

**BILL HISTORY FOR ASSEMBLY BILL 323 (LRB -1310)**

An Act to repeal 77.82 (2m) (c); to renumber and amend 77.82 (2m) (d), 77.88 (2) (d), 77.89 (2) and 77.89 (3); to amend 74.25 (1) (a) 6., 74.25 (1) (a) 8., 74.30 (1) (f), 74.30 (1) (h), 75.35 (2) (f) 3., 75.36 (3) (b), 77.82 (2m) (a), 77.82 (2m) (b), 77.82 (2m) (e), 77.82 (3) (c) (intro.), 77.82 (3) (c) 6., 77.82 (4), 77.82 (7) (c), 77.82 (7) (c), 77.82 (8), 77.82 (12), 77.83 (1) (a) 1., 77.84 (2) (a), 77.84 (2) (b), 77.84 (2) (c), 77.84 (3) (b), 77.87 (3), 77.88 (1) (c), 77.88 (2) (am), 77.88 (2) (b), 77.88 (2) (c), 77.88 (2) (f), 77.88 (3), 77.88 (4), 77.88 (5) (a) 1., 77.88 (5) (a) 2., 77.88 (5) (b) 1., 77.88 (5) (b) 2., 77.88 (7), 77.88 (8) and 77.89 (1); and to create 20.370 (1) (cw), 23.09 (18m), 77.82 (2) (cm), 77.82 (2m) (d) 2., 77.82 (3) (g), 77.82 (7) (c) 2., 77.83 (1m), 77.84 (2) (am), 77.84 (2) (bm), 77.84 (2) (cm), 77.87 (1g), 77.876, 77.88 (2) (d) 2., 77.88 (3m) and 77.88 (5m) of the statutes; relating to: the Managed Forest Land Program, providing funding for grants for land acquisition for outdoor recreation, requiring the exercise of rule-making authority, and making an appropriation. (FE)

2003

05-13. A.	Introduced by Representative Friske; cosponsored by Senators Welch and Breske.	
05-13. A.	Read first time and referred to committee on Forestry .....	203
05-13. A.	Fiscal estimate received.	
05-13. A.	Public hearing held.	
05-28. A.	Assembly amendment 1 offered by Representative Seratti (LRB a0531) .....	216
05-28. A.	Fiscal estimate received.	
07-08. A.	Public hearing held.	
07-09. A.	Fiscal estimate received.	
10-14. A.	Assembly substitute amendment 1 offered by Representative Friske (LRB s0174) .....	427
10-14. A.	Executive action taken.	
10-14. A.	Assembly amendment 1 to Assembly substitute amendment 1 offered by committee on Forestry (LRB a1144) .....	447
10-14. A.	Assembly amendment 2 to Assembly substitute amendment 1 offered by committee on Forestry (LRB a1190) .....	447
10-27. A.	Report Assembly Amendment 1 to Assembly Substitute Amendment 1 adoption recommended by committee on Forestry, Ayes 5, Noes 0 .....	462
10-27. A.	Report Assembly Amendment 2 to Assembly Substitute Amendment 1 adoption recommended by committee on Forestry, Ayes 5, Noes 0 .....	462
10-27. A.	Report Assembly Substitute Amendment 1 adoption recommended by committee on Forestry, Ayes 5, Noes 0 .....	462
10-27. A.	Report passage as amended recommended by committee on Forestry, Ayes 5, Noes 0 .....	462
10-27. A.	Referred to joint committee on Finance .....	462
11-06. A.	LRB correction (Assembly amendment 2 to Assembly substitute amendment 1) .....	516
11-06. A.	Executive action taken.	
11-06. A.	Assembly substitute amendment 2 offered by joint committee on Finance (LRB s0257) .....	517
11-10. A.	Report Assembly Substitute Amendment 2 adoption recommended by joint committee on Finance, Ayes 12, Noes 4 .....	519
11-10. A.	Report passage as amended recommended by joint committee on Finance, Ayes 12, Noes 4 .....	519
11-10. A.	Referred to calendar .....	519
11-12. A.	Representative Gielow added as a coauthor .....	526
11-12. A.	Read a second time .....	526
11-12. A.	Assembly amendment 1 to Assembly substitute amendment 2 offered by Representatives Friske and Hubler (LRB a1791) .....	526
11-12. A.	Assembly amendment 1 to Assembly substitute amendment 2 adopted .....	526
11-12. A.	Assembly substitute amendment 2 adopted .....	526
11-12. A.	Ordered to a third reading .....	526
11-12. A.	Rules suspended .....	527
11-12. A.	Read a third time and passed, Ayes 91, Noes 5 .....	527
11-12. A.	Ordered immediately messaged .....	527

11-13. S.	Received from Assembly .....	483
11-13. S.	Read first time and referred to committee on Agriculture, Financial Institutions and Insurance .....	484
<del>12-02. S.</del>	<del>Public hearing held.</del>	
12-03. S.	LRB correction .....	504
12-03. S.	LRB correction .....	504

2004

01-13. S.	Executive action taken.	
01-14. S.	Report introduction and adoption of Senate Amendment 1 recommended by committee on Agriculture, Financial Institutions and Insurance, Ayes 5, Noes 0 (LRB a1833) ....	537
01-14. S.	Report concurrence as amended recommended by committee on Agriculture, Financial Institutions and Insurance, Ayes 5, Noes 0 .....	537
01-14. S.	Available for scheduling.	
01-21. S.	Placed on calendar 1-22-2004 by committee on Senate Organization.	
01-22. S.	Read a second time.	
01-22. S.	Senate amendment 1 adopted.	
01-22. S.	Ordered to a third reading.	
01-22. S.	Rules suspended.	
01-22. S.	Read a third time and concurred in as amended.	
01-22. S.	Ordered immediately messaged.	
01-27. A.	Received from Senate amended and concurred in as amended (Senate amendment 1 adopted) .....	643
01-27. A.	Referred to committee on Rules .....	644
01-27. A.	Placed on calendar 1-29-2004 by committee on Rules.	
02-03. A.	Senate amendment 1 concurred in .....	665
02-03. A.	Action ordered immediately messaged .....	665

