



2011 ASSEMBLY BILL 342

October 27, 2011 – Introduced by Representatives MURSAU, SPANBAUER, LEMAHIEU, BIES and BROOKS, cosponsored by Senators LAZICH and LASEE. Referred to Committee on Forestry.

- 1 **AN ACT to amend** 77.88 (8) (b); and **to create** 77.88 (8) (am) of the statutes;
2 **relating to:** exempting certain parcels of land withdrawn from the Managed
3 Forest Land Program from the assessment of withdrawal taxes and fees.

Analysis by the Legislative Reference Bureau

Under the Managed Forest Land (MFL) Program, the owner of land that meets certain requirements as to size and the amount of timber on the land may apply to have the Department of Natural Resources (DNR) designate the land as MFL. The owner of such land then makes an annual payment that is lower than, and in lieu of, the property taxes that normally would be payable on the land. In exchange, the owner must comply with certain forestry practices and may keep a specific area closed to public access; the remainder of the land must be kept open for recreational activities consisting of hunting, fishing, hiking, sight-seeing, and cross-country skiing. Land is not eligible for designation as MFL if more than 20 percent of the land is unsuitable for producing merchantable timber, it is developed for commercial recreation, for industry, or for any other use that DNR determines is incompatible with the practice of forestry, or it is developed for a human residence. DNR may order the withdrawal of land that fails to conform to an eligibility requirement and, if withdrawn, the owner is subject to the payment of certain withdrawal taxes and fees.

This bill exempts an owner who withdraws land from the MFL Program from the payment of withdrawal taxes and fees if the owner withdraws the land for the purpose of constructing a human residence and if the land was designated as MFL before October 11, 1997. The bill specifies that the owner must withdraw at least one

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acre of land but not more than three acres of land unless the land is subject to a local zoning ordinance that establishes a minimum acreage for the construction of a human residence. In that case, the owner may withdraw the amount of acreage required under the applicable zoning ordinance even if that amount exceeds three acres. The bill specifies that DNR may not order withdrawal of the owner's remaining MFL unless the remaining MFL fails to meet MFL eligibility requirements.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 77.88 (8) (am) of the statutes is created to read:

2 77.88 (8) (am) No withdrawal tax or withdrawal fee may be assessed against
3 an owner withdrawing at least one acre of managed forest land if all of the following
4 apply:

5 1. The land is withdrawn under an order issued by the department upon the
6 request of the owner.

7 2. The department issued its order under subd. 1. after finding that all of the
8 following conditions were satisfied:

9 a. The purpose for which the owner requested that the department withdraw
10 the land is to construct a human residence.

11 b. The land was designated as managed forest land before October 11, 1997.

12 c. If the land is not subject to a city, village, town, or county zoning ordinance
13 that establishes a minimum acreage for the construction of a human residence, the
14 owner requests that the department withdraw not more than 3 acres of land.

15 d. If the land is subject to a city, village, town, or county zoning ordinance that
16 establishes a minimum acreage for the construction of a human residence that is
17 more than one acre, the owner requests that the department withdraw not more than

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1 the acreage of land required by the applicable zoning ordinance for construction of
2 a human residence.

3 **SECTION 2.** 77.88 (8) (b) of the statutes is amended to read:

4 77.88 (8) (b) The department may not order withdrawal of land remaining after
5 a transfer of ownership is made under par. (a) 1., 2., or 3. ~~or~~, after a lease is entered
6 into under par. (a) 3., or after the department orders withdrawal of land upon the
7 request of an owner under par. (am) unless the remainder fails to meet the eligibility
8 requirements under s. 77.82 (1).

9 (END)