

1987 Senate Bill 274

Date of enactment: November 18, 1987  
Date of publication: November 25, 1987

## 1987 Wisconsin Act 76

AN ACT to repeal 24.61 (4) and 24.61 (6); to amend 24.09 (1) (a), 24.63 (2), 24.63 (3), 24.65, 24.66 (2) and 24.67; and to create 24.09 (1) (bm), 24.67 (1) (g) to (k) and 24.67 (2) (c) to (g) of the statutes, relating to various changes in the laws related to the authority of the board of commissioners of public lands and the state trust fund loan program (suggested as remedial legislation by the board of commissioners of public lands).

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

LAW REVISION COMMITTEE PREFATORY NOTE: This bill is a remedial legislation proposal, requested by the board of commissioners of public lands, and introduced by the law revision committee under s. 13.83 (1) (c) 4, stats. After careful consideration of the various provisions of this bill, the law revision committee has determined that this bill makes minor substantive changes in the statutes, and that these changes are desirable as a matter of public policy.

SECTION 1. 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.

SECTION 2. 24.09 (1) (bm) of the statutes is created to read:

24.09 (1) (bm) The board may exchange part or all of any parcel of public lands for any other land of approximately equal value if the board determines that the exchange will contribute to the consolidation or completion of a block of land, enhance conservation of lands or otherwise be in the public interest.

NOTE: The board of commissioners of public lands has authority under s. 24.09 (1) (b) and (c), stats., to exchange land with the federal government, state agencies, municipalities, school districts and Indian tribes. SECTIONS 1 and 2 expand the board's authority to exchanges of land with private parties' land if the exchange will facilitate blocking of lands, will enhance conservation of lands or is otherwise in the public interest. These SECTIONS will improve the board's abil-

ity to manage state land and will allow the board to cooperate with organizations involved in the conservation of land.

SECTION 3. 24.61 (4) of the statutes is repealed.

NOTE: SECTION 3 repeals a statute which allows the board of commissioners of public lands to provide funds for student loans issued by the higher educational aids board. This statute was used once in the late 1970's, when \$2,000,000 was provided for student loans. The loan was repaid promptly by the higher educational aids board when the legislature authorized bonding for student loans. The Wisconsin higher education corporation now has bonding authority to fund student loans, so the statute no longer serves any purpose.

SECTION 4. 24.61 (6) of the statutes is repealed.

NOTE: SECTION 4 repeals a statute which duplicates language regarding refunding loans in s. 24.61 (3) (a) 1, stats.

SECTION 5. 24.63 (2) of the statutes is amended to read:

24.63 (2) SCHOOL DISTRICT LOANS. A state trust fund loan to a school district may be made for any time, not exceeding 20 years, as is agreed upon between the school district and the board, and for an amount which, together with all other indebtedness of that district, does not exceed its allowable indebtedness as determined under s. 67.03 (1). ~~The principal shall be payable in approximately equal annual instalments.~~

NOTE: SECTION 5 deletes an unduly restrictive requirement that the principal on school district loans from the state trust fund be repaid in equal annual instalments. This requirement does not currently apply to loans to municipalities. The bill will give the board flexibility in establishing the terms of repayment suitable for individual school districts, such as allowing for equal annual payments or balloon payments.

SECTION 6. 24.63 (3) of the statutes is amended to read:

24.63 (3) INTEREST RATES. All state trust fund loans shall bear and draw interest at a rate not less than 2% payable annually, ~~except that investments in student loans made under s. 24.61 (4) shall bear and draw interest at an annual rate not less than 7%.~~

SECTION 7. 24.65 of the statutes is amended to read:

**24.65 Date when interest and principal become due.** The annual interest and instalments of principal of all state trust fund loans, ~~excluding interest and instalments of principal from investments in student loans made under s. 24.61 (4),~~ are payable into the state treasury on or before the date specified in s. 24.70 (4) or (5) or 24.71 (4).

