



2007 SENATE BILL 438

February 1, 2008 - Introduced by Senators BRESKE and HANSEN, cosponsored by Representatives FRISKE, MURSAU, BIES, TOWNSEND and MUSSER. Referred to Committee on Environment and Natural Resources.

1 **AN ACT to repeal** 77.82 (2) (i), 77.82 (2m) (a) 2. and 77.82 (7) (c) 2.; **to renumber**
2 77.82 (2m) (a) 1.; **to renumber and amend** 77.82 (2m) (e) and 77.82 (3) (a); **to**
3 **amend** 20.370 (1) (cx), 26.09 (1b) (j), 77.06 (5), 77.82 (title), 77.82 (1) (bn), 77.82
4 (1) (c), 77.82 (2) (intro.), 77.82 (2) (cm), 77.82 (2) (e), 77.82 (2) (e), 77.82 (2) (f),
5 77.82 (2) (i), 77.82 (2m) (title), 77.82 (2m) (a) 1., 77.82 (2m) (a) 2., 77.82 (2m)
6 (am), 77.82 (2m) (c), 77.82 (2m) (d), 77.82 (2m) (dm) 1., 77.82 (2m) (e), 77.82 (3)
7 (a), 77.82 (3) (c) (intro.), 77.82 (3) (g), 77.82 (4), 77.82 (4g) (a), 77.82 (4g) (b), 77.82
8 (4m) (a), 77.82 (4m) (b), 77.82 (4m) (d), 77.82 (5) (title), 77.82 (5) (a), 77.82 (5)
9 (b), 77.82 (6) (a), 77.82 (6) (b) 2., 77.82 (7) (a) (intro.), 77.82 (7) (a) 2., 77.82 (7)
10 (b) (intro.), 77.82 (7) (b) 1., 77.82 (7) (c) 1., 77.82 (7) (c) 3., 77.82 (7) (d), 77.82 (8),
11 77.82 (10), 77.82 (11), 77.82 (11g), 77.82 (12), 77.86 (1) (c), 77.86 (1) (d), 77.87
12 (1g) (a), 77.87 (1g) (d), 77.87 (3), 77.88 (2) (b), 77.88 (2) (d) 1., 77.88 (2) (e), 77.88
13 (4), 77.88 (5) (ab) 1., 77.88 (5) (am) (intro.), 77.88 (6), 77.90, 77.91 (1) and 170.12
14 (5); **to repeal and recreate** 77.82 (3) (f); and **to create** 77.125, 77.82 (2) (dm),

SENATE BILL 438

1 77.82 (2m) (ac), 77.82 (3) (am) and 77.88 (5g) of the statutes; **relating to:**
2 petitions and management plans for the designation of managed forest land,
3 transferrals of ownership of managed forest land, establishing stumpage
4 values and estimating withdrawal taxes under the managed forest land
5 program, signatures and authentication requirements for orders under the
6 forest croplands program, granting rule-making authority, and making an
7 appropriation.

Analysis by the Legislative Reference Bureau

Under current law, the Department of Natural Resources (DNR) administers the managed forest land (MFL) program and a similar program called the forest croplands program. The MFL program exempts an owner of land that is designated MFL from payment of municipal property taxes on the land in exchange for a lower payment per acre. In exchange, the owner must comply with certain forestry practices and must allow the public on the land under certain circumstances unless the landowner elects to pay an extra amount per acre to keep a limited number of acres closed. In addition, an owner of MFL must pay a withdrawal tax when the owner withdraws the land from the program before the order designating the land as MFL expires. Orders are for 25 or 50 years. This bill makes various changes to the MFL program, including the following:

1. The bill makes a terminology change by substituting the words “applicant” and “application” for “petitioner” and “petition” in the subchapter related to the MFL program. This change is nonsubstantive.

2. The bill changes the dates before which DNR must act on applications under the MFL program and changes the deadline for owners to file applications to renew MFL orders.

3. The bill requires that a forestry management plan for the MFL accompany the application and eliminates the requirement that DNR prepare the plan upon the request of the applying landowner. Under the bill, DNR must prepare the plan only if DNR determines that the applicant is not able to have a proposed management plan prepared by a certified independent plan writer. The bill requires DNR to promulgate rules establishing the criteria for when DNR will prepare the plan.

4. The bill requires DNR to prepare an estimate of the withdrawal tax that would be due if the MFL is withdrawn upon request of DNR or an MFL landowner. Under the bill, the Department of Revenue assists with the preparation of these estimates.

