

ASSEMBLY BILL 254 (LRB -0195)

An Act to renumber and amend 60.61 (2) (a); to amend 28.04 (2) (a), 28.04 (2) (b), 28.04 (2) (c), 28.04 (3) (a), 28.04 (3) (b), 59.69 (4) (a) and 62.23 (7) (b); and to create 23.114, 23.135, 28.025, 28.04 (1) (br), 28.05 (3), 94.025 and 823.075 of the statutes; relating to: managing state forest lands, harvesting of timber from state forest lands, emergencies on state forest lands, actions against forestry operations, providing an exemption from emergency rule procedures, and requiring the exercise of rule-making authority. (FE)

2005

03-29. A. Introduced by Representatives Friske, Gard, Ainsworth, Meyer, Mursau, M. Williams, Gronemus, Kaufert, Gunderson, Wieckert, Bies, Freese, Gundrum, Hahn, Kestell, Krawczyk, McCormick, Montgomery, Musser, Ott, Owens, Petrowski, Suder, Townsend, Underheim, Van Roy and Schneider; cosponsored by Senators Kanavas, Breske and Zien.
03-18. A. Read first time and referred to committee on Forestry 146
03-29. A. Public hearing held.
03-30. A. LRB correction 155
03-30. A. Fiscal estimate received.
04-25. A. Assembly substitute amendment 1 offered by Representatives Friske and Mursau (LRB s0089) 204
04-26. A. Executive action taken.
04-27. A. Report Assembly Substitute Amendment 1 adoption recommended by committee on Forestry, Ayes 4, Noes 0 207
04-27. A. Report passage as amended recommended by committee on Forestry, Ayes 3, Noes 1 207
04-27. A. Referred to joint committee on Finance 207
06-02. A. Assembly amendment 1 to Assembly substitute amendment 1 offered by Representative Hubler (LRB a0679) 263
09-21. A. Executive action taken.
09-26. A. Report Assembly Amendment 1 to Assembly Substitute Amendment 1 adoption recommended by joint committee on Finance, Ayes 16, Noes 0 483
09-26. A. Report Assembly Substitute Amendment 1 adoption recommended by joint committee on Finance, Ayes 16, Noes 0 483
09-26. A. Report passage as amended recommended by joint committee on Finance, Ayes 16, Noes 0 483
09-26. A. Referred to committee on Rules 483
11-01. A. Placed on calendar 11-9-2005 by committee on Rules.
11-09. A. Read a second time 599
11-09. A. Assembly amendment 1 to Assembly substitute amendment 1 adopted 599
11-09. A. Assembly substitute amendment 1 adopted 599
11-09. A. Ordered to a third reading 599
11-09. A. Rules suspended 599
11-09. A. Read a third time and passed 599
11-09. A. Ordered immediately messaged 599
11-11. S. Received from Assembly 453
11-11. S. Read first time and referred to committee on Agriculture and Insurance 454

2006

01-18. S. Public hearing held.
01-31. S. Executive action taken.
01-31. S. Report concurrence recommended by committee on Agriculture and Insurance, Ayes 7, Noes 0 565
01-31. S. Available for scheduling.
03-06. S. Placed on calendar 3-7-2006 by committee on Senate Organization.
03-07. S. Read a second time.
03-07. S. Ordered to a third reading.
03-07. S. Rules suspended.
03-07. S. Read a third time and concurred in, Ayes 32, Noes 1.
03-07. S. Senator Stepp added as a cosponsor.
03-07. S. Ordered immediately messaged.
03-07. A. Received from Senate concurred in 910

JN

**2005
ENROLLED BILL**

05en AB-254

ADOPTED DOCUMENTS:

Orig Engr

A SubAmdt 1

05 0089/3

Amendments to above (if none, write "NONE"):

AA1 — 20679/1

Corrections - show date (if none, write "NONE"):

~~3-30-05~~

None

Topic

Rel

[Signature]

3/8/06

Date

[Signature]

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**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2005 ASSEMBLY BILL 254**

April 25, 2005 - Offered by Representatives FRISKE and MURSAU.

emergencies

1 **AN ACT** *to amend* 28.04 (2) (a), 28.04 (2) (b), 28.04 (2) (c), 28.04 (3) (a), 28.04 (3)
2 (b) and 93.07 (12); and *to create* 23.114, 23.135, 28.025, 28.04 (1) (br), 28.04 (1)
3 (ds) and 28.05 (3) of the statutes; **relating to:** managing state forest lands,
4 harvesting of timber from certain forested properties, ~~emergencies~~ on state
5 forest lands, providing an exemption from emergency rule procedures, and
6 requiring the exercise of rule-making authority.

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

7 ~~SECTION 1~~ 23.114 of the statutes is created to read:

INSERT 1-1

8 **23.114 Duties of the chief state forester.** (1) (a) In this section, "state forest
9 land" means all forested lands owned by this state and under the jurisdiction of the
10 department.