2003  
ENROLLED BILL

03en AB-323

ADOPTED DOCUMENTS:

Orig     Engr

A SubAmdt 2

03s 0257 /

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

AA1, SA1

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

12-03-03 to ASH 2

12-03-03 to AA1 table

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State of Wisconsin  
2003-2004 LEGISLATURE

**CORRECTIONS IN:**

**ASSEMBLY SUBSTITUTE AMENDMENT 2,  
TO 2003 ASSEMBLY BILL 323**

Prepared by the Legislative Reference Bureau  
(December 3, 2003)

1. Page 21, line 6: delete "31" and substitute "31".

**ASSEMBLY SUBSTITUTE AMENDMENT 2,  
TO 2003 ASSEMBLY BILL 323**

November 6, 2003 – Offered by JOINT COMMITTEE ON FINANCE.

1     **AN ACT to repeal 77.82 (2m) (c); to renumber and amend 77.82 (2m) (d), 77.82**  
2         **(7) (c), 77.88 (2) (d), 77.89 (2) and 77.89 (3); to amend 20.370 (1) (cr), 26.97 (1),**  
3         **74.25 (1) (a) 6., 74.25 (1) (a) 8., 74.30 (1) (f), 74.30 (1) (h), 75.35 (2) (f) 3., 75.36**  
4         **(3) (b), 77.81 (4), 77.82 (2m) (a), 77.82 (2m) (b), 77.82 (2m) (e), 77.82 (3) (c)**  
5         **(intro.), 77.82 (3) (c) 6., 77.82 (4), 77.82 (7) (c) 2., 77.82 (8), 77.82 (12), 77.82 (12),**  
6         **77.83 (1) (a) 1., 77.84 (2) (a), 77.84 (2) (b), 77.84 (3) (b), 77.88 (1) (a), 77.88 (1)**  
7         **(c), 77.88 (2) (am), 77.88 (2) (b), 77.88 (2) (c), 77.88 (2) (f), 77.88 (3), 77.88 (4),**  
8         **77.88 (5) (a) 1., 77.88 (5) (a) 2., 77.88 (5) (b) 1., 77.88 (5) (b) 2., 77.88 (7), 77.88**  
9         **(8), 77.89 (1), 77.89 (1) and 77.89 (2) (b); to repeal and recreate 77.82 (2m) (b);**  
10         **and to create 20.370 (1) (cx), 77.82 (2) (cm), 77.82 (2m) (d) 2., 77.82 (2m) (dm),**  
11         **77.82 (3) (g), 77.82 (4g), 77.82 (7) (c) 2., 77.82 (7) (c) 3., 77.83 (1m), 77.84 (2) (am),**  
12         **77.84 (2) (bm), 77.84 (2) (cm), 77.87 (1g), 77.876, 77.88 (1) (am), 77.88 (2) (d) 2.,**  
13         **77.88 (3m) and 77.88 (5m) of the statutes; relating to: the Managed Forest**

1 Land Program, allowing managed forest land to be located in cities, requiring  
2 the exercise of rule-making authority, and making appropriations.

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

3 SECTION 1. 20.370 (1) (cr) of the statutes is amended to read:

4 20.370 (1) (cr) *Forestry — recording fees.* All moneys received under ss. 77.82  
5 (2m) (d) and (4) and 77.88 (2) (d) for the payment of fees to the registers of deeds under  
6 s. 77.91 (5).

7 SECTION 2. 20.370 (1) (cx) of the statutes is created to read:

8 20.370 (1) (cx) *Forestry — management plans.* All moneys received under s.  
9 77.82 (2m) (dm) for payment for management plans prepared by plan writers who  
10 are under contract with the department under s. 77.82 (3).

11 SECTION 3. 26.97 (1) of the statutes is amended to read:

12 26.97 (1) Arrest a person, with or without a warrant, when the person is  
13 detected actually committing a violation of this chapter, subch. VI of ch. 77, or s.  
14 167.10 (3), 941.10 (1), 941.11, 941.12, 941.13, 943.02 (1) ~~943.03, 943.04, 943.05 or~~  
15 943.06 (2).

2-19 AAI

16 SECTION 4. 74.25 (1) (a) 6. of the statutes is amended to read:

17 74.25 (1) (a) 6. Pay to the county treasurer 20% of collections of occupational  
18 taxes on coal docks, 20% of collections of the taxes imposed under ss. 77.04 and 77.84  
✓19 (2) (a) and (am) and all collections of payments for closed lands under s. 77.84 (2) (b)  
20 and (bm).

21 SECTION 5. 74.25 (1) (a) 8. of the statutes is amended to read:

1 74.25 (1) (a) 8. Retain for the taxation district all woodland tax law collections  
2 under s. 77.16 and 80% of collections of the taxes imposed under ss. 77.04 and 77.84  
3 (2) (a) and (am).

4 SECTION 6. 74.30 (1) (f) of the statutes is amended to read:

5 74.30 (1) (f) Pay to the county treasurer 20% of collections of occupational taxes  
6 on coal docks, 20% of collections of the taxes imposed under ss. 77.04 and 77.84 (2)  
7 (a) and (am) and all collections of payments for closed lands under s. 77.84 (2) (b) and  
8 (bm). *AAV* → 3-7 ✓ *AAI*

9 SECTION 7. 74.30 (1) (h) of the statutes is amended to read:

10 74.30 (1) (h) Retain for the taxation district all woodland tax law collections  
11 under s. 77.16 and 80% of collections of the taxes imposed under ss. 77.04 and 77.84  
12 (2) (a) and (am). *AAI* ✓

13 SECTION 8. 75.35 (2) (f) 3. of the statutes is amended to read:

14 75.35 (2) (f) 3. Any withdrawal tax and any withdrawal fee due under s. 77.84  
15 (3) (b).

16 SECTION 9. 75.36 (3) (b) of the statutes is amended to read:

17 75.36 (3) (b) From the net proceeds of the sale of the property, as determined  
18 under par. (a), first pay any withdrawal tax and withdrawal fee due under s. 77.84  
19 (3) (b) and then pay to taxing jurisdictions all special assessments and special  
20 charges to which the property is subject, including interest and any penalties  
21 imposed under s. 74.47. If the net proceeds are not sufficient to pay all outstanding  
22 amounts due, the net proceeds shall be prorated to each taxing jurisdiction based  
23 upon the ratio that the amount of all special assessments and special charges due  
24 that taxing jurisdiction bears to the amount of all special assessments and special  
25 charges levied against the property sold, including interest and any penalties

1 imposed under s. 74.47. Amounts payable under this paragraph shall be paid to the  
2 taxing jurisdiction within 15 days after the last day of the month in which sale  
3 proceeds become available to the county.

4 **SECTION 10.** 77.81 (4) of the statutes is amended to read:

5 77.81 (4) "Municipality" means a town ~~or~~, village, or city.

6 **SECTION 11.** 77.82 (2) (cm) of the statutes is created to read:

7 77.82 (2) (cm) A copy of an instrument that has been recorded in the office of  
8 the register of deeds of the county in which the property is located that shows the  
9 ownership of the land subject to the petition.

10 **SECTION 12.** 77.82 (2m) (a) of the statutes is amended to read:

11 77.82 (2m) (a) Except as provided in par. (b), a petition under sub. (2) ~~or~~, (4m),  
12 or (12) shall be accompanied by a nonrefundable application fee of \$100 \$300.

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

14 77.82 (2m) (b) If the petition under sub. (2), (4m), or (12) is accompanied by a  
15 proposed management plan as provided in par. (c), the nonrefundable application fee  
16 shall be \$10 \$20 unless a different amount for the fee is established by the  
17 department by rule at an amount equal to the average expense to the department of  
18 recording an order issued under this subchapter.

19 **SECTION 14.** 77.82 (2m) (b) of the statutes, as affected by 2003 Wisconsin Act  
20 .... (this act), is repealed and recreated to read:

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



1           **SECTION 15.** 77.82 (2m) (c) of the statutes is repealed.

2           **SECTION 16.** 77.82 (2m) (d) of the statutes is renumbered 77.82 (2m) (d) 1. and  
3 amended to read:

4           77.82 (2m) (d) 1. All the fees collected under this subsection shall be deposited  
5 in the conservation fund. ~~The All of the~~ fees collected under par. (b) and ~~\$10~~ \$20 of  
6 each ~~\$100~~ \$300 fee collected under par. (a) shall be credited to the appropriation  
7 under s. 20.370 (1) (cr), except as provided under subd. 2.

8           **SECTION 17.** 77.82 (2m) (d) 2. of the statutes is created to read:

9           77.82 (2m) (d) 2. The department may establish by rule a different amount of  
10 each \$300 fee under subd. 1. that will be credited to the appropriation under s. 20.370  
11 (1) (cr). The amount shall be equal to the average expense to the department of  
12 recording an order issued under this subchapter.

13           **SECTION 18.** 77.82 (2m) (dm) of the statutes is created to read:

14           77.82 (2m) (dm) The fees collected under pars. (a) and (e) that are not credited  
15 to the appropriation under s. 20.370 (1) (cr) shall be credited to the appropriation  
16 under s. 20.370 (1) (cx).

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

18           77.82 (2m) (e) ~~If the proposed a~~ management plan accompanying a petition  
19 filed under sub. (2), (4m), or (12) is not approved by the department under its initial  
20 review under sub. (3) (a), the department shall collect from the petitioner a fee in an  
21 amount equal to ~~\$100~~ \$300 less the amount the petitioner paid under par. ~~(e)~~ (b).

22           **SECTION 20.** 77.82 (3) (c) (intro.) of the statutes is amended to read:

23           77.82 (3) (c) (intro.) To qualify for approval, a management plan shall be  
24 prepared by a plan writer certified by the department or prepared by the department  
25 itself and shall include all of the following:

1           **SECTION 21.** 77.82 (3) (c) 6. of the statutes is amended to read:

2           77.82 (3) (c) 6. A description of the forestry practices, including harvesting,  
3 thinning and reforestation, that will be undertaken during the term of the order,  
4 specifying the period of time in which each ~~is intended to~~ will be completed.

5           **SECTION 22.** 77.82 (3) (g) of the statutes is created to read:

6           77.82 (3) (g) The department shall promulgate rules specifying the  
7 qualifications that a person must satisfy to become a certified plan writer. For  
8 management plans prepared by the department under this subsection, the  
9 department may contract with plan writers certified by the department to prepare  
10 these plans.

11           **SECTION 23.** 77.82 (4) of the statutes is amended to read:

12           77.82 (4) ADDITIONS TO MANAGED FOREST LAND. An owner of land that is  
13 designated as managed forest land under an order that takes effect on or after the  
14 effective date of this subsection .... [revisor inserts date], may petition the  
15 department to designate as managed forest land an additional parcel of land in the  
16 same municipality if the additional parcel is at least 3 acres in size and is contiguous  
17 to any of ~~the owner's~~ that designated land. The petition shall be accompanied by a  
18 nonrefundable \$10 ~~\$20~~ application fee unless a different amount ~~of~~ for the fee is  
19 established ~~in the same manner as the fee under sub. (2m) (b)~~ by the department by  
20 rule at an amount equal to the average expense to the department of recording an  
21 order issued under this subchapter. The fee shall be deposited in the conservation  
22 fund and credited to the appropriation under s. 20.370 (1) (cr). The petition shall be  
23 ~~submitted~~ filed on a department form and shall contain any additional information  
24 required by the department.

25           **SECTION 24.** 77.82 (4g) of the statutes is created to read:

1           **77.82 (4g)** DESIGNATION OF ADDITIONAL MANAGED FOREST LAND FOR CERTAIN  
2 OWNERS. (a) If an owner of land that is designated as managed forest land under an  
3 order that takes effect before the effective date of this paragraph .... [revisor inserts  
4 date], wishes to have an additional parcel of land that is at least 10 acres in size and  
5 that satisfies the other requirements in sub. (1) designated as managed forest land,  
6 the owner may petition the department under sub. (2) for a new order covering the  
7 additional land.

8           (b) If an owner of land that is designated as managed forest land under an order  
9 that takes effect before the effective date of this paragraph .... [revisor inserts date],  
10 wishes to have designated as managed forest land an additional parcel of land that  
11 is in the same municipality, that is at least 3 acres in size, that does not satisfy the  
12 requirements in sub. (1), and that is contiguous to any of that designated land, the  
13 owner may withdraw the designated land and may petition the department under  
14 sub. (2) for a new order covering both the withdrawn land and the additional land.  
15 The withdrawal tax and the withdrawal fee under s. 77.88 (5) and (5m) do not apply  
16 to a withdrawal under this paragraph.

17           **SECTION 25.** 77.82 (7) (c) of the statutes is renumbered 77.82 (7) (c) 1. and  
18 amended to read:

19           77.82 (7) (c) 1. Except as provided in par. (d), if a petition is received on or before  
20 ~~January 31 of any year from a petitioner who owns less than 1,000 acres in this state~~  
21 ~~or on or before March 31 of any year from any other petitioner~~ other than a petitioner  
22 who owns less than 1,000 acres in this state, the department shall investigate and  
23 shall either approve the petition and issue the order under sub. (8) or deny the  
24 petition ~~on or~~ before the following November 21.

25           **SECTION 26.** 77.82 (7) (c) 2. of the statutes is created to read:

1           77.82 (7) (c) 2. Except as provided in par. (d), if a petition is received on or before  
2 July 1 of any year from a petitioner who owns less than 1,000 acres in this state, the  
3 department shall investigate and shall either approve the petition and issue the  
4 order under sub. (8) or deny the petition before November 21 of the year following  
5 the year in which the petition is received.

6           **SECTION 27.** 77.82 (7) (c) 2. of the statutes, as created by 2003 Wisconsin Act  
7 .... (this act), is amended to read:

8           77.82 (7) (c) 2. Except as provided in subd. 3. or par. (d), if a petition is received  
9 on or before July 1 of any year from a petitioner who owns less than 1,000 acres in  
10 this state, the department shall investigate and shall either approve the petition and  
11 issue the order under sub. (8) or deny the petition before November 21 of the year  
12 following the year in which the petition is received.

13           **SECTION 28.** 77.82 (7) (c) 3. of the statutes is created to read:

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

21           **SECTION 29.** 77.82 (8) of the statutes is amended to read:

22           77.82 (8) ORDER. If a petition under sub. (2) ~~or~~, (4m), or (12) is approved, the  
23 department shall issue an order designating the land as managed forest land for the  
24 time period specified in the petition. If a petition under sub. (4) is approved, the  
25 department shall amend the original order to include the additional parcel. The

1 department shall provide the petitioner with a copy of the order or amended order  
2 and shall also file a copy with the department of revenue, the supervisor of  
3 assessments and the clerk of the municipality, and shall record the order with the  
4 register of deeds in the county, in which the land is located.

5 **SECTION 30.** 77.82 (12) of the statutes is amended to read:

6 77.82 (12) RENEWAL. ~~The department shall notify each owner of managed forest~~  
7 ~~land of the expiration date of an order no later than the January 31 preceding the~~  
8 ~~expiration date. The~~ An owner of managed forest land may petition the department  
9 under sub. (2) for renewal of the order. The A petition filed by an owner of 1,000 acres  
10 or more in this state shall be filed no later than the March 31 and before the  
11 expiration date of the order. A petition filed by an owner of less than 1,000 acres in  
12 this state shall be filed no later than the 2nd July 1 before the expiration date of the  
13 order. The petition shall specify whether the owner wants the order renewed for 25  
14 or 50 years. ~~The notice and hearing provisions under subs. (5) and, (6), and (7) do~~  
15 ~~not apply to a petition under this subsection. The department may deny the petition~~  
16 ~~only if the land fails to meet the eligibility requirements under sub. (1), if the owner~~  
17 ~~has failed to comply with the management plan that is in effect on the date that the~~  
18 ~~petition for renewal is filed, or if there are delinquent taxes on the land. If the~~  
19 ~~petition is denied, the department shall state the reason for the denial in writing.~~

20 **SECTION 31.** 77.82 (12) of the statutes, as affected by 2003 Wisconsin Act ....  
21 (this act), is amended to read:

22 77.82 (12) RENEWAL. An owner of managed forest land may petition the  
23 department under sub. (2) for renewal of the order. A petition filed by an owner of  
24 1,000 acres or more in this state shall be filed no later than the March 31 before the  
25 expiration date of the order. A petition filed by an owner of less than 1,000 acres in

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

11 **SECTION 32.** 77.83 (1) (a) 1. of the statutes is amended to read:

12 77.83 (1) (a) 1. A maximum of ~~80~~ 160 acres in the municipality, of which not  
13 more than 80 acres may be land designated as managed forest land before the  
14 effective date of this subdivision .... [revisor inserts date].

15 **SECTION 33.** 77.83 (1m) of the statutes is created to read:

16 77.83 (1m) MODIFICATION OF DESIGNATION. For a managed forest land order that  
17 takes effect on or after the effective date of this subsection .... [revisor inserts date],  
18 the owner of the managed forest land may modify the designation of a closed or open  
19 area 2 times during the term of the order. For a managed forest land order that takes  
20 effect before the effective date of this subsection .... [revisor inserts date], the owner  
21 of the managed forest land may modify the designation of a closed or open area 2  
22 times during the period beginning with the effective date of this subsection ....  
23 [revisor inserts date], and ending with the expiration date of the order, regardless of  
24 whether the owner has previously modified the designation as authorized by rules  
25 promulgated by the department.

1           **SECTION 34.** 77.84 (2) (a) of the statutes is amended to read:

2           77.84 (2) (a) ~~Each~~ For managed forest land orders that take effect before the  
3 effective date of this paragraph .... [revisor inserts date], each owner of managed  
4 forest land shall pay to the municipal treasurer an acreage share of 74 cents per acre  
5 on or before January 31.

6           **SECTION 35.** 77.84 (2) (am) of the statutes is created to read:

7           77.84 (2) (am) For managed forest land orders that take effect on or after the  
8 effective date of this paragraph .... [revisor inserts date], each owner of managed  
9 forest land shall pay to the municipal treasurer, on or before January 31, an amount  
10 that is equal to 5 percent of the average statewide property tax per acre of property  
11 classified under s. 70.32 (2) (a) 6., as determined under par. (cm), for each acre of  
12 managed forest land.

13           **SECTION 36.** 77.84 (2) (b) of the statutes is amended to read:

14           77.84 (2) (b) ~~In~~ For managed forest land orders that take effect before the  
15 effective date of this paragraph .... [revisor inserts date], in addition to the payment  
16 under par. (a), each owner shall pay \$1 for each acre that is designated as closed  
17 under s. 77.83. The payment shall be made to the municipal treasurer on or before  
18 January 31.

19           **SECTION 37.** 77.84 (2) (bm) of the statutes is created to read:

20           77.84 (2) (bm) For managed forest land orders that take effect on or after the  
21 effective date of this paragraph .... [revisor inserts date], in addition to the payment  
22 under par. (am), each owner of managed forest land shall pay to the municipal  
23 treasurer, on or before January 31, an amount that is equal to 20 percent of the  
24 average statewide property tax per acre of property classified under s. 70.32 (2) (a)

1 6., as determined under par. (cm), for each acre that is designated as closed under  
2 s. 77.83.

3 **SECTION 38.** 77.84 (2) (cm) of the statutes is created to read:

4 77.84 (2) (cm) For purposes of determining the per acre amounts under pars.  
5 (am) and (bm), in the year in which this paragraph takes effect .... [revisor inserts  
6 date], and in 2007 and each 5th year thereafter, the department of revenue shall  
7 determine the average statewide tax per acre of property classified under s. 70.32 (2)  
8 (a) 6. by multiplying the average equalized value of property classified under s. 70.32  
9 (2) (a) 6., as determined under s. 70.57, by the average tax rate determined under s.  
10 76.126.

11 **SECTION 39.** 77.84 (3) (b) of the statutes is amended to read:

12 77.84 (3) (b) Immediately after receiving the certification of the county clerk  
13 that a tax deed has been taken, the department shall issue an order withdrawing the  
14 land as managed forest land. The notice requirement under s. 77.88 (1) does not  
15 apply to the department's action under this paragraph. The department shall notify  
16 the county treasurer of the amount of the withdrawal fee under s. 77.88 (5m) and the  
17 withdrawal tax, as determined under s. 77.88 (5), and the. The amount of the tax and  
18 the fee shall be payable to the department under s. 75.36 (3) if the property is sold  
19 by the county. The amount shall be credited to the conservation fund.

20 **SECTION 40.** 77.87 (1g) of the statutes is created to read:

21 77.87 (1g) EXEMPTION. For a managed forest land order that takes effect on or  
22 after the effective date of this subsection .... [revisor inserts date], the owner of the  
23 managed forest land is exempt from payment of the yield tax under sub. (1) for the  
24 first 5 years of the managed forest land order. The exemption under this subsection



1 does not apply to managed forest land converted pursuant to a petition approved  
2 under s. 77.82 (7) (d) or to a renewal of managed forest land order under s. 77.82 (12).

3 **SECTION 41.** 77.876 of the statutes is created to read:

4 **77.876 Noncompliance assessment.** (1) **ASSESSMENT.** The department shall  
5 certify to the municipality in which the property is located an owner's failure to  
6 complete a forestry practice during the period of time required under an applicable  
7 management plan, and the municipality shall impose a noncompliance assessment  
8 of \$250 against the owner for each failure. The department shall mail a copy of the  
9 certificate of assessment to the owner at the owner's last-known address and to the  
10 municipality.

11 (2) **PAYMENT.** An assessment under sub. (1) is due and payable to the  
12 municipality on the last day of the month following the date the certificate is mailed  
13 to the owner. The municipality shall collect interest at the rate of 12 percent per year  
14 on any assessment that is paid later than the due date.

15 (3) **OWNER'S LIABILITY.** The owner is personally liable for an assessment under  
16 sub. (1). An unpaid assessment becomes a lien against the merchantable timber cut.  
17 If the merchantable timber cut is mingled with other wood products, the unpaid  
18 assessment becomes a lien against all of the wood products while they are in the  
19 owner's possession or in the possession of any person other than a purchaser for  
20 value without notice in the usual course of business.

21 (4) **DELINQUENCY.** If an assessment due under sub. (1) is not paid on or before  
22 the last day of the August following the date specified under sub. (2), the  
23 municipality shall certify to the taxation district clerk the description of the land and  
24 the amount due for the assessment and interest. The taxation district clerk shall  
25 enter the delinquent amount on the property tax roll as a special charge.

1           **SECTION 42.** 77.88 (1) (a) of the statutes is amended to read:

2           77.88 (1) (a) The department may, at the request of the owner of managed forest  
3 land or of the governing body of the municipality in which any managed forest land  
4 is located, or at its own discretion, investigate to determine whether the designation  
5 as managed forest land should be withdrawn. ~~The~~ Except as provided in par. (am),  
6 the department shall notify the owner of the land and the mayor of the city, the  
7 chairperson of the town, or the president of the village in which the land is located  
8 of the investigation.

9           **SECTION 43.** 77.88 (1) (am) of the statutes is created to read:

10          77.88 (1) (am) If a city or village is organized under subch. I of ch. 64, the  
11 department shall notify the president of the city council or village board of any  
12 investigation under par. (a).

13          **SECTION 44.** 77.88 (1) (c) of the statutes is amended to read:

14          77.88 (1) (c) If the department determines that land should be withdrawn, it  
15 shall issue an order withdrawing the land as managed forest land and shall assess  
16 against the owner the tax under sub. (5) and the withdrawal fee under sub. (5m).

17          **SECTION 45.** 77.88 (2) (am) of the statutes is amended to read:

18          77.88 (2) (am) If the land transferred under par. (a) does not meet the eligibility  
19 requirements under s. 77.82 (1), the department shall issue an order withdrawing  
20 the land from managed forest land designation and shall assess against the owner  
21 a withdrawal tax under sub. (5) and the withdrawal fee under sub. (5m).

22          **SECTION 46.** 77.88 (2) (b) of the statutes is amended to read:

23          77.88 (2) (b) If the land remaining after a transfer under par. (a) is contiguous  
24 and meets the eligibility requirements under s. 77.82 (1) (a) 2. and (b), it shall  
25 continue to be designated as managed forest land until the expiration of the existing

1 order, even if the parcel contains less than 10 acres. Notwithstanding s. 77.82 (12),  
2 an owner may not petition the department for renewal of the order if the parcel  
3 contains less than 10 acres. No withdrawal tax under sub. (5) or withdrawal fee  
4 under sub. (5m) may be assessed when the remaining land is withdrawn at the  
5 expiration of the order.

6 **SECTION 47.** 77.88 (2) (c) of the statutes is amended to read:

7 77.88 (2) (c) If the remaining land does not meet the eligibility requirements  
8 under s. 77.82 (1) (a) 2. and (b), the department shall issue an order withdrawing the  
9 land and shall assess against the owner the withdrawal tax under sub. (5) and the  
10 withdrawal fee under sub. (5m). Notwithstanding s. 77.90, the owner is not entitled  
11 to a hearing on an order withdrawing land under this paragraph.

12 **SECTION 48.** 77.88 (2) (d) of the statutes is renumbered 77.88 (2) (d) 1. and  
13 amended to read:

14 77.88 (2) (d) 1. Within 10 days after a transfer of ownership, the former owner  
15 shall, on a form provided by the department, file with the department a report of the  
16 transfer signed by the former owner and the transferee. The report shall be  
17 accompanied by a ~~\$20~~ \$100 fee which shall be deposited in the conservation fund and  
18 Twenty dollars of the fee or a different amount of the fee as may be established under  
19 subd. 2. shall be credited to the appropriation under s. 20.370 (1) (cr). The  
20 department shall immediately notify each person entitled to notice under s. 77.82 (8).

21 **SECTION 49.** 77.88 (2) (d) 2. of the statutes is created to read:

22 77.88 (2) (d) 2. The department may establish by rule a different amount of  
23 each fee under subd. 1. that will be credited to the appropriation under s. 20.370 (1)  
24 (cr). The amount shall be equal to the average expense to the department of  
25 recording an order issued under this subchapter.

1           **SECTION 50.** 77.88 (2) (f) of the statutes is amended to read:

2           77.88 (2) (f) If the transferee does not provide the department with the  
3 certification required under par. (e), the department shall issue an order  
4 withdrawing the land and shall assess against the transferee the withdrawal tax  
5 under sub. (5) and the withdrawal fee under sub. (5m). Notwithstanding s. 77.90,  
6 the transferee is not entitled to a hearing on an order withdrawing land under this  
7 paragraph.

8           **SECTION 51.** 77.88 (3) of the statutes is amended to read:

9           77.88 (3) VOLUNTARY WITHDRAWAL. An owner may request that the department  
10 withdraw all or any part of the owner's land meeting one of the requirements  
11 specified under sub. (2) (a) 1. to 3. If any remaining land meets the eligibility  
12 requirements under s. 77.82 (1), the department shall issue an order withdrawing  
13 the land subject to the request and shall assess against the owner the withdrawal  
14 tax under sub. (5) and the withdrawal fee under sub. (5m).

15           **SECTION 52.** 77.88 (3m) of the statutes is created to read:

16           77.88 (3m) WITHDRAWAL FOR FAILURE TO PAY PERSONAL PROPERTY TAXES. If an  
17 owner of managed forest land has not paid the personal property tax due for a  
18 building on managed forest land before the February settlement date under s. 74.30  
19 (1), the municipality in which the managed forest land is located shall certify to the  
20 department that a delinquency exists and shall include the legal description of the  
21 managed forest land on which the building is located in the certification.  
22 Immediately after receiving the certification, the department shall issue an order  
23 withdrawing the land as managed forest land and shall assess against the owner of  
24 the land the withdrawal tax under sub. (5) and the withdrawal fee under sub. (5m).

1 Notwithstanding s. 77.90, the owner is not entitled to a hearing on an order  
2 withdrawing land under this subsection.

3 **SECTION 53.** 77.88 (4) of the statutes is amended to read:

4 77.88 (4) NONRENEWAL. If an owner does not petition the department to renew  
5 a managed forest land order, the department shall order the land withdrawn at the  
6 expiration of the order. No withdrawal tax under sub. (5) shall or withdrawal fee  
7 under sub. (5m) may be assessed.

8 **SECTION 54.** 77.88 (5) (a) 1. of the statutes is amended to read:

9 77.88 (5) (a) 1. An amount equal to the product of the total net property tax rate  
10 in the municipality in the year prior to the withdrawal and the assessed value of the  
11 land for the same year, as computed by the department of revenue, multiplied by the  
12 number of years the land was designated as managed forest land, less any amounts  
13 paid by the owner under ss. 77.84 (2) (a) and (am) and 77.87.

14 **SECTION 55.** 77.88 (5) (a) 2. of the statutes is amended to read:

15 77.88 (5) (a) 2. Five percent of the stumpage value of the merchantable timber  
16 on the land, less any amounts paid by the owner under ss. 77.84 (2) (a) and (am) and  
17 77.87.

18 **SECTION 56.** 77.88 (5) (b) 1. of the statutes is amended to read:

19 77.88 (5) (b) 1. An amount equal to the product of the total net property tax rate  
20 in the municipality in the year prior to the withdrawal and the assessed value of the  
21 land for the same year, as computed by the department of revenue, multiplied by the  
22 number of years since the renewal, less any amounts paid by the owner under ss.  
23 77.84 (2) (a) and (am) and 77.87.

24 **SECTION 57.** 77.88 (5) (b) 2. of the statutes is amended to read:

1           77.88 (5) (b) 2. Five percent of the stumpage value of the merchantable timber  
2 on the land, less any amounts paid by the owner under ss. 77.84 (2) (a) and (am) and  
3 77.87.

4           **SECTION 58.** 77.88 (5m) of the statutes is created to read:

5           77.88 (5m) WITHDRAWAL FEE. The withdrawal fee assessed by the department  
6 under subs. (1) (c), (2) (am), (c), and (f), (3), and (3m) shall be \$300.

7           **SECTION 59.** 77.88 (7) of the statutes is amended to read:

8           77.88 (7) PAYMENT; DELINQUENCY. ~~A tax~~ Taxes under sub. (5) is and fees under  
9 sub. (5m) are due and payable to the department on the last day of the month  
10 following the effective date of the withdrawal order. Amounts received shall be  
11 credited to the conservation fund. If the owner of the land fails to pay the tax or fee,  
12 the department shall certify to the taxation district clerk the amount due. The  
13 taxation district clerk shall enter the delinquent amount on the property tax roll as  
14 a special charge.

15           **SECTION 60.** 77.88 (8) of the statutes is amended to read:

16           77.88 (8) EXCEPTION. No withdrawal tax or withdrawal fee may be assessed  
17 against an owner who transfers ownership of managed forest land for a public road  
18 or railroad or utility right-of-way. No withdrawal tax or withdrawal fee may be  
19 assessed against an owner who transfers ownership of managed forest land for a  
20 park, recreational trail, wildlife or fish habitat area or a public forest to the federal  
21 government, the state or a local governmental unit, as defined in s. 66.0131 (1) (a).  
22 The department may not order withdrawal of the remainder of the land unless the  
23 remainder fails to meet the eligibility requirements under s. 77.82 (1).

24           **SECTION 61.** 77.89 (1) of the statutes is amended to read:

1           77.89 (1) PAYMENT TO MUNICIPALITIES. By June 30 of each year, the department,  
2 from the appropriation under s. 20.370 (5) (bv), shall pay 50% of each payment  
3 received under s. ss. 77.84 (3) (b), and 77.87 (3) or, and 50% of each withdrawal tax  
4 payment received under s. 77.88 (7) to the treasurer of the municipality in which is  
5 located the land to which the payment applies.

SECTION 62. 77.89 (1) of the statutes, as affected by 2003 Wisconsin Act .... (this act), is amended to read:

77.89 (1) PAYMENT TO MUNICIPALITIES. By June 30 of each year, the department,  
from the appropriation under s. 20.370 (5) (bv), shall pay 50% 100 percent of each  
payment received under ss. 77.84 (3) (b) and 77.87 (3) and 50% 100 percent of each  
withdrawal tax payment received under s. 77.88 (7) to the treasurer of the  
municipality in which is located the land to which the payment applies.

SECTION 63. 77.89 (2) of the statutes is renumbered 77.89 (2) (a) and amended  
to read:

77.89 (2) ~~(a)~~ Each municipal treasurer shall pay 20% of each payment received  
under sub. (1) ~~or s. and under ss. 77.84 (2) (a) or and (am) 77.85, and 77.876~~ to the  
county treasurer and shall deposit the remainder in the municipal treasury. The  
payment to the county treasurer for money received before November 1 of any year  
shall be made on or before the November 15 after its receipt. For money received on  
or after November 1 of any year, the payment to the county treasurer shall be made  
on or before November 15 of the following year.

SECTION 64. 77.89 (2) (b) of the statutes, as affected by 2003 Wisconsin Act ....  
(this act), is amended to read:

77.89 (2) (b) The municipal treasurer shall pay all amounts received under s.  
77.84 (2) (b) and (bm) to the county treasurer, as provided under ss. ~~74.25 and 74.30.~~

SAC  
19-13

19-16  
AAI

SAC

~~The county treasurer shall, by June 30 of each year, pay all amounts received under this paragraph to the department. All amounts received by the department shall be credited to the conservation fund and shall be reserved for land acquisition and resource management activities.~~

SECTION 65. 77.89 (3) of the statutes is renumbered 77.89 (2) (b) and amended to read:

77.89 (2) (b) The municipal treasurer shall pay all amounts received under s. 77.84 (2) (b) and (bm) to the county treasurer, as provided under ss. 74.25 and 74.30. The county treasurer shall, by June 30 of each year, pay all amounts received under this subsection paragraph to the department. All amounts received by the department shall be credited to the conservation fund and shall be reserved for land acquisition and resource management activities.

**SECTION 66. Initial applicability.**

(1) The treatment of section 77.82 (3) (c) (intro.) of the statutes first applies to management plans that are started on the effective date of this subsection.

(2) The treatment of section 77.82 (2m) (a) and (e) and (12) of the statutes, the renumbering and amendment of section 77.82 (7) (c) of the statutes, the amendment of section 77.82 (2m) (b) of the statutes, and the creation of section 77.82 (7) (c) 2. of the statutes first applies to applications that are received by the department of natural resources on the effective date of this subsection.

(3) The treatment of section 77.83 (1) (a) 1. of the statutes first applies to an owner of land that is designated as managed forest land in an order that takes effect on the effective date of this subsection.

**SECTION 67. Effective dates.** This act takes effect on the day after publication, except as follows:

SAI

AAI

→ 19-22

SAI



21-2 ✓

SAI

1 (1) The treatment of section 77.89 (1) of the statutes (by SECTION 62) takes effect  
2 on July 1, 2004.