5. The bill eliminates the requirement that the stumpage value that is used to determine the amount of yield taxes and withdrawal taxes under the MFL program be established by rule.

SENATE BILL 438

6. The bill clarifies that when MFL is transferred to another owner, the person purchasing or otherwise receiving the land pays the transfer fee.

7. The bill allows facsimile signatures and exempts documents from register of deeds authentication requirements under the forest croplands program. These provisions exist for the MFL program under current law.

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.** 20.370 (1) (cx) of the statutes is amended to read:

2 20.370 (1) (cx) *Forestry — management plans.* All moneys ~~as calculated~~
3 received under s. 77.82 (2m) ~~(dm) 1.~~ (ag) for payment for management plans prepared
4 or completed by plan writers who are under contract with the department under s.
5 77.82 (3).

6 **SECTION 2.** 26.09 (1b) (j) of the statutes is amended to read:

7 26.09 (1b) (j) “Stumpage value” means the applicable stumpage rate value
8 established ~~by rule~~ under s. 77.91 (1) or the fair market value of raw forest products
9 less the cost of their harvesting, whichever is greater.

10 **SECTION 3.** 77.06 (5) of the statutes is amended to read:

11 77.06 (5) TAX LEVY ON RIGHT TO CUT TIMBER. The department of natural resources
12 shall assess and levy against the owner a severance tax on the right to cut and remove
13 wood products covered by reports under this section, at the rate of 10% of the value
14 of the wood products based upon the stumpage value ~~then in force~~ established under
15 s. 77.91 (1). Upon making the assessment, the department of natural resources shall
16 mail a duplicate of the certificate by registered mail to the owner who made the
17 report of cutting at the owner’s last-known post-office address. The tax assessed is
18 due and payable to the department of natural resources on the last day of the next

SENATE BILL 438**SECTION 3**

1 calendar month ~~after mailing~~ following the date the certificate is mailed to the owner.

2 The proceeds of the tax shall be paid into the forestry account of the conservation
3 fund for distribution under s. 77.07 (3).

4 **SECTION 4.** 77.125 of the statutes is created to read:

5 **77.125 Signatures.** (1) The signature of an official or an employee of the
6 department of natural resources may be stamped, printed, or otherwise reproduced
7 on an order under ss. 77.01 to 77.14 after the official or employee adopts the stamped,
8 printed, or otherwise reproduced signature as his or her facsimile signature.

9 (2) The signature or the facsimile signature under sub. (1) of an official or an
10 employee of the department of natural resources meets the requirement under s.
11 706.05 (2) (a).

12 (3) The requirement of s. 706.05 (2) (b) does not apply to orders issued under
13 this subchapter.

14 **SECTION 5.** 77.82 (title) of the statutes is amended to read:

15 **77.82 (title) Managed forest land; petition application.**

16 **SECTION 6.** 77.82 (1) (bn) of the statutes is amended to read:

17 77.82 (1) (bn) For purposes of par. (b) 3., the department by rule shall define
18 “human residence” to include a residence of the ~~petitioner~~ applicant regardless of
19 whether it is the ~~petitioner’s~~ applicant’s primary residence. The definition may also
20 include up to one acre surrounding the residence for a residence that is not the
21 ~~petitioner’s~~ applicant’s primary residence.

22 **SECTION 7.** 77.82 (1) (c) of the statutes is amended to read:

23 77.82 (1) (c) In addition to the requirements under pars. (a) and (b), for land
24 subject to ~~a petition~~ an application under sub. (4m), all forest croplands owned by
25 the ~~petitioner~~ applicant on the date on which the ~~petition~~ application is submitted

SENATE BILL 438

1 filed that are located in the municipality or municipalities for which the ~~petition~~
2 application is submitted filed shall be included in the ~~petition~~ application.

3 **SECTION 8.** 77.82 (2) (intro.) of the statutes is amended to read:

4 77.82 (2) ~~PETITION APPLICATION.~~ (intro.) Any owner of land may ~~petition~~ file an
5 application with the department to designate any eligible parcel of land as managed
6 forest land. ~~A petition~~ An application may include any number of eligible parcels
7 under the same ownership. Each ~~petition~~ application shall include all of the
8 following:

9 **SECTION 9.** 77.82 (2) (cm) of the statutes is amended to read:

10 77.82 (2) (cm) A copy of an instrument that has been recorded in the office of
11 the register of deeds of each county in which the property is located that shows the
12 ownership of the land subject to the ~~petition~~ application.

