

2007 DRAFTING REQUEST

Bill

Received: 11/17/2006

Received By: mglass

Wanted: As time permits

Identical to LRB:

For: Roger Breske (608) 266-2509

By/Representing: Beth Piliouras

This file may be shown to any legislator: NO

Drafter: mglass

May Contact: Dick Steffes (DNR)

Addl. Drafters:

Subject: Nat. Res. - miscellaneous

Extra Copies:

Submit via email: YES

Requester's email: Sen.Breske@legis.wisconsin.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Lease of DNR land for purposes of gravel extraction

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>
/?				_____			State
/P1	mglass 02/07/2007	lkunkel 02/27/2007	rschluet 02/28/2007	_____	sbasford 02/28/2007		State
/1	mglass 05/30/2007	lkunkel 05/31/2007	rschluet 05/31/2007	_____	lparisi 05/31/2007	sbasford 06/07/2007	

FE Sent For: "1" AT INTRO 6-12-2007

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May Contact: **Dick Steffes (DNR) 60201**

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/?	mglass	pl/mk. 2/27					
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FE Sent For:

<END>

Gibson-Glass, Mary

From: Nelson, Robert P.
Sent: Thursday, November 16, 2006 8:07 AM
To: Kite, Robin; Gibson-Glass, Mary; Tradewell, Becky
Subject: FW: Breske Draft Request

~~Working with the DNR team.~~

Bob

From: Piliouras, Elizabeth
Sent: Wednesday, November 15, 2006 4:47 PM
To: Nelson, Robert P.
Subject: Breske Draft Request

Job 69454

Hi Robert:

Roger has been working with the DNR on a small bill that he needs drafted for the 2007 session.

Constitutional
require
money for
appropriated
for public
purpose

It should go something like:

per
Steffes

The Department (of Natural Resources) is authorized to lease for a term up to 30 years, the following described lands; [T40N, R6E, Section 13: W 60 acres of the SW 1/4, Vilas County;] and/or T38N, R7E, Section 36: a parcel of land being 30 acres in size lying in the S1/4 and located west of WIS 47, Oneida County.

I've been working with Dick Steffes. Feel free to contact him if you have questions for him or feel free to contact me anytime.

Thanks in advance!
Beth

DNR
may
contact
for purposes of commercial
gravel extraction
lease by DNR to 3 parties
in exchange for DNR
to buy land from them

Beth Piliouras
Senator Roger Breske
608-266-2509

issue: for private
purpose

23.09(10) 26.08 lease
28.04 NR 1.48 house
23.20
>15 years → 30 years

3 companies

conveyance of other
land for state forests
subject to approval
of board

American Legion
State Forest



State of Wisconsin
2007 - 2008 LEGISLATURE

D-N

3/1 cmk RMR/PL
LRB-0822/R
in edit 2/7/07
MB.....
lmk

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

LPS: PLS / spacing

GenCut

1 AN ACT ...; relating to: the leasing of land in the American Legion State Forest
2 for the purpose of gravel extraction. ✓

Analysis by the Legislative Reference Bureau

This bill authorizes the Department of Natural Resources to lease certain lands in the American Legion State Forest for the purpose of gravel extraction for a term not to exceed 30 years. ↓

For further information see the *state* 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:

3 SECTION 1. 26.08 (1) of the statutes is amended to read:
4 26.08 (1) The department may, from time to time, lease parts or parcels of state
5 park lands or state forest lands. These The leases entered into under this subsection
6 and sub. (1m) shall contain proper covenants to guard against trespass and waste.
7 The rents arising from ~~these~~ such leases shall be paid into the state treasury to the
8 credit of the proper fund. Licenses also may be granted to prospect for ore or mineral

1 upon any of these lands; but proper security shall be taken that the licensees will
2 fully inform the department of every discovery of ore or mineral and will restore the
3 surface to its former condition and value if no discovery of valuable deposits is made.
4 The department shall retain a copy of each lease or license and file the original in the
5 office of the board of commissioners of public lands. ✓

6 History: 1979 c. 34; 1987 a. 27; 1997 a. 27; 1999 a. 9; 2001 a. 16.

SECTION 2. 26.08 (1m) of the statutes is created to read:

7 26.08 (1m) (a) The department may lease any of the following described lands
8 in the American Legion State Forest for the purpose of gravel extraction:

9 1. In Vilas County, all or part of the western 60 acres of the SW-1/4 of Sec. 13,
10 T. 40N., R. 6 E.