11 (b) Except as provided in par. (c), the chief state forester may declare, and shall
12 manage, emergencies that threaten state forest lands. The department shall

INSERT 1-2

1 promulgate rules specifying those emergencies over which the chief state forester
2 shall have management responsibility. The emergencies specified in the rules shall
3 include invasive species or pest infestation, disease, and damage to timber from fire,
4 snow, hail, ice, or wind.

5 (c) Paragraph (b) does not apply to a state of emergency declared by the
6 governor under s. 166.03 and does not supersede the authority of the department of
7 agriculture, trade and consumer protection under ch. 94.

8 (2) The chief state forester shall report directly to the secretary of the
9 department.

10 **SECTION 2.** 23.135 of the statutes is created to read:

11 **23.135 Forest land inventory and report.** (1) In this section, “state forest
12 land” means any parcel of 10 or more contiguous acres of forested land owned by this
13 state and under the jurisdiction of the department.

14 (2) The department shall undertake and maintain a current inventory of state
15 forest lands. The inventory shall specify the condition of the forest resources in state
16 forest lands.

17 (3) If the department prohibits the use of timber harvesting on any state forest
18 land, the department shall prepare a report that contains a projection of the
19 long-term forest health effects, a projection of the economic effects, and a projection
20 of the public benefits that result from that prohibition.

21 (4) (a) Except as provided in par. (b), if the department is required to prepare
22 a report under sub. (3) for any state forest land, the department shall prepare that
23 report by January 1, 2010, and every 15 years thereafter.

1 (b) If the department is required to prepare a report under sub. (3) for any state
2 forest land for which a master plan has not been approved, the department shall
3 prepare that report upon approval of the master plan and every 15 years thereafter.

4 (5) The department shall submit the report required under sub. (3) to the
5 council on forestry and to the appropriate standing committee in each house of the
6 legislature under s. 13.172 (3).

7 **SECTION 3.** 28.025 of the statutes is created to read:

8 **28.025 Annual allowable timber harvests.** (1) In this section, “forested
9 property” means forested property owned by this state and and under the
10 jurisdiction of the department from which timber is harvested.

11 (2) The department shall establish annual allowable timber harvests for each
12 forested property. The department may establish a single annual allowable timber
13 harvest that applies to 2 or more forested properties in a particular region of this
14 state, as determined by the department, if each one of those forested properties is
15 smaller than 5,000 forested acres and if all of the proceeds from the sale of timber
16 harvested on those combined forested properties are credited to appropriations
17 under s. 20.370 that provide funding for the same purpose, as determined by the
18 department.

19 (3) (a) 1. By January 1, 2007, and biennially thereafter, the department shall
20 submit a report to the council on forestry specifying the total timber harvest on each
21 forested property for the previous biennium, except as provided under par. (b).

22 2. Notwithstanding subd. 1, the department shall submit its report to the
23 council on forestry as required under subd. 1. by January 1, 2009, and biennially
24 thereafter, if the forested property that is the subject of the report has not been
25 inventoried by the department under s. 23.135.

1 (b) If, under sub. (2), the department establishes an annual allowable timber
2 harvest for combined forest properties, the department may submit a report that
3 specifies the total timber harvest for these combined properties.

4 (c) If the department submits a report under this section that states that the
5 timber harvest for forested property in any biennium is less than 90 percent, or more
6 than 110 percent, of the allowable timber harvest established under sub. (2), the
7 council on forestry shall prepare a report containing the reasons for noncompliance
8 and recommendations on methods of ensuring that the timber harvest is consistent
9 with the annual allowable timber harvest established by the department under sub.
10 (2). The council on forestry shall submit the report to the governor, to the
11 department, and to the appropriate standing committees of the legislature under s.
12 13.172 (3).

13 **SECTION 4.** 28.04 (1) (br) of the statutes is created to read:

14 28.04 (1) (br) "Division" means the division of forestry in the department.

15 **SECTION 5.** 28.04 (1) (ds) of the statutes is created to read:

16 28.04 (1) (ds) "State forest land" has the meaning given in s. 23.135 (1).

17 **SECTION 6.** 28.04 (2) (a) of the statutes is amended to read:

18 28.04 (2) (a) The department division shall manage the state forests forest
19 lands to benefit the present and future generations of residents of this state,
20 recognizing that the state forests forest lands contribute to local and statewide
21 economies and to a healthy natural environment. The department division shall
22 assure the practice of sustainable forestry and use it to assure that state forests
23 forest lands can provide a full range of benefits for present and future generations.
24 The department division shall also assure that the management of state forests
25 forest lands is consistent with the ecological capability of the state forest land lands

1 and with the long-term maintenance of sustainable forest communities and
2 ecosystems. These benefits include soil protection, public hunting, protection of
3 water quality, production of recurring forest products, outdoor recreation, native
4 biological diversity, aquatic and terrestrial wildlife, and aesthetics. The range of
5 benefits provided by the ~~department~~ division in each state forest land shall reflect
6 its unique character and position in the regional landscape.

7 **SECTION 7.** 28.04 (2) (b) of the statutes is amended to read:

8 28.04 (2) (b) In managing the state forests, the ~~department~~ division shall
9 recognize that not all benefits under par. (a) can or should be provided in every area
10 of a state forest land.

