

1993 Assembly Bill 133

Date of enactment: **March 4, 1994**
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1993 WISCONSIN ACT 131

AN ACT to amend 77.82 (5) (a), 77.82 (7) (a) (intro.), 77.82 (7) (c), 77.82 (8), 77.83 (1) (a) (intro.) and 1 and 77.88 (5) (a) (intro.); to repeal and recreate 77.82 (7) (c); and to create 77.82 (1) (c), 77.82 (4m), 77.82 (7) (d), 77.82 (11g) and 77.88 (5) (am) of the statutes, relating to: managed forest lands closed to public access; and the conversion of lands that are entered on the tax roll as forest croplands to lands that are entered on the tax roll as managed forest lands.

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

SECTION 1. 77.82 (1) (c) of the statutes is created to read:

77.82 (1) (c) In addition to the requirements under pars. (a) and (b), for land subject to a petition under sub. (4m), all forest croplands owned by the petitioner on the date on which the petition is submitted that are located in the municipality for which the petition is submitted shall be included in the petition.

SECTION 2. 77.82 (4m) of the statutes is created to read:

77.82 (4m) CONVERSION OF FOREST CROPLANDS TO MANAGED FOREST LAND. (a) An owner of land that is entered as forest croplands under s. 77.02 may petition the department under sub. (2) to convert all or a portion of the land to managed forest land, subject to sub. (1) (c).

(b) A petition under this subsection shall specify whether the order designating the land as managed forest land will remain in effect for 25 years or 50 years, as elected by the owner.

(bn) A petition under this subsection shall be accompanied by a nonrefundable \$100 application fee which shall be credited to the conservation fund.

(c) A petition under this subsection must be submitted after September 1, 1994, and before January 1, 1998.

(d) An owner of land who has filed a conversion petition under this subsection and who has requested that the

department prepare a management plan under sub. (3) (b) may withdraw the request and not have it prepared by the department if the owner determines that the department is not preparing the management plan in a timely manner.

SECTION 3. 77.82 (5) (a) of the statutes, as affected by 1993 Wisconsin Act 16, is amended to read:

77.82 (5) (a) Upon receipt of a petition under sub. (2) or (4) or (4m), the department shall provide written notice of the petition to the clerk of the municipality in which the land is located.

SECTION 4. 77.82 (7) (a) (intro.) of the statutes is amended to read:

77.82 (7) (a) (intro.) After considering the testimony presented at the public hearing, if any, the facts discovered by its investigation and the land use in the area in which the land is located, the department shall approve a petition under sub. (2) or (4m) if it determines all of the following:

SECTION 5. 77.82 (7) (c) of the statutes is amended to read:

77.82 (7) (c) ~~If Except as provided in par. (d), if~~ a petition is received on or before March 31 of any year, the department shall investigate and shall either approve the petition and issue the order under sub. (8) or deny the petition on or before the following November 21.

SECTION 6. 77.82 (7) (c) of the statutes, as affected by 1993 Wisconsin Acts 16 and (this act), is repealed and recreated to read:

77.82 (7) (c) Except as provided in par. (d), if a petition is received on or before January 31 of any year from

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a petitioner who owns less than 1,000 acres in this state or on or before March 31 of any year from any other petitioner, the department shall investigate and shall either approve the petition and issue the order under sub. (8) or deny the petition on or before the following November 21.

SECTION 7. 77.82 (7) (d) of the statutes is created to read:

77.82 (7) (d) The department shall approve or disapprove a petition under par. (a) that is submitted under sub. (4m) within 3 years after the date on which the petition is submitted to the department.

SECTION 8. 77.82 (8) of the statutes is amended to read:

77.82 (8) ORDER. If a petition under sub. (2) or (4m) is approved, the department shall issue an order designating the land as managed forest land for the time period specified in the petition. If a petition under sub. (4) is approved, the department shall amend the original order to include the additional parcel. The department shall provide the petitioner with a copy of the order or amended order and shall also file a copy with the department of revenue, the supervisor of assessments, the clerk of the municipality and the register of deeds in the county in which the land is located.

SECTION 9. 77.82 (11g) of the statutes is created to read:

77.82 (11g) WITHDRAWAL TAX ON CONVERTED FOREST CROPLANDS PROHIBITED. No tax or interest may be assessed under s. 77.10 (2) (a) on land converted to managed forest land pursuant to a petition approved under sub. (7) (d).

SECTION 9m. 77.83 (1) (a) (intro.) and 1 of the statutes are amended to read:

77.83 (1) (a) (intro.) An owner may designate one area in a parcel of managed forest land as closed to public access. ~~All of an owner's contiguous acreage in a municipality shall be considered a single parcel for purposes of this section.~~ A closed area may consist of either:

1. ~~Not more than~~ A maximum of 80 contiguous acres in the municipality.

SECTION 10. 77.88 (5) (a) (intro.) of the statutes is amended to read:

77.88 (5) (a) (intro.) ~~For~~ Except as provided in par. (am), for land withdrawn during an initial managed forest land order, the withdrawal tax shall be the higher of the following:

SECTION 11. 77.88 (5) (am) of the statutes is created to read:

77.88 (5) (am) For land that is withdrawn within 10 years after the date on which an initial managed forest land order was issued under s. 77.82 (8) for a petition approved under s. 77.82 (7) (d), the withdrawal tax shall be the higher of the following:

1. The amount calculated under par. (a).

2. The amount calculated under s. 77.10 (2) that would have applied to the land on the date on which the order was issued for the land under s. 77.82 (8).

SECTION 11m. Initial applicability. The treatment of section 77.83 (1) (a) (intro.) and 1 of the statutes first applies to lands designated as managed forest lands on the effective date of this SECTION.

SECTION 12. Effective dates. This act takes effect on the day after publication, except as follows:

(1) The repeal and recreation of section 77.82 (7) (c) of the statutes takes effect on April 1, 1994.