3 (2) The amendment of section 77.89 (2) (b) of the statutes take effect on July  
4 1, 2005. AAI ✓

5 (3) The treatment of sections 77.82 (2m) (c), (3) (c) (intro.), (7) (c) 3., and (12)  
6 (by SECTION ~~61~~) of the statutes, the amendment of section 77.82 (7) (c) 2. of the  
7 statutes, and the repeal and recreation of section 77.82 (2m) (b) of the statutes and  
8 SECTION 66 (1) of this act take effect on the first day of the 19th month beginning after  
9 publication.

10 (END)

31 CCC



State of Wisconsin  
2003-2004 LEGISLATURE

**CORRECTIONS IN:**

**ASSEMBLY AMENDMENT 1,  
TO ASSEMBLY SUBSTITUTE AMENDMENT 2,  
TO 2003 ASSEMBLY BILL 323**

Prepared by the Legislative Reference Bureau  
(December 3, 2003)

- ✓ 1. Page 1, line 8: delete "20% of" and substitute "20% of".
- ✓ 2. Page 2, line 5: after ""(a)"" insert "and substitute "PAYMENT TO COUNTIES.""

**ASSEMBLY AMENDMENT 1,  
TO ASSEMBLY SUBSTITUTE AMENDMENT 2,  
TO 2003 ASSEMBLY BILL 323**

*check this one more carefully than usual*

November 12, 2003 - Offered by Representatives FRISKE and HUBLER.

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

2 ✓ 1. Page 2, line 19: delete "and all" and substitute ", and all 20% of".

3 ✓ 2. Page 3, line 1: delete lines 1 to 3 and substitute:

4 "74.25 (1) (a) 8. Retain for the taxation district all woodland tax law collections  
5 under s. 77.16 and, 80% of collections of the taxes imposed under ss. 77.04 and 77.84

6 (2) (a) and (am), and 80% of collections of payments for closed lands under s. 77.84

7 (2) (b) and (bm).

8 ✓ 3. Page 3, line 7: delete "and all" and substitute ", and all 20% of".

9 ✓ 4. Page 3, line 10: delete lines 10 to 12 and substitute:

10 "74.30 (1) (h) Retain for the taxation district all woodland tax law collections  
11 under s. 77.16 and, 80% of collections of the taxes imposed under ss. 77.04 and 77.84

✓  
2-19  
CC

13-7

3-10 ✓

→

3-10 Cont

1 (2) (a) and (am), and 80% of collections of payments for closed lands under s. 77.84  
2 (2) (b) and (bm)."

3 ✓ 5. Page 19, line 13: delete lines 13 and 14 and substitute:

4 "SECTION 63m. 77.89 (2) of the statutes is amended to read:"

5 ✓ 6. Page 19, line 15: delete "(a)".

6 ✓ 7. Page 19, line 16: delete that line and substitute "under sub. (1) ~~or s.~~ and  
19-16 under ss. 77.84 (2) (a) ~~or (am)~~, (b), and (bm), 77.85, and 77.876 to the".

8 ✓ 8. Page 19, line 22: delete the material beginning with that line and ending  
9 with page 20, line 12, and substitute:

10 "SECTION 65m. 77.89 (3) of the statutes is repealed."

11 ✓ 9. Page 21, line 3: delete lines 3 and 4.

12 (END)

SAL  
and substitute  
"PAYMENT TO COUNTRIES."

↑  
↑  
PCC

**SENATE AMENDMENT 1,  
TO 2003 ASSEMBLY BILL 323**

January 14, 2004 - Offered by COMMITTEE ON AGRICULTURE, FINANCIAL INSTITUTIONS  
AND INSURANCE.

1 At the locations indicated, amend the bill, as shown by assembly substitute  
2 amendment 2, as follows:

3 ✓ 1. Page 19, line 13: delete lines 13 to 15, as affected by assembly amendment  
4 1, and substitute:

5 SECTION 63. 77.89 (2) of the statutes is renumbered 77.89 (2) (a) and amended  
6 to read:

77.89 (2) (a) Each municipal treasurer shall pay 20% of each payment  
8 received

9 ✓ 2. Page 19, line 22: delete that line, as affected by assembly amendment 1, and  
10 substitute:

11 "SECTION 64. 77.89 (2) (b) of the statutes, as affected by 2003 Wisconsin Act ....  
12 (this act), is amended to read:

19-13

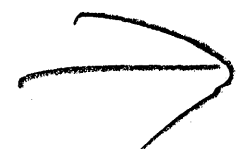
on page 2 of

to assembly substitute amendment 2

ecc9  
10

delete line 10

✓ 19-22



19-22 conf

1           77.89 (2) (b) The municipal treasurer shall pay all amounts received under s.  
 2           77.84 (2) (b) and (bm) to the county treasurer, as provided under ss. 74.25 and 74.30.  
 3           ~~The county treasurer shall, by June 30 of each year, pay all amounts received under~~  
 4           ~~this paragraph to the department. All amounts received by the department shall be~~  
 5           ~~credited to the conservation fund and shall be reserved for land acquisition and~~  
 6           ~~resource management activities.~~

7           **SECTION 65.** 77.89 (3) of the statutes is renumbered 77.89 (2) (b) and amended  
 8           to read:

9           77.89 (2) (b) The municipal treasurer shall pay all amounts received under s.  
 10          77.84 (2) (b) and (bm) to the county treasurer, as provided under ss. 74.25 and 74.30.  
 11          The county treasurer shall, by June 30 of each year, pay all amounts received under  
 12          this ~~subsection~~ paragraph to the department. All amounts received by the  
 13          department shall be credited to the conservation fund and shall be reserved for land  
 14          acquisition and resource management activities. ”.

15          ✓ **3.** Page 21, line 2: after that line insert:

16          “(2) The amendment of section 77.89 (2) (b) of the statutes takes effect on July  
 17          1, 2005.”

(END)

2118-2