11 **SECTION 8.** 28.04 (2) (c) of the statutes is amended to read:

12 28.04 (2) (c) In managing the state forests forest land, the ~~department~~ division
13 shall recognize that management may consist of both active and passive techniques.

14 **SECTION 9.** 28.04 (3) (a) of the statutes is amended to read:

15 28.04 (3) (a) The ~~department~~ division shall prepare ~~a plan~~ plans for each the
16 state forest lands that describes how the state forest lands will be managed. The
17 ~~department~~ division shall work with the public to identify property goals and
18 objectives that are consistent with the purposes under sub. (2). The ~~department~~
19 division shall identify in each plan the objectives of management for distinct areas
20 of the state forest land.

21 **SECTION 10.** 28.04 (3) (b) of the statutes is amended to read:

22 28.04 (3) (b) The ~~department~~ division shall establish procedures for the
23 preparation and modification of these plans, including procedures for public
24 participation. In preparing and modifying plans under this subsection, the
25 ~~department~~ division shall use the best available information regarding the purposes

1 and benefits of the state forests forest land that the department division acquires
2 through inventories, evaluations, monitoring and research. In evaluating such
3 information, the department division shall consider both regional and local scales,
4 including the impact on local economies. As new information becomes available, the
5 department division shall adapt its management of the state forest land and, if
6 necessary, the ~~plan~~ plans for the state forest lands.

7 **SECTION 11.** 28.05 (3) of the statutes is created to read:

8 28.05 (3) COOPERATING FORESTERS. (a) The department shall, by rule, establish
9 a program that allows private cooperating foresters to assist the state in the
10 harvesting and sale of timber from state forest lands to meet the annual allowable
11 timber harvest established under s. 28.025. The rule shall include provisions
12 authorizing the department to contract with cooperating foresters for the purpose of
13 harvesting and selling timber from state forest lands and authorizing cooperating
14 foresters to receive a portion of the proceeds from each timber sale. The department
15 shall establish in the rule a method for determining what portion of the proceeds
16 received from each timber sale shall be paid to the private cooperating foresters for
17 their services in assisting the division in the harvesting and sale of timber from state
18 forest lands. The division shall ask the council on forestry to recommend a method
19 for determining what portion of the proceeds received from each timber sale shall be
20 paid to private cooperating foresters under the rule.

21 (b) Each private cooperating forester with whom the department contracts
22 under par. (a) to harvest and sell timber from state forest lands shall be entitled to
23 receive a portion of the proceeds from the sale of such timber in the amount
24 determined by the department under par. (a).

25 **SECTION 12.** 93.07 (12) of the statutes is amended to read:

1 93.07 (12) PLANT PESTS. To conduct surveys and inspections for the detection
2 and control of ~~injurious~~ pests injurious to plants, make, modify, and enforce
3 reasonable rules needed to prevent the dissemination of pests, declare and manage
4 emergencies relating to the detection and control of pests injurious to plants,
5 provided that such declaration does not supersede the authority of the chief state
6 forester under s. 23.114 or the department of natural resources under s. 26.30, and
7 suggest methods of control.

8 **SECTION 13. Nonstatutory provisions.**

9 (1) The department of natural resources shall submit in proposed form the
10 rules required under sections 23.114 (1) (b) and 28.05 (3) of the statutes, as created
11 by this act, to the legislative council staff under section 227.15 (1) of the statutes no
12 later than the first day of the 6th month beginning after the effective date of this
13 subsection, unless the secretary of administration requires the department of
14 natural resources to prepare an economic impact report under section 227.137 of the
15 statutes for the proposed rules.

16 (2) Using the procedure under section 227.24 of the statutes, the department
17 of natural resources shall promulgate rules required under sections 23.114 (1) (b)
18 and 28.05 (3) of the statutes, as created by this act, for the period before the effective
19 date of the permanent rules submitted under subsection (1). Notwithstanding
20 section 227.24 (1) (c) and (2) of the statutes, emergency rules promulgated under this
21 subsection remain in effect until the date on which permanent rules take effect.
22 Notwithstanding section 227.24 (1) (a) and (3) of the statutes, the department is not
23 required to provide a finding of emergency for a rule promulgated under this
24 subsection.

**ASSEMBLY AMENDMENT 1,
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2005 ASSEMBLY BILL 254**

June 2, 2005 - Offered by Representative HUBLER.

1-1

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 1, line 7: before that line insert:

3 **SECTION 1g.** 23.09 (2m) of the statutes is created to read:

4 23.09 (2m) FOREST LAND PLANS AND MANAGEMENT. (a) If the department
5 develops, reviews, or implements a master plan or a management plan for any forest
6 land under the jurisdiction of the department, the department shall consult with the
7 chief state forester.

8 (b) The department shall manage forest land under its jurisdiction in a manner
9 that is consistent with, and that furthers the purpose of, the designation of that forest
10 land as a state forest, southern state forest, state park, state trail, state natural area,
11 state recreation area, or similar designation.”

12 **2.** Page 1, line 7: delete **SECTION 1** and substitute **SECTION 1g**.”

1-2

