State of Misconsin 2017 - 2018 LEGISLATURE

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PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

AN ACT to create 24.61 (2) (cp) of the statutes; relating to: state acquisition of

2 lands containing burial sites.

Analysis by the Legislative Reference Bureau

This bill is explained in the Notes provided by the Joint Legislative Council in the bill.

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:

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This bill was prepared for the Joint Legislative Council's Study Committee on the Preservation of Burial Sites. It provides an exception to allow the Board of Commissioners of Public Lands (BCPL) to invest in the purchase of a burial site that the director of the Wisconsin Historical Society (WHS) has recommended for acquisition.

Among other directives, the burial sites preservation law directs the WHS director to make recommendations concerning burial sites on private property for acquisition by the state or other public agencies to preserve the burial sites. [s. 157.70 (2) (c), Stats.]

Article X of the Wisconsin Constitution establishes the three-member BCPL. Comprised of the Secretary of State, the State Treasurer, and the Attorney General, BCPL oversees the investment of the proceeds of sales of land granted to the state by the federal government for the purpose of supporting education and developing the state's

infrastructure. BCPL manages several trust funds, from which it may make investments: the "school fund," which includes the "normal school fund" and the "common school fund"; the "university fund"; and the "agricultural college fund." BCPL also manages approximately 77,000 acres of land remaining from the original land grants. In general, the Legislature may prescribe the type and manner of BCPL investments, but the Legislature may not require BCPL to make specific investments.

2005 Wisconsin Act 352 authorized BCPL to "bank" proceeds from land sales and use those proceeds to invest in land acquisitions. However, any such land acquisition must satisfy all of the following criteria:

- 1. The land is within any applicable consolidation area approved by BCPL.
- $2.\,$ The total acreage of public lands managed by BCPL does not exceed $77,\!845$ acres.
- 3. BCPL 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 placed in a special account, established by BCPL within each of the trust funds, restricted to investments in land and payment of expenses necessarily related to investing in land.

[s. 24.61 (2) (cm), Stats.]

The bill provides that the first three criteria listed above for BCPL land acquisitions do not apply to an investment of moneys for the purchase of a burial site that the WHS director has recommended for acquisition to preserve the burial site.

Section 1. 24.61 (2) (cp) of the statutes is created to read:

2 24.61 (2) (cp) Investments in lands containing burial sites. The requirements

under par. (cm) 1. to 3. do not apply to the investment of moneys in the purchase of

lands the director of the historical society recommends for acquisition under s.

5 157.70 (2) (c).

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6 (END)