

ORDER OF THE
DEPARTMENT OF ADMINISTRATION

The Wisconsin Department of Administration proposes an order to repeal Adm 47.02(2), to renumber Adm 47.02(3) through (11) and to amend Adm 47.02 (2), 47.03 (intro.), 47.04(intro.), (2) and (4), 47.05, 47.06(intro.) and (2) and 47.07, relating to the administration of the Wisconsin Land Information Program.

Analysis prepared by the Department of Administration:

Statutory authority: s. 16.004(1) and 227.11, Stats.
Statutes interpreted: ss. 16.967(3) and (7), Stats.

Explanation of agency authority:

Pursuant to s. 16.967, Stats., the Wisconsin Department of Administration is responsible for the administration of the Wisconsin Land Information Program.

Related Statute or Rule:

None.

Plain language analysis of Proposed Amendments

The department proposes to amend Chapter Adm 47 to reflect the department's role in the land information program's administration and increase eligibility for grants to county land information offices.

Proposed revisions to Adm 47.03, 47.04, 47.05, 47.06 and 47.07 would eliminate reference to the Land Information Board which was eliminated in the 2005-07 state budget and identify the department as the administrator of the land information grant program.

Proposed revisions to 47.04 would change the eligibility requirement for base budget funding awards to counties. The proposed amendment to Adm 47.02 increases the maximum level of recording fees a county may retain and be eligible for a base budget award to \$50,000 from \$35,000. This change is among the recommendations from the August 2004 Report to the Legislature by the Wisconsin Land Information Board and Land Information Council that also recommended the sunset of those bodies.

Summary of and comparison with existing or proposed federal regulations:

None.

Comparison of Similar Rules in Adjacent States

The department's Land Information Program is unique to the region, as many adjacent states are in preliminary stages of creating such partnerships with their counties. Despite the lack of structured programs to support the development of

land information at a county-wide level, a few states may provide competition-based grants, basic funds for training, or technology licenses. In most instances counties are expected to support and maintain existing land information programs through local funding.

Data Used To Support Rule

The current rule's revisions were codified in 2002. These proposed rule changes reflect changes in state statute that includes the sunset of the Wisconsin Land Information Board. The changes are also based on the August 2004 report to the Governor and Legislature on "An Evaluation of Functions, Activities and Future Directions" prepared by the Land Information Board and Wisconsin Land Council. That consensus document addressed the continuation of the functions of the land information program, now administered by the department, assigned additional duties to the State Cartographer's office at the University of Wisconsin, and recommended increasing eligibility for Base Budget land information awards to county land information offices.

Final Regulatory Flexibility Analysis:

The department does not foresee any significant impact on small business.

Fiscal Estimate:

Estimated fiscal effect on state operations:

The Department currently administers approximately 18 Base Budget grants. Because systems and procedures are already in place to manage these grants, increasing eligibility for additional counties will have a minimal effect on state operations.

Estimated fiscal effect on local governments:

Increasing eligibility for counties to receive base budget grants will allow additional counties to be eligible for these grants. Those funds would provide for capacity building to those counties with fewer resources and assist in the development of a comprehensive and integrated statewide system of geographic information.

Estimated fiscal effect on private entities:

None.

Contact Person:

Mike Friis
Department of Administration
(608) 267-7982 (telephone)
michael.friis@wisconsin.gov

Text of Rule:

Section 1. Adm 47.02 (2) is repealed.

Section 2. Adm 47.02(3) through (11) are renumbered Adm 47.02(2) through (10), and Adm 47.02(2), as renumbered, is amended to read:

Adm 47.02 (2) “County-wide plan for land records modernization” means the plan under s. 59.72(3)(b), Stats., approved by the ~~board~~ department under s. 16.967(3)(e), Stats.