11 2. In Oneida County, a parcel of land being 30 acres in size, that is located west
12 of STH 47 and that is located. located in the S*-1/4 of sec. 36, T. 38 N., R7 E.

13 History: 1979 c. 34; 1987 a. 27; 1997 a. 27; 1999 a. 9; 2001 a. 16.

SECTION 3. 26.08 (2) (a) of the statutes is amended to read:

14 26.08 (2) (a) Except as provided under pars. (b) to ~~(d)~~ (e), the department may
15 lease state park land or state forest land for terms not exceeding 15 years.

16 History: 1979 c. 34; 1987 a. 27; 1997 a. 27; 1999 a. 9; 2001 a. 16.

SECTION 4. 26.08 (2) (e) of the statutes is created to read:

17 26.08 (2) (e) The department may lease the lands specified in sub. (1m) for a
18 term not exceeding 30 years. ✓

19 (END)

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

PI
LRB-0822/3dn

Moer.....

lnk

(date)

1. I have made this a preliminary draft because I feel that the legal descriptions are problematical due to the following: ✓

a. In the first legal description it says "the western 60 acres" of the southwest quarter. ✓
A quarter contains 160 acres. ✓ Divided in half, the western half is 80 acres. ✓ To which
60 acres of the 80 acres is the reference being made? ✓

b. I have placed an * in the second legal description. The instructions I received says
the south quarter. It has to be either the southwest quarter or the southeast quarter. ✓

c. In the second description, the parcel to be leased could be any 30 acres west of STH
(state trunk highway) 47, unless the area is actually just 30 acres. Is that what you
intended? ✓

2. I assume the reference to "WIS 47" in the drafting instruction is STH 47. ✓

Mary Gibson-Glass
Senior Legislative Attorney
Phone: (608) 267-3215

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

LRB-0822/P1dn
MGG:lmk:rs

February 28, 2007

1. I have made this a preliminary draft because I feel that the legal descriptions are problematical due to the following:
 - a. In the first legal description it says "the western 60 acres" of the southwest quarter. A quarter contains 160 acres. Divided in half, the western half is 80 acres. To which 60 acres of the 80 acres is the reference being made?
 - b. I have placed an * in the second legal description. The instructions I received says the south quarter. It has to be either the southwest quarter or the southeast quarter.
 - c. In the second description, the parcel to be leased could be any 30 acres west of STH (state trunk highway) 47, unless the area is actually just 30 acres. Is that what you intended?
2. I assume the reference to "WIS 47" in the drafting instruction is STH 47.

Mary Gibson-Glass
Senior Legislative Attorney
Phone: (608) 267-3215

Gibson-Glass, Mary

From: Piliouras, Elizabeth
Sent: Tuesday, May 22, 2007 10:06 PM
To: Gibson-Glass, Mary
Cc: Steffes, Richard E - DNR
Subject: FW: Draft review: LRB 07-0822/P1 Topic: Lease of DNR land for purposes of gravel extraction

Hi Mary:

This is my very belated response to the dn on LRB 0822 – feel free to call Dick directly. Roger trusts his direction completely and this draft is at the request of the department, so it's best if it's drafted so that they can use it. If you would like to set up a meeting or a conference call, I'm up for that too. Just let me know and I'll be there.

Talk to you soon,
 Beth

From: Steffes, Richard E - DNR
Sent: Monday, May 21, 2007 5:27 PM
To: Piliouras, Elizabeth
Subject: RE: Draft review: LRB 07-0822/P1 Topic: Lease of DNR land for purposes of gravel extraction

hi Beth. any progress?

From: Steffes, Richard E - DNR
Sent: Wednesday, March 28, 2007 12:53 PM
To: 'Piliouras, Elizabeth'
Subject: FW: Draft review: LRB 07-0822/P1 Topic: Lease of DNR land for purposes of gravel extraction

Hi Beth, Sorry for the delay in getting aback to you.

Comments follow:

-line 9 of page two of the bill - we need to add "Northern Highland-" in front of American Legion State Forest. One of the locations is in Vilas Co and that part is in Northern Highland; our forestry people have joined up the two project names for years anyway.

