



Soon

2005 – 2006 LEGISLATURE

LRBb0270/3  
MGG/PG:wlj:jl

4  
↑

LFB:.....Hotynski – Expenditures from forestry revenues

FOR 2005-07 BUDGET -- NOT READY FOR INTRODUCTION

ASSEMBLY AMENDMENT ,

TO 2005 ASSEMBLY BILL 100

Today please

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 300, line 6: after that line insert:

3 “SECTION 156m. 20.143 (1) (t) of the statutes is repealed.”.

4 **2.** Page 316, line 10: after that line insert:

5 “SECTION 221m. 20.292 (1) (km) of the statutes is created to read:

6 20.292 (1) (km) *Master logger apprenticeship grants*. All moneys transferred  
7 under s. 28.085 (5) for master logger apprenticeship grants under s. 38.04 (29).”.

8 **3.** Page 317, line 14: after that line insert:

9 “SECTION 225g. 20.370 (1) (cx) of the statutes is amended to read:

10 20.370 (1) (cx) *Forestry – management plans*. All moneys received under s.

11 77.82 (2m) (dm) ~~less the amount to be credited to the appropriation under par. (m).~~ *as calculated*

Insert 2-2 ✓

1 for payment for management plans prepared by plan writers who are under contract  
2 with the department under s. 77.82 (3).

3 SECTION 225m. 20.370 (1) (cz) of the statutes is created to read:

4 20.370 (1) (cz) Forestry — timber sale revenue. All moneys received, in excess  
5 of \$3,770,000 for each fiscal year, from the sale of timber from state forests and other  
6 state-owned lands under the supervision, management, or control of the division of  
7 forestry for the programs and purposes under s. 28.085.

8 SECTION 225p. 20.370 (1) (cz) of the statutes, as created by 2005 Wisconsin Act

9 (this act), is amended to read:

not...

10 20.370 (1) (cz) Forestry — timber sale revenue. All moneys received, in excess  
11 of \$3,770,000 for each fiscal year, from the sale of timber from state forests and other  
12 state-owned lands under the supervision, management, or control of the division of  
13 forestry for the programs and purposes under s. 28.085.

14 4. Page 318, line 11: after that line insert:

15 "SECTION 230m. 20.370 (1) (mv) of the statutes is amended to read:

16 20.370 (1) (mv) General program operations — state funds; forestry. The  
17 amounts in the schedule for general program operations that relate to the  
18 management and protection of the state's forestry resources and that are conducted  
19 under ss. 23.09 to 23.11 and 27.01, subch. VI of ch. 77, and chs. 26 and 28. All moneys  
20 specified under s. 77.82 (2m) (dm) 2. shall be credited to this appropriation."

21 5. Page 383, line 18: after that line insert:

22 "SECTION 490m. 23.09 (18m) of the statutes is created to read:

23 23.09 (18m) MANAGED FOREST LAND AIDS FOR CLOSED LANDS. (a) In this  
24 subsection "municipality" means a town, village, or city.

Insert 2-20 ✓

1 (b) ~~For fiscal year 2005-06 and fiscal year 2006-07,~~ from the appropriation  
2 under s. 20.370 (1) (mv), the department shall make payments to each municipality  
3 that has land entered on the tax roll as closed land under s. 77.84 (1) on July 1 of the  
4 applicable fiscal year.

5 (c) The amount of the payment made in a fiscal year to an eligible municipality  
6 shall equal the municipality's proportionate share of the annual amount. The  
7 annual amount for fiscal year 2005-06 is \$1,213,000. The annual amount for fiscal  
8 year 2006-07 and for each subsequent year is \$1,113,000.

9 (d) An eligible municipality's proportionate share shall equal the number of  
10 acres within its boundaries that is entered on the tax roll as closed land under s. 77.84  
11 (1) on July 1 of the fiscal year, divided by the total number of acres that is entered  
12 on the tax roll as closed land under s. 77.84 (1) throughout the state on that same  
13 date, multiplied by the applicable annual amount as specified under par. (c).

14 (e) Each municipality shall pay to the county in which the municipality is  
15 located 20 percent of the amounts the municipality receives under this subsection for  
16 closed land located in that county.”.

17 **6.** Page 395, line 10: after that line insert:

18 “SECTION 541b. 26.385 of the statutes is created to read:

19 **26.385 Forestry research and development grants.** (1) In this section,  
20 “forestry biomass” means byproducts and waste generated by the practice of forestry  
21 on forestry lands.

22 (2) The department may use the moneys allocated under s. 28.085 (2) for grants  
23 to nonprofit organizations experienced in the commercialization of energy  
24 technologies for any of the following projects:

1 (a) Research and development of technologies for using forestry biomass as  
2 energy sources.

3 (b) Encouraging the use of forestry biomass as energy sources.

4 (c) Increasing the beneficial use of forestry biomass.

5 (d) Encouraging the development of biochemicals from forestry biomass.

6 (3) The department may provide the recipient of a grant under this section with  
7 not more than \$300,000, of which not more than \$150,000 may be for planning and  
8 not more than \$150,000 may be for implementation.

*unless the application of these limitations interferes with the receipt or use of federal funding*

9 (4) The department may provide funding only for grants under this section that  
10 match funding provided by the federal government for forestry biomass research and  
11 development.

12 (5) The total amount of federal funding and funding from a grant under this  
13 section may not exceed 50 percent of the total cost of the project.

*unless the application of this limitation interferes with the receipt or use of federal funding*

14 **SECTION 541c.** 26.39 (title) of the statutes is amended to read:

15 **26.39 (title) Forestry education and training.**

16 **SECTION 541d.** 26.39 (4) (title) of the statutes is repealed.

17 **SECTION 541e.** 26.39 (4) (a) of the statutes is repealed.

18 **SECTION 541f.** 26.39 (4) (b) of the statutes is renumbered 28.06 (2m) (b) and  
19 amended to read:

20 28.06 (2m) (b) For fiscal year 2002–03 and each fiscal year thereafter, the  
21 department shall credit 50% of the moneys received as surcharges under s. 28.06  
22 (2m) par. (a) during the applicable fiscal year to the appropriation account under s.  
23 20.370 (1) (cu) and the remaining 50% to the appropriation account under s. 20.370  
24 (1) (cv).

25 **SECTION 541h.** 26.39 (5) of the statutes is created to read:

1           26.39 (5) FUNDING FOR SCHOOL FORESTS. The department shall use the moneys  
2 allocated under s. 28.085 (4) to provide funding to school districts that have school  
3 forests for the purposes of maintaining the school forests and for transporting pupils  
4 to and from the school forests. The department shall promulgate rules to implement  
5 and administer this subsection, including educational and forest management  
6 requirements that school districts must meet to receive funding under this  
7 subsection.

8           **SECTION 541j.** 26.39 (6) of the statutes is created to read:

9           26.39 (6) FORESTRY INTERNSHIPS. The department shall use the moneys  
10 allocated under s. 28.085 (6) to provide internships to University of Wisconsin  
11 System students who are enrolled in a course of study that will result in a bachelor's  
12 or higher degree in forestry. The department shall promulgate rules establishing the  
13 application process and the criteria for receipt of an internship under this subsection.

14           **SECTION 541m.** 26.39 (7) of the statutes is created to read:

15           26.39 (7) LOGGING CERTIFICATION SCHOLARSHIPS. (a) From the appropriation  
16 under s. 20.370 (1) (mv), <sup>(5)(ax)</sup> the department shall establish a scholarship grant program  
17 to assist individuals who are seeking certification by the Wisconsin Professional  
18 Loggers Association as master loggers. A scholarship grant under the program may  
19 not exceed 50 percent of the total cost of receiving the certification. The department  
20 shall promulgate rules that establish criteria for the program.

21           (b) The department shall allocate \$50,000 for fiscal year 2005–06 and \$150,000  
22 for each subsequent fiscal year for scholarship grants under this program.”.

23           **7.** Page 397, line 24: after that line insert:

24           **“SECTION 557d.** 28.042 of the statutes is created to read:

1           **28.042 Forestry inventory; implementation.** (1) The department shall  
2 undertake and maintain an inventory of forested areas on land owned by the state,  
3 including the areas of timber in these forested areas that have been or are to be  
4 harvested for purposes of state forestry management.

5           (2) The department, in performing its duties under this chapter, shall give  
6 priority to the completion of the inventory described in sub. (1) and the completion  
7 of the harvesting of timber that has been identified for harvesting in this inventory.

