

|2| Return only the camera-ready copy to the primary drafting attorney.

After you have completed typing this draft, clip this form to the camera-ready copy and return these materials to the primary drafting attorney. Place the drafting file in the HOLD basket in the LPS room. Forward the electronic file to Typing — lrb_lps, so that the electronic file can be viewed by all LPSes.

When the attorney finishes reviewing the draft, the attorney will bring the camera-ready copy back to the LPS room. If the attorney has found any typos or minor corrections, correct the draft as indicated and print out a new camera-ready copy. Take the final camera-ready copy, retrieve the drafting file from the HOLD basket in the LPS room, discard this form, place the camera-ready copy and the drafting file in the PA submit basket, and forward the electronic file to the PAs for submitting. (If, after reviewing the draft, the attorney decides to redraft it, give the attorney the drafting file and forward the electronic file to the attorney for drafting.)



(D-Nat)
State of Wisconsin
2005 - 2006 LEGISLATURE

LRB-4418/1
RNK & RAC: k.f.

FRI AM
2005 BILL

- gen. cat

1 AN ACT ...; **relating to:** sale of public lands and investment of proceeds from the
 2 sale of public lands, requiring the department of natural resources to obligate
 3 moneys under the Warren Knowles-Gaylord Nelson Stewardship 2000
 4 Program to acquire certain public lands from the board of commissioners of
 5 public lands and making an appropriation.

Analysis by the Legislative Reference Bureau

Sale of public lands and investment of proceeds

Under current law, the Board of Commissioners of Public Lands (BCPL) may invest moneys in the common school fund, the normal school fund, the university fund, and the agricultural college fund in certain specified investments. These include, bonds or notes of the United States; bonds issued by this state or the University of Wisconsin Hospitals and Clinics Authority; and bonds issued by a town, village, city, county, or school district or certain other special districts in the state.

This bill authorizes BCPL to invest moneys in the purchase of land in this state, but establishes certain conditions on the purchase of this land for investment purposes. First, the land must be within any applicable consolidation area approved by BCPL; second, the total acreage of public lands managed by BCPL must not exceed the total acreage of public lands managed by BCPL on the bill's effective date; third, the moneys must be derived from the sale of public lands in the future; and

BILL

finally, BCPL must determine that the purchase of the land will improve timberland management, address forest fragmentation, or increase public access to the land. The bill also provides that, if the land at the time of purchase was subject to assessment or levy of a real property tax, BCPL must make annual payments in lieu of property taxes to the appropriate local governmental unit in an amount equal to 74 cents per acre.

The bill also requires BCPL to identify all isolated and nonproductive public lands and to make these lands available for purchase by the state in the manner, and with funds, as described below. If the lands are not purchased by the state, BCPL must offer to sell these public lands to the city, village, or town within whose jurisdiction the public lands are located. Any lands not purchased by cities, villages, or towns must be offered for sale to private parties by sealed bid to the highest bidder.

Stewardship program

Current law authorizes the state to incur public debt for certain conservation activities under the Warren Knowles-Gaylord Nelson Stewardship 2000 Program (stewardship program), which is administered by the Department of Natural Resources (DNR).

Current law grants the state the authority to bond for various conservation purposes under the stewardship program. The stewardship program consists of four subprograms: one for land acquisition; one for property development and local assistance; one for bluff protection; and one for the Baraboo Hills. Purposes for which bonding under the land acquisition subprogram may be used include land acquisition for habitat and natural areas and land acquisition that preserves or enhances the state's water resources. Under current law, bonding under the property development and local acquisition subprogram may be used only for nature-based outdoor recreation, as defined in rules promulgated by DNR, with limited exceptions.

This bill requires DNR, beginning in fiscal year 2006-07 and ending in fiscal year 2009-10, to set aside \$2,000,000 in each fiscal year under the stewardship program to acquire certain land from the BCPL. Under the bill, DNR must obligate these moneys to purchase lands that BCPL classifies as natural areas or as isolated or nonproductive. Generally, natural areas are areas of land or water that have educational or scientific value or that are important as a reservoir of the state's genetic or biologic diversity. The bill provides that the amounts set aside for this purpose may be treated as moneys obligated under either the land acquisition subprogram or the property development and local assistance subprogram of the stewardship program or both of the subprograms.

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

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

SECTION 1. 20.507 (1) (kd) of the statutes is created to read:

1

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1 20.507 (1) (kd) *Payments in lieu of property taxes.* All moneys transferred from
2 the appropriate trust funds, as defined in s. 24.60 (5), to make the payments required
3 under s. 24.62 (3).