Regarding the Drafter's Note: I think the bill language is fine, other than the addition above. Mary questions a number of things which I will address in the order she cites her concerns:

1. Problems with the legal descriptions - actually., I don't see any problems -
 - a. we intend this to be the western most 60 acres in the description in the bill. (she could drop the "ern" from western.) The intended parcel would measure about 2,640 feet north to south and 990 feet east to west. The SW corner of the land to be leased would be the same as the SW corner of Section 13.
 - b. The S1/4 is just that - the southerly tier of 40 acre parcels across Section 36. the land intended for lease would span parts of the SESW and the SWSE. If we have this general legal description for the legislation we have a little flexibility.If and when ever leased, we'll require the lessee to survey the lease area to pin it down.
 - c.Yes. any 30 acres within the S1/4 west of STH 47. in reality though, primarily parts of SESW and SWSE
2. Yes, WIS 47 equals STH 47

I'd be happy to meet with Mary and you if that would help, with maps in hand.
 Regards to you Beth,
 Dick

From: Piliouras, Elizabeth [mailto:Elizabeth.Piliouras@legis.wisconsin.gov]
Sent: Tuesday, March 06, 2007 3:30 PM
To: Steffes, Richard E - DNR
Subject: FW: Draft review: LRB 07-0822/P1 Topic: Lease of DNR land for purposes of gravel extraction

Hi Dick:

Does this work?

Thanks!
Beth

From: Sen.Breske
Sent: Wednesday, February 28, 2007 10:12 AM
To: Piliouras, Elizabeth
Subject: FW: Draft review: LRB 07-0822/P1 Topic: Lease of DNR land for purposes of gravel extraction

From: Basford, Sarah
Sent: Wednesday, February 28, 2007 9:16 AM
To: Sen.Breske
Subject: Draft review: LRB 07-0822/P1 Topic: Lease of DNR land for purposes of gravel extraction

Following is the PDF version of draft LRB 07-0822/P1 and drafter's note.

L RMR

(D-N)

soon

(in 5/30)

sub

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Northern Highland

Reagan

✓

Northern Highland

1 AN ACT to amend 26.08 (1) and 26.08 (2) (a); and to create 26.08 (1m) and 26.08
2 (2) (e) of the statutes; relating to: the leasing of land in the American Legion
3 State Forest for the purpose of gravel extraction.

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8 The rents arising from ~~these~~ such leases shall be paid into the state treasury to the

1 credit of the proper fund. Licenses also may be granted to prospect for ore or mineral
 2 upon any of these lands; but proper security shall be taken that the licensees will
 3 fully inform the department of every discovery of ore or mineral and will restore the
 4 surface to its former condition and value if no discovery of valuable deposits is made.
 5 The department shall retain a copy of each lease or license and file the original in the
 6 office of the board of commissioners of public lands.

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 11 T. 40 N., R. 6 E.

12 2. In Oneida County, a parcel of land being 30 acres in size, that is located west
 13 of STH 47 and that is located in the ~~SW-1/4~~ ^{southern tier of 40-acre} of Sec. 36, T. 38 N., R. 7 E.
 14 parcels across

14 **SECTION 3.** 26.08 (2) (a) of the statutes is amended to read:

15 26.08 (2) (a) Except as provided under pars. (b) to ~~(d)~~ (e), the department may
 16 lease state park land or state forest land for terms not exceeding 15 years.

17 **SECTION 4.** 26.08 (2) (e) of the statutes is created to read:

18 26.08 (2) (e) The department may lease the lands specified in sub. (1m) for a
 19 term not exceeding 30 years.

20

(END)

(date)

mcc:lmk

(dn) As requested I have ~~impr~~ put into effect
 Mr. ^{Steffes} suggestions.

MGG

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

LRB-0822/1dn
MGG:lmk:rs

May 31, 2007

As requested I have put into effect Mr. Steffes' suggestions.

Mary Gibson-Glass
Senior Legislative Attorney
Phone: (608) 267-3215

Parisi, Lori

From: Piliouras, Elizabeth

Sent: Wednesday, June 06, 2007 4:35 PM

To: LRB.Legal

Subject: Draft Review: LRB 07-0822/1 Topic: Lease of DNR land for purposes of gravel extraction

Please Jacket LRB 07-0822/1 for the SENATE.

06/06/2007