8           **SECTION 557g.** 28.06 (2m) of the statutes is renumbered 28.06 (2m) (a) and  
9 amended to read:

10           28.06 (2m) (a) A person who purchases a seedling under sub. (2) shall pay, in  
11 addition to the price of the seedling charged under sub. (2), a surcharge for each  
12 seedling purchased. Beginning on September 1, 2001, and ending on June 30, 2002,  
13 the surcharge shall be 2 cents for each seedling. Beginning on July 1, 2002, the  
14 surcharge shall be 3 cents for each seedling. All surcharges collected under this  
15 subsection paragraph shall be deposited in the conservation fund.

16           **SECTION 557m.** 28.085 of the statutes is created to read:

17           **28.085 Timber sales; use of revenues.** From the appropriation under s.  
18 20.370 ~~(1)(cz)~~ <sup>(5)(az)</sup>, the department shall do all of the following:

19           (1) Allocate for private forest grants under s. 26.38 for each fiscal year,  
20 beginning with fiscal year 2005–06, \$400,000 or the amount available under the  
21 appropriation for the fiscal year, whichever is less.

22           (2) After allocating the amount required under sub. (2), allocate for forestry  
23 research and development grants under s. 26.385 the following amounts:

24           (a) For fiscal year 2006–07, \$500,000 or the remaining amount available under  
25 the appropriation for fiscal year 2006–07, whichever is less.

1 (b) For fiscal year 2007–08, \$3,500,000 or the remaining amount available  
2 under the appropriation for fiscal year 2007–08, whichever is less.

3 (3) After allocating the amounts required under subs. (1) and (2), allocate for  
4 the forestry education grant program under s. 26.40 for each fiscal year, beginning  
5 with fiscal year 2005–06, \$250,000 or the remaining amount available under the  
6 appropriation for the fiscal year, whichever is less.

7 (4) After allocating the amounts required under subs. (1) to (3), allocate for  
8 school forest transportation funding under s. 26.39 (5) for each fiscal year, beginning  
9 with fiscal year 2005–06, \$446,000 or the remaining amount available under the  
10 appropriation for the fiscal year, whichever is less.

11 (5) After allocating the amounts required under subs. (1) to (4), allocate for  
12 transfer to the appropriation under s. 20.292 (1) (km) for master logger  
13 apprenticeship grants under s. 38.04 (29) for each fiscal year, beginning with fiscal  
14 year 2005–06, \$100,000 or the remaining amount available under the appropriation  
15 for the fiscal year, whichever is less.

16 (6) After allocating the amounts required under subs. (1) to (5), allocate for  
17 forestry internships under s. 26.39 (6) for each fiscal year, beginning with fiscal year  
18 2005–06, \$100,000 or the remaining amount available under the appropriation for  
19 the fiscal year, whichever is less.”.

20 **8.** Page 426, line 2: after that line insert:

21 “SECTION 707m. 38.04 (29) of the statutes is created to read:

22 38.04 (29) MASTER LOGGER APPRENTICESHIP GRANTS. The board shall use the  
23 moneys appropriated under s. 20.292 (1) (km) to award grants to businesses that  
24 provide technical college students with forest product internships for the purpose of

1 placing eligible apprentices with loggers who are certified by the Wisconsin  
2 Professional Loggers Association as master loggers.”.

3 **9.** Page 839, line 2: after that line insert:

4 “**SECTION 1684b.** 77.81 (2m) of the statutes is created to read:

5 77.81 (2m) “Independent certified plan writer” means a plan writer certified  
6 by the department but who is not acting under contract with the department under  
7 s. 77.82 (3) (g).

8 **SECTION 1684c.** 77.82 (2) (i) of the statutes is amended to read:

9 77.82 (2) (i) If a proposed management plan is not submitted with the petition,  
10 a request that the department prepare a management plan. The department may  
11 decline to prepare the plan.

12 **SECTION 1684d.** 77.82 (2m) (a) of the statutes is repealed and recreated to read:

13 77.82 (2m) (a) 1. A petition under sub. (2), (4m), or (12) shall be accompanied  
14 by a nonrefundable application recording fee of \$20 unless a different amount for the  
15 recording fee is established by the department by rule at an amount equal to the  
16 average expense to the department for recording an order issued under this  
17 subchapter.

18 2. If a petition under sub. (2), (4m), or (12) is not accompanied by a proposed  
19 management plan that meets the requirements under par. (c), the department shall  
20 charge the plan preparation fee established under par. (am).  
*if the department agrees to complete the plan*

21 **SECTION 1684e.** 77.82 (2m) (am) of the statutes is created to read:

22 77.82 (2m) (am) The department shall by rule establish on an annual basis a  
23 nonrefundable fee that the department shall charge for a management plan  
24 prepared by the department, including any plan prepared by a certified plan writer

1 contracted by the department under sub. (3) (g). The fee shall be based on the  
2 comparable commercial market rate that is charged for preparation of such  
3 management plans.

4 **SECTION 1684f.** 77.82 (2m) (b) of the statutes, as affected by 2003 Wisconsin  
5 Act 228, is repealed.

6 **SECTION 1684g.** 77.82 (2m) (c) (intro.) of the statutes is amended to read:

7 77.82 (2m) (c) (intro.) A proposed management plan that ~~qualifies for the~~  
8 ~~reduced fee under par. (b)~~ is exempt from the plan preparation fee under par. (a) 2.  
9 shall be one of the following:

10 **SECTION 1684j.** 77.82 (2m) (c) of the statutes, as affected by 2003 Wisconsin Act  
11 228 and 2005 Wisconsin Act ... (this act), is repealed and recreated to read:

12 77.82 (2m) (c) A proposed management plan is exempt from the plan  
13 preparation fee under par. (a) 2. if it is prepared by an independent certified plan  
14 writer.

15 **SECTION 1684h.** 77.82 (2m) (c) 4. of the statutes is created to read:

16 77.82 (2m) (c) 4. A proposed management plan prepared by an independent  
17 certified plan writer.

18 **SECTION 1684k.** 77.82 (2m) (d) 1. of the statutes is renumbered 77.82 (2m) (d)  
19 and amended to read:

20 77.82 (2m) (d) ~~All the fees collected under this subsection shall be deposited~~  
21 ~~in the conservation fund.~~ All of the recording fees collected under par. (b) and \$20  
22 of each \$300 fee collected under par. (a) 1. shall be credited to the appropriation under  
23 s. 20.370 (1) (cr), ~~except as provided under subd. 2.~~

24 **SECTION 1684m.** 77.82 (2m) (d) 2. of the statutes is repealed.

1           **SECTION 1684n.** 77.82 (2m) (dm) of the statutes is renumbered 77.82 (2m) (dm)  
2 1. and amended to read:

3           77.82 **(2m)** (dm) 1. The fees Of each fee \$208 or the entire fee, whichever is less,  
4 that is collected under pars. par. (a) and or (e) that are is not credited to the  
5 appropriation under s. 20.370 (1) (cr) shall be credited to the appropriation under s.  
6 20.370 (1) (cx).

7           **SECTION 1684p.** 77.82 (2m) (dm) 2. of the statutes is created to read:

8           77.82 **(2m)** (dm) 2. Any amount not credited to the appropriation under s.  
9 20.370 (1)(cx), as calculated in subd. 1., shall be credited to the appropriation under  
10 s. 20.370 (1) (mv). *deposited into the conservation fund for forestry purposes*

11           **SECTION 1684q.** 77.82 (2m) (e) of the statutes is amended to read:

12           77.82 **(2m)** (e) If a proposed management plan accompanying a petition filed  
13 under sub. (2), (4m), or (12) is not approved by the department under its initial review  
14 under sub. (3) (a), and if the department agrees to complete the management plan  
15 under sub. (3) (a), the department shall collect from the petitioner a fee in an amount  
16 equal to \$300 less the amount the petitioner paid under par. (b) the plan preparation  
17 fee established under par. (am), if the petitioner has not previously paid the fee.

18           **SECTION 1684r.** 77.82 (3) (a) of the statutes is amended to read:

19           77.82 **(3)** (a) ~~The petitioner may submit a~~ A proposed management plan for may  
20 cover the entire acreage of each parcel with subject to the petition. The department,  
21 after considering the owner's forest management objectives as stated under sub. (2)  
22 (e), shall review and either approve or disapprove the proposed management plan.  
23 If the department disapproves ~~a~~ the plan, it shall inform the petitioner of the  
24 changes necessary to qualify the plan for approval upon subsequent review. At the  
25 request of the petitioner, the department may agree to complete the proposed

1 management plan that has been prepared by an independent certified plan writer.  
2 The department shall complete any proposed management plan prepared by the  
3 department.

4 **SECTION 1684s.** 77.82 (3) (b) of the statutes is repealed.

