

<u>LRB-1310/P1 section(s); page(s)</u>	<u>Wis. Stat. §(s)</u>	<u>Comment(s)</u>
Section 50; p. 14; and Section 51; p. 14 [Affects ss. 9, 10, 11, and 12 pp. 4- 5]	§§77.82 (2m) (b), (c), and (3) (c) (intro.)	<p>RE: Effective dates: The Department would prefer that these sections take effect 18 months after passage or the 2nd July 2nd after passage—whichever is later. (This is due to complications that could arise from passing the bill close to or after 7/1/03—which would effectively eliminate any additional petitions for entry in 2005, and it would give the Department time to promulgate necessary rules and train plan writers.) Also, as explained below, §77.82 (2m) (e) should take effect on the day after publication.</p> <p>Also, both sections 50 and 51 of the bill refer to §77.82 (3) (c) (intro.). As stated above, the Department believes this should take effect 18 months after passage or the 2nd July 2nd after passage—whichever is later (and not have an initial applicability on the effective date of the bill.)</p>
Section 11; p. 4 Section 51; p. 14	§77.82 (2m) (e)	The fee should be amended to “ \$100 \$300 less the amount the petitioner paid under par. (e) (b).” -- and the section should take effect on the day after publication.
Section 9; pp. 3-4	§77.82 (2m) (b)	After the effective date of the “certified plan writer” related sections, submitted plans would still be subject to the §77.82 (3) (a) review process. Therefore, we suggest amending §77.82 (2m) (b) as follows: 77.82 (2m) (b) If the petition is accompanied by a <u>proposed recent plan as provided in par. (e) prepared by a plan writer certified by the department or by the department itself for a parcel of land subject to a petition under sub. (2) or for forest cropland subject to a conversion petition under sub. (4m), the nonrefundable application fee shall be \$10 \$20 unless a different amount for the fee is established by the department by rule at an amount equal to the average expense to the department of recording an order issued under this subchapter.</u>

<u>LRB-1310/P1 section(s); page(s)</u>	<u>Wis. Stat. §(§)</u>	<u>Comment(s)</u>
Sections 19, 21, and 23; pp. 5 and 6	§§77.84 (2) (am), (bm), and (cm)	<p>RE: Definitions of “swampland or wasteland” and “productive forest land”: I see no substantive difference between the 1993 and current definitions of “swampland or wasteland” and “productive forest land”. So, the Department suggests using the current definitions of these lands, which are referenced at §§70.32 (2) (a) 5 and 6 respectively.</p>
Section 21; p. 6	§77.84 (2) (bm)	<p>RE: Closed acreage fee: The closed acreage fee should be <u>“25%20% of the average statewide property per acre ...”</u> (We are adding the 20% to the 5% taken per §77.82 (2) (am) for a total of 25%.)</p> <p>Additionally, the Governor’s Council Special Committee recommended at paragraph 7.1 on page 12 of its report that the department be allowed, with respect to the closed acreage fee revenue, to “earmark funds collected to establish a program to purchase public hunting/recreational easements and land acquisition. The Department, local units of government and land trusts should be able to apply for these funds.” This would likely entail creating a continuing all moneys received appropriation in the chapter 20 schedule and directing the DNR to develop rules for distributing the funds.</p>

<u>LRB-1310/P1 section(s); page(s)</u>	<u>Wis. Stat. §(§)</u>	<u>Comment(s)</u>
Section 35; p. 10	§77.88 (2) (d)	<p>RE: Fees upon transfer of ownership: The language proposes to deposit the entire \$100 fee to the appropriation from which the Department pays recording fees [s. 20.370 (1) (cr)]. The Department wants to be able to credit to s. 20.370 (1) (cr) only the amount equal to the average expense to the department of recording an order issued under this subchapter. The remainder should also be credited to the conservation fund, but not earmarked for appropriation s. 20.370 (1) (cr). Further, the Department needs the authority to adjust by rule the portion of the fee that is credited to s. 20.370 (1) (cr). As an example, §77.88 (2) (d) could be amended as follows:</p> <p>77.88 (2) (d) Within 10 days after a transfer of ownership, the former owner shall, on a form provided by the department, file with the department a report of the transfer signed by the former owner and the transferee. The report shall be accompanied by a \$20\$100 fee which shall be deposited in the conservation fund. <u>Unless a different amount is established by the department by rule equal to the average expense to the department of recording an order issued under this subchapter, \$20 of the fee collected under this paragraph and shall be credited to the appropriation under 20.370 (1) (cr).</u> The department shall immediately notify each person entitled to notice under s. 77.82 (8).</p>
Section 26; p. 7; and Section 51; p. 14	Re: effective date and substance of §77.87 (1g)	<p>RE: 5-yr yield tax exemption: The Department prefers to limit the yield tax exemption to those orders taking effect after the effective date of the subsection—which the Department would prefer be the date of publication of the bill. Therefore, the entire second sentence of the section as proposed in draft LRB-1310/P1 would be eliminated. However, the final sentence of the proposal would remain.</p>

<u>LRB-1310/P1 section(s); page(s)</u>	<u>Wis. Stat. §(§)</u>	<u>Comment(s)</u>
Section 15; pp. 4-5; and Section 16; p. 5. Section 50: p. 14	§§ 77.82 (7) (c) 1. and 2.	<p>As a clean-up measure to take effect on the day after publication of the bill section 15 [§77.82 (7) (c)] should require that the Department approve the petition and issue the order under sub. (8) or deny the petition before the following November 21. (i.e. eliminate on or) See §77.82 (9) which states that “[a]n order or amended order under sub. (8) issued on or after November 21 of any year takes effect on the 2nd January 1 after the date of issuance.)</p> <p>However, with re: to section 15, [the proposed §77.82 (7) (c) 1.], the proposed changes look fine, but should take effect on 2/1/04 –which would allow for applications received by 1/31/04 to be eligible for MFL entry effective 1/1/05.</p> <p>Similarly, with re: to section 16 [the proposed §77.82 (7) (c) 2.], please eliminate “on or” so that the department must issue the order or denial before the following November 21 (otherwise the section looks fine). Section 16 should also have an effective date of 2/1/04.</p> <p>In sum the Department would prefer to eliminate the words “on or” in the existing §77.82 (7) (c). And, with the exception of the words, “on or” on lines 4 and 10 of page 5 of the draft, the proposed §77.82 (7) (c) 1. and 2. look fine assuming an effective date of 2/1/04.</p>
Section 47; p. 13	§77.89 (1)	The addition of “(a)” following 77.88 (7) on line 13 seems to be in error.

<u>LRB-1310/P1 section(s); page(s)</u>	<u>Wis. Stat. §(§)</u>	<u>Comment(s)</u>
Section 27; pp. 7-8 Sections 28-30; pp. 8-9	§§77.87 (1r), (3), (4), and (5)	Re: Noncompliance Assessment. The Department prefers that this noncompliance assessment be collected by the municipality, and that the municipality turn over 20% of the assessment to the county and keep the remaining 80%. [The same 80/20 split reflected in the new §77.89 (2)] The Department would certify to the taxation district clerk that the assessment is due, but then the municipality would collect and split the funds with the county.
Proposed amendment to provisions re: MFL Renewals	§77.82 (12)	<p>As a consequence of other changes to the subchapter in this bill, the Department proposes to amend §77.82 (12) to reflect the revised application deadlines, assure compliance with the revised §77.82 (2), and (2m) provisions, and ensure that the Department may deny a renewal petition for all the same reasons it could deny any other petition. [As with the revised application deadline provisions, the Department suggests that this revision have an effective date of 2/1/04.]</p> <p>A suggested amendment to §77.82 (12) follows:</p> <p>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 <u>January 31</u> 90 days preceding the <u>expiration date</u> renewal application <u>deadline</u>. The owner may petition the department for renewal of the order. The petition shall be filed no later than the <u>March 31</u> July 1 of the <u>2nd</u> year preceding the before the expiration date and shall <u>specify whether the owner wants the order renewed for 25 or 50 years</u> comply with all provisions under subs. (2) and (2m) under this subsection. <u>The notice and hearing provisions under subs. (5) and (6) do not apply to a petition under this subsection.</u> <u>In addition to all other bases under this subchapter for denying a petition,</u> <u>(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 plan or if there are delinquent taxes on the land.</u> If the petition is denied, the department shall state the reason for the denial in writing.</p>

RE: Proposed amendment to §77.82 (2m) (d)

Background:

Act 109 created s. 77.82 (2m), Stats., which, among other things:

- Created at s. 77.82 (2m) (a) a \$100 nonrefundable application fee for MFL petitions that do not include a management plan and FCL to MFL conversion petitions. These MFL petitions account for more than 95% of the petitions submitted.
- Created at s. 77.82 (2m) (b), a nonrefundable application fee of \$10 for those MFL petitions accompanied by a proposed management plan. S. 77.82 (2m) (b) also provides that the department may increase the \$10 fee to "an amount equal to the average expense to the department of recording an order issued under this subchapter." The department must immediately act to increase this fee to \$20, as that is the average expense to the department of recording the order.
- Provided at s. 77.82 (2m)(d) that the fee collected under s. 77.82 (2m) (b) (the soon-to-be \$20 fee for petitions accompanied by management plans) and "\$10 of each \$100 fee collected under par. (a) shall be credited to the appropriation under s. 20.370 (1) (cr)"--which is the appropriation from which recording fees are paid.

