



2015 ASSEMBLY BILL 71

March 5, 2015 - Introduced by Representatives SANFELIPPO, CRAIG, AUGUST, BRANDTJEN, R. BROOKS, CZAJA, EDMING, HUTTON, JACQUE, KAPENGA, KLEEFISCH, KREMER, KULP, T. LARSON, NEYLON, QUINN, SKOWRONSKI, THIESFELDT and WEATHERSTON, cosponsored by Senators TIFFANY and NASS. Referred to Committee on Mining and Rural Development.

1 **AN ACT to repeal** 23.0917 (5t), 24.11 (1) (c), 24.605, 24.61 (2) (a) 10. and 24.61
2 (2) (cm) 1. to 4.; **to renumber and amend** 24.61 (2) (cm) (intro.); **to amend**
3 23.0917 (8) (d), 24.62 (3), 70.114 (1) (b) 2. and 70.114 (1) (c); and **to create** 70.114
4 (5) of the statutes; **relating to:** aid payments on, and city, village, town, and
5 county approval of, certain lands purchased by the Department of Natural
6 Resources and restrictions on the purchase of land by the Board of
7 Commissioners of Public Lands.

Analysis by the Legislative Reference Bureau

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.

Current law also 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. Current law 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

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payments in lieu of property taxes 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 BCPL purchased the land. This bill eliminates BCPL's authority to purchase land.

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). The state may incur this debt to acquire land for the state for conservation purposes and for property development activities and may award grants or state aid to certain local governmental units and nonprofit conservation organizations to acquire lands for these purposes. Current law provides that each city, village, or town (municipality) and each county may adopt a nonbinding resolution supporting or opposing the proposed acquisition of land funded under the stewardship program. This bill prohibits DNR from acquiring any land under the stewardship program without the prior approval of the governing body of each city, village, town, and county in which any of the land is located.

Currently, DNR annually pays a municipality where land purchased by DNR is located an amount based on the lesser of the purchase price or the assessed value of the land in the year before the year in which DNR purchased the land. The bill provides that DNR will not make these payments for land it purchases after June 30, 2015.

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.** 23.0917 (5t) of the statutes is repealed.

2 **SECTION 2.** 23.0917 (8) (d) of the statutes is amended to read:

3 23.0917 (8) (d) The department may not acquire land using moneys from the
4 appropriation under s. 20.866 (2) (ta) without the prior approval of a majority of the
5 members-elect, as defined in s. 59.001 (2m), of the county board of supervisors of the
6 county in which the land is located if at least 66% of the land in the county is owned
7 or under the jurisdiction of the state, the federal government, or a local governmental
8 unit, as defined in s. 66.0131 (1) (a) governing body of each city, village, town, and
9 county in which any of the land is located. Before determining whether to approve
10 the acquisition, the each city, village, town, or county in which any of the land is

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1 located shall post notices that inform the residents of the community surrounding
2 the land of the possible acquisitions.

3 **SECTION 3.** 24.11 (1) (c) of the statutes is repealed.

4 **SECTION 4.** 24.605 of the statutes is repealed.

5 **SECTION 5.** 24.61 (2) (a) 10. of the statutes is repealed.

6 **SECTION 6.** 24.61 (2) (cm) (intro.) of the statutes is renumbered 24.61 (2) (cm)
7 and amended to read:

8 24.61 (2) (cm) *Investments in land in this state prohibited.* (intro.) The board
9 may not invest moneys in the purchase of any land under par. (a) 10. unless all of the
10 following occur:

11 **SECTION 7.** 24.61 (2) (cm) 1. to 4. of the statutes are repealed.

12 **SECTION 8.** 24.62 (3) of the statutes is amended to read:

13 24.62 (3) If any land purchased under s. 24.61 (2) (a) 10., 2013 stats., was at
14 the time of purchase subject to assessment or levy of a real property tax, the board
15 shall make annual payments in lieu of property taxes from the proceeds from the sale
16 of timber or from appropriate trust fund incomes to the appropriate local
17 governmental unit in an amount equal to property taxes levied on the land in the
18 year prior to the year in which the board purchased the land.

19 **SECTION 9.** 70.114 (1) (b) 2. of the statutes is amended to read:

20 70.114 (1) (b) 2. For land purchased on or after July 1, 2011, and before July
21 1, 2015, “estimated value,” for the year during which land is purchased, means the
22 lesser of the purchase price or the determination of the land’s equalized valuation
23 under s. 70.57 in the year before the year during which the land is purchased,
24 increased or decreased to reflect the annual percentage change in the equalized
25 valuation of all property, excluding improvements, in the taxation district, as

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1 determined by comparing the most recent determination of equalized valuation
2 under s. 70.57 for that property, except that if the land was exempt from taxation in
3 the year prior to the year during which the Department purchased the land, or
4 enrolled in the forest cropland program under subch. I of ch. 77 or the managed forest
5 land program under subch. VI of ch. 77 at the time of purchase, “estimated value,”
6 for the year during which the land is purchased means the lesser of the purchase
7 price or an amount that would result in a payment under sub. (4) that is equal to \$10
8 per acre. “Estimated value,” for later years, means the value that was used for
9 calculating the aid payment under this section for the prior year increased or
10 decreased to reflect the annual percentage change in the equalized valuation of all
11 property, excluding improvements, in the taxation district, as determined by
12 comparing the most recent determination of equalized valuation under s. 70.57 for
13 that property to the next preceding determination of equalized valuation under s.
14 70.57 for that property.

15 **SECTION 10.** 70.114 (1) (c) of the statutes is amended to read:

16 70.114 (1) (c) “Land” means state forests, as defined in s. 28.02 (1), that are
17 acquired after December 31, 1991, and before July 1, 2015, state parks that are
18 acquired after December 31, 1991, and before July 1, 2015, under s. 27.01 and other
19 areas that are acquired after December 31, 1991, and before July 1, 2015, under s.
20 23.09 (2) (d), 23.091, 23.27, 23.29, 23.293, 23.31 or 29.749 (1).

21 **SECTION 11.** 70.114 (5) of the statutes is created to read:

22 70.114 (5) SUNSET. This section does not apply to lands purchased after June
23 30, 2015.

24 **SECTION 12. Fiscal changes.**

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1 (1) On the effective date of this subsection, the unencumbered balances in the
2 accounts established under section 24.605, 2013 stats., are lapsed to the trust funds,
3 as defined in section 24.60 (5) of the statutes, in which the accounts are established.

4 **SECTION 13. Initial applicability.**

5 (1) The treatment of sections 23.0917 (5t) and (8) (d) and 24.61 (2) (a) 10. and
6 (cm) (intro.) and 1. to 4. of the statutes first applies to the acquisition of land for which
7 a contract was entered into on the effective date of this subsection.

8 (END)