5 **SECTION 1684t.** 77.82 (3) (c) (intro.) of the statutes, as affected by 2005  
6 Wisconsin Act 228, is amended to read:

7 77.82 (3) (c) (intro.) To qualify for approval, a management plan shall be  
8 prepared by ~~a~~ an independent certified plan writer certified by the department or  
9 prepared by the department itself and shall include all of the following:

10 **SECTION 1684u.** 77.82 (3) (g) of the statutes is amended to read:

11 77.82 (3) (g) The department shall certify plan writers and shall promulgate  
12 rules specifying the qualifications that a person must satisfy to become a certified  
13 plan writer. For management plans prepared by the department under this  
14 subsection, the department may contract with plan writers certified by the  
15 department to prepare and complete these plans.

16 **SECTION 1684v.** 77.82 (4m) (d) of the statutes is amended to read:

17 77.82 (4m) (d) An owner of land who has filed a conversion petition under this  
18 subsection and ~~who has requested that~~ for whom the department prepare is  
19 preparing or completing a management plan under sub- (3) (b) may withdraw the  
20 request and not have it prepared by the department an independent certified plan  
21 writer if the owner determines that the department is not preparing the  
22 management plan in a timely manner.

23 **SECTION 1684w.** 77.82 (7) (c) 3. of the statutes, as created by 2003 Wisconsin  
24 Act 228, is amended to read:

1           77.82 (7) (c) 3. Except as provided in par. (d), if a petition is received on or before  
2 May 15 of any year from a petitioner who owns less than 1,000 acres in this state,  
3 who, before the deadline established by the department by rule, submitted a draft  
4 management plan prepared by ~~a plan writer certified by the department~~ an  
5 independent certified plan writer, and who submits a completed plan, as defined by  
6 the department by rule, with the petition, the department shall investigate and shall  
7 either approve the petition and issue the order under sub. (8) or deny the petition  
8 before the following November 21.”.

9           **10.** Page 1030, line 12: after that line insert:

10           “**SECTION 2361m.** 560.18 of the statutes is renumbered 26.40, and 26.40 (1m),  
11 as renumbered, is amended to read:

12           26.40 (1m) ~~From the appropriation under s. 20.143 (1) (t), the~~ The department  
13 may award grants to nonprofit organizations to develop forestry educational  
14 programs and instructional materials for use in the public schools. The department  
15 may not award a grant unless it enters into a memorandum of understanding with  
16 the grant recipient and the director of the timber management program at the  
17 University of Wisconsin–Stevens Point regarding the use of the funds.”.

18           **11.** Page 1087, line 5: after that line insert:

19           “(4p) EMERGENCY RULES FOR FEES FOR MANAGED FOREST LAND PLANS. Using the  
20 procedure under section 227.24 of the statutes, the department of natural resources  
21 shall promulgate the rule required under section 77.82 (2m) (am) of the statutes, as  
22 created by this act, for the period before the effective date of the permanent rule  
23 promulgated under section 77.82 (2m) (am) of the statutes, as created by this act, but  
24 not to exceed the period authorized under section 227.24 (1) (c) and (2) of the statutes.

1 Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the statutes, the department  
2 of natural resources is not required to provide evidence that promulgating a rule  
3 under this subsection as an emergency rule is necessary for the preservation of the  
4 public peace, health, safety, or welfare and is not required to provide a finding of  
5 emergency for a rule promulgated under this subsection.

6 (5p) PAPER INDUSTRY HALL OF FAME. From the appropriation under section 20.370  
7 ~~(1) (mv)~~ <sup>(5) (ax) ✓</sup> of the statutes, as affected by this act, the department of natural resources  
8 shall provide \$100,000 in fiscal year 2006–07 to the Paper Industry International  
9 Hall of Fame, Inc., in the city of Appleton for the development and operation of an  
10 exhibit in the hall known as the Paper Discovery Center.

11 (6p) MECHANIZED EQUIPMENT TRAINING PROGRAM. From the appropriation under  
12 ~~(1) (mv)~~ <sup>(5) (ax) ✓</sup> section 20.370 (1) (mv) of the statutes, as affected by this act, the department of  
13 natural resources shall provide \$150,000 in fiscal year 2005–06 and \$50,000 in fiscal  
14 year 2006–07 to the North Central Technical College to initiate a program, designed  
15 in collaboration with the Fox Valley Technical College, to train students to use  
16 mechanized equipment for the harvesting of timber.”.

17 **12.** Page 1114, line 22: after that line insert:

18 “(2k) MANAGED FOREST LAND PETITIONS. The treatment of sections 20.370 (1) (cx)  
19 and ~~(mv)~~ <sup>(5) (br) ✓</sup> 77.81 (2m), and 77.82 (2) (i), (2m) (a), (am), (b), (d) 1. and 2., and (e), (3) (a),  
20 (b), and (g), and (4m) (d) of the statutes, the renumbering and amendment of section  
21 77.82 (2m) (dm) of the statutes, the amendment of section 77.82 (2m) (c) (intro.) of  
22 the statutes, and the creation of section 77.82 (2m) (c) 4. and (dm) 2. of the statutes  
23 first apply to petitions that are submitted under the managed forest land program

1 on June 1, 2005, for initial designations, for conversions of forest croplands to  
2 managed forest land, and for renewing orders designating managed forest land.”.

3 **13.** Page 1127, line 17: after that line insert:

4 “(7k) TIMBER SALE REVENUES. The amendment of section 20.370 ~~(1)~~ <sup>(5)(az)</sup> ~~(cz)~~ of the  
5 statutes takes effect on June 30, 2007.

6 (8k) MANAGED FOREST LAND PETITIONS. The treatment of section 77.82 (3) (c)  
7 (intro.) and (7) (c) 3. of the statutes and the repeal and recreation of section 77.82 (2m)  
8 (c) of the statutes take effect on November 1, 2005.”.

9

(END)

**2005–2006 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRBb0270/4ins.  
RNK:.....

**INSERT 2-2**

~~1.~~ Page 321, line 15: after that line insert:

“**SECTION 246g.** 20.370 (5) (ax) of the statutes is created to read:

20.370 (5) (ax) *Resource aids — forestry education.* The amounts in the schedule for forestry education and professional development.

**INSERT 2-20**

**SECTION 246t.** 20.370 (5) (br) of the statutes is amended to read:

20.370 (5) (br) *Resource aids — forest croplands and managed forest land aids.*

The amounts in the schedule for local aids to counties under s. 23.09 (18) and for managed forest land aids under s. 23.09 (18). ✓ ✓ 18m

**History:** 1971 c. 40, 95; 1971 c. 125 ss. 101 to 121, 522 (1); 1971 c. 211, 215, 277, 330, 336; 1973 c. 12 s. 37; 1973 c. 90, 100; 1973 c. 243 s. 82; 1973 c. 296, 298, 301, 318, 333, 336; 1975 c. 8, 39, 51, 91, 198; 1975 c. 224 ss. 7d, 7f, 7m, 17 to 19p; 1977 c. 29 ss. 181 to 234, 1657 (34); 1977 c. 274, 370, 374, 376, 377; 1977 c. 418 ss. 95 to 110, 929 (37); 1977 c. 421, 432; 1977 c. 447 ss. 42 to 44, 210; 1979 c. 34 ss. 199 to 322, 2102 (39) (a); 1979 c. 221; 1979 c. 361 s. 113; 1981 c. 1, 20, 86, 95, 131, 294, 330; 1981 c. 374 ss. 6, 7, 148, 150; 1983 a. 27 ss. 216m to 269, 2202 (23); 1983 a. 75, 181, 243, 397; 1983 a. 410 ss. 5m to 11, 2202 (38); 1983 a. 413; 1983 a. 416 ss. 1, 19; 1983 a. 426; 1985 a. 16, 22; 1985 a. 29 ss. 282d to 356, 3202 (26) (a), (39) (a), (c), (dm), (i); 1985 a. 46, 60, 65, 120, 202, 296; 1987 a. 27, 98, 110, 290, 295, 298, 305; 1987 a. 312 s. 17; 1987 a. 384, 397, 399, 403, 418; 1989 a. 31, 128, 284, 288, 326; 1989 a. 335 ss. 22nn to 30g, 89; 1989 a. 336, 350, 359, 366; 1991 a. 32; 1991 a. 39 ss. 326b to 394, 594c; 1991 a. 254, 269, 300, 309, 315; 1993 a. 16, 75, 166, 213, 343, 349, 415, 421, 453, 464; 1993 a. 490 ss. 18, 271; 1995 a. 27, 201, 225, 227, 296, 378, 459; 1997 a. 27, 35; 1997 a. 237 ss. 33 to 38d, 727g; 1997 a. 248; 1999 a. 9, 32, 74, 92; 1999 a. 150 s. 672; 1999 a. 185; 2001 a. 16, 56, 92, 108, 109; 2003 a. 33, 228, 251, 310, 314, 321, 327.