4 **SECTION 2.** 23.0917 (4) (cm) 4m. of the statutes is created to read:

5 23.0917 (4) (cm) 4m. Acquisition of land from the board of commissioners of
6 public lands under s. 23.1985.

7 **SECTION 3.** 23.1985 of the statutes is created to read:

8 **23.1985 Acquisition of certain public lands.** Beginning in fiscal year
9 2006-07 and ending in fiscal year 2009-10, from the appropriation under s. 20.866
10 (2) (ta), the department shall set aside \$2,000,000 in each fiscal year that may be
11 obligated only to acquire land from the board of commissioners of public lands under
12 s. 24.59 (1). For purposes of s. 23.0917, moneys provided from the appropriation
13 under s. 20.866 (2) (ta) shall be treated as moneys obligated under either or both of
14 the subprograms under s. 23.0917 (3) and (4).

15 **SECTION 4.** 24.06 of the statutes is amended to read:

16 **24.06 Plat of lands.** The board may subdivide any parcel of public lands into
17 smaller parcels or village lots, with streets and alleys if necessary, whenever it
18 believes a larger net price can be obtained by selling the land in such smaller parcels
19 or lots. A survey and plat of such subdivision, verified by its maker as true and
20 correct, shall be returned and recorded in the office of the board, and the parcels or
21 lots designated thereon shall be appraised before they are offered for sale. Such
22 subdivision shall be ordered, the proceedings therefor governed and such appraisal
23 made in substantial accord with s. 24.08. Nothing in this section shall prohibit the
24 board from selling any parcel of public lands as a whole parcel.

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

BILL

SECTION 5

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

6 **SECTION 6.** 24.45 of the statutes is created to read:

7 **24.45 Sale of isolated and nonproductive lands.** (1) The board shall
 8 identify all isolated and nonproductive public lands.

9 (2) All public lands identified under sub. (1) shall be made available for
 10 purchase by the state under s. 24.59.

11 (3) The board shall offer to sell any public lands that are not purchased by the
 12 state under s. 24.59 to the city, village, or town within whose jurisdiction the public
 13 lands are located. Any lands not purchased by cities, villages, or towns under this
 14 subsection shall be offered for sale to private parties by sealed bid to the highest
 15 bidder.

16 (4) Sections 24.09, 24.10, 24.15, 24.16, and 24.32 do not apply to the sale of
 17 public lands under this section.

18 **SECTION 7.** 24.59 of the statutes is created to read:

19 **24.59 Sale of public lands to state under Warren Knowles-Gaylord**
 20 **Nelson stewardship 2000 program.** (1) Notwithstanding ss. 24.09, 24.10, 24.15,
 21 24.16, and 24.32, but subject to subs. (2) and (3), the board shall sell to the state under
 22 s. 23.1985 public lands that the board classifies as natural areas, as defined in s.
 23 23.27 (1) (e), and shall offer to sell public lands identified under s. 24.45.
 24 Notwithstanding s. 24.08 (4), the public lands shall be sold at the appraised value
 25 determined under sub. (2).

BILL

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

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

6 (4) The board may not take any action that would in any way impede or prohibit
7 the sale of public lands under sub. (1).

8 **SECTION 8.** 24.605 of the statutes is created to read:

9 **24.605 Accounts in trust funds for deposit of proceeds from sale of**
10 **certain lands.** The board shall establish in each of the trust funds an account to
11 which are credited the proceeds from the sale of any public lands on or after the
12 effective date of this section [revisor inserts date], that are required by law to be
13 deposited in the funds. Moneys credited to the accounts in the funds may only be
14 used to invest in land under s. 24.61 (2) (a) 10. and for the payment of expenses
15 necessarily related to investing in land under s. 24.61 (2) (a) 10.

16 **SECTION 9.** 24.61 (2) (a) 10. of the statutes is created to read:

17 24.61 (2) (a) 10. Land in this state, but subject to the condition established
18 under par. (cm).

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

20 24.61 (2) (cm) *Investments in land in this state.* The board may not invest
21 moneys in the purchase of any land under par. (a) 10. unless all of the following occur:

- 22 1. The land is within any applicable consolidation area approved by the board.
- 23 2. The total acreage of public lands managed by the board does not exceed the
24 total acreage of public lands managed by the board on the effective date of this
25 subdivision [revisor inserts date].