13 **SECTION 10.** 77.82 (2) (dm) of the statutes is created to read:

14 77.82 (2) (dm) A proposed management plan.

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

16 77.82 (2) (e) A statement of the owner's forest management objectives for the
17 production of merchantable timber, in sufficient detail to provide direction for the
18 development and approval of a management plan. The ~~petition~~ application may also
19 state additional forest management objectives, which may include wildlife habitat
20 management, aesthetic considerations, watershed management and recreational
21 use.

22 **SECTION 12.** 77.82 (2) (e) of the statutes, as affected by 2007 Wisconsin Act
23 (this act), is amended to read:

24 77.82 (2) (e) A statement of the owner's forest management objectives for the
25 production of merchantable timber, in sufficient detail to provide direction for the

SENATE BILL 438

1 development and approval of ~~a~~ the proposed management plan. The application
2 may also state additional forest management objectives, which may include wildlife
3 habitat management, aesthetic considerations, watershed management and
4 recreational use.

5 **SECTION 13.** 77.82 (2) (f) of the statutes is amended to read:

6 77.82 (2) (f) Proof that each person holding any encumbrance on the land
7 agrees to ~~the petition~~ that the application may be filed.

8 **SECTION 14.** 77.82 (2) (i) of the statutes is amended to read:

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

12 **SECTION 15.** 77.82 (2) (i) of the statutes, as affected by 2007 Wisconsin Act ...
13 (this act), is repealed.

14 **SECTION 16.** 77.82 (2m) (title) of the statutes is amended to read:

15 77.82 (2m) (title) FEES FOR PETITIONS APPLICATIONS AND MANAGEMENT PLANS.

16 **SECTION 17.** 77.82 (2m) (a) 1. of the statutes is amended to read:

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

22 **SECTION 18.** 77.82 (2m) (a) 1. of the statutes, as affected by 2007 Wisconsin Act
23 (this act), is renumbered 77.82 (2m) (a).

24 **SECTION 19.** 77.82 (2m) (a) 2. of the statutes is amended to read:

SENATE BILL 438

1 77.82 (2m) (a) 2. If ~~a petition~~ an application under sub. (2), (4m), or (12) is not
2 accompanied by a proposed management plan that meets the requirements under
3 par. (c), the department shall charge the plan preparation fee established under par.
4 (am) if the department agrees to complete the plan.

5 **SECTION 20.** 77.82 (2m) (a) 2. of the statutes, as affected by 2007 Wisconsin Act
6 (this act), is repealed.

7 **SECTION 21.** 77.82 (2m) (ac) of the statutes is created to read:

8 77.82 (2m) (ac) If the department prepares a management plan under sub. (3)
9 (am), the department shall collect from the applicant the management plan fee
10 established under par. (am).

11 **SECTION 22.** 77.82 (2m) (am) of the statutes is amended to read:

12 77.82 (2m) (am) The department shall by rule establish on an annual basis a
13 nonrefundable fee that the department shall charge for a management plan
14 prepared or completed by the department, ~~including any plan prepared by a certified~~
15 ~~plan writer contracted by the department under sub. (3) (g).~~ The fee shall be based
16 on the comparable commercial market rate that is charged for preparation of such
17 management plans.

18 **SECTION 23.** 77.82 (2m) (c) of the statutes is amended to read:

19 77.82 (2m) (c) A proposed management plan is exempt from the management
20 ~~plan preparation~~ fee under par. ~~(a) 2.~~ (ag) if it is prepared or completed by an
21 independent certified plan writer instead of by the department.

22 **SECTION 24.** 77.82 (2m) (d) of the statutes is amended to read:

23 77.82 (2m) (d) All of the application recording fees collected under par. (a) ~~1.~~
24 shall be credited to the appropriation under s. 20.370 (1) (cr).

25 **SECTION 25.** 77.82 (2m) (dm) 1. of the statutes is amended to read:

SENATE BILL 438**SECTION 25**

1 77.82 (2m) (dm) 1. Of each management plan fee, \$300 or the entire fee,
2 whichever is less, that is collected under par. (a) or (e) that is not credited to the
3 appropriation under s. 20.370 (1) (cr) (ag) shall be credited to the appropriation under
4 s. 20.370 (1) (cx).

5 **SECTION 26.** 77.82 (2m) (e) of the statutes is amended to read:

6 77.82 (2m) (e) If a proposed management plan accompanying ~~a petition~~ an
7 application filed under sub. (2), (4m), or (12) is not approved by the department under
8 its initial review under sub. (3) (a), and if the department agrees to complete the
9 management plan under sub. (3) (a), the department shall collect from the ~~petitioner~~
10 applicant the plan preparation fee established under par. (am), if the ~~petitioner~~
11 applicant has not previously paid the fee.