## Gibson-Glass, Mary

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**From:** Gibson-Glass, Mary  
**Sent:** Wednesday, June 15, 2005 1:50 PM  
**To:** Hinz, Daryl; Hotynski, Rebecca  
**Cc:** Kite, Robin  
**Subject:** b0270/4

I have had a chance to review b0270/4 and found two small changes so there will be a /5. The changes are

1. The cross-reference in s. 20.370 (5) (br) in the underlined portion should be to s. 23.09 (18m), not 23.09 (18).
2. Robin deleted 20.370 (1) (mv) and substituted 20.370 (5) (br) in the initial applicability provision. But (5) (br) has nothing to do with managed forest petitions. So (1) (mv) should have simply been deleted and therefore, I am taking out (5) (br).

I hope this clear but feel free to call me with any questions.

Mary Gibson-Glass  
Senior Legislative Attorney  
Legislative Reference Bureau  
608 267 3215

now

LFB:.....Hotynski – Expenditures from forestry revenues

FOR 2005-07 BUDGET -- NOT READY FOR INTRODUCTION

**ASSEMBLY AMENDMENT ,  
TO 2005 ASSEMBLY BILL 100**

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 300, line 6: after that line insert:

3 “**SECTION 156m.** 20.143 (1) (t) of the statutes is repealed.”.

4 **2.** Page 316, line 10: after that line insert:

5 “**SECTION 221m.** 20.292 (1) (km) of the statutes is created to read:

6 20.292 (1) (km) *Master logger apprenticeship grants.* All moneys transferred  
7 under s. 28.085 (5) for master logger apprenticeship grants under s. 38.04 (29).”.

8 **3.** Page 317, line 14: after that line insert:

9 “**SECTION 225g.** 20.370 (1) (cx) of the statutes is amended to read:

1           20.370 (1) (cx) *Forestry — management plans.* All moneys received as  
2 calculated under s. 77.82 (2m) (dm) 1, for payment for management plans prepared  
3 by plan writers who are under contract with the department under s. 77.82 (3).”.

4           **4.** Page 321, line 15: after that line insert:

5           “**SECTION 246g.** 20.370 (5) (ax) of the statutes is created to read:

6           20.370 (5) (ax) *Resource aids — forestry education.* The amounts in the  
7 schedule for forestry education and professional development.

8           **SECTION 246m.** 20.370 (5) (az) of the statutes is created to read:

9           20.370 (5) (az) *Resource aids — forestry; timber sale revenue.* All moneys  
10 received, in excess of \$3,770,000 for each fiscal year, from the sale of timber from  
11 state forests and other state-owned lands under the supervision, management, or  
12 control of the division of forestry for the programs and purposes under s. 28.085.

13           **SECTION 246p.** 20.370 (5) (az) of the statutes, as created by 2005 Wisconsin Act  
14 .... (this act), is amended to read:

15           20.370 (5) (az) *Resource aids — forestry; timber sale revenue.* All moneys  
16 received, ~~in excess of \$3,770,000 for each fiscal year,~~ from the sale of timber from  
17 state forests and other state-owned lands under the supervision, management, or  
18 control of the division of forestry for the programs and purposes under s. 28.085.

19           **SECTION 246t.** 20.370 (5) (br) of the statutes is amended to read:

20           20.370 (5) (br) *Resource aids — forest croplands and managed forest land aids.*

21 The amounts in the schedule for local aids to counties under s. 23.09 (18) and for  
22 managed forest land aids under s. 23.09 (18).” (18m)

23           **5.** Page 383, line 18: after that line insert:

24           “**SECTION 490m.** 23.09 (18m) of the statutes is created to read:

1           **23.09 (18m)** MANAGED FOREST LAND AIDS FOR CLOSED LANDS. (a) In this  
2 subsection “municipality” means a town, village, or city.

3           (b) From the appropriation under s. 20.370 (5) (br), the department shall make  
4 payments to each municipality that has land entered on the tax roll as closed land  
5 under s. 77.84 (1) on July 1 of the applicable fiscal year.

6           (c) The amount of the payment made in a fiscal year to an eligible municipality  
7 shall equal the municipality’s proportionate share of the annual amount. The  
8 annual amount for fiscal year 2005–06 is \$1,213,000. The annual amount for fiscal  
9 year 2006–07 and for each subsequent year is \$1,113,000.

10           (d) An eligible municipality’s proportionate share shall equal the number of  
11 acres within its boundaries that is entered on the tax roll as closed land under s. 77.84  
12 (1) on July 1 of the fiscal year, divided by the total number of acres that is entered  
13 on the tax roll as closed land under s. 77.84 (1) throughout the state on that same  
14 date, multiplied by the applicable annual amount as specified under par. (c).

15           (e) Each municipality shall pay to the county in which the municipality is  
16 located 20 percent of the amounts the municipality receives under this subsection for  
17 closed land located in that county.”.

18           **6.** Page 395, line 10: after that line insert:

19           “**SECTION 541b.** 26.385 of the statutes is created to read:

20           **26.385 Forestry research and development grants.** (1) In this section,  
21 “forestry biomass” means byproducts and waste generated by the practice of forestry  
22 on forestry lands.

1           (2) The department may use the moneys allocated under s. 28.085 (2) for grants  
2 to nonprofit organizations experienced in the commercialization of energy  
3 technologies for any of the following projects:

4           (a) Research and development of technologies for using forestry biomass as  
5 energy sources.

6           (b) Encouraging the use of forestry biomass as energy sources.

7           (c) Increasing the beneficial use of forestry biomass.

8           (d) Encouraging the development of biochemicals from forestry biomass.

9           (3) The department may provide the recipient of a grant under this section with  
10 not more than \$300,000, of which not more than \$150,000 may be for planning and  
11 not more than \$150,000 may be for implementation, unless the application of these  
12 limitations interferes with the receipt or use of federal funding.

13           (4) The department may provide funding only for grants under this section that  
14 match funding provided by the federal government for forestry biomass research and  
15 development.

16           (5) The total amount of federal funding and funding from a grant under this  
17 section may not exceed 50 percent of the total cost of the project, unless the  
18 application of this limitation interferes with the receipt or use of federal funding.

19           **SECTION 541c.** 26.39 (title) of the statutes is amended to read:

20           **26.39 (title) Forestry education and training.**

21           **SECTION 541d.** 26.39 (4) (title) of the statutes is repealed.

22           **SECTION 541e.** 26.39 (4) (a) of the statutes is repealed.

23           **SECTION 541f.** 26.39 (4) (b) of the statutes is renumbered 28.06 (2m) (b) and  
24 amended to read:

1           28.06 (2m) (b) For fiscal year 2002–03 and each fiscal year thereafter, the  
2 department shall credit 50% of the moneys received as surcharges under ~~s. 28.06~~  
3 ~~(2m) par. (a)~~ during the applicable fiscal year to the appropriation account under s.  
4 20.370 (1) (cu) and the remaining 50% to the appropriation account under s. 20.370  
5 (1) (cv).

6           **SECTION 541h.** 26.39 (5) of the statutes is created to read:

7           26.39 (5) FUNDING FOR SCHOOL FORESTS. The department shall use the moneys  
8 allocated under s. 28.085 (4) to provide funding to school districts that have school  
9 forests for the purposes of maintaining the school forests and for transporting pupils  
10 to and from the school forests. The department shall promulgate rules to implement  
11 and administer this subsection, including educational and forest management  
12 requirements that school districts must meet to receive funding under this  
13 subsection.

14           **SECTION 541j.** 26.39 (6) of the statutes is created to read:

15           26.39 (6) FORESTRY INTERNSHIPS. The department shall use the moneys  
16 allocated under s. 28.085 (6) to provide internships to University of Wisconsin  
17 System students who are enrolled in a course of study that will result in a bachelor's  
18 or higher degree in forestry. The department shall promulgate rules establishing the  
19 application process and the criteria for receipt of an internship under this subsection.

20           **SECTION 541m.** 26.39 (7) of the statutes is created to read:

21           26.39 (7) LOGGING CERTIFICATION SCHOLARSHIPS. (a) From the appropriation  
22 under s. 20.370 (5) (ax), the department shall establish a scholarship grant program  
23 to assist individuals who are seeking certification by the Wisconsin Professional  
24 Loggers Association as master loggers. A scholarship grant under the program may

1 not exceed 50 percent of the total cost of receiving the certification. The department  
2 shall promulgate rules that establish criteria for the program.

3 (b) The department shall allocate \$50,000 for fiscal year 2005–06 and \$150,000  
4 for each subsequent fiscal year for scholarship grants under this program.”.

5 **7.** Page 397, line 24: after that line insert:

6 “**SECTION 557d.** 28.042 of the statutes is created to read:

7 **28.042 Forestry inventory; implementation.** (1) The department shall  
8 undertake and maintain an inventory of forested areas on land owned by the state,  
9 including the areas of timber in these forested areas that have been or are to be  
10 harvested for purposes of state forestry management.