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-4418/1dn
RNK & RAC: *kgf*

Date

X Your instructions for this draft were to require DNR to use stewardship funds "to the extent available but not to exceed \$2 million in each year" to acquire lands from the board of commissioners of public lands. Because I do not know how much moneys are available for expenditure from the stewardship program, I have provided in this draft that DNR must set aside \$2,000,000 in each fiscal year for the purchase of these lands from either or both of the subprograms for land acquisition and for property development and local assistance. If you do not want DNR to be required to set aside this amount in each fiscal year, you may want to discuss this draft with Rebecca Hotynski at the Legislative Fiscal Bureau to determine the amount available for expenditure from the stewardship program.

X Your instructions also stated that DNR must set aside the specified amounts for each year of "2007-2010". The draft provides that the set aside begins with fiscal year 2006-07. Is this consistent with your intent?

X Please note that under s. 23.0917 (3) (c), stats. DNR, in obligating moneys under the subprogram for land acquisition, must give priority for specified land acquisitions. This draft does not specifically give priority under that subprogram to the BCPL land purchase. Is this consistent with your intent?

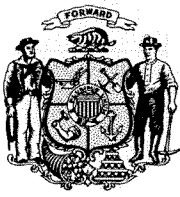
The draft requires BCPL to sell land that it classifies as "natural areas" as that term is defined under s. 23.27 (1) (e). Please look closely at that definition to ensure that it describes all of the kinds of lands that you want to require BCPL to sell.

Robin N. Kite
Legislative Attorney
Phone: (608) 266-7291
E-mail: robin.kite@legis.state.wi.us

The draft requires BCPL to sell the "natural areas" lands to DNR, but only requires BCPL to offer to sell to DNR the isolated and nonproductive public lands. Is this consistent with your intent?

For the payments in lieu of taxes provision, I provided that BCPL shall make annual payments in lieu of property taxes in an amount equal to 74 cents per acre. This was the amount specified in the governor's budget bill. Is this consistent with your intent?

Rick A. Champagne
Senior Legislative Attorney
Phone: (608) 266-9930
E-mail: rick.champagne@legis.state.wi.us



Fri. - noon
State of Wisconsin
2005 - 2006 LEGISLATURE

LRB-4418/1
RNK&RAC:kjfrs
RAC&RNK:
↓ stays
kjf & cs

D-Note

2005 BILL

Regen cat

1 AN ACT to amend 24.06; and to create 20.507 (1) (kd), 23.0917 (4) (cm) 4m.,
2 23.1985, 24.11 (1) (c), 24.45, 24.59, 24.605, 24.61 (2) (a) 10., 24.61 (2) (cm) and
3 24.62 (3) of the statutes; relating to: sale of public lands and investment of
4 proceeds from the sale of public lands, requiring the Department of Natural
5 Resources to obligate moneys under the Warren Knowles-Gaylord Nelson
6 Stewardship 2000 Program to acquire certain public lands from the Board of
7 Commissioners of Public Lands, and making an appropriation.

Analysis by the Legislative Reference Bureau

Sale of public lands and investment of proceeds

Under current law, the Board of Commissioners of Public Lands (BCPL) may invest moneys in the common school fund, the normal school fund, the university fund, and the agricultural college fund in certain specified investments. These include: bonds or notes of the United States; bonds issued by this state or the University of Wisconsin Hospitals and Clinics Authority; and bonds issued by a town, village, city, county, or school district or certain other special districts in the state.

This bill authorizes BCPL to invest moneys in the purchase of land in this state, but establishes certain conditions on the purchase of this land for investment purposes. First, the land must be within any applicable consolidation area approved

BILL

by BCPL; second, the total acreage of public lands managed by BCPL must not exceed the total acreage of public lands managed by BCPL on the bill's effective date; third, the moneys must be derived from the sale of public lands in the future; and finally, BCPL must determine that the purchase of the land will improve timberland management, address forest fragmentation, or increase public access to the land. The bill also provides that, if the land at the time of purchase was subject to assessment or levy of a real property tax, BCPL must make annual payments in lieu of property taxes to the appropriate local governmental unit in an amount equal to 74 cents per acre.

The bill also requires BCPL to identify all isolated and nonproductive public lands and to make these lands available for purchase by the state in the manner, and with funds, as described below. If the lands are not purchased by the state, BCPL must offer to sell these public lands to the city, village, or town within whose jurisdiction the public lands are located. Any lands not purchased by cities, villages, or towns must be offered for sale to private parties by sealed bid to the highest bidder.