12 **SECTION 27.** 77.82 (2m) (e) of the statutes, as affected by 2007 Wisconsin Act
13 (this act), is renumbered 77.82 (2m) (ag) and amended to read:

14 77.82 (2m) (ag) If a proposed management plan accompanying an application
15 filed under sub. (2), (4m), or (12) is not approved by the department under its initial
16 review under sub. (3) (a) (ar), and if the department agrees to complete the proposed
17 management plan under sub. (3) (a) (ar), the department shall collect from the
18 applicant the management plan preparation fee established under par. (am), if the
19 ~~applicant has not previously paid the fee.~~

20 **SECTION 28.** 77.82 (3) (a) of the statutes is amended to read:

21 77.82 (3) (a) A proposed management plan may shall cover the entire acreage
22 of each parcel subject to the ~~petition~~ application. The department, after considering
23 the owner's forest management objectives as stated under sub. (2) (e), shall review
24 and either approve or disapprove the proposed management plan. If the department
25 disapproves the plan, it shall inform the ~~petitioner~~ applicant of the changes

SENATE BILL 438

1 necessary to qualify the plan for approval upon subsequent review. At the request
2 of the ~~petitioner~~ applicant, the department may agree to complete the proposed
3 management plan that has been prepared by an independent certified plan writer.
4 The department shall complete any proposed management plan prepared by the
5 department.

6 **SECTION 29.** 77.82 (3) (a) of the statutes, as affected by 2007 Wisconsin Act ...
7 (this act), is renumbered 77.82 (3) (ag) and amended to read:

8 77.82 (3) (ag) A proposed management plan shall cover the entire acreage of
9 each parcel subject to the application. ~~The~~ and shall be prepared by an independent
10 certified plan writer or by the department if par. (am) applies.

11 (ar) For a proposed management plan prepared by an independent certified
12 plan writer, the department, after considering the owner's forest management
13 objectives as stated under sub. (2) (e), shall review and either approve or disapprove
14 the proposed management plan. If the department disapproves the proposed plan,
15 it shall inform the applicant of the changes necessary to qualify the plan for approval
16 upon subsequent review. At the request of the applicant, the department may agree
17 to complete the proposed management plan ~~that has been prepared by an~~
18 ~~independent certified plan writer. The department shall complete any proposed~~
19 ~~management plan prepared by the department.~~

20 **SECTION 30.** 77.82 (3) (am) of the statutes is created to read:

21 77.82 (3) (am) If the department determines that an applicant is not able to
22 have a proposed management plan prepared by a certified independent plan writer,
23 the department shall prepare the plan. The department shall promulgate rules
24 establishing the criteria that shall be met in order to determine that an applicant is
25 unable to prepare such a plan.

SENATE BILL 438**SECTION 31**

1 **SECTION 31.** 77.82 (3) (c) (intro.) of the statutes is amended to read:

2 77.82 (3) (c) (intro.) To qualify for approval, a management plan ~~shall be~~
3 ~~prepared by an independent certified plan writer or prepared by the department and~~
4 shall include all of the following:

5 **SECTION 32.** 77.82 (3) (f) of the statutes is repealed and recreated to read:

6 77.82 (3) (f) A management plan may be amended either by an agreement
7 entered into by the owner and the department or by the department to ensure the
8 practice of sound forestry.

9 **SECTION 33.** 77.82 (3) (g) of the statutes is amended to read:

10 77.82 (3) (g) The department shall certify plan writers and shall promulgate
11 rules specifying the qualifications that a person must satisfy to become a certified
12 plan writer. For management plans prepared or completed by the department under
13 this subsection, the department may contract with plan writers certified by the
14 department to prepare and complete these plans.

15 **SECTION 34.** 77.82 (4) of the statutes is amended to read:

16 77.82 (4) ADDITIONS TO MANAGED FOREST LAND. An owner of land that is
17 designated as managed forest land under an order that takes effect on or after April
18 28, 2004, may petition file an application with the department to designate as
19 managed forest land an additional parcel of land if the additional parcel is at least
20 3 acres in size and is contiguous to any of that designated land. The ~~petition~~
21 application shall be accompanied by a nonrefundable \$20 application recording fee
22 unless a different amount for the fee is established by the department by rule at an
23 amount equal to the average expense to the department of recording an order issued
24 under this subchapter. The fee shall be deposited in the conservation fund and
25 credited to the appropriation under s. 20.370 (1) (cr). The ~~petition~~ application shall

SENATE BILL 438

1 be filed on a department form and shall contain any additional information required
2 by the department.