11 (2) The department, in performing its duties under this chapter, shall give  
12 priority to the completion of the inventory described in sub. (1) and the completion  
13 of the harvesting of timber that has been identified for harvesting in this inventory.

14 **SECTION 557g.** 28.06 (2m) of the statutes is renumbered 28.06 (2m) (a) and  
15 amended to read:

16 28.06 (2m) (a) A person who purchases a seedling under sub. (2) shall pay, in  
17 addition to the price of the seedling charged under sub. (2), a surcharge for each  
18 seedling purchased. Beginning on September 1, 2001, and ending on June 30, 2002,  
19 the surcharge shall be 2 cents for each seedling. Beginning on July 1, 2002, the  
20 surcharge shall be 3 cents for each seedling. All surcharges collected under this  
21 subsection paragraph shall be deposited in the conservation fund.

22 **SECTION 557m.** 28.085 of the statutes is created to read:

23 **28.085 Timber sales; use of revenues.** From the appropriation under s.  
24 20.370 (5) (az), the department shall do all of the following:

1           **(1)** Allocate for private forest grants under s. 26.38 for each fiscal year,  
2 beginning with fiscal year 2005–06, \$400,000 or the amount available under the  
3 appropriation for the fiscal year, whichever is less.

4           **(2)** After allocating the amount required under sub. (2), allocate for forestry  
5 research and development grants under s. 26.385 the following amounts:

6           (a) For fiscal year 2006–07, \$500,000 or the remaining amount available under  
7 the appropriation for fiscal year 2006–07, whichever is less.

8           (b) For fiscal year 2007–08, \$3,500,000 or the remaining amount available  
9 under the appropriation for fiscal year 2007–08, whichever is less.

10          **(3)** After allocating the amounts required under subs. (1) and (2), allocate for  
11 the forestry education grant program under s. 26.40 for each fiscal year, beginning  
12 with fiscal year 2005–06, \$250,000 or the remaining amount available under the  
13 appropriation for the fiscal year, whichever is less.

14          **(4)** After allocating the amounts required under subs. (1) to (3), allocate for  
15 school forest transportation funding under s. 26.39 (5) for each fiscal year, beginning  
16 with fiscal year 2005–06, \$446,000 or the remaining amount available under the  
17 appropriation for the fiscal year, whichever is less.

18          **(5)** After allocating the amounts required under subs. (1) to (4), allocate for  
19 transfer to the appropriation under s. 20.292 (1) (km) for master logger  
20 apprenticeship grants under s. 38.04 (29) for each fiscal year, beginning with fiscal  
21 year 2005–06, \$100,000 or the remaining amount available under the appropriation  
22 for the fiscal year, whichever is less.

23          **(6)** After allocating the amounts required under subs. (1) to (5), allocate for  
24 forestry internships under s. 26.39 (6) for each fiscal year, beginning with fiscal year

1 2005–06, \$100,000 or the remaining amount available under the appropriation for  
2 the fiscal year, whichever is less.”.

3 **8.** Page 426, line 2: after that line insert:

4 “**SECTION 707m.** 38.04 (29) of the statutes is created to read:

5 38.04 (29) MASTER LOGGER APPRENTICESHIP GRANTS. The board shall use the  
6 moneys appropriated under s. 20.292 (1) (km) to award grants to businesses that  
7 provide technical college students with forest product internships for the purpose of  
8 placing eligible apprentices with loggers who are certified by the Wisconsin  
9 Professional Loggers Association as master loggers.”.

10 **9.** Page 839, line 2: after that line insert:

11 “**SECTION 1684b.** 77.81 (2m) of the statutes is created to read:

12 77.81 (2m) “Independent certified plan writer” means a plan writer certified  
13 by the department but who is not acting under contract with the department under  
14 s. 77.82 (3) (g).

15 **SECTION 1684c.** 77.82 (2) (i) of the statutes is amended to read:

16 77.82 (2) (i) If a proposed management plan is not submitted with the petition,  
17 a request that the department prepare a management plan. The department may  
18 decline to prepare the plan.

19 **SECTION 1684d.** 77.82 (2m) (a) of the statutes is repealed and recreated to read:

20 77.82 (2m) (a) 1. A petition under sub. (2), (4m), or (12) shall be accompanied  
21 by a nonrefundable application recording fee of \$20 unless a different amount for the  
22 recording fee is established by the department by rule at an amount equal to the  
23 average expense to the department for recording an order issued under this  
24 subchapter.

1           2. If a petition under sub. (2), (4m), or (12) is not accompanied by a proposed  
2 management plan that meets the requirements under par. (c), the department shall  
3 charge the plan preparation fee established under par. (am) if the department agrees  
4 to complete the plan.

5           **SECTION 1684e.** 77.82 (2m) (am) of the statutes is created to read:

6           77.82 (2m) (am) The department shall by rule establish on an annual basis a  
7 nonrefundable fee that the department shall charge for a management plan  
8 prepared by the department, including any plan prepared by a certified plan writer  
9 contracted by the department under sub. (3) (g). The fee shall be based on the  
10 comparable commercial market rate that is charged for preparation of such  
11 management plans.

12           **SECTION 1684f.** 77.82 (2m) (b) of the statutes, as affected by 2003 Wisconsin  
13 Act 228, is repealed.

14           **SECTION 1684g.** 77.82 (2m) (c) (intro.) of the statutes is amended to read:

15           77.82 (2m) (c) (intro.) A proposed management plan that ~~qualifies for the~~  
16 ~~reduced fee under par. (b)~~ is exempt from the plan preparation fee under par. (a) 2.  
17 shall be one of the following:

18           **SECTION 1684j.** 77.82 (2m) (c) of the statutes, as affected by 2003 Wisconsin Act  
19 228 and 2005 Wisconsin Act .... (this act), is repealed and recreated to read:

20           77.82 (2m) (c) A proposed management plan is exempt from the plan  
21 preparation fee under par. (a) 2. if it is prepared by an independent certified plan  
22 writer.

23           **SECTION 1684h.** 77.82 (2m) (c) 4. of the statutes is created to read:

24           77.82 (2m) (c) 4. A proposed management plan prepared by an independent  
25 certified plan writer.

1           **SECTION 1684k.** 77.82 (2m) (d) 1. of the statutes is renumbered 77.82 (2m) (d)  
2 and amended to read:

3           77.82 (2m) (d) ~~All the fees collected under this subsection shall be deposited~~  
4 ~~in the conservation fund.~~ All of the recording fees collected under ~~par. (b) and \$20~~  
5 ~~of each \$300 fee collected under par. (a) 1.~~ shall be credited to the appropriation under  
6 s. 20.370 (1) (cr), ~~except as provided under subd. 2.~~

7           **SECTION 1684m.** 77.82 (2m) (d) 2. of the statutes is repealed.

8           **SECTION 1684n.** 77.82 (2m) (dm) of the statutes is renumbered 77.82 (2m) (dm)  
9 1. and amended to read:

10           77.82 (2m) (dm) 1. ~~The fees~~ Of each fee \$300 or the entire fee, whichever is less,  
11 that is collected under ~~pars. par. (a) and or (e) that are~~ is not credited to the  
12 appropriation under s. 20.370 (1) (cr) shall be credited to the appropriation under s.  
13 20.370 (1) (cx).

14           **SECTION 1684p.** 77.82 (2m) (dm) 2. of the statutes is created to read:

15           77.82 (2m) (dm) 2. Any amount not credited to the appropriation under s.  
16 20.370 (1) (cx), as calculated in subd. 1., shall be deposited into the conservation fund  
17 for forestry purposes.

18           **SECTION 1684q.** 77.82 (2m) (e) of the statutes is amended to read:

19           77.82 (2m) (e) If a proposed management plan accompanying a petition filed  
20 under sub. (2), (4m), or (12) is not approved by the department under its initial review  
21 under sub. (3) (a), and if the department agrees to complete the management plan  
22 under sub. (3) (a), the department shall collect from the petitioner ~~a fee in an amount~~  
23 ~~equal to \$300 less the amount the petitioner paid under par. (b)~~ the plan preparation  
24 fee established under par. (am), if the petitioner has not previously paid the fee.

25           **SECTION 1684r.** 77.82 (3) (a) of the statutes is amended to read:

1           77.82 (3) (a) ~~The petitioner may submit a~~ A proposed management plan ~~for~~ may  
2           cover the entire acreage of each parcel ~~with~~ subject to the petition. The department,  
3           after considering the owner's forest management objectives as stated under sub. (2)  
4           (e), shall review and either approve or disapprove the proposed management plan.  
5           If the department disapproves ~~a~~ the plan, it shall inform the petitioner of the  
6           changes necessary to qualify the plan for approval upon subsequent review. At the  
7           request of the petitioner, the department may agree to complete the proposed  
8           management plan that has been prepared by an independent certified plan writer.  
9           The department shall complete any proposed management plan prepared by the  
10          department.