Stewardship program

Current law authorizes the state to incur public debt for certain conservation activities under the Warren Knowles–Gaylord Nelson Stewardship 2000 Program (stewardship program), which is administered by the Department of Natural Resources (DNR).

Current law grants the state the authority to bond for various conservation purposes under the stewardship program. The stewardship program consists of four subprograms: one for land acquisition; one for property development and local assistance; one for bluff protection; and one for the Baraboo Hills. Purposes for which bonding under the land acquisition subprogram may be used include land acquisition for habitat and natural areas and land acquisition that preserves or enhances the state's water resources. Under current law, bonding under the property development and local acquisition subprogram may be used only for nature-based outdoor recreation, as defined in rules promulgated by DNR, with limited exceptions.

This bill requires DNR, beginning in fiscal year 2006–07 and ending in fiscal year 2009–10, to set aside \$2,000,000 in each fiscal year under the stewardship program to acquire certain land from the BCPL. Under the bill, DNR must obligate these moneys to purchase lands that BCPL classifies as natural areas or as isolated or nonproductive. Generally, natural areas are areas of land or water that have educational or scientific value or that are important as a reservoir of the state's genetic or biologic diversity. The bill provides that the amounts set aside for this purpose may be treated as moneys obligated under either the land acquisition subprogram or the property development and local assistance subprogram of the stewardship program or both of the subprograms.

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

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

1 **SECTION 1.** 20.507 (1) (kd) of the statutes is created to read:

2 20.507 (1) (kd) *Payments in lieu of property taxes.* All moneys transferred from
3 the appropriate trust funds, as defined in s. 24.60 (5), to make the payments required
4 under s. 24.62 (3).

5 **SECTION 2.** 23.0917 (4) (cm) 4m. of the statutes is created to read:

6 23.0917 (4) (cm) 4m. Acquisition of land from the board of commissioners of
7 public lands under s. 23.1985.

8 **SECTION 3.** 23.1985 of the statutes is created to read:

9 **23.1985 Acquisition of certain public lands.** Beginning in fiscal year
10 2006–07 and ending in fiscal year 2009–10, from the appropriation under s. 20.866
11 (2) (ta), the department shall set aside \$2,000,000 in each fiscal year that may be
12 obligated only to acquire land from the board of commissioners of public lands under
13 s. 24.59 (1). For purposes of s. 23.0917, moneys provided from the appropriation
14 under s. 20.866 (2) (ta) shall be treated as moneys obligated under either or both of
15 the subprograms under s. 23.0917 (3) and (4).

16 **SECTION 4.** 24.06 of the statutes is amended to read:

17 **24.06 Plat of lands.** The board may subdivide any parcel of public lands into
18 smaller parcels or village lots, with streets and alleys if necessary, whenever it
19 believes a larger net price can be obtained by selling the land in such smaller parcels
20 or lots. A survey and plat of such subdivision, verified by its maker as true and
21 correct, shall be returned and recorded in the office of the board, and the parcels or

Insert
3-12

BILL**SECTION 4**

1 lots designated thereon shall be appraised before they are offered for sale. Such
2 subdivision shall be ordered, the proceedings therefor governed and such appraisal
3 made in substantial accord with s. 24.08. Nothing in this section shall prohibit the
4 board from selling any parcel of public lands as a whole parcel.

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

6 24.11 (1) (c) Unless otherwise required by law to be deposited into a fund other
7 than any of the trust funds, as defined in s. 24.60 (5), all moneys received from the
8 sale of public lands on or after the effective date of this paragraph [revisor inserts
9 date], shall be credited to the appropriate trust fund in an account specified in s.
10 24.605.

11 **SECTION 6.** 24.45 of the statutes is created to read:

12 **24.45 Sale of isolated and nonproductive lands.** (1) The board shall
13 identify all isolated and nonproductive public lands.

14 (2) All public lands identified under sub. (1) shall be made available for
15 purchase by the state under s. 24.59.

16 (3) The board shall offer to sell any public lands that are not purchased by the
17 state under s. 24.59 to the city, village, or town within whose jurisdiction the public
18 lands are located. Any lands not purchased by cities, villages, or towns under this
19 subsection shall be offered for sale to private parties by sealed bid to the highest
20 bidder.

21 (4) Sections 24.09, 24.10, 24.15, 24.16, and 24.32 do not apply to the sale of
22 public lands under this section.