Section 3: Adm 47.03(intro.) is amended to read:

Adm 47.03 Eligible projects and activities. A county may apply to the ~~board~~ department for a grant for any of the following projects:

Section 4. Adm 47.04(intro.) is amended to read:

Adm 47.04 Grants. Subject to availability of funds, the ~~board~~ department shall determine annual grant amounts for eligible projects under s. Adm 47.03, by October 15, of each year. A grant may not exceed \$100,000. The ~~board~~ department may award more than one grant to a county board ~~as provided by s. 16.967 (7) (b), Stats.~~ Any funds not granted in any given year shall remain available for general distribution to eligible local units of government, at the discretion of the ~~board~~ department in future grant cycles. In carrying out its duties under this section, including setting priorities for grant funding, the department may seek advice and assistance from state agencies, local governmental units, and other experts involved in collecting and managing land information. The ~~board~~ department may provide the following grant categories:

Section 5: Adm 47.04(2) is amended to read:

Adm 47.04(2) Land information system base budget grants for eligible projects and activities provided in s. Adm 47.03 (1) through (5), shall be available to provide a minimum funding level to enable a county land information office to develop, maintain and operate a basic land information system. To be eligible for this category, the fees that a county retained under the provisions of s. 59.72 (5) (b), Stats., shall be less than ~~\$35,000~~ \$50,000 for the preceding fiscal year.

Section 6: Adm 47.04 (4) is amended to read:

Adm 47.04 (4) Strategic initiative grants for eligible projects and activities as provided in s. Adm 47.03 (1) through (5), for expediting and fostering statewide and regional strategic initiatives consistent with specific statutory requirements and standards adopted by the ~~board~~ department.

Note: The Wisconsin Land Information program statutes and the standards adopted by the ~~Board~~ Department may be obtained from the Department’s Land Information Program Office at 17 South Fairchild Street, P.O. Box 8944, Madison, Wisconsin or at the following website: www.doa.state.wi.us/olis
<http://www.doa.state.wi.us/dir/index.asp>.

Section 7: Adm 47.05 is amended to read:

Adm 47.05 Grant application. All applications shall be submitted on the authority of the county board on behalf of an eligible applicant. Application authority shall be obtained by specific action of the county board. The ~~board~~ department may request evidence of such authority. County boards may delegate their authority to apply for grants to the entity responsible for administration of the county land information office established under s. 59.72 (3), Stats. Any such delegation shall be explicit. All applications shall be fully completed and submitted on forms provided by the department before the deadline established by the ~~board~~ department. Applications shall be executed under the authority of both the county or delegated authority and the eligible applicant. The department shall give notice of application periods to county land information offices at least 90 days prior to the deadline for submission of applications.

Note: Grant Applications can be obtained by calling or writing the Wisconsin Land Information Program, Department of Administration, P. O. Box ~~1645~~ 8944, Madison, WI ~~53701-1645~~ 53708-8944 (telephone ~~608/267-2707~~ 3369). The application may also be viewed and printed at the following website: ~~www.doa.state.wi.us/olis~~ <http://www.doa.state.wi.us/dir/index.asp>.

Section 8: Adm 47.06(intro.) is amended to read:

Adm 47.06 Evaluation criteria. Grant requests shall be reviewed and evaluated by department staff for ~~board~~ department approval. All grant applications shall be evaluated on the applicant's responsiveness to the following requirements:

Section 9: Adm 47.06(2) is amended to read:

Adm 47.06 (2) Projects shall meet or exceed all relevant statutory requirements and standards established by the ~~board~~ department under s. 16.967 (3).

Section 10. Adm 47.07 is amended to read:

Adm 47.07 Grant agreements. Grants are contingent upon the execution of a grant agreement. Failure of a grantee to execute a grant agreement shall result in withdrawal of the offer. The ~~board, the~~ department, and the grantee may negotiate the specific budget items, project goals, and other terms and conditions prior to the ~~board~~ department approving the grant. Terms of a grant award shall be administered through the grant agreement.

Section 11: Effective Date. This rule shall take effect on the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.22(2)(intro.), Stats.

Date: November 2, 2006

Stephen E. Bablitch, Secretary
Department of Administration