11           **SECTION 1684s.** 77.82 (3) (b) of the statutes is repealed.

12           **SECTION 1684t.** 77.82 (3) (c) (intro.) of the statutes, as affected by 2005  
13          Wisconsin Act 228, is amended to read:

14           77.82 (3) (c) (intro.) To qualify for approval, a management plan shall be  
15          prepared by ~~a~~ an independent certified plan writer ~~certified by the department~~ or  
16          prepared by the department ~~itself~~ and shall include all of the following:

17           **SECTION 1684u.** 77.82 (3) (g) of the statutes is amended to read:

18           77.82 (3) (g) The department shall certify plan writers and shall promulgate  
19          rules specifying the qualifications that a person must satisfy to become a certified  
20          plan writer. For management plans prepared by the department under this  
21          subsection, the department may contract with plan writers certified by the  
22          department to prepare and complete these plans.

23           **SECTION 1684v.** 77.82 (4m) (d) of the statutes is amended to read:

24           77.82 (4m) (d) An owner of land who has filed a conversion petition under this  
25          subsection and ~~who has requested that~~ for whom the department ~~prepare~~ is

1 preparing or completing a management plan ~~under sub. (3) (b)~~ may withdraw the  
2 request and ~~not~~ have it prepared by ~~the department~~ an independent certified plan  
3 writer if the owner determines that the department is not preparing the  
4 management plan in a timely manner.

5 **SECTION 1684w.** 77.82 (7) (c) 3. of the statutes, as created by 2003 Wisconsin  
6 Act 228, is amended to read:

7 77.82 (7) (c) 3. Except as provided in par. (d), if a petition is received on or before  
8 May 15 of any year from a petitioner who owns less than 1,000 acres in this state,  
9 who, before the deadline established by the department by rule, submitted a draft  
10 management plan prepared by ~~a plan writer certified by the department~~ an  
11 independent certified plan writer, and who submits a completed plan, as defined by  
12 the department by rule, with the petition, the department shall investigate and shall  
13 either approve the petition and issue the order under sub. (8) or deny the petition  
14 before the following November 21.”.

15 **10.** Page 1030, line 12: after that line insert:

16 “**SECTION 2361m.** 560.18 of the statutes is renumbered 26.40, and 26.40 (1m),  
17 as renumbered, is amended to read:

18 26.40 (1m) ~~From the appropriation under s. 20.143 (1) (t), the~~ The department  
19 may award grants to nonprofit organizations to develop forestry educational  
20 programs and instructional materials for use in the public schools. The department  
21 may not award a grant unless it enters into a memorandum of understanding with  
22 the grant recipient and the director of the timber management program at the  
23 University of Wisconsin–Stevens Point regarding the use of the funds.”.

24 **11.** Page 1087, line 5: after that line insert:

1           “(4p) EMERGENCY RULES FOR FEES FOR MANAGED FOREST LAND PLANS. Using the  
2 procedure under section 227.24 of the statutes, the department of natural resources  
3 shall promulgate the rule required under section 77.82 (2m) (am) of the statutes, as  
4 created by this act, for the period before the effective date of the permanent rule  
5 promulgated under section 77.82 (2m) (am) of the statutes, as created by this act, but  
6 not to exceed the period authorized under section 227.24 (1) (c) and (2) of the statutes.  
7 Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the statutes, the department  
8 of natural resources is not required to provide evidence that promulgating a rule  
9 under this subsection as an emergency rule is necessary for the preservation of the  
10 public peace, health, safety, or welfare and is not required to provide a finding of  
11 emergency for a rule promulgated under this subsection.

12           (5p) PAPER INDUSTRY HALL OF FAME. From the appropriation under section 20.370  
13 (5) (ax) of the statutes, as affected by this act, the department of natural resources  
14 shall provide \$100,000 in fiscal year 2006–07 to the Paper Industry International  
15 Hall of Fame, Inc., in the city of Appleton for the development and operation of an  
16 exhibit in the hall known as the Paper Discovery Center.

17           (6p) MECHANIZED EQUIPMENT TRAINING PROGRAM. From the appropriation under  
18 section 20.370 (5) (ax) of the statutes, as affected by this act, the department of  
19 natural resources shall provide \$150,000 in fiscal year 2005–06 and \$50,000 in fiscal  
20 year 2006–07 to the North Central Technical College to initiate a program, designed  
21 in collaboration with the Fox Valley Technical College, to train students to use  
22 mechanized equipment for the harvesting of timber.”.

23           **12.** Page 1114, line 22: after that line insert:





State of Wisconsin  
2005 – 2006 LEGISLATURE

LRBb0270/5  
MGG/PG:wlj:pg

LFB:.....Hotynski – Expenditures from forestry revenues

FOR 2005-07 BUDGET -- NOT READY FOR INTRODUCTION

ASSEMBLY AMENDMENT ,  
TO 2005 ASSEMBLY BILL 100

- 1           At the locations indicated, amend the bill as follows:
- 2           **1.** Page 300, line 6: after that line insert:
- 3           “SECTION 156m. 20.143 (1) (t) of the statutes is repealed.”.
- 4           **2.** Page 316, line 10: after that line insert:
- 5           “SECTION 221m. 20.292 (1) (km) of the statutes is created to read:
- 6           20.292 (1) (km) *Master logger apprenticeship grants*. All moneys transferred
- 7           under s. 28.085 (5) for master logger apprenticeship grants under s. 38.04 (29).”.
- 8           **3.** Page 317, line 14: after that line insert:
- 9           “SECTION 225g. 20.370 (1) (cx) of the statutes is amended to read:

1           20.370 (1) (cx) *Forestry — management plans*. All moneys received as  
2           calculated under s. 77.82 (2m) (dm) 1, for payment for management plans prepared  
3           by plan writers who are under contract with the department under s. 77.82 (3).”.

4           **4.** Page 321, line 15: after that line insert:

5           “**SECTION 246g.** 20.370 (5) (ax) of the statutes is created to read:

6           20.370 (5) (ax) *Resource aids — forestry education*. The amounts in the  
7           schedule for forestry education and professional development.

8           **SECTION 246m.** 20.370 (5) (az) of the statutes is created to read:

9           20.370 (5) (az) *Resource aids — forestry; timber sale revenue*. All moneys  
10          received, in excess of \$3,770,000 for each fiscal year, from the sale of timber from  
11          state forests and other state–owned lands under the supervision, management, or  
12          control of the division of forestry for the programs and purposes under s. 28.085.

13          **SECTION 246p.** 20.370 (5) (az) of the statutes, as created by 2005 Wisconsin Act  
14          ... (this act), is amended to read:

15          20.370 (5) (az) *Resource aids — forestry; timber sale revenue*. All moneys  
16          received, ~~in excess of \$3,770,000 for each fiscal year,~~ from the sale of timber from  
17          state forests and other state–owned lands under the supervision, management, or  
18          control of the division of forestry for the programs and purposes under s. 28.085.

19          **SECTION 246t.** 20.370 (5) (br) of the statutes is amended to read:

20          20.370 (5) (br) *Resource aids — forest croplands and managed forest land aids*.  
21          The amounts in the schedule for local aids to counties under s. 23.09 (18) and for  
22          managed forest land aids under s. 23.09 (18m).”.

23          **5.** Page 383, line 18: after that line insert:

24          “**SECTION 490m.** 23.09 (18m) of the statutes is created to read:

1           23.09 (18m) MANAGED FOREST LAND AIDS FOR CLOSED LANDS. (a) In this  
2 subsection “municipality” means a town, village, or city.

3           (b) From the appropriation under s. 20.370 (5) (br), the department shall make  
4 payments to each municipality that has land entered on the tax roll as closed land  
5 under s. 77.84 (1) on July 1 of the applicable fiscal year.

6           (c) The amount of the payment made in a fiscal year to an eligible municipality  
7 shall equal the municipality’s proportionate share of the annual amount. The  
8 annual amount for fiscal year 2005–06 is \$1,213,000. The annual amount for fiscal  
9 year 2006–07 and for each subsequent year is \$1,113,000.

10          (d) An eligible municipality’s proportionate share shall equal the number of  
11 acres within its boundaries that is entered on the tax roll as closed land under s. 77.84  
12 (1) on July 1 of the fiscal year, divided by the total number of acres that is entered  
13 on the tax roll as closed land under s. 77.84 (1) throughout the state on that same  
14 date, multiplied by the applicable annual amount as specified under par. (c).