3 **SECTION 35.** 77.82 (4g) (a) of the statutes is amended to read:

4 77.82 (4g) (a) If an owner of land that is designated as managed forest land
5 under an order that takes effect before April 28, 2004, wishes to have an additional
6 parcel of land that is at least 10 acres in size and that satisfies the other requirements
7 in sub. (1) designated as managed forest land, the owner may ~~petition~~ file an
8 application with the department under sub. (2) for a new order covering the
9 additional land.

10 **SECTION 36.** 77.82 (4g) (b) of the statutes is amended to read:

11 77.82 (4g) (b) If an owner of land that is designated as managed forest land
12 under an order that takes effect before April 28, 2004, wishes to have designated as
13 managed forest land an additional parcel of land that is at least 3 acres in size, that
14 does not satisfy the requirements in sub. (1), and that is contiguous to any of that
15 designated land, the owner may withdraw the designated land from the original
16 order and may ~~petition~~ file an application with the department under sub. (2) for a
17 new order covering both the withdrawn land and the additional land. The
18 withdrawal tax and the withdrawal fee under s. 77.88 (5) and (5m) do not apply to
19 a withdrawal under this paragraph.

20 **SECTION 37.** 77.82 (4m) (a) of the statutes is amended to read:

21 77.82 (4m) (a) An owner of land that is entered as forest croplands under s.
22 77.02 may ~~petition~~ file an application with the department under sub. (2) to convert
23 all or a portion of the land to managed forest land, subject to sub. (1) (c).

24 **SECTION 38.** 77.82 (4m) (b) of the statutes is amended to read:

SENATE BILL 438**SECTION 38**

1 77.82 (4m) (b) ~~A petition~~ An application under this subsection shall specify
2 whether the order designating the land as managed forest land will remain in effect
3 for 25 years or 50 years, as elected by the owner.

4 **SECTION 39.** 77.82 (4m) (d) of the statutes is amended to read:

5 77.82 (4m) (d) An owner of land who has filed a conversion ~~petition~~ application
6 under this subsection and for whom the department is preparing or completing a
7 management plan may withdraw the request and have it prepared by an
8 independent certified plan writer if the owner determines that the department is not
9 preparing or completing the management plan in a timely manner.

10 **SECTION 40.** 77.82 (5) (title) of the statutes is amended to read:

11 77.82 (5) (title) NOTICE OF ~~PETITION~~ APPLICATION; REQUEST FOR DENIAL.

12 **SECTION 41.** 77.82 (5) (a) of the statutes is amended to read:

13 77.82 (5) (a) Upon receipt of ~~a petition~~ an application under sub. (2), (4) or (4m),
14 the department shall provide written notice of the ~~petition~~ application to each clerk
15 of each municipality in which the land is located.

16 **SECTION 42.** 77.82 (5) (b) of the statutes is amended to read:

17 77.82 (5) (b) The governing body of any municipality in which the proposed
18 managed forest land is located or a resident or property tax payer of such a
19 municipality may, within 15 days after the notice under par. (a) is provided, request
20 the department to deny the ~~petition~~ application on the grounds that the land fails to
21 meet the eligibility requirements under sub. (1) or that, if the addition is approved,
22 the entire parcel will fail to meet those eligibility requirements. The request shall
23 be in writing and shall specify the reason for believing that the land is or would be
24 ineligible.

25 **SECTION 43.** 77.82 (6) (a) of the statutes is amended to read:

SENATE BILL 438

1 77.82 (6) (a) The department shall conduct any investigation necessary to
2 reach a decision on ~~a petition~~ an application.

3 **SECTION 44.** 77.82 (6) (b) 2. of the statutes is amended to read:

4 77.82 (6) (b) 2. At least 10 days before the date of the hearing, the department
5 shall mail written notice of the date, time, and place of the hearing to the ~~petitioner,~~
6 applicant, to each person who submitted a request under sub. (5) (b), and to the clerk
7 of each municipality in which the land is located.

8 **SECTION 45.** 77.82 (7) (a) (intro.) of the statutes is amended to read:

9 77.82 (7) (a) (intro.) After considering the testimony presented at the public
10 hearing, if any, the facts discovered by its investigation and the land use in the area
11 in which the land is located, the department shall approve ~~a petition~~ an application
12 under sub. (2) or (4m) if it determines all of the following:

13 **SECTION 46.** 77.82 (7) (a) 2. of the statutes is amended to read:

14 77.82 (7) (a) 2. That all facts stated in the ~~petition~~ application are correct.

15 **SECTION 47.** 77.82 (7) (b) (intro.) of the statutes is amended to read:

16 77.82 (7) (b) (intro.) After considering the testimony presented at the public
17 hearing, if any, and the facts discovered by its investigation, the department shall
18 approve ~~a petition~~ an application under sub. (4) if it determines all of the following:

19 **SECTION 48.** 77.82 (7) (b) 1. of the statutes is amended to read:

20 77.82 (7) (b) 1. That all facts stated in the ~~petition~~ application are correct.

21 **SECTION 49.** 77.82 (7) (c) 1. of the statutes is amended to read:

22 77.82 (7) (c) 1. Except as provided in par. (d), if ~~a petition~~ an application is
23 received on or before March 31 of any year from ~~any petitioner other than a petitioner~~
24 an applicant who owns less than 1,000 acres or more in this state, the department
25 shall investigate and shall either approve the ~~petition~~ application and issue the order

SENATE BILL 438**SECTION 49**

1 under sub. (8) or deny the ~~petition~~ application before the following November 21. An
2 application received after March 31 from an applicant who owns 1,000 acres or more
3 in this state shall be acted on by the department as provided in this subdivision
4 before the November 21 of the year following the year in which the application is
5 received.

6 **SECTION 50.** 77.82 (7) (c) 2. of the statutes is repealed.

7 **SECTION 51.** 77.82 (7) (c) 3. of the statutes is amended to read:

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

19 **SECTION 52.** 77.82 (7) (d) of the statutes is amended to read:

20 77.82 (7) (d) The department shall approve or disapprove ~~a petition~~ an
21 application under par. (a) that is ~~submitted~~ filed under sub. (4m) within 3 years after
22 the date on which the ~~petition is submitted to~~ application is filed with the
23 department.

24 **SECTION 53.** 77.82 (8) of the statutes is amended to read:

SENATE BILL 438

1 77.82 (8) ORDER. If ~~a petition~~ an application under sub. (2), (4m), or (12) is
2 approved, the department shall issue an order designating the land as managed
3 forest land for the time period specified in the ~~petition~~ application. If ~~a petition~~ an
4 application under sub. (4) is approved, the department shall amend the original
5 order to include the additional parcel. The department shall provide the ~~petitioner~~
6 applicant with a copy of the order or amended order and shall also file a copy with
7 the department of revenue, the supervisor of assessments, and the clerk of each
8 municipality in which the land is located, and shall record the order with the register
9 of deeds in each county in which the land is located.

10 **SECTION 54.** 77.82 (10) of the statutes is amended to read:

11 77.82 (10) DENIAL. If the department denies ~~a petition~~ an application, it shall
12 notify the ~~petitioner~~ applicant in writing, stating the reason for the denial.

13 **SECTION 55.** 77.82 (11) of the statutes is amended to read:

14 77.82 (11) DURATION. An order under this subchapter remains in effect for the
15 period specified in the ~~petition~~ application unless the land is withdrawn under s.
16 77.84 (3) (b) or 77.88. An amendment to or repeal of this subchapter does not affect
17 the terms of an order or management plan, except as expressly agreed to in writing
18 by the owner and the department and except as provided in sub. (11m).

19 **SECTION 56.** 77.82 (11g) of the statutes is amended to read:

20 77.82 (11g) WITHDRAWAL TAX ON CONVERTED FOREST CROPLANDS PROHIBITED. No
21 tax or interest may be assessed under s. 77.10 (2) (a) on land converted to managed
22 forest land pursuant to ~~a petition~~ an application approved under sub. (7) (d).

23 **SECTION 57.** 77.82 (12) of the statutes is amended to read:

24 77.82 (12) RENEWAL. An owner of managed forest land may ~~petition~~ file an
25 application with the department under sub. (2) for renewal of the order. ~~A petition~~

SENATE BILL 438

1 An application filed by an owner of 1,000 acres or more in this state shall be filed no
2 later than the March 31 before the expiration date of the order. ~~A petition~~ An
3 application filed by an owner of less than 1,000 acres in this state shall be filed no
4 later than the ~~2nd July 1~~ June 1 before the expiration date of the order, ~~except that~~
5 ~~if the owner satisfies the requirement in sub. (7) (e) 3., the petition shall be filed no~~
6 ~~later than the May 15 before the expiration date of the order.~~ The ~~petition~~ application
7 shall specify whether the owner wants the order renewed for 25 or 50 years. The
8 provisions under subs. (5), (6), and (7) do not apply to ~~a petition~~ an application under
9 this subsection. The department may deny the ~~petition~~ application only if the land
10 fails to meet the eligibility requirements under sub. (1), if the owner has failed to
11 comply with the management plan that is in effect on the date that the ~~petition~~
12 application for renewal is filed, or if there are delinquent taxes on the land. If the
13 ~~petition~~ application is denied, the department shall state the reason for the denial
14 in writing.

15 **SECTION 58.** 77.86 (1) (c) of the statutes is amended to read:

16 77.86 (1) (c) If the proposed cutting conforms to the management plan and is
17 consistent with sound forestry practices, the department shall approve the request.

18 **SECTION 59.** 77.86 (1) (d) of the statutes is amended to read:

19 77.86 (1) (d) If the proposed cutting does not conform to the management plan
20 or is not consistent with sound forestry practices, the department shall assist the
21 owner in developing an acceptable proposal before approving the request.

22 **SECTION 60.** 77.87 (1g) (a) of the statutes is amended to read:

23 77.87 (1g) (a) An order converting forest cropland to managed forest land
24 pursuant to ~~a petition~~ an application approved under s. 77.82 (7) (d).

25 **SECTION 61.** 77.87 (1g) (d) of the statutes is amended to read:

SENATE BILL 438

1 77.87 (1g) (d) ~~A~~ An order petitioned for for which an application is filed under
2 s. 77.82 (4g) (b).

3 **SECTION 62.** 77.87 (3) of the statutes is amended to read:

4 77.87 (3) PAYMENT. A tax assessed under sub. (1) or (2) is due and payable to
5 the department on the last day of the next month following the date the certificate
6 is mailed to the owner. The department shall collect interest at the rate of 12% per
7 year on any tax that is paid later than the due date. Amounts received shall be
8 credited to the conservation fund.

9 **SECTION 63.** 77.88 (2) (b) of the statutes is amended to read:

10 77.88 (2) (b) If the land remaining after a transfer under par. (a) is contiguous
11 and meets the eligibility requirements under s. 77.82 (1) (a) 2. and (b), it shall
12 continue to be designated as managed forest land until the expiration of the existing
13 order, even if the parcel contains less than 10 acres. Notwithstanding s. 77.82 (12),
14 an owner may not ~~petition~~ file an application with the department for renewal of the
15 order if the parcel contains less than 10 acres. No withdrawal tax under sub. (5) or
16 withdrawal fee under sub. (5m) may be assessed when the remaining land is
17 withdrawn at the expiration of the order.

18 **SECTION 64.** 77.88 (2) (d) 1. of the statutes is amended to read:

19 77.88 (2) (d) 1. Within ~~10~~ 30 days after a transfer of ownership, the ~~former~~
20 ~~owner~~ transferee shall, on a form provided by the department, file with the
21 department a report of the transfer signed by ~~the former owner and~~ the transferee.
22 ~~The report shall be accompanied by a \$100 fee which~~ transferee shall pay a \$100 fee
23 that will accompany the report. The fee shall be deposited in the conservation fund.
24 Twenty dollars of the fee or a different amount of the fee as may be established under

SENATE BILL 438**SECTION 64**

1 subd. 2. shall be credited to the appropriation under s. 20.370 (1) (cr). The
2 department shall immediately notify each person entitled to notice under s. 77.82 (8).

3 **SECTION 65.** 77.88 (2) (e) of the statutes is amended to read:

4 77.88 (2) (e) The transferred land shall remain managed forest land if the
5 transferee, within 30 days after the transfer, certifies to the department an intent
6 to comply with the existing management plan for the land and with any amendments
7 ~~agreed to by the department and the transferee~~ to the plan, and provides proof that
8 each person holding any encumbrance on the land agrees to the designation. The
9 transferee may designate an area of the transferred land closed to public access as
10 provided under s. 77.83. The department shall issue an order continuing the
11 designation of the land as managed forest land under the new ownership.

12 **SECTION 66.** 77.88 (4) of the statutes is amended to read:

13 77.88 (4) NONRENEWAL. If an owner does not ~~petition~~ file with the department
14 an application to renew a managed forest land order, the department shall order the
15 land withdrawn at the expiration of the order. No withdrawal tax under sub. (5) or
16 withdrawal fee under sub. (5m) may be assessed.

17 **SECTION 67.** 77.88 (5) (ab) 1. of the statutes is amended to read:

18 77.88 (5) (ab) 1. "Expanded order" means an order approved under s. 77.82 (8)
19 ~~that is petitioned for~~ for which an application is filed under s. 77.82 (4g) (b).

20 **SECTION 68.** 77.88 (5) (am) (intro.) of the statutes is amended to read:

21 77.88 (5) (am) (intro.) For land that is withdrawn within 10 years after the date
22 on which an initial managed forest land order was issued under s. 77.82 (8) for ~~a~~
23 ~~petition~~ an application approved under s. 77.82 (7) (d), the withdrawal tax shall be
24 the higher of the following:

25 **SECTION 69.** 77.88 (5g) of the statutes is created to read:

SENATE BILL 438

1 77.88 (5g) ESTIMATES OF WITHDRAWAL TAX. (a) Upon the request of an owner of
2 managed forest land, the department of revenue, with the assistance of the
3 department, shall prepare an estimate of the amount of withdrawal tax that would
4 be assessed under sub. (5) if the department were to issue an order to withdraw the
5 land under this section.

6 (b) A request from an owner under this subsection shall be accompanied by a
7 nonrefundable fee payable to the department of revenue of either \$100 or the
8 alternative nonrefundable fee calculated under par. (c), whichever is greater.

9 (c) The alternative nonrefundable fee shall be calculated by multiplying the
10 total number of whole and partial acres by \$5.

11 **SECTION 70.** 77.88 (6) of the statutes is amended to read:

12 77.88 (6) DETERMINATION OF STUMPAGE VALUE. In determining the stumpage
13 value of merchantable timber for purposes of this section, an estimator agreed upon
14 by the parties or, if they cannot agree, a forester appointed by a judge of the circuit
15 court in the county in which the land is located shall estimate the volume of
16 merchantable timber on the land. The estimate obtained shall be final. The
17 department shall determine the current stumpage value of the merchantable timber,
18 based on the ~~rule promulgated~~ applicable stumpage value established under s. 77.91
19 (1). The owner shall pay the entire cost of obtaining the estimate.

20 **SECTION 71.** 77.90 of the statutes is amended to read:

21 **77.90 Right to hearing.** ~~A petitioner~~ An applicant under s. 77.82 or an owner
22 of managed forest land who is adversely affected by a decision of the department
23 under this subchapter is entitled to a contested case hearing under ch. 227.

24 **SECTION 72.** 77.91 (1) of the statutes is amended to read:

SENATE BILL 438**SECTION 72**

1 77.91 (1) ~~RULE MAKING; STUMPAGE VALUE~~ STUMPAGE VALUES. Each year the
2 department shall ~~promulgate a rule establishing a~~ establish reasonable stumpage
3 ~~value~~ values for the merchantable timber grown in the municipalities in which
4 managed forest land is located. If the department finds that stumpage values vary
5 in different parts of the state, it may establish different zones and specify the
6 stumpage value for each zone. The rule stumpage value shall take effect on
7 November 1 of each year. Notwithstanding s. 227.11, the department may not
8 promulgate or have in effect rules that established stumpage values.

9 **SECTION 73.** 170.12 (5) of the statutes is amended to read:

10 170.12 (5) RESERVATION OF VALUE. The state reserves to itself 30% of the
11 stumpage value, as established by the department of natural resources by rule
12 ~~promulgated~~ under s. 77.91 (1), of any log raised pursuant to a permit issued under
13 this section.

14 **SECTION 74. Initial applicability.**

15 (1) MANAGED FOREST LAND APPLICATIONS AND MANAGEMENT PLANS. The treatment
16 of sections 20.370 (1) (cx) and 77.82 (2) (dm), (2m) (ac), (am), (c), (d), (dm) 1., and (3)
17 (am), (c) (intro.), and (g) of the statutes, the repeal of section 77.82 (2) (i) and (2m)
18 (a) 2. of the statutes, the renumbering of section 77.82 (2m) (a) 1. of the statutes, the
19 renumbering and amendment of section 77.82 (2m) (e) and (3) (a) of the statutes, and
20 the amendment of section 77.82 (2) (e) (by SECTION 12) of the statutes first apply to
21 applications filed on the 2nd June 1 after the effective date of this subsection.

22 (2) INVESTIGATIONS ON APPLICATIONS. The treatment of section 77.82 (7) (c) 1., 2.,
23 and 3. of the statutes first applies to applications filed on the effective date of this
24 subsection.