23 **SECTION 7.** 24.59 of the statutes is created to read:

24 **24.59 Sale of public lands to state under Warren Knowles–Gaylord**
25 **Nelson stewardship 2000 program.** (1) Notwithstanding ss. 24.09, 24.10, 24.15,

BILL

1 24.16, and 24.32, but subject to subs. (2) and (3), the board shall sell to the state under
2 s. 23.1985 public lands that the board classifies as natural areas, as defined in s.
3 23.27 (1) (e), and shall offer to sell public lands identified under s. 24.45.
4 Notwithstanding s. 24.08 (4), the public lands shall be sold at the appraised value
5 determined under sub. (2).

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

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

11 (4) The board may not take any action that would in any way impede or prohibit
12 the sale of public lands under sub. (1).

13 **SECTION 8.** 24.605 of the statutes is created to read:

14 **24.605 Accounts in trust funds for deposit of proceeds from sale of**
15 **certain lands.** The board shall establish in each of the trust funds an account to
16 which are credited the proceeds from the sale of any public lands on or after the
17 effective date of this section [revisor inserts date], that are required by law to be
18 deposited in the funds. Moneys credited to the accounts in the funds may only be
19 used to invest in land under s. 24.61 (2) (a) 10. and for the payment of expenses
20 necessarily related to investing in land under s. 24.61 (2) (a) 10.

21 **SECTION 9.** 24.61 (2) (a) 10. of the statutes is created to read:

22 24.61 (2) (a) 10. Land in this state, but subject to the condition established
23 under par. (cm).

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

2005-2006 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-4418/2
RNK:.....

INSERT 3-12

no ch If the department sets aside, but does not obligate moneys in a fiscal year under this ~~subsection~~, the department may obligate those moneys in a subsequent fiscal year under this ~~subsection~~ in addition to the amounts set aside for that subsequent fiscal year.

nonobligated

the department is required to

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-4418/1dn
RNK&RAC:kjf:rs

Stays

January 19, 2006

a specific

Your instructions for this draft were to require DNR to use stewardship funds "to the extent available but not to exceed \$2 million in each year" to acquire lands from the Board of Commissioners of Public Lands. Because I do not know how much moneys are available for expenditure from the stewardship program, I have provided in this draft that DNR must set aside \$2,000,000 in each fiscal year for the purchase of these lands from either or both of the subprograms for land acquisition and for property development and local assistance. If you do not want DNR to be required to set aside ~~this~~ amount in each fiscal year, you may want to discuss this draft with Rebecca Hotynski at the Legislative Fiscal Bureau to determine the amount available for expenditure from the stewardship program.

Your instructions also stated that DNR must set aside the specified amounts for each year of "2007-2010." The draft provides that the set aside begins with fiscal year 2006-07. Is this consistent with your intent?

Please note that under s. 23.0917 (3) (c), stats., DNR, in obligating moneys under the subprogram for land acquisition, must give priority for specified land acquisitions. This draft does not specifically give priority under that subprogram to the BCPL land purchase. Is this consistent with your intent?

The draft requires BCPL to sell land that it classifies as "natural areas" as that term is defined under s. 23.27 (1) (e). Please look closely at that definition to ensure that it describes all of the kinds of lands that you want to require BCPL to sell.

Robin N. Kite
Legislative Attorney
Phone: (608) 266-7291
E-mail: robin.kite@legis.state.wi.us

The draft requires BCPL to sell the "natural areas" lands to DNR, but only requires BCPL to offer to sell to DNR the isolated and nonproductive public lands. Is this consistent with your intent?

For the payments in lieu of taxes provision, I provided that BCPL shall make annual payments in lieu of property taxes in an amount equal to 74 cents per acre. This was the amount specified in the governor's budget bill. Is this consistent with your intent?

Rick A. Champagne
Senior Legislative Attorney
Phone: (608) 266-9930
E-mail: rick.champagne@legis.state.wi.us

Daryl Hinz or

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-4418/1dn
RNK&RAC:kjf:rs

January 19, 2006

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Barman, Mike

From: Kite, Robin
Sent: Friday, January 20, 2006 11:34 AM
To: Barman, Mike
Subject: LRB-4418

Mike:

I redrafted LRB-4418 for Rep. Jensen's office today and expect it to be ready soon (it may already be finished). Jensen's office has asked that we send a copy to Daryl Hinz at the Fiscal Bureau. When you submit the draft to Jensen's office, could you also e-mail a copy to Daryl Hinz at the LFB?

Thanks.

Robin

Robin Kite, Senior Legislative Attorney
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(608) 266-7291