15          (e) Each municipality shall pay to the county in which the municipality is  
16 located 20 percent of the amounts the municipality receives under this subsection for  
17 closed land located in that county.”.

18           **6.** Page 395, line 10: after that line insert:

19           “**SECTION 541b.** 26.385 of the statutes is created to read:

20           **26.385 Forestry research and development grants.** (1) In this section,  
21 “forestry biomass” means byproducts and waste generated by the practice of forestry  
22 on forestry lands.

1           (2) The department may use the moneys allocated under s. 28.085 (2) for grants  
2 to nonprofit organizations experienced in the commercialization of energy  
3 technologies for any of the following projects:

4           (a) Research and development of technologies for using forestry biomass as  
5 energy sources.

6           (b) Encouraging the use of forestry biomass as energy sources.

7           (c) Increasing the beneficial use of forestry biomass.

8           (d) Encouraging the development of biochemicals from forestry biomass.

9           (3) The department may provide the recipient of a grant under this section with  
10 not more than \$300,000, of which not more than \$150,000 may be for planning and  
11 not more than \$150,000 may be for implementation, unless the application of these  
12 limitations interferes with the receipt or use of federal funding.

13           (4) The department may provide funding only for grants under this section that  
14 match funding provided by the federal government for forestry biomass research and  
15 development.

16           (5) The total amount of federal funding and funding from a grant under this  
17 section may not exceed 50 percent of the total cost of the project, unless the  
18 application of this limitation interferes with the receipt or use of federal funding.

19           **SECTION 541c.** 26.39 (title) of the statutes is amended to read:

20           **26.39 (title) Forestry education and training.**

21           **SECTION 541d.** 26.39 (4) (title) of the statutes is repealed.

22           **SECTION 541e.** 26.39 (4) (a) of the statutes is repealed.

23           **SECTION 541f.** 26.39 (4) (b) of the statutes is renumbered 28.06 (2m) (b) and  
24 amended to read:

1           28.06 **(2m)** (b) For fiscal year 2002–03 and each fiscal year thereafter, the  
2 department shall credit 50% of the moneys received as surcharges under ~~s. 28.06~~  
3 ~~(2m)~~ par. (a) during the applicable fiscal year to the appropriation account under s.  
4 20.370 (1) (cu) and the remaining 50% to the appropriation account under s. 20.370  
5 (1) (cv).

6           **SECTION 541h.** 26.39 (5) of the statutes is created to read:

7           26.39 **(5)** FUNDING FOR SCHOOL FORESTS. The department shall use the moneys  
8 allocated under s. 28.085 (4) to provide funding to school districts that have school  
9 forests for the purposes of maintaining the school forests and for transporting pupils  
10 to and from the school forests. The department shall promulgate rules to implement  
11 and administer this subsection, including educational and forest management  
12 requirements that school districts must meet to receive funding under this  
13 subsection.

14           **SECTION 541j.** 26.39 (6) of the statutes is created to read:

15           26.39 **(6)** FORESTRY INTERNSHIPS. The department shall use the moneys  
16 allocated under s. 28.085 (6) to provide internships to University of Wisconsin  
17 System students who are enrolled in a course of study that will result in a bachelor's  
18 or higher degree in forestry. The department shall promulgate rules establishing the  
19 application process and the criteria for receipt of an internship under this subsection.

20           **SECTION 541m.** 26.39 (7) of the statutes is created to read:

21           26.39 **(7)** LOGGING CERTIFICATION SCHOLARSHIPS. (a) From the appropriation  
22 under s. 20.370 (5) (ax), the department shall establish a scholarship grant program  
23 to assist individuals who are seeking certification by the Wisconsin Professional  
24 Loggers Association as master loggers. A scholarship grant under the program may

1 not exceed 50 percent of the total cost of receiving the certification. The department  
2 shall promulgate rules that establish criteria for the program.

3 (b) The department shall allocate \$50,000 for fiscal year 2005–06 and \$150,000  
4 for each subsequent fiscal year for scholarship grants under this program.”.

5 **7.** Page 397, line 24: after that line insert:

6 “**SECTION 557d.** 28.042 of the statutes is created to read:

7 **28.042 Forestry inventory; implementation.** (1) The department shall  
8 undertake and maintain an inventory of forested areas on land owned by the state,  
9 including the areas of timber in these forested areas that have been or are to be  
10 harvested for purposes of state forestry management.

11 (2) The department, in performing its duties under this chapter, shall give  
12 priority to the completion of the inventory described in sub. (1) and the completion  
13 of the harvesting of timber that has been identified for harvesting in this inventory.

14 **SECTION 557g.** 28.06 (2m) of the statutes is renumbered 28.06 (2m) (a) and  
15 amended to read:

16 28.06 (2m) (a) A person who purchases a seedling under sub. (2) shall pay, in  
17 addition to the price of the seedling charged under sub. (2), a surcharge for each  
18 seedling purchased. Beginning on September 1, 2001, and ending on June 30, 2002,  
19 the surcharge shall be 2 cents for each seedling. Beginning on July 1, 2002, the  
20 surcharge shall be 3 cents for each seedling. All surcharges collected under this  
21 subsection paragraph shall be deposited in the conservation fund.

22 **SECTION 557m.** 28.085 of the statutes is created to read:

23 **28.085 Timber sales; use of revenues.** From the appropriation under s.  
24 20.370 (5) (az), the department shall do all of the following:

1           (1) Allocate for private forest grants under s. 26.38 for each fiscal year,  
2 beginning with fiscal year 2005–06, \$400,000 or the amount available under the  
3 appropriation for the fiscal year, whichever is less.

4           (2) After allocating the amount required under sub. (2), allocate for forestry  
5 research and development grants under s. 26.385 the following amounts:

6           (a) For fiscal year 2006–07, \$500,000 or the remaining amount available under  
7 the appropriation for fiscal year 2006–07, whichever is less.

8           (b) For fiscal year 2007–08, \$3,500,000 or the remaining amount available  
9 under the appropriation for fiscal year 2007–08, whichever is less.

10          (3) After allocating the amounts required under subs. (1) and (2), allocate for  
11 the forestry education grant program under s. 26.40 for each fiscal year, beginning  
12 with fiscal year 2005–06, \$250,000 or the remaining amount available under the  
13 appropriation for the fiscal year, whichever is less.

14          (4) After allocating the amounts required under subs. (1) to (3), allocate for  
15 school forest transportation funding under s. 26.39 (5) for each fiscal year, beginning  
16 with fiscal year 2005–06, \$446,000 or the remaining amount available under the  
17 appropriation for the fiscal year, whichever is less.

18          (5) After allocating the amounts required under subs. (1) to (4), allocate for  
19 transfer to the appropriation under s. 20.292 (1) (km) for master logger  
20 apprenticeship grants under s. 38.04 (29) for each fiscal year, beginning with fiscal  
21 year 2005–06, \$100,000 or the remaining amount available under the appropriation  
22 for the fiscal year, whichever is less.

23          (6) After allocating the amounts required under subs. (1) to (5), allocate for  
24 forestry internships under s. 26.39 (6) for each fiscal year, beginning with fiscal year

1 2005–06, \$100,000 or the remaining amount available under the appropriation for  
2 the fiscal year, whichever is less.”.

3 **8.** Page 426, line 2: after that line insert:

4 “**SECTION 707m.** 38.04 (29) of the statutes is created to read:

5 38.04 (29) MASTER LOGGER APPRENTICESHIP GRANTS. The board shall use the  
6 moneys appropriated under s. 20.292 (1) (km) to award grants to businesses that  
7 provide technical college students with forest product internships for the purpose of  
8 placing eligible apprentices with loggers who are certified by the Wisconsin  
9 Professional Loggers Association as master loggers.”.

10 **9.** Page 839, line 2: after that line insert:

11 “**SECTION 1684b.** 77.81 (2m) of the statutes is created to read:

12 77.81 (2m) “Independent certified plan writer” means a plan writer certified  
13 by the department but who is not acting under contract with the department under  
14 s. 77.82 (3) (g).

15 **SECTION 1684c.** 77.82 (2) (i) of the statutes is amended to read:

16 77.82 (2) (i) If a proposed management plan is not submitted with the petition,  
17 a request that the department prepare a management plan. The department may  
18 decline to prepare the plan.

19 **SECTION 1684d.** 77.82 (2m) (a) of the statutes is repealed and recreated to read:

20 77.82 (2m) (a) 1. A petition under sub. (2), (4m), or (12) shall be accompanied  
21 by a nonrefundable application recording fee of \$20 unless a different amount for the  
22 recording fee is established by the department by rule at an amount equal to the  
23 average expense to the department for recording an order issued under this  
24 subchapter.

1           2. If a petition under sub. (2), (4m), or (12) is not accompanied by a proposed  
2 management plan that meets the requirements under par. (c), the department shall  
3 charge the plan preparation fee established under par. (am) if the department agrees  
4 to complete the plan.