SECTION 8. 24.66 (2) of the statutes is amended to read:

24.66 (2) FOR MUNICIPALITIES OTHER THAN SCHOOL DISTRICTS, PUBLIC INLAND LAKE DISTRICTS, TOWN SANITARY DISTRICTS OR SEWERAGE DISTRICTS. Every application shall be approved and authorized for a town, by the signatures of all a majority of its supervisors acknowledged as conveyances of land are acknowledged; for a village, by a majority vote of ~~not less than three-fourths~~ of its trustees; for a city, by a majority vote of ~~not less than two-thirds~~ of the members of its common council; and for a county, by a majority vote of ~~not less than two-thirds~~ of all the members of its board of supervisors at some regular or special session thereof. Every vote so required shall be by ayes and noes duly recorded.

NOTE: A majority vote is required for municipal borrowing under ch. 67, stats. SECTION 8 establishes the same voting requirement for borrowing from the state trust fund. There is no reason to require a more stringent voting requirement in this statute.

SECTION 9. 24.67 of the statutes is amended to read:

**24.67 Certificates of indebtedness.** (1) If the board approves the application, it shall cause certificates of indebtedness to be prepared in proper form and transmitted to the municipality submitting the application. The certificate of indebtedness shall be executed and signed ~~for~~:

- (a) For a school district, by its president, ~~for~~.
- (b) For a town, by its chairman, ~~for~~.
- (c) For a village, by its president, ~~for~~.
- (d) For a city, by its mayor, ~~for~~.
- (e) For a vocational, technical and adult education district, by its district board chairman ~~and for~~.
- (f) For a county, by the chairman of its board.

(2) The certificate of indebtedness shall be countersigned:

- (a) For the town, village or city, by the clerk of the municipality or, in the case of that town, village or city.

(b) For a vocational, technical and adult education district, by the district board secretary ~~and returned to and deposited who shall return the certificate and deposit it with the board which.~~

(3) If a unit of government has acted under subs. (1) and (2), it shall certify that fact to the department of administration. The department of administration shall then draw a warrant upon the state treasurer for the amount of the loan, payable to the treasurer of the municipality making the loan or as he or she directs. The certificate of indebtedness shall then be conclusive evidence of the validity of the indebtedness and that all the requirements of law concerning the application for the making and acceptance of the loan have been complied with.

SECTION 10. 24.67 (1) (g) to (k) of the statutes are created to read:

24.67 (1) (g) For a public inland lake protection and rehabilitation district, by the chairman of the board of commissioners.

(h) For a town sanitary district, by the president of the commission.

(i) For a metropolitan sewerage district created under s. 66.22, by the president of the commission.

(j) For a metropolitan sewerage system created under s. 66.882, by the chairperson of the commission.

(k) For a joint sewerage system, by the head of the commission.

SECTION 11. 24.67 (2) (c) to (g) of the statutes are created to read:

24.67 (2) (c) For a public inland lake protection and rehabilitation district, by the secretary of the board of commissioners.

(d) For a town sanitary district, by the secretary of the commission.

(e) For a metropolitan sewerage district created under s. 66.22, by the secretary of the commission.

(f) For a metropolitan sewerage system created under s. 66.882, by the secretary of the commission.

(g) For a joint sewerage system, by a member of the commission designated by the commission who is not the person acting as head of the commission.

NOTE: SECTIONS 9, 10 and 11 add to the list of those who are required to sign a certificate a representative of all entities which are eligible for state trust fund loans.

SECTION 12. **Nonstatutory provisions.** No later than January 31, 1988, the department of natural resources and the board of commissioners of public lands shall submit to the chief clerk of each house of the legislature, for distribution to the legislature under section 13.172 (2) of the statutes, a report on the feasibility of investing land which is owned by the board of commissioners of public lands and which is suitable for intensive forest management. The report shall identify any land suitable for intensive forest management and shall indicate whether that land should be sold to persons who are not public bodies, to the department of natural resources or to some other pub-

87 WisACT 76

- 616 -

lic body capable of performing intensive forest management. The report shall include an indication as to how divestiture of such lands would affect public school financing in this state. The report shall indicate

which land is of special scientific or environmental significance and the appropriate method of preservation of such land.

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