The Problem:

The problem is that recording fees average \$20 per order, and the department can only credit \$10 per order for in excess of 95% of the MFL orders. As a result, there will be insufficient funds in appropriation s. 20.370 (1) (cr) from which to pay the recording fees.

Proposed Fix:

One option for fixing the problem would be to amend s. 77.82 (2m) (d) to allow the department to, by rule, adjust the amount credited from the \$100 application fees to appropriation s. 20.370 (1) (cr). This would allow the department to ensure that sufficient funds are credited to the appropriation to cover the cost of recording the orders. The Department suggests stating the fee as \$20 in the statute, and making the section effective upon publication because the recording fees that the Department now pays average \$20—and it would take a year to adjust the fee by rule. That could be accomplished by an amendment such as the following:

s. 77.82 (2m)(d) All the fees collected under this subsection shall be deposited in the conservation fund. The fees collected under par. (b) and \$20 of each \$100 fee collected under par. (a), unless a different amount is established by the department by rule at an amount equal to the average expense to the department of recording an order issued under this subchapter, shall be credited to the appropriation under s. 20.370 (1) (cr).

<u>LRB-1312/1</u>	<u>Wis. Stat. §(§)</u>	<u>Comment(s)</u>
LRB-1312/1 ; LRB Analysis	§23.09 (18)	The draft looks fine. However, the third paragraph of the "Analysis by the Legislative Reference Bureau" should refer to the reduction to 30,000 acres beginning on July 1, 2005 (the beginning of state fiscal year 2006); and the reduction to 20,000 acres on July 1, 2009 (the beginning of state fiscal year 2010).

Gibson-Glass, Mary

From: Ebersberger, Eric K
Sent: Wednesday, March 05, 2003 9:33 AM
To: Gibson-Glass, Mary
Cc: DeLong, Paul J; Mather, Robert J; Depaul, Linda C; Nielsen, Carol K; Christenson, Jimmy S
Subject: LRB-1310/P1 Proposed amendments to Ch. 77, Subch. VI. Stats.

Mary,

You did an excellent job with the draft. I've attached a *Word* table with comments on LRB-1310/P1 ... as well as a comment on LRB-1312/1.

The questions posed on your drafter's note are answered in the table, with the exception of questions 3 and 4.

With respect to question 3, I do not think that denying an owner a hearing under s. 77.88 (3m) is an unconstitutional denial of due process. Petitioners are still entitled to petition for judicial review under ss. 227.52 and 227.53. Further, the issue in s. 77.88 (3m) is whether personal property taxes have been paid--a question that doesn't lend itself to disputes of material fact. I believe that allowing petitioners to seek a contested case hearing under s. 227.42 is a key element of due process when disputes of material fact may arise, and when an agency acts on a matter delegated to it by the legislature owing to the agency's particular expertise in a given area. Again, here, the only issue will be whether the taxes were paid; and judicial review is available to provide sufficient due process. [The existing §77.88 (2) (f) related to MFL transfers contains a similar provision.]

With respect to question 4, the proposed treatment of the withdrawal fee looks fine.

Thank you.

Eric




Comments_MFL_LR
B1310_P1.doc

Eric K. Ebersberger
DNR Legal Services
(608) 266-0228
Eric.Ebersberger@dnr.state.wi.us

<u>LRB-1310/P1 section(s); page(s)</u>	<u>Wis. Stat. §(s)</u>	<u>Comment(s)</u>
<p>Section 50; p. 14; and</p> <p>Section 51; p. 14 [Affects ss. 9, 10, 11, and 12 pp. 4-5]</p>	<p>§§77.82 (2m) (b), (c), and (3) (c) (intro.)</p> <p><i>done</i></p>	<p>RE: Effective dates: The Department would prefer that these sections take effect 18 months after passage or the 2nd July 2nd after passage—whichever is later. (This is due to complications that could arise from passing the bill close to or after 7/1/03—which would effectively eliminate any additional petitions for entry in 2005, and it would give the Department time to promulgate necessary rules and train plan writers.) Also, as explained below, §77.82 (2m) (e) should take effect on the day after publication.</p> <p>Also, both sections 50 and 51 of the bill refer to §77.82 (3) (c) (intro.). As stated above, the Department believes this should take effect 18 months after passage or the 2nd July 2nd after passage—whichever is later (and not have an initial applicability on the effective date of the bill.)</p>
<p>Section 11; p. 4</p> <p>Section 51; p. 14</p>	<p>§77.82 (2m) (e)</p> <p><i>done</i></p>	<p>The fee should be amended to “\$100§300 less the amount the petitioner paid under par. (e) (b).” -- and the section should take effect on the day after publication.</p>
<p>Section 9; pp. 3-4</p>	<p>§77.82 (2m) (b)</p> <p><i>with sub(12)</i></p>	<p>After the effective date of the “certified plan writer” related sections, submitted plans would still be subject to the §77.82 (3) (a) review process. Therefore, we suggest amending §77.82 (2m) (b) as follows:</p> <p>77.82 (2m) (b) If the petition is accompanied by a proposed <u>recent</u> plan as provided in par. (e) prepared by a plan writer certified by the department or by the department itself for a parcel of land subject to a petition under sub. (2) or for forest cropland subject to a conversion petition under sub. (4m), the nonrefundable application fee shall be \$10 <u>\$20</u> unless a different amount for the fee is established by the department by rule at an amount equal to the average expense to the department of recording an order issued under this subchapter.</p>

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Section 21; p. 6	§77.84 (2) (bm) <i>done</i> <input checked="" type="checkbox"/>	RE: Closed acreage fee: The closed acreage fee should be " 25% <u>20%</u> of the average statewide property per acre ...". (We are adding the 20% to the 5% taken per §77.82 (2) (am) for a total of 25%.) Additionally, the Governor's Council Special Committee recommended at paragraph 7.1 on page 12 of its report that the department be allowed, with respect to the closed acreage fee revenue, to "earmark funds collected to establish a program to purchase public hunting/recreational easements and land acquisition. The Department, local units of government and land trusts should be able to apply for these funds." This would likely entail creating a continuing all moneys received appropriation in the chapter 20 schedule and directing the DNR to develop rules for distributing the funds.

Page 2

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Section 26; p. 7; and Section 51; p. 14	Re: effective date and substance of §77.87 (1g) <i>done</i>	<p>RE: 5-yr yield tax exemption: The Department prefers to limit the yield tax exemption to those orders taking effect after the effective date of the subsection—which the Department would prefer be the date of publication of the bill. Therefore, the entire second sentence of the section as proposed in draft LRB-1310/P1 would be eliminated. However, the final sentence of the proposal would remain.</p>

<u>LRB-1310/P1 section(s);</u> page(s)	<u>Wis. Stat. §(s)</u>	<u>Comment(s)</u>
Section 15; pp. 4-5; and Section 16; p. 5. Section 50; p. 14	§§ 77.82 (7) (c) 1. and 2.	<p>As a clean-up measure to take effect on the day after publication of the bill section 15 [§77.82 (7) (c)] should require that the Department approve the petition and issue the order under sub. (8) or deny the petition before the following November 21. (i.e. eliminate en-er) See §77.82 (9) which states that “[a]n order or amended order under sub. (8) issued on or after November 21 of any year takes effect on the 2nd January 1 after the date of issuance.)</p> <p>However, with re: to section 15, [the proposed §77.82 (7) (c) 1.], the proposed changes look fine, but should take effect on 2/1/04 –which would allow for applications received by 1/31/04 to be eligible for MFL entry effective 1/1/05.</p>
		<p>Similarly, with re: to section 16 [the proposed §77.82 (7) (c) 2.], please eliminate “en-er” so that the department must issue the order or denial before the following November 21 (otherwise the section looks fine). Section 16 should also have an effective date of 2/1/04.</p> <p>In sum the Department would prefer to eliminate the words “on or” in the existing §77.82 (7) (c). And, with the exception of the words, “on or” on lines 4 and 10 of page 5 of the draft, the proposed §§77.82 (7) (c) 1. and 2. look fine assuming an effective date of 2/1/04.</p>
Section 47; p. 13	§77.89 (1) <i>done</i>	The addition of “(a)” following 77.88 (7) on line 13 seems to be in error.

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<p>Section 27; pp. 7-8 Sections 28-30; pp. 8-9</p>	<p>§§77.87 (1r), (3), (4), and (5)</p>	<p>Re: Noncompliance Assessment. The Department prefers that this noncompliance assessment be collected by the municipality, and that the municipality turn over 20% of the assessment to the county and keep the remaining 80%. [The same 80/20 split reflected in the new §77.89 (2)] The Department would certify to the taxation district clerk that the assessment is due, but then the municipality would collect and split the funds with the county.</p>
<p>Proposed amendment to provisions re: MFL Renewals</p>	<p>§77.82 (12)</p>	<p>As a consequence of other changes to the subchapter in this bill, the Department proposes to amend §77.82 (12) to reflect the revised application deadlines, assure compliance with the revised §77.82 (2), and (2m) provisions, and ensure that the Department may deny a renewal petition for all the same reasons it could deny any other petition. [As with the revised application deadline provisions, the Department suggests that this revision have an effective date of 2/1/04.]</p> <p>A suggested amendment to §77.82 (12) follows:</p> <p>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 <u>90 days preceding the expiration date</u> renewal application <u>deadline</u>. The owner may petition the department for renewal of the order. The petition shall be filed no later than the March 31 <u>July 1</u> of the <u>2nd year preceding the before</u> the expiration date and shall <u>specify whether the owner wants the order renewed for 25 or 50 years</u> comply with all provisions under subs. (2) and (2m) under this subsection. The <u>notice and hearing provisions under subs. (5) and (6) do not apply to a petition under this subsection.</u> <u>In addition to all other bases under this subchapter for denying a petition,</u> the department may deny the petition <u>only if the land fails to meet the eligibility requirements under sub. (1),</u> if the owner has failed to comply with the management plan if there are delinquent taxes on the land. If the petition is denied, the department shall state the reason for the denial in writing.</p>

RE: Proposed amendment to §77.82 (2m) (d)

Background:

Act 109 created s. 77.82 (2m), Stats., which, among other things:

- Created at s. 77.82 (2m) (a) a \$100 nonrefundable application fee for MFL petitions that do not include a management plan and FCL to MFL conversion petitions. These MFL petitions account for more than 95% of the petitions submitted.
- Created at s. 77.82 (2m) (b), a nonrefundable application fee of \$10 for those MFL petitions accompanied by a proposed management plan. S. 77.82 (2m) (b) also provides that the department may increase the \$10 fee to "an amount equal to the average expense to the department of recording an order issued under this subchapter." The department must immediately act to increase this fee to \$20, as that is the average expense to the department of recording the order.
- Provided at s. 77.82 (2m)(d) that the fee collected under s. 77.82 (2m) (b) (the soon-to-be \$20 fee for petitions accompanied by management plans) and "\$10 of each \$100 fee collected under par. (a) shall be credited to the appropriation under s. 20.370 (1) (cr)"--which is the appropriation from which recording fees are paid.

The Problem:

The problem is that recording fees average \$20 per order, and the department can only credit \$10 per order for in excess of 95% of the MFL orders. As a result, there will be insufficient funds in appropriation s. 20.370 (1) (cr) from which to pay the recording fees.

Proposed Fix:

One option for fixing the problem would be to amend s. 77.82 (2m) (d) to allow the department to, by rule, adjust the amount credited from the \$100 application fees to appropriation s. 20.370 (1) (cr). This would allow the department to ensure that sufficient funds are credited to the appropriation to cover the cost of recording the orders. The Department suggests stating the fee as \$20 in the statute, and making the section effective upon publication because the recording fees that the Department now pays average \$20—and it would take a year to adjust the fee by rule. That could be accomplished by an amendment such as the following:

s. 77.82 (2m)(d) All the fees collected under this subsection shall be deposited in the conservation fund. The fees collected under par. (b) and \$20 of each \$100 fee collected under par. (a), unless a different amount is established by the department by rule at an amount equal to the average expense to the department of recording an order issued under this subchapter, shall be credited to the appropriation under s. 20.370 (1) (cr).

19109 PI
changer

77.87 — adding a noncompliance assessment (or creating new sections) — distribution similar to 77.89(2)

60228 - Eric

↳ Eric's office

— municipality's responsibility to collect

P2 insert

Eric 4-24-03

#250 assessment — town gets & splits - 77.89(2) distribution

Administrative duties go with the town
but

DNR certifies to municipality & copies to owner

If not paid as under 77.77(5) then town could enter on tax roll as a special charge

↳ doesn't need to be certified again by DNR or DOR

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1310/P1dn
MGG:wlj:rs

February 13, 2003

1. Please review this draft carefully to make sure that it achieves your intent and that it includes all of the requested changes.

OK 2. The drafting instructions indicate that you want to delay the effective date until 2005 for the changes relating to certified plan writers. I made it January 1, 2005. OK?

OK 3. Denying an owner a hearing under s. 77.88 (3m) may be subject to a court challenge that not allowing such a hearing is an unconstitutional denial of due process. Please have DNR's legal counsel review this provision.

4. The draft treats the collection of the withdrawal fee in the same manner that withdrawal taxes are treated under ss. 75.35 (2) (f) 3., 75.36 (3) (b), 77.84 (3) (b) and 77.88 (7). OK? *yes*

DNR 5. Do you want a delayed effective date for the provisions without the January 1, 2005, effective date to allow DNR to implement administratively these changes?

line AS 6. The instructions did not specify whether the formula for calculating payments beginning in 2008 under s. 77.84 (2) (am), as created in the bill, should refer to the definitions of productive forest land and swampland or wasteland under current law or under the law as it existed in the 1993 statutes. Therefore, because current law refers to the definitions that existed in the 1993 statutes, s. 77.84 (2) (am), as created in the bill, also refers to the definitions that existed in the 1993 statutes.

Mary Gibson-Glass
Senior Legislative Attorney
Phone: (608) 267-3215

Gibson-Glass, Mary

From: Gary, Tim
Sent: Wednesday, April 30, 2003 11:53 AM
To: Ebersberger, Eric K; Gibson-Glass, Mary
Cc: DeLong, Paul J
Subject: RE: S. 77.82 (12) MFL Renewal Language & LRB-1310/P1

Mary,

Go ahead with the changes outlined in this email.

Tim

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

From: Ebersberger, Eric K
Sent: Wednesday, April 30, 2003 10:36 AM
To: Gibson-Glass, Mary 63595
Cc: Gary, Tim; DeLong, Paul J; Depaul, Linda C; Mather, Robert J; Nielsen, Carol K; Christenson, Jimmy S
Subject: S. 77.82 (12) MFL Renewal Language & LRB-1310/P1

Mary,
Carol Nielsen and I met with Representative Friske and Tim Gary today to discuss proposed changes to the MFL renewal language in s. 77.82 (12), Stats. Carol and I explained that, because of the changes made to MFL petition deadlines in sections 15 and 16 of LRB-1310/P1 [ss. 77.82 (7) (c) 1. and 2., Stats.], the Department believes that s. 77.82 (12) should be amended to reflect the revised petition deadline dates. That is, s. 77.82 (12) should specify that MFL renewal petitioners who own less than 1000 acres should submit MFL renewal petitions by July 1 of the year preceding the year their MFL order expires; and MFL renewal petitioners who own more than 1000 acres should submit MFL renewal petitions by March 31 of the same year their MFL order expires.

For example:

- Owner A owns less than 1000 acres and A's first MFL order expires December 31, 2012. Owner A should submit a renewal petition by July 1, 2011.
- Owner B owns more than 1000 acres and B's first MFL order expires December 31, 2012. Owner B should submit a renewal petition by March 31, 2012.

In both instances (> 1000 acres and < 1000 acres) the Department should notify the petitioners of the expiration of their first MFL orders no less than 90 days preceding the renewal deadline.

So, other than making the dates in s. 77.82 (12) consistent with those in s. 77.82 (7) (c) as amended in LRB-1310/P1, and setting the renewal notification date at 90 days preceding the renewal deadline, no further changes are necessary to s. 77.82 (12).

Representative Friske was supportive of this change, and it's my understanding that Tim Gary will confirm that in an e-mail or phone call to you.

I've attached an attempt to edit s. 77.82 (12). Please call with any questions.

Thank you.

Eric

<< File: MFL Renewal redraft.doc >>

Eric K. Ebersberger
DNR Legal Services
(608) 266-0228
Eric.Ebersberger@dnr.state.wi.us

RE: Wis. Stat. § 77.82 (12) [MFL Renewals]

This amendment is made necessary by changes to ss. 77.82 (7) (c) 1. and 2., Stats. in LRB 1310/P1. This will ensure that MFL renewal petitions are on equal footing with first-time MFL petitions regarding petition due dates.

Current Law:

(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 preceding the expiration date. The owner may petition the department for renewal of the order. The petition shall be filed no later than the March 31 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 plan 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.

Proposed Revision

(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~~ 90 days preceding the ~~expiration date~~ renewal deadline. The owner may petition the department for renewal of the order. For petitioners owning 1000 acres or more in this state, ~~the~~ petition shall be filed no later than the March 31 before the expiration date and shall specify whether the owner wants the order renewed for 25 or 50 years. For petitioners owning less than 1000 acres in this state, the petition shall be filed no later than the July 1 of the 2nd year 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 plan 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.

renewal deadline

renewal deadline

subs (2) (2m) and (3) to apply to renewals

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1310/P2dn
MGG/JK:wlj:rs

1. I have drafted this so that s. 77.82 (1), (2), (2m), (3) and (8) specifically apply to renewal petitions and so that s. 77.82 (5), (6), and (7) do not.
2. I decided that under current law the cross^o reference in s. 77.82 (2m) (e) to s. 77.82 (2m) (c) should be to par. (b) instead of (c). As a result, I did not think that there is any need to delay the effective date for this cross-reference change.
3. Regarding s. 77.82 (4): I increased the fee to \$20 and changed the wording to be consistent with s. 77.82 (2m) (b) and the other references to this "different" fee based on the average expense for recording orders.
4. Regarding references to the conservation fund: I deleted the language regarding deposits or credits to the conservation fund since this language is redundant (see s. 25.29 (1) (a)) and it impairs the readability of certain provisions. See ss. 77.82 (2m) (d) and (4), 77.84 (3) (b), 77.87 (3), 77.88 (2) (d) and (7), and 77.89 (3).
5. Regarding s. 23.09 (18m): Many DNR grant programs for land acquisition have matching requirements. Even if you only want this as an option for DNR under its rule-making authority, there should be language in the statutes authorizing DNR to require by rule a match requirement.

Mary Gibson-Glass
Senior Legislative Attorney
Phone: (608) 267-3215

Wednesday AM

D-Note

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

LPS: Please check for extra spaces in created text. Thanks.

LPS: Please check Auto Ref.

REGEN

1 AN ACT to repeal 77.82 (2m) (c); to amend 74.25 (1) (a) 6., 74.25 (1) (a) 8., 74.30
2 (1) (f), 74.30 (1) (h), 75.35 (2) (f) 3., 75.36 (3) (b), 77.82 (2m) (a), 77.82 (2m) (b),
3 77.82 (2m) (e), 77.82 (3) (c) (intro.), 77.82 (3) (c) 6., 77.82 (7) (c), 77.83 (1) (a) 1.,
4 77.84 (2) (a), 77.84 (2) (b), 77.84 (2) (c), 77.84 (3) (b), 77.87 (title), 77.87 (3), 77.87
5 (4), 77.87 (5), 77.88 (1) (c), 77.88 (2) (am), 77.88 (2) (b), 77.88 (2) (c), 77.88 (2) (d),
6 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.,
7 77.88 (5) (b) 2., 77.88 (7), 77.88 (8), 77.89 (1), 77.89 (2) and 77.89 (3); and to
8 create 77.82 (2) (cm), 77.82 (3) (g), 77.82 (7) (c) 2., 77.84 (2) (am), 77.84 (2) (bm),
9 77.84 (2) (cm), 77.87 (1g), 77.87 (1r), 77.88 (3m) and 77.88 (5m) of the statutes;

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relating to: ~~regulating~~ managed forest land and requiring the exercise of rule-making authority.

the program providing funding for grants for land acquisition for outdoor recreation
and making an appropriation

Analysis by the Legislative Reference Bureau

INS
ANL

~~This is a preliminary draft. An analysis will be provided in a later version~~

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

FE -
SL
✓
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SECTION 1. 74.25 (1) (a) 6. of the statutes is amended to read:

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

SECTION 2. 74.25 (1) (a) 8. of the statutes is amended to read:

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

SECTION 3. 74.30 (1) (f) of the statutes is amended to read:

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

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

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

1 **SECTION 5.** 75.35 (2) (f) 3. of the statutes is amended to read:

2 75.35 (2) (f) 3. Any withdrawal tax or withdrawal fee due under s. 77.84 (3) (b).

3 **SECTION 6.** 75.36 (3) (b) of the statutes is amended to read:

4 75.36 (3) (b) From the net proceeds of the sale of the property, as determined
5 under par. (a), first pay any withdrawal tax and withdrawal fee due under s. 77.84
6 (3) (b) and then pay to taxing jurisdictions all special assessments and special
7 charges to which the property is subject, including interest and any penalties
8 imposed under s. 74.47. If the net proceeds are not sufficient to pay all outstanding
9 amounts due, the net proceeds shall be prorated to each taxing jurisdiction based
10 upon the ratio that the amount of all special assessments and special charges due
11 that taxing jurisdiction bears to the amount of all special assessments and special
12 charges levied against the property sold, including interest and any penalties
13 imposed under s. 74.47. Amounts payable under this paragraph shall be paid to the
14 taxing jurisdiction within 15 days after the last day of the month in which sale
15 proceeds become available to the county.

16 **SECTION 7.** 77.82 (2) (cm) of the statutes is created to read:

17 77.82 (2) (cm) ^{A copy of} ~~An~~ instrument that has been recorded in the office of the register
18 of deeds of the county in which the property is located that shows the ownership of
19 the land subject to the petition.

20 **SECTION 8.** 77.82 (2m) (a) of the statutes is amended to read:

21 77.82 (2m) (a) Except as provided in par. (b), a petition under sub. (2) ~~or~~ (4m) [✓] ~~or~~ (2) ₅
22 shall be accompanied by a nonrefundable application fee of \$100 \$300.

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

24 77.82 (2m) (b) If the petition is accompanied by a proposed ~~recent~~ management
25 plan as ~~provided in par. (c)~~ that was approved by the department for a parcel of land

1 ~~subject to a petition under sub. (2) or for forest cropland subject to a conversion~~
 2 ~~petition under sub. (4m), the nonrefundable application fee shall be \$10 unless a~~
 3 ~~different amount for the fee is established by the department by rule at an amount~~
 4 ~~equal to the average expense to the department of recording an order issued under~~
 5 ~~this subchapter.~~

← accommodate... INSERT 4-5 ✓

6 SECTION 10. 77.82 (2m) (c) of the statutes is repealed.

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

8 77.82 (2m) (e) If ~~the proposed~~ ^(a) management plan is not approved by the
 9 department under its initial review under sub. (3) (a), the department shall collect
 10 from the petitioner a fee in an amount equal to ~~\$100~~ ^{\$300} less the amount the petitioner
 11 paid under par. (e) (b).

INS. ✓
4-11

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

13 77.82 (3) (c) (intro.) To qualify for approval, a management plan shall be
 14 prepared by a plan writer certified by the department or ^{prepared} by the department itself and
 15 shall include all of the following:

16 SECTION 13. 77.82 (3) (c) 6. of the statutes is amended to read:

17 77.82 (3) (c) 6. A description of the forestry practices, including harvesting,
 18 thinning and reforestation, that will be undertaken during the term of the order,
 19 specifying the period of time in which each ~~is intended to~~ will be completed.

20 SECTION 14. 77.82 (3) (g) of the statutes is created to read:

21 77.82 (3) (g) The department shall promulgate rules specifying the
 22 qualifications that a person must satisfy to become a certified plan writer.

23 SECTION 15. 77.82 (7) (c) of the statutes is amended to read:
 A.R. ⓧ

INS. ✓
4-22

24 77.82 (7) (c) Except as provided in par. (d), if:

as affected by 2003
Wisconsin Act.... (this act)

1 1. ~~If a petition is received on or before January 31~~ [^] July 1 of any year from a
 2 petitioner who owns less than 1,000 acres in this state ~~or on or before March 31~~ of
 3 any year ~~from any other petitioner~~, the department shall investigate and shall either
 4 approve the petition and issue the order under sub. (8) or deny the petition ~~on or~~ (X)
 5 before the 2nd following November 21.

6 **SECTION 16.** 77.82 (7) (c) 2. of the statutes is created to read:

7 77.82 (7) (c) 2. If a petition is received ~~on or~~ before ~~March 31~~ ^{April 1} of any year from
 8 a petitioner who owns 1,000 or more acres in this state, the department shall
 9 investigate and shall either approve the petition and issue the order under sub. (8)
 10 or deny the petition ~~on or~~ before the following November 21.

(INSERT 5-11)

11 **SECTION 17.** 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.

13 **SECTION 18.** 77.84 (2) (a) of the statutes is amended to read:

14 77.84 (2) (a) ~~Each~~ Ending with the property tax assessments as of January 1,
 15 2007, each owner of managed forest land shall pay to the municipal treasurer an
 16 acreage share of 74 cents per acre on or before January 31.

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

18 77.84 (2) (am) Beginning with the property tax assessments as of January 1,
 19 2008, each owner of managed forest land shall pay to the municipal treasurer, on or
 20 before January 31, an amount that is equal to 5% of the average statewide property
 21 tax per acre of property classified under s. 70.32 (2) (b) 5. ~~1993 statute~~ and ~~1993 statute~~
 22 ~~1993 statute~~ [↓] 6., ~~1993 statute~~ as determined under par. (cm), for each acre of managed forest
 23 land.

24 **SECTION 20.** 77.84 (2) (b) of the statutes is amended to read:

1 77.84 (2) (b) ~~In~~ Ending with the property tax assessments as of January 1,
2 2007, in addition to the payment under par. (a), each owner shall pay \$1 for each acre
3 that is designated as closed under s. 77.83. The payment shall be made to the
4 municipal treasurer on or before January 31.

5 **SECTION 21.** 77.84 (2) (bm) of the statutes is created to read:

6 77.84 (2) (bm) Beginning with the property tax assessments as of January 1,
7 2008, in addition to the payment under par. (am), each owner of managed forest land
8 shall pay to the municipal treasurer, on or before January 31, an amount that is equal
9 to ~~25%~~ ^{20%} of the average statewide property tax per acre of property classified under s.
10 70.32 (2) (b) 5. ~~1993 stats.~~ and ~~s. 70.32 (2) (b) 6., 1993 stats.~~ [↓] as determined under
11 par. (cm), for each acre that is designated as closed under s. 77.83.

12 **SECTION 22.** 77.84 (2) (c) of the statutes is amended to read:

13 77.84 (2) (c) In 1992 and each 5th year thereafter, and until the determination
14 in 2007 under par. (cm), the department of revenue shall adjust the amounts under
15 pars. (a) and (b) by multiplying the amount specified by a ratio using as the
16 denominator the department of revenue's estimate of the average statewide tax per
17 acre of property classes under s. 70.32 (2) (b) 4., 1993 stats., s. 70.32 (2) (b) 5., 1993
18 stats., and s. 70.32 (2) (b) 6., 1993 stats., for 1986 and, as the numerator, the
19 department of revenue's estimate of the average tax per acre for the same classes of
20 property for the year in which the adjustment is made.

21 **SECTION 23.** 77.84 (2) (cm) of the statutes is created to read:

22 77.84 (2) (cm) For purposes of determining the per acre amounts under pars.
23 (am) and (bm), in 2007 and each 5th year thereafter, the department of revenue shall
24 determine the average statewide tax per acre of property classes under s. 70.32 (2)
25 (b) 5. ~~1993 stats.~~ and ~~s. 70.32 (2) (b) 6., 1993 stats.~~ [↓]

1 SECTION 24. 77.84 (3) (b) of the statutes is amended to read:

2 77.84 (3) (b) Immediately after receiving the certification of the county clerk
3 that a tax deed has been taken, the department shall issue an order withdrawing the
4 land as managed forest land. The notice requirement under s. 77.88 (1) does not
5 apply to the department's action under this paragraph. The department shall notify
6 the county treasurer of the amount of the withdrawal fee under s. 77.88 (5m) and the
7 withdrawal tax, as determined under s. 77.88 (5), and the. The amount of the tax and
8 the assessment shall be payable to the department under s. 75.36 (3) if the property
9 is sold by the county. [↓] ~~The amount shall be credited to the conservation fund.~~

10 ~~SECTION 25. 77.87 (title) of the statutes is amended to read:~~

11 ~~77.87 (title) Yield tax; noncompliance assessment.~~

12 SECTION 26. 77.87 (1g) of the statutes is created to read:

13 77.87 (1g) EXEMPTION. For a managed forest land order that takes effect on or
14 after the effective date of this subsection ... [revisor inserts date], the owner of the
15 managed forest land is exempt from payment of the yield tax under sub. (1) for the
16 first 5 years of the managed forest land order. For a managed forest land order that

17 takes effect within 5 years before the effective date of this subsection [revisor
18 inserts date], the owner of the managed forest land is exempt from payment of the
19 yield tax under sub. (1) for the number of years calculated by subtracting the number
20 of completed calendar years that the order has been in effect from 5 years. The

21 exemption under this subsection does not apply to managed forest land converted
22 pursuant to a petition approved under s. 77.82 (7) (d) or to a renewal of managed
23 forest land order under s. 77.82 (12).

24 SECTION 27. 77.87 (1r) of the statutes is created to read:

1 ~~77.87 (1r) ASSESSMENT. The department shall impose a noncompliance~~
 2 ~~assessment of \$250 against an owner for each failure to complete a forestry practice~~
 3 ~~during the period of time required under an applicable management plan. The~~
 4 ~~department shall mail a copy of the certificate of assessment to the owner at the~~
 5 ~~owner's last known address.~~ *municipality*

6 SECTION 28. 77.87 (3) of the statutes is amended to read:

7 77.87 (3) PAYMENT. A tax assessed under sub. (1) or (2) or an assessment
 8 imposed under sub. (1r) is due and payable to the *munic* department on the last day of the
 9 month following the date the certificate is mailed to the owner. The department shall
 10 collect interest at the rate of 12% per year on any tax or assessment that is paid later
 11 than the due date. Amounts received as taxes shall be credited to the conservation
 12 fund. Each amount received as an assessment shall be paid to the county treasurer
 13 of the county in which the managed forest land is located. The county treasurer shall
 14 pay 50% of each assessment to the municipality in which the managed forest land
 15 is located.

16 SECTION 29. 77.87 (4) of the statutes is amended to read:

17 77.87 (4) OWNER'S LIABILITY. The owner is personally liable for a tax assessed
 18 under sub. (1) or (2) or an assessment imposed under sub. (1r). An unpaid tax
 19 becomes a lien against the merchantable timber that was cut. If the merchantable
 20 timber cut is mingled with other wood products, the unpaid tax becomes a lien
 21 against all of the wood products while they are in the owner's possession, or in the
 22 possession of any person other than a purchaser for value without notice in the usual
 23 course of business.

24 ~~SECTION 30. 77.87 (5) of the statutes is amended to read:~~

INSERT 9-5B ✓

~~1 77.87 (5) DELINQUENCY. If a tax or assessment due under this section is not paid
2 on or before the last day of the August following the date specified under sub. (3), the
3 department shall certify to the taxation district clerk the description of the land and
4 the amount due for the tax and interest. The taxation district clerk shall enter the
5 delinquent amount on the property tax roll as a special charge.~~

6 SECTION 31. 77.88 (1) (c) of the statutes is amended to read:

7 77.88 (1) (c) If the department determines that land should be withdrawn, it
8 shall issue an order withdrawing the land as managed forest land and shall assess
9 against the owner the tax under sub. (5) and the withdrawal fee under sub. (5m).

10 SECTION 32. 77.88 (2) (am) of the statutes is amended to read:

11 77.88 (2) (am) If the land transferred under par. (a) does not meet the eligibility
12 requirements under s. 77.82 (1), the department shall issue an order withdrawing
13 the land from managed forest land designation and shall assess against the owner
14 a withdrawal tax under sub. (5) and the withdrawal fee under sub. (5m).

15 SECTION 33. 77.88 (2) (b) of the statutes is amended to read:

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

24 SECTION 34. 77.88 (2) (c) of the statutes is amended to read:

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

6 **SECTION 35.** 77.88 (2) (d) of the statutes is amended to read:

7 77.88 (2) (d) Within 10 days after a transfer of ownership, the former owner
8 shall, on a form provided by the department, file with the department a report of the
9 transfer signed by the former owner and the transferee. The report shall be
10 accompanied by a ~~\$20~~ \$100 fee which shall be deposited in the conservation fund and
11 credited to the appropriation under s. 20.370 (1) (cr). The department shall
12 immediately notify each person entitled to notice under s. 77.82 (8).

13 **SECTION 36.** 77.88 (2) (f) of the statutes is amended to read:

14 77.88 (2) (f) If the transferee does not provide the department with the
15 certification required under par. (e), the department shall issue an order
16 withdrawing the land and shall assess against the transferee the withdrawal tax
17 under sub. (5) and the withdrawal fee under sub. (5m). Notwithstanding s. 77.90,
18 the transferee is not entitled to a hearing on an order withdrawing land under this
19 paragraph.

20 **SECTION 37.** 77.88 (3) of the statutes is amended to read:

21 77.88 (3) VOLUNTARY WITHDRAWAL. An owner may request that the department
22 withdraw all or any part of the owner's land meeting one of the requirements
23 specified under sub. (2) (a) 1. to 3. If any remaining land meets the eligibility
24 requirements under s. 77.82 (1), the department shall issue an order withdrawing

✓
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1 the land subject to the request and shall assess against the owner the withdrawal
2 tax under sub. (5) and the withdrawal fee under sub. (5m).

3 **SECTION 38.** 77.88 (3m) of the statutes is created to read:

4 **77.88 (3m) WITHDRAWAL FOR FAILURE TO PAY PERSONAL PROPERTY TAXES.** If an
5 owner of managed forest land has not paid the personal property tax due for a
6 building on managed forest land before the February settlement date under s. 74.30
7 (1), the municipality in which the managed forest land is located shall certify to the
8 department that a delinquency exists and shall include the legal description of the
9 managed forest land on which the building is located in the certification.
10 Immediately after receiving the certification, the department shall issue an order
11 withdrawing the land as managed forest land and shall assess against the owner of
12 the land the withdrawal tax under sub. (5) and the withdrawal fee under sub. (5m).
13 Notwithstanding s. 77.90, the owner is not entitled to a hearing on an order
14 withdrawing land under this subsection.

15 **SECTION 39.** 77.88 (4) of the statutes is amended to read:

16 **77.88 (4) NONRENEWAL.** If an owner does not petition the department to renew
17 a managed forest land order, the department shall order the land withdrawn at the
18 expiration of the order. No withdrawal tax under sub. (5) shall or withdrawal fee
19 under sub. (5m) may be assessed.

20 **SECTION 40.** 77.88 (5) (a) 1. of the statutes is amended to read:

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

1 **SECTION 41.** 77.88 (5) (a) 2. of the statutes is amended to read:

2 77.88 (5) (a) 2. Five percent of the stumpage value of the merchantable timber
3 on the land, less any amounts paid by the owner under ss. 77.84 (2) (a) and (am) and
4 77.87.

5 **SECTION 42.** 77.88 (5) (b) 1. of the statutes is amended to read:

6 77.88 (5) (b) 1. An amount equal to the product of the total net property tax rate
7 in the municipality in the year prior to the withdrawal and the assessed value of the
8 land for the same year, as computed by the department of revenue, multiplied by the
9 number of years since the renewal, less any amounts paid by the owner under ss.
10 77.84 (2) (a) and (am) and 77.87.

11 **SECTION 43.** 77.88 (5) (b) 2. of the statutes is amended to read:

12 77.88 (5) (b) 2. Five percent of the stumpage value of the merchantable timber
13 on the land, less any amounts paid by the owner under ss. 77.84 (2) (a) and (am) and
14 77.87.

15 **SECTION 44.** 77.88 (5m) of the statutes is created to read:

16 77.88 (5m) WITHDRAWAL FEE. The withdrawal fee assessed by the department
17 under subs. (1) (c), (2) (am), (c), and (f), (3), and (3m) shall be \$300.

18 **SECTION 45.** 77.88 (7) of the statutes is amended to read:

19 77.88 (7) PAYMENT; DELINQUENCY. ~~A tax~~ Taxes under sub. (5) is and fees under
20 sub. (5m) are due and payable to the department on the last day of the month
21 following the effective date of the withdrawal order. ~~Amounts received shall be~~
22 ~~credited to the conservation fund.~~ If the owner of the land fails to pay the tax or fee,
23 the department shall certify to the taxation district clerk the amount due. The
24 taxation district clerk shall enter the delinquent amount on the property tax roll as
25 a special charge.

1 SECTION 46. 77.88 (8) of the statutes is amended to read:

2 77.88 (8) EXCEPTION. No withdrawal tax or withdrawal fee may be assessed
3 against an owner who transfers ownership of managed forest land for a public road
4 or railroad or utility right-of-way. No withdrawal tax or withdrawal fee may be
5 assessed against an owner who transfers ownership of managed forest land for a
6 park, recreational trail, wildlife or fish habitat area or a public forest to the federal
7 government, the state or a local governmental unit, as defined in s. 66.0131 (1) (a).
8 The department may not order withdrawal of the remainder of the land unless the
9 remainder fails to meet the eligibility requirements under s. 77.82 (1).

10 SECTION 47. 77.89 (1) of the statutes is amended to read:

11 77.89 (1) PAYMENT TO MUNICIPALITIES. By June 30 of each year, the department,
12 from the appropriation under s. 20.370 (5) (bv), shall pay ~~50%~~ 100% of each payment
13 received under s. 77.84 (3) (b), 77.87 (3) ~~or, and~~ 77.88 (7) ~~(a)~~ to the treasurer of the (x)
14 municipality in which is located the land to which the payment applies.

15 LPS: Please Fix comp. → SECTION 48. 77.89 (2) of the statutes is amended to read:
16 *renumbered 77.89(2)(a) and and 77.876*

17 77.89 (2) ^(a) ~~PAYMENT TO COUNTIES~~. Each municipal treasurer shall pay 20% of each
18 payment received under sub. (1) ~~or s. and under ss.~~ 77.84 (2) (a) ~~or and (am) and~~ 77.85
19 to the county treasurer and shall deposit the remainder in the municipal treasury.
20 The payment to the county treasurer for money received before November 1 of any
21 year shall be made on or before the November 15 after its receipt. For money received
22 on or after November 1 of any year, the payment to the county treasurer shall be
23 made on or before November 15 of the following year.

24 SECTION 49. 77.89 (3) of the statutes is amended to read:
25 *renumbered 77.89(2)(b) and*

26 77.89 ~~(3)~~ ^(b) ~~CONSERVATION FUND CREDIT~~. The municipal treasurer shall pay all
27 amounts received under s. 77.84 (2) (b) and (bm) to the county treasurer, as provided

1 under ss. 74.25 and 74.30. The county treasurer shall, by June 30 of each year, pay
 2 all amounts received under this ~~subsection~~ ^{paragraph} to the department. All amounts received
 3 by the department ~~shall be credited to the conservation fund and~~ shall be reserved
 4 for land acquisition and resource management activities.

5 **SECTION 50. Initial applicability.**

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

8 ~~(2) The treatment of section 77.82 (7) (c) of the statutes first applies to petitions~~
 9 ~~that are received on the effective date of this subsection.~~

10 **SECTION 51. Effective dates.** This act takes effect on the day after publication,

11 except as follows:

12 (1) The treatment of sections 77.82 (2m) (b) ~~(c) and (e)~~ ^{✓ and} and (3) (c) (intro.)[✓] and
 13 ~~77.87 (1a)~~ of the statutes takes effect on ~~January 1, 2005~~ ^{the} first day of the

14 (END)

19th month
beginning after
publication

and (12)

(2) The treatment of section 77.82 (7) (c) [✓] (by ^{CS} SECTION
 (A)) of the statutes and the creation of section
 77.82 (7) (c) 20 of the statutes take effect on the
 February 1 after publication

NONSTATS

first

MFL

INSERT ANL JK-1

for each acre of managed forest land

No 11

beginning in 2008, the average share payment is equal to 5% of the average statewide property tax per acre of property

assessed as swampland or wasteland and productive forest land.

Also, beginning in 2008, the additional payment for each acre of managed forest land that is

closed to the public is equal to 20% of the average statewide property tax per acre of property assessed

as swampland or wasteland and productive forest land.

INSERT ANL JK-2

Finally, if a property owner who is required to complete a forestry practice fails to complete the practice by the time specified under a management plan, the owner must pay a noncompliance assessment of \$250 to the municipality in which the property that is subject to the management plan

is located. Under the bill, the municipality distributes 20% →

INSERT
ANL-JK-2

Continued

assessment the
of the noncompliance assessment to a county in which the
property is located.

END OF INSERT ANL-JK-2

2003-2004 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1310/PlinsJK
JK:.....

Insert 9 - 5 B

1 SECTION ~~77.876~~^{77.876} of the statutes is created to read:

2 **77.876 Noncompliance assessment.** (1) ASSESSMENT. The department shall
3 certify to the municipality in which the property is located an owner's failure to
4 complete a forestry practice during the period of time required under an applicable
5 management plan and the municipality shall impose a noncompliance assessment
6 of \$250 against the owner for each ~~such~~^{such} failure. The department shall mail a copy
7 of the certificate of assessment to the owner at the owner's last-known address and
8 to the municipality.

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

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

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

end of insert 9-5B

2003-2004 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

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MGG::

LPS: Please
Check Spacing.
Thanks.

Insert ANL

A parcel of land may be designated as managed forest land (MFL) under a program administered by the Department of Natural Resources (DNR). Under the program, the owner of land that is designated as MFL under an order issued by DNR makes an annual acreage share payment which is lower than, and in lieu of, the property taxes that normally would be payable on the land. In exchange, the owner must comply with certain forestry practices and may keep a specific area closed to public access; the remainder of the land must be kept open for recreational activities such as hunting, fishing, and cross-country skiing. In order for a landowner to participate in the MFL program, DNR must approve a management plan for the MFL. The management plan includes the owner's forestry objectives and a description of the forestry practices to be used.

This changes to the MFL program contained in this bill include the following:

1. The bill increases the fees for filing a petition for an order designating land as MFL, to add land to an existing MFL order, and to transfer ownership of MFL.

2. The bill requires that management plans that may qualify under the program be prepared by a plan writer certified by DNR or by DNR itself. Under current law, there are no restrictions on who prepares the management plan, but a plan prepared by a qualified forester, as defined by DNR by rule, or a plan approved by DNR that DNR does have to prepare itself may qualify for a reduced application fee. The bill requires DNR to promulgate rules specifying the necessary qualifications for certified plan writers.

3 The bill exempts an owner of MFL that is initially entered into the program after the effective date of this bill from any yield tax for the first five years of the order. Under current law, an annual yield tax of 5% is imposed on the value of the merchantable timber cut from the land.

4. The bill requires DNR to distribute all of the withdrawal taxes and yield taxes it receives to the town or village and to the county in which the MFL is located. Under current law, DNR retains 50% of these taxes and distributes 40% to the village or town and 10% to the county. Under the bill, DNR distributes all of these taxes, the town or village receiving 80% and the county 20%.

5. The bill creates a withdrawal fee that an owner must pay, in addition to the withdrawal tax under current law, if the owner withdraws the land from the program before the order designating the land as MFL expires. Orders are for 25 or 50 years.

6. The bill increases the acreage of MFL that may be kept closed for public use. Under current law, the maximum amount that may be closed is 80 acres in a single town or village or one or a combination of any two of the following areas as found on government surveys: quarter-quarter sections (40 acres), fractional lots (usually somewhat less than 40 acres), or government lots (usually somewhat less than 40 acres) as shown on government surveys. The bill increases the limit of 80 acres in a single town or village to 160 acres.

MFL of managed forest land

INSERT AVL JK-1 ✓

7. The bill changes how the acreage share payment and the additional payment for closed acreage is calculated. Under current law, the annual acreage share payment per acre is 74 cents. In addition a MFL owner must pay an additional \$1.00 for each acre of MFL that is closed to public use. Under the bill these payments

8. The bill requires that the additional payments made by MFL owners for closed MFL be used by DNR for grants to local governmental units for the acquisition of land for nature-based outdoor recreation.

9. This bill specifies that certain provisions under current law that apply to an initial petition apply to a renewal petition. These requirements include the payment of an application fee and the preparation of a new management plan. Under current law, a MFL order lasts for 25 or 50 years, as elected by the MFL owner and may be renewed for an additional 25 or 50 years, as elected by the owner.

10. The bill requires that copy of the legal document that has been recorded with the county register of deeds that show the ownership of the land subject be included with a MFL petition. Current law only requires that the petition include a description of the land.

INSERT AVL-JK-2

1 **Insert 2-3**

2 **SECTION #. 20.370 (1) (cw)** of the statutes is created to read:

3 20.370 (1) (cw) *Forestry — outdoor recreation grants.* All moneys received
4 under s. 77.84 (2) (bm) for grants under s. 23.09 (18m).

5 **SECTION #. 23.09 (18m)** of the statutes is created to read:

6 **23.09 (18m) GRANTS FOR LAND ACQUISITIONS FOR OUTDOOR RECREATION.** (a) In this
7 subsection:

8 1. "Land" means land in fee simple, conservation easements, and other
9 easements in land.

10 2. "Local governmental unit" means a city, village, town, or county.

11 3. "Nature-based outdoor recreation" has the meaning given by the
12 department by rule under s. 23.0917 (4) (f).

13 4. "Nonprofit conservation organization" has the meaning given in s. 23.0955
14 (1).

15 (b) The department shall establish a program to award grants from the
16 appropriation under s. 20.370 (1) (cw) to local governmental units and nonprofit

1 conservation organizations to acquire land for nature-based outdoor recreation.
 2 The department shall promulgate rules establishing criteria for awarding grants
 3 under this subsection.

History: 1971 c. 40 s. 93; 1971 c. 125 s. 522 (1); 1971 c. 215, 277, 326; 1973 c. 251, 298, 333; 1975 c. 39 ss. 249, 249a, 250m, 734; 1975 c. 91, 200, 224, 365; 1977 c. 29, 402, 406; 1979 c. 34 ss. 699m to 701g, 2102 (39) (a); 1979 c. 89; 1981 c. 20 ss. 598 to 599s, 2202 (38) (c); 1981 c. 295; 1981 c. 390 s. 252; 1983 a. 27, 243; 1985 a. 29, 65, 322; 1985 a. 332 ss. 34, 251 (1); 1987 a. 27, 98, 295, 403; 1989 a. 31, 336, 359; 1991 a. 39, 269, 309; 1993 a. 16, 343, 436, 490; 1995 a. 27, 218, 257, 349, 417; 1997 a. 27, 35, 248, 313; 1999 a. 9, 32, 83; 2001 a. 38, 56, 104, 109.

4 **Insert 4-5**

5 SECTION ~~4~~[#] 77.82 (2m) (b) of the statutes is amended to read:

6 77.82 (2m) (b) If the petition under sub. (2), (4m), or (12) is accompanied by a
 7 proposed management plan as provided in par. (e), the nonrefundable application fee
 8 shall be \$10 \$20 unless a different amount for the fee is established by the
 9 department by rule at an amount equal to the average expense to the department of
 10 recording an order issued under this subchapter.

History: 1985 a. 29; 1989 a. 31; 1993 a. 16, 131, 301, 491; 1995 a. 27; 1997 a. 27, 35, 237; 2001 a. 109.

11 **Insert 4-11**

12 SECTION ~~4~~[#] 77.82 (2m) (d) 1 of the statutes ^{is renumbered 77.82 (2m)(d)1. and} is amended to read:

13 77.82 (2m) (d) ¹ ~~All the fees collected under this subsection shall be deposited~~
 14 ~~in the conservation fund. The~~ All of the fees collected under par. (b) and \$10 \$20 of
 15 each ~~\$100~~ \$300 fee collected under par. (a) shall be credited to the appropriation
 16 under s. 20.370 (1) (cr), except as provided under subd. 2 ^{plain period}

History: 1985 a. 29; 1989 a. 31; 1993 a. 16, 131, 301, 491; 1995 a. 27; 1997 a. 27, 35, 237; 2001 a. 109.

17 SECTION ~~4~~[#] 77.82² (2m) (d) 2. of the statutes is created to read:

18 77.82² (2m) (d) 2. The department may establish by a rule a different amount
 19 of each ~~\$300~~ \$300 fee under subd. 1. that will be credited to the appropriation under s.
 20 20.370 (1) (cr). The amount shall be equal to the average expense to the department
 21 of recording an order issued under this subchapter.

22 SECTION ~~4~~[#] 77.82 (2m) (e) of the statutes is amended to read:

1 77.82 (2m) (e) If the proposed a management plan accompanying a petition
2 filed under sub. (2), (4m), or (12) is not approved by the department under its initial
3 review under sub. (3) (a), the department shall collect from the petitioner a fee in an
4 amount equal to ~~\$100~~ \$300 less the amount the petitioner paid under par. (e) (b).

History: 1985 a. 29; 1989 a. 31; 1993 a. 16, 131, 301, 491; 1995 a. 27; 1997 a. 27, 35, 237; 2001 a. 109.

5 **Insert 4-22**

6 SECTION ~~7~~[#]. 77.82 (4)[↓] of the statutes is amended to read:

7 77.82 (4) ADDITIONS TO MANAGED FOREST LAND. An owner may petition the
8 department to designate as managed forest land an additional parcel of land in the
9 same municipality if the additional parcel is at least 3 acres in size and is contiguous
10 to any of the owner's designated land. The petition shall be accompanied by a
11 nonrefundable ~~\$10~~ \$20 application fee unless a different amount of for the fee is
12 established ^{plain space} ~~in the same manner as the fee under sub. (2m) (b) by the department by~~
13 rule at an amount equal to the average expense to the department of recording an
14 order issued under this subchapter. The fee shall be ~~deposited in the conservation~~
15 ~~fund and~~ credited to the appropriation under s. 20.370 (1) (cr). The petition shall be
16 submitted filed on a department form and shall contain any additional information
17 required by the department.

History: 1985 a. 29; 1989 a. 31; 1993 a. 16, 131, 301, 491; 1995 a. 27; 1997 a. 27, 35, 237; 2001 a. 109.

18 SECTION ~~7~~[#]. 77.82 (7) (c) of the statutes is amended to read:

19 77.82 (7) (c) 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, the department shall
22 investigate and shall either approve the petition and issue the order under sub. (8)
23 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; 2001 a. 109.

24 **Insert 5-11**

1 **Insert 9-5^A**

2 **SECTION ~~17~~[#]. 77.87 (3) of the statutes is amended to read:**

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

History: 1985 a. 29; 1991 a. 39.

8 **Insert 10-13**

9 **SECTION ~~17~~[#]. 77.88 (2) (d) of the statutes is renumbered 77.88 (2) (d) 1. and**
10 **amended to read:**

11 77.88 (2) (d) 1. Within 10 days after a transfer of ownership, the former owner
12 shall, on a form provided by the department, file with the department a report of the
13 transfer signed by the former owner and the transferee. The report shall be
14 accompanied by a ~~\$20 \$100~~ fee which shall be deposited in the conservation fund and
15 Twenty dollars of the fee or a different amount of the fee as may be established under
16 subd. 2. shall be credited to the appropriation under s. 20.370 (1) (cr). The
17 department shall immediately notify each person entitled to notice under s. 77.82 (8).

History: 1985 a. 29; 1991 a. 39; 1993 a. 16, 131; 1995 a. 27; 1999 a. 15 s. 672.

18 **SECTION ~~17~~[#]. 77.88 (2) (d) 2. of the statutes is created to read:**

19 **77.88 (2) (d) 2.** The department may establish by ^grule a different amount of
20 each fee under subd. 1. that will be credited to the appropriation under s. 20.370 (1)
21 (cr). The amount shall be equal to the average expense to the department of
22 recording an order issued under this subchapter.

1

SECTION ~~9~~[#]. 77.82 (8) of the statutes is amended to read:

2

77.82 (8) ORDER. If a petition under sub. (2) ~~or~~ (4m) ⁵ or (12) is approved, the

3

department shall issue an order designating the land as managed forest land for the

4

time period specified in the petition. If a petition under sub. (4) is approved, the

5

department shall amend the original order to include the additional parcel. The

6

department shall provide the petitioner with a copy of the order or amended order

7

and shall also file a copy with the department of revenue, the supervisor of

8

assessments and the clerk of the municipality, and shall record the order with the

9

register of deeds in the county, in which the land is located.

10

SECTION ~~10~~[#]. 77.82 (12) ^{plain space} of the statutes is amended to read:

11

77.82 (12) RENEWAL. ~~The department shall notify each owner of managed forest~~

12

~~land of the expiration date of an order no later than the January 31 preceding the~~

13

~~expiration date.~~ [↓] The An owner of managed forest land ^{plain space} may petition the department

14

under sub. (2) for renewal of the order. The A petition filed by an owner of 1,000 acres

15

or more in this state shall be filed no later than the ~~March 31 and April 1~~ before the

16

expiration date of the order. A petition filed by an owner of less than 1,000 acres in

17

this state shall be filed no later than ^{2nd} the 2nd July 1 before the expiration date of the

18

order. The petition shall specify whether the owner wants the order renewed for 25

19

or 50 years. ~~The notice and hearing provisions under subs. (5) and~~ ^{only scored} ~~(6) and (7)~~ do not

20

apply to a petition under this subsection. The department may deny the petition only

21

if the land fails to meet the eligibility requirements under sub. (1), if the owner has

22

failed to comply with the management plan that is in effect on the date that the

23

petition for renewal is filed ² or if there are delinquent taxes on the land. If the petition

24

is denied, the department shall state the reason for the denial in writing.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1310/1dn
MGG:wlj:cph

May 7, 2003

1. I have drafted this so that s. 77.82 (1), (2), (2m), (3), and (8) specifically apply to renewal petitions and so that s. 77.82 (5), (6), and (7) do not.
2. I decided that under current law the cross-reference in s. 77.82 (2m) (e) to s. 77.82 (2m) (c) should be to par. (b) instead of (c). As a result, I did not think that there is any need to delay the effective date for this cross-reference change.
3. Regarding s. 77.82 (4): I increased the fee to \$20 and changed the wording to be consistent with s. 77.82 (2m) (b) and the other references to this "different" fee based on the average expense for recording orders.
4. Regarding references to the conservation fund: I deleted the language regarding deposits or credits to the conservation fund since this language is redundant (see s. 25.29 (1) (a)) and it impairs the readability of certain provisions. See ss. 77.82 (2m) (d) and (4), 77.84 (3) (b), 77.87 (3), 77.88 (2) (d) and (7), and 77.89 (3).
5. Regarding s. 23.09 (18m): Many DNR grant programs for land acquisition have matching requirements. Even if you only want this as an option for DNR under its rule-making authority, there should be language in the statutes authorizing DNR to require by rule a match requirement.