5           **SECTION 1684e.** 77.82 (2m) (am) of the statutes is created to read:

6           77.82 (2m) (am) The department shall by rule establish on an annual basis a  
7 nonrefundable fee that the department shall charge for a management plan  
8 prepared by the department, including any plan prepared by a certified plan writer  
9 contracted by the department under sub. (3) (g). The fee shall be based on the  
10 comparable commercial market rate that is charged for preparation of such  
11 management plans.

12           **SECTION 1684f.** 77.82 (2m) (b) of the statutes, as affected by 2003 Wisconsin  
13 Act 228, is repealed.

14           **SECTION 1684g.** 77.82 (2m) (c) (intro.) of the statutes is amended to read:

15           77.82 (2m) (c) (intro.) A proposed management plan that ~~qualifies for the~~  
16 ~~reduced fee under par. (b) is exempt from the plan preparation fee under par. (a) 2.~~  
17 shall be one of the following:

18           **SECTION 1684j.** 77.82 (2m) (c) of the statutes, as affected by 2003 Wisconsin Act  
19 228 and 2005 Wisconsin Act ... (this act), is repealed and recreated to read:

20           77.82 (2m) (c) A proposed management plan is exempt from the plan  
21 preparation fee under par. (a) 2. if it is prepared by an independent certified plan  
22 writer.

23           **SECTION 1684h.** 77.82 (2m) (c) 4. of the statutes is created to read:

24           77.82 (2m) (c) 4. A proposed management plan prepared by an independent  
25 certified plan writer.

1           **SECTION 1684k.** 77.82 (2m) (d) 1. of the statutes is renumbered 77.82 (2m) (d)  
2 and amended to read:

3           77.82 **(2m)** (d) ~~All the fees collected under this subsection shall be deposited~~  
4 ~~in the conservation fund.~~ All of the recording fees collected under par. (b) and \$20  
5 of each \$300 fee collected under par. (a) 1, shall be credited to the appropriation under  
6 s. 20.370 (1) (cr), ~~except as provided under subd. 2.~~

7           **SECTION 1684m.** 77.82 (2m) (d) 2. of the statutes is repealed.

8           **SECTION 1684n.** 77.82 (2m) (dm) of the statutes is renumbered 77.82 (2m) (dm)  
9 1. and amended to read:

10           77.82 **(2m)** (dm) 1. ~~The fees~~ Of each fee \$300 or the entire fee, whichever is less,  
11 that is collected under ~~pars.~~ par. (a) and or (e) that are is not credited to the  
12 appropriation under s. 20.370 (1) (cr) shall be credited to the appropriation under s.  
13 20.370 (1) (cx).

14           **SECTION 1684p.** 77.82 (2m) (dm) 2. of the statutes is created to read:

15           77.82 **(2m)** (dm) 2. Any amount not credited to the appropriation under s.  
16 20.370 (1) (cx), as calculated in subd. 1., shall be deposited into the conservation fund  
17 for forestry purposes.

18           **SECTION 1684q.** 77.82 (2m) (e) of the statutes is amended to read:

19           77.82 **(2m)** (e) If a proposed management plan accompanying a petition filed  
20 under sub. (2), (4m), or (12) is not approved by the department under its initial review  
21 under sub. (3) (a), and if the department agrees to complete the management plan  
22 under sub. (3) (a), the department shall collect from the petitioner a fee in an amount  
23 equal to \$300 less the amount the petitioner paid under par. (b) the plan preparation  
24 fee established under par. (am), if the petitioner has not previously paid the fee.

25           **SECTION 1684r.** 77.82 (3) (a) of the statutes is amended to read:

1           77.82 (3) (a) ~~The petitioner may submit a~~ A proposed management plan for may  
2           cover the entire acreage of each parcel with subject to the petition. The department,  
3           after considering the owner's forest management objectives as stated under sub. (2)  
4           (e), shall review and either approve or disapprove the proposed management plan.  
5           If the department disapproves ~~a~~ the plan, it shall inform the petitioner of the  
6           changes necessary to qualify the plan for approval upon subsequent review. At the  
7           request of the petitioner, the department may agree to complete the proposed  
8           management plan that has been prepared by an independent certified plan writer.  
9           The department shall complete any proposed management plan prepared by the  
10          department.

11           **SECTION 1684s.** 77.82 (3) (b) of the statutes is repealed.

12           **SECTION 1684t.** 77.82 (3) (c) (intro.) of the statutes, as affected by 2005  
13          Wisconsin Act 228, is amended to read:

14           77.82 (3) (c) (intro.) To qualify for approval, a management plan shall be  
15          prepared by ~~a~~ an independent certified plan writer ~~certified by the department or~~  
16          prepared by the department ~~itself~~ and shall include all of the following:

17           **SECTION 1684u.** 77.82 (3) (g) of the statutes is amended to read:

18           77.82 (3) (g) The department shall certify plan writers and shall promulgate  
19          rules specifying the qualifications that a person must satisfy to become a certified  
20          plan writer. For management plans prepared by the department under this  
21          subsection, the department may contract with plan writers certified by the  
22          department to prepare and complete these plans.

23           **SECTION 1684v.** 77.82 (4m) (d) of the statutes is amended to read:

24           77.82 (4m) (d) An owner of land who has filed a conversion petition under this  
25          subsection and ~~who has requested that~~ for whom the department ~~prepare is~~

1 ~~preparing or completing~~ a management plan ~~under sub. (3) (b)~~ may withdraw the  
2 request and not have it prepared by the department an independent certified plan  
3 writer if the owner determines that the department is not preparing the  
4 management plan in a timely manner.

5 **SECTION 1684w.** 77.82 (7) (c) 3. of the statutes, as created by 2003 Wisconsin  
6 Act 228, is amended to read:

7 77.82 (7) (c) 3. Except as provided in par. (d), if a petition is received on or before  
8 May 15 of any year from a petitioner who owns less than 1,000 acres in this state,  
9 who, before the deadline established by the department by rule, submitted a draft  
10 management plan prepared by ~~a plan writer certified by the department~~ an  
11 independent certified plan writer, and who submits a completed plan, as defined by  
12 the department by rule, with the petition, the department shall investigate and shall  
13 either approve the petition and issue the order under sub. (8) or deny the petition  
14 before the following November 21.”.

15 **10.** Page 1030, line 12: after that line insert:

16 “**SECTION 2361m.** 560.18 of the statutes is renumbered 26.40, and 26.40 (1m),  
17 as renumbered, is amended to read:

18 26.40 (1m) ~~From the appropriation under s. 20.143 (1) (t), the~~ The department  
19 may award grants to nonprofit organizations to develop forestry educational  
20 programs and instructional materials for use in the public schools. The department  
21 may not award a grant unless it enters into a memorandum of understanding with  
22 the grant recipient and the director of the timber management program at the  
23 University of Wisconsin–Stevens Point regarding the use of the funds.”.

24 **11.** Page 1087, line 5: after that line insert:

1           “(4p) EMERGENCY RULES FOR FEES FOR MANAGED FOREST LAND PLANS. Using the  
2 procedure under section 227.24 of the statutes, the department of natural resources  
3 shall promulgate the rule required under section 77.82 (2m) (am) of the statutes, as  
4 created by this act, for the period before the effective date of the permanent rule  
5 promulgated under section 77.82 (2m) (am) of the statutes, as created by this act, but  
6 not to exceed the period authorized under section 227.24 (1) (c) and (2) of the statutes.  
7 Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the statutes, the department  
8 of natural resources is not required to provide evidence that promulgating a rule  
9 under this subsection as an emergency rule is necessary for the preservation of the  
10 public peace, health, safety, or welfare and is not required to provide a finding of  
11 emergency for a rule promulgated under this subsection.

12           (5p) PAPER INDUSTRY HALL OF FAME. From the appropriation under section 20.370  
13 (5) (ax) of the statutes, as affected by this act, the department of natural resources  
14 shall provide \$100,000 in fiscal year 2006–07 to the Paper Industry International  
15 Hall of Fame, Inc., in the city of Appleton for the development and operation of an  
16 exhibit in the hall known as the Paper Discovery Center.

17           (6p) MECHANIZED EQUIPMENT TRAINING PROGRAM. From the appropriation under  
18 section 20.370 (5) (ax) of the statutes, as affected by this act, the department of  
19 natural resources shall provide \$150,000 in fiscal year 2005–06 and \$50,000 in fiscal  
20 year 2006–07 to the North Central Technical College to initiate a program, designed  
21 in collaboration with the Fox Valley Technical College, to train students to use  
22 mechanized equipment for the harvesting of timber.”.

23           **12.** Page 1114, line 22: after that line insert:

