

2001 DRAFTING REQUEST

Bill

Received: **12/18/2001**

Received By: **gibsom**

Wanted: **As time permits**

Identical to LRB:

For: **John Ainsworth (608) 266-3097**

By/Representing:

This file may be shown to any legislator: **NO**

Drafter: **gibsom**

May Contact:

Addl. Drafters:

Subject: **Nat. Res. - parks and forestry**

Extra Copies:

Submit via email: **NO**

Pre Topic:

No specific pre topic given

Topic:

Changes in managed forest land law

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	gibsom 01/22/2002	gilfokm 01/22/2002	kfollet 01/22/2002	_____	lrb_docadmin 01/22/2002	lrb_docadminS&L 01/23/2002	
/2	rkite 01/23/2002	gilfokm 01/23/2002	pgreensl 01/23/2002	_____	lrb_docadmin 01/23/2002	lrb_docadminS&L 01/23/2002	

FE Sent For:

<END>

LAZ intro.

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/1	gibsom 01/22/2002	gilfokm 01/22/2002	kfollet 01/22/2002	_____	lrb_docadmin 01/22/2002		S&L

FE Sent For: *12-1/23*
KMP

1/23
PS <END>

Please jacket

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1?	gibsom	1-4/22 dmg	8/11/22	8/11/22			

FE Sent For:

<END>

Gibson-Glass, Mary

From: Gibson-Glass, Mary
Sent: Tuesday, December 18, 2001 3:47 PM
To: Rep.Ainsworth
Subject: RE: Forestry Legislation Drafting Request

I have taken a look at this and will need to speak to DNR concerning this request. Do you have the name of someone over there who could answer my questions concerning current law?

Thanks so much.

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

-----Original Message-----

From: Rep.Ainsworth
Sent: Tuesday, December 18, 2001 9:43 AM
To: Gibson-Glass, Mary
Subject: Forestry Legislation Drafting Request

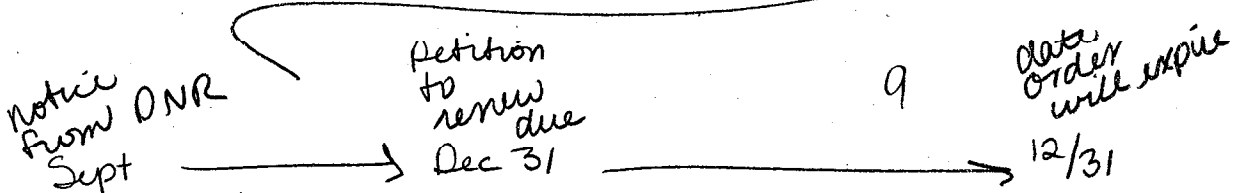
Mary --

The Department of Natural Resources has requested that John draft a "Forestry Administrative Streamlining bill" that contains 3 components:

1. Managed Forest Law Counter-Signature Requirement - The DNR would like Section 77.18 of the Statutes created to read: "The signature of an official or an employee of the department of natural resources may be stamped, printed, or otherwise reproduced on an order under this subchapter after the official or employee adopts the stamped, printed, or otherwise reproduced signature as his or her facsimile signature."
2. ~~Change the Managed Forest Law Renewal date to correspond with the other forest tax law program renewal dates.~~ ^{77.82 (7)(c)}
3. ~~Change the deadline for application to the Managed Forest Law program to December 31 for the succeeding year.~~

see draft

Paul DeLong
Jimmy Christensen





State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-4445-1 RMR

MGG:1/...
img

Today

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

cannot print w/ line #'s

Print w/ line #'s

Gen. Cat.

the department of natural resources

AN ACT...; relating to: signature, authorization requirements for orders under the managed forest land program, and modifications to ^{certains} deadline dates under the managed forest land program. forest croplands and woodland tax law

Analysis by the Legislative Reference Bureau

Under current law, (DNR) administers the forest croplands program, the woodland tax law program, and the managed forest land program, which are similar programs that exempt a landowner from payment of municipal property taxes on the land in the program in exchange for the landowner's payment of an acreage share, which is lower than the municipal property tax, and for the landowner's compliance with approved forestry and other conservation practices. In administering these programs, DNR must record orders that designate or withdraw or declassify land from these programs with the registers of deeds in the counties in which the land is located and must file a copy of orders withdrawing or declassifying lands from these programs with certain governmental agencies. Current law also requires, unless different requirements apply, every instrument offered for recording in the office of the register of deeds to bear all of the required signatures and to contain a specified form of authentication.

For the managed forest land program, current law allows the order to be signed by a facsimile signature of a DNR employee or official, and it exempts the order from the authentication requirement for recording with the office of the register of deeds. This bill creates the same procedure and exemption for orders signed by a DNR employee or official under the forest croplands program and the woodland tax law program.

The bill changes the date before which a petition to designate land under the managed forest land program must be filed by a landowner who owns less than 1,000 acres in the state in order to receive a decision approving or disapproving the petition by the following November 21. The bill moves the date up from January 31 to December 31.

advances As the managed forest land program is administered by *the* department, orders under the program generally expire on December 31. The bill changes the date before which a petition to renew a managed forest land designation must be filed by a landowner. The bill moves the date ~~up~~ from March 31 before the December 31 expiration date to the December 31 of the prior year. The bill also moves the date before which DNR must notify an owner of the expiration date of a designation from the March 31 before expiration date to the September 30 which is before the date upon which the renewal petition must be filed. *DNR*

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

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

SECTION 1. 77.18[✓] of the statutes is created to read:

77.18 Signatures. (1) The signature of an official or an employee of the department of natural resources may be stamped, printed, or otherwise reproduced on an order under this subchapter after the official or employee adopts the stamped, printed, or otherwise reproduced signature as his or her facsimile signature.

(2) The signature or the facsimile signature under sub. (1) of an official or an employee of the department of natural resources meets the requirements under s. 706.05 (2) (a).[✓]

(3) The requirements of s. 706.05 (2) (b) do not apply to orders issued under this subchapter.[✓]

SECTION 2. 77.82 (7) (c)[✓] of the statutes is amended to read:

77.82 (7) (c) Except as provided in par. (d), if a petition is received on or before ~~January~~ December 31 of any year from a petitioner who owns less than 1,000 acres in this state or on or before March 31 of any year from any other petitioner, the

INS
ANL

department shall investigate and shall either approve the petition and issue the order under sub. (8) or deny the petition on or before the following November 21.

History: 1985 a. 29; 1989 a. 31; 1993 a. 16, 131, 301, 491; 1995 a. 27; 1997 a. 27, 35, 237.

SECTION 3. 77.82 (12) of the statutes is amended to read:

77.82 (12) RENEWAL. The department shall notify each owner of managed forest land of the expiration date of an order no later than the ~~January 31~~ September 30 preceding the ~~expiration date~~ on which a petition to renew the order must be filed. The owner may petition the department for renewal of the order. The petition shall be filed no later than the ~~March 31~~ one day before the January 1 before the expiration date and shall specify whether the owner wants the order renewed for 25 or 50 years. The notice and hearing provisions under subs. (5) and (6) do not apply to a petition under this subsection. The department may deny the petition only if the land fails to meet the eligibility requirements under sub. (1), if the owner has failed to comply with the management plan₂ or if there are delinquent taxes on the land. If the petition is denied, the department shall state the reason for the denial in writing.

History: 1985 a. 29; 1989 a. 31; 1993 a. 16, 131, 301, 491; 1995 a. 27; 1997 a. 27, 35, 237.

SECTION 4. Initial applicability.

(1) The treatment of section 77.82 (7) (c) and (12) of the statutes first applies to petitions that are submitted or filed on the effective date of this subsection.

(END)

2001-2002 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-4445/lins
MCG:.....

INS ANL

Under the managed forest ~~land~~ ^{land} program, orders^e are for a term of either 25^e or 50 years. As the program is administered by DNR, an order generally expires on the December 31 of the last year of the order. The bill changes the deadline for a landowner to file a petition to renew an order from the March 31 before the order expires to the December 31 before it expires. The bill also ~~changes the~~ ^{imposes an earlier} deadline for DNR to notify a landowner of an upcoming expiration date for a managed forest land order from the March 31 before the expiration date to the preceding September 30. ^{years}

↳ by changing the deadline

Per Christina -

She talked to Paul DeLong at DNR
the woodlands tax program no longer
exists - all K's have expired
wants to delete references to the program

also, ~~insert~~ ~~the~~ change date in
analysis (last line should be January 31
and not March 31)



2001 BILL

1 *Gen. Cat.* AN ACT to amend 77.82 (7) (c) and 77.82 (12); and to create 77.18 of the statutes;
 2 relating to: signature and authorization requirements for orders under the
 3 forest cropland ^{S+ET} and woodland tax law programs and modifications to certain
 4 deadline dates under the managed forest land program.

Analysis by the Legislative Reference Bureau

S+ET

Under current law, the department of natural resources (DNR) administers the forest cropland program, ~~the woodland tax law program~~ and the managed forest land program, which are similar programs that exempt a landowner from payment of municipal property taxes on the land in the program in exchange for the landowner's payment of an acreage share, which is lower than the municipal property tax, and for the landowner's compliance with approved forestry and other conservation practices. In administering these programs, DNR must record orders that designate or withdraw or declassify land from these programs with the registers of deeds in the counties in which the land is located and must file a copy of orders withdrawing or declassifying lands from these programs with certain governmental agencies. Current law also requires, unless different requirements apply, every instrument offered for recording in the office of the register of deeds to bear all of the required signatures and to contain a specified form of authentication.

For the managed forest land program, current law allows the order to be signed by a facsimile signature of a DNR employee or official, and it exempts the order from the authentication requirement for recording with the office of the register of deeds. This bill creates the same procedure and exemption for orders signed by a DNR

BILL

employee or official under the forest croplands program ~~and the woodland tax law~~
~~(statute)~~

The bill changes the date before which a petition to designate land under the managed forest land program must be filed by a landowner who owns less than 1,000 acres in the state in order to receive a decision approving or disapproving the petition by the following November 21. The bill moves the date up from January 31 to December 31.

Under the managed forest land program, orders are for a term of either 25 years or 50 years. As the program is administered by DNR, an order generally expires on the December 31 of the last year of the order. The bill changes the deadline for a landowner to file a petition to renew an order from the ~~March~~ ^{January} 31 before the order expires to the December 31 before it expires. The bill also imposes an earlier deadline for DNR to notify a landowner of an upcoming expiration date for a managed forest land order by changing the deadline from the ~~March~~ 31 before the expiration date to the preceding September 30.

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.** 77.18 of the statutes is created to read:

2 **77.18 Signatures.** (1) The signature of an official or an employee of the
3 department of natural resources may be stamped, printed, or otherwise reproduced
4 on an order ^{relating to forest croplands} under this subchapter after the official or employee adopts the stamped,
5 printed, or otherwise reproduced signature as his or her facsimile signature.

6 (2) The signature or the facsimile signature under sub. (1) of an official or an
7 employee of the department of natural resources meets the requirements under s.
8 706.05 (2) (a).

9 (3) The requirements of s. 706.05 (2) (b) do not apply to orders issued under this
10 subchapter.

11 **SECTION 2.** 77.82 (7) (c) of the statutes is amended to read:

12 77.82 (7) (c) Except as provided in par. (d), if a petition is received on or before
13 ~~January~~ December 31 of any year from a petitioner who owns less than 1,000 acres

BILL

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

4 **SECTION 3.** 77.82 (12) of the statutes is amended to read:

5 77.82 (12) RENEWAL. The department shall notify each owner of managed forest
6 land of the expiration date of an order no later than the ~~January 31~~ September 30
7 preceding the ~~expiration~~ date on which a petition to renew the order must be filed.

8 The owner may petition the department for renewal of the order. The petition shall
9 be filed no later than the ~~March 31~~ one day before the January 1 before the expiration
10 date and shall specify whether the owner wants the order renewed for 25 or 50 years.
11 The notice and hearing provisions under subs. (5) and (6) do not apply to a petition
12 under this subsection. The department may deny the petition only if the land fails
13 to meet the eligibility requirements under sub. (1), if the owner has failed to comply
14 with the management plan, or if there are delinquent taxes on the land. If the
15 petition is denied, the department shall state the reason for the denial in writing.

16 **SECTION 4. Initial applicability.**

17 (1) The treatment of section 77.82 (7) (c) and (12) of the statutes first applies
18 to petitions that are submitted or filed on the effective date of this subsection.

19 (END)