Mary Gibson-Glass
Senior Legislative Attorney
Phone: (608) 267-3215

Mentkowski, Annie

From: Gary, Tim
Sent: Thursday, May 08, 2003 10:25 AM
To: LRB.Legal
Subject: Draft review: LRB 03-1310/1 Topic: Various changes to laws regarding managed forest land

It has been requested by <Gary, Tim> that the following draft be jacketed for the ASSEMBLY:

Draft review: LRB 03-1310/1 Topic: Various changes to laws regarding managed forest land

(6) MODIFICATION OF DESIGNATION OF CLOSED OR OPEN AREAS. A landowner, other than and consistent with the provisions in s. 77.83, Stats., may modify the designation of a closed or open area once during the period of the order. Requests for changes in the open/closed designation shall be in writing or on department forms filed with the department. Requests received by the department no later than December 1 in a given year will be eligible to be effective the following January 1. Requests received by the department after December 1 and before the end of the year, shall be effective January 1 of the second year beginning after the year in which the form is received.

for/2: from TIM

wants owners who have already exercised this option under NR 46.18(6) (above) to be able to do it one more time.

told ~~him~~ Tim it will all go into the statutes.



State of Wisconsin
2003 - 2004 LEGISLATURE

RMR

LRB-1310/P 2

MGG/JK:wlj:cph

Now

2003 BILL

REGEN

1 AN ACT to repeal 77.82 (2m) (c); to renumber and amend 77.82 (2m) (d), 77.88
2 (2) (d), 77.89 (2) and 77.89 (3); to amend 74.25 (1) (a) 6., 74.25 (1) (a) 8., 74.30
3 (1) (f), 74.30 (1) (h), 75.35 (2) (f) 3., 75.36 (3) (b), 77.82 (2m) (a), 77.82 (2m) (b),
4 77.82 (2m) (e), 77.82 (3) (c) (intro.), 77.82 (3) (c) 6., 77.82 (4), 77.82 (7) (c), 77.82
5 (7) (c), 77.82 (8), 77.82 (12), 77.83 (1) (a) 1., 77.84 (2) (a), 77.84 (2) (b), 77.84 (2)
6 (c), 77.84 (3) (b), 77.87 (3), 77.88 (1) (c), 77.88 (2) (am), 77.88 (2) (b), 77.88 (2) (c),
7 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.,
8 77.88 (5) (b) 2., 77.88 (7), 77.88 (8) and 77.89 (1); and to create 20.370 (1) (cw),
9 23.09 (18m), 77.82 (2) (cm), 77.82 (2m) (d) 2., 77.82 (3) (g), 77.82 (7) (c) 2., 77.84
10 (2) (am), 77.84 (2) (bm), 77.84 (2) (cm), 77.87 (1g), 77.876, 77.88 (2) (d) 2., 77.88
11 (3m) and 77.88 (5m) of the statutes; relating to: the Managed Forest Land
12 Program, providing funding for grants for land acquisition for outdoor

BILL

1 recreation, requiring the exercise of rule-making authority, and making an
2 appropriation.

Analysis by the Legislative Reference Bureau

A parcel of land may be designated as managed forest land (MFL) under a program administered by the Department of Natural Resources (DNR). Under the program, the owner of land that is designated as MFL under an order issued by DNR makes an annual acreage share payment that is lower than, and in lieu of, the property taxes that normally would be payable on the land. In exchange, the owner must comply with certain forestry practices and may keep a specific area closed to public access; the remainder of the land must be kept open for recreational activities such as hunting, fishing, and cross-country skiing. In order for a landowner to participate in the MFL Program, DNR must approve a management plan for the MFL. The management plan includes the owner's forestry objectives and a description of the forestry practices to be used.

The changes to the MFL Program contained in this bill include the following:

1. The bill increases the fees for filing a petition for an order designating land as MFL, to add land to an existing MFL order, and to transfer ownership of MFL.

2. The bill requires that management plans that may qualify under the program be prepared by a plan writer certified by DNR or by DNR itself. Under current law, there are no restrictions on who prepares the management plan, but a plan prepared by a qualified forester, as defined by DNR by rule, or a plan approved by DNR that DNR does have to prepare itself may qualify for a reduced application fee. The bill requires DNR to promulgate rules specifying the necessary qualifications for certified plan writers.

3. The bill exempts an owner of MFL that is initially entered into the program after the effective date of this bill from any yield tax for the first five years of the order. Under current law, an annual yield tax of 5% is imposed on the value of the merchantable timber cut from the land.

4. The bill requires DNR to distribute all of the withdrawal taxes and yield taxes it receives to the town or village and to the county in which the MFL is located. Under current law, DNR retains 50% of these taxes and distributes 40% to the village or town and 10% to the county. Under the bill, DNR distributes all of these taxes, the town or village receiving 80% and the county 20%.

5. The bill creates a withdrawal fee that an owner must pay, in addition to the withdrawal tax under current law, if the owner withdraws the land from the program before the order designating the land as MFL expires. Orders are for 25 or 50 years.

6. The bill increases the acreage of MFL that may be kept closed for public use. Under current law, the maximum amount that may be closed is 80 acres in a single town or village or one of a combination of any two of the following areas as found on government surveys: quarter-quarter sections (40 acres), fractional lots (usually somewhat less than 40 acres), or government lots (usually somewhat less than 40

BILL

acres) as shown on government surveys. The bill increases the limit of 80 acres in a single town or village to 160 acres.

7. The bill changes how the acreage share payment and the additional payment for closed acreage is calculated. Under current law, the annual acreage share payment per acre is 74 cents. In addition an MFL owner must pay an additional \$1 for each acre of MFL that is closed to public use. Under the bill, beginning in 2008, the acreage share payment for each acre of MFL is equal to 5% of the average statewide property tax per acre of property assessed as swampland or wasteland and productive forest land. Also, beginning in 2008, the additional payment for each acre of MFL that is closed to the public is equal to 20% of the average statewide property tax per acre of property assessed as swampland or wasteland and productive forest land.

8. The bill requires that the additional payments made by MFL owners for closed MFL be used by DNR for grants to local governmental units for the acquisition of land for nature-based outdoor recreation.

9. This bill specifies that certain provisions under current law that apply to an initial petition apply to a renewal petition. These requirements include the payment of an application fee and the preparation of a new management plan. Under current law, a MFL order lasts for 25 or 50 years, as elected by the MFL owner and may be renewed for an additional 25 or 50 years, as elected by the owner.

10. The bill requires that copy of the legal document that has been recorded with the county register of deeds that show the ownership of the land subject be included with a MFL petition. Current law only requires that the petition include a description of the land.

11. Finally, if a property owner who is required to complete a forestry practice fails to complete the practice by the time specified under a management plan, the owner must pay a noncompliance assessment of \$250 to the municipality in which the property that is subject to the management plan is located. Under the bill, the municipality distributes 20% of the noncompliance assessment to the county in which the property is located.

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) (cw) of the statutes is created to read:
2 20.370 (1) (cw) *Forestry — outdoor recreation grants.* All moneys received
3 under s. 77.84 (2) (bm) for grants under s. 23.09 (18m).
4 **SECTION 2.** 23.09 (18m) of the statutes is created to read:

BILL

1 23.09 (18m) GRANTS FOR LAND ACQUISITIONS FOR OUTDOOR RECREATION. (a) In this
2 subsection:

3 1. “Land” means land in fee simple, conservation easements, and other
4 easements in land.

5 2. “Local governmental unit” means a city, village, town, or county.

6 3. “Nature-based outdoor recreation” has the meaning given by the
7 department by rule under s. 23.0917 (4) (f).

8 4. “Nonprofit conservation organization” has the meaning given in s. 23.0955
9 (1).

10 (b) The department shall establish a program to award grants from the
11 appropriation under s. 20.370 (1) (cw) to local governmental units and nonprofit
12 conservation organizations to acquire land for nature-based outdoor recreation. The
13 department shall promulgate rules establishing criteria for awarding grants under
14 this subsection.

15 **SECTION 3.** 74.25 (1) (a) 6. of the statutes is amended to read:

16 74.25 (1) (a) 6. Pay to the county treasurer 20% of collections of occupational
17 taxes on coal docks, 20% of collections of the taxes imposed under ss. 77.04 and 77.84
18 (2) (a) and (am) and all collections of payments for closed lands under s. 77.84 (2) (b)
19 and (bm).

20 **SECTION 4.** 74.25 (1) (a) 8. of the statutes is amended to read:

21 74.25 (1) (a) 8. Retain for the taxation district all woodland tax law collections
22 under s. 77.16 and 80% of collections of the taxes imposed under ss. 77.04 and 77.84
23 (2) (a) and (am).

24 **SECTION 5.** 74.30 (1) (f) of the statutes is amended to read:

BILL

1 74.30 (1) (f) Pay to the county treasurer 20% of collections of occupational taxes
2 on coal docks, 20% of collections of the taxes imposed under ss. 77.04 and 77.84 (2)
3 (a) and (am) and all collections of payments for closed lands under s. 77.84 (2) (b) and
4 (bm).

5 **SECTION 6.** 74.30 (1) (h) of the statutes is amended to read:

6 74.30 (1) (h) Retain for the taxation district all woodland tax law collections
7 under s. 77.16 and 80% of collections of the taxes imposed under ss. 77.04 and 77.84
8 (2) (a) and (am).

9 **SECTION 7.** 75.35 (2) (f) 3. of the statutes is amended to read:

10 75.35 (2) (f) 3. Any withdrawal tax or withdrawal fee due under s. 77.84 (3) (b).

11 **SECTION 8.** 75.36 (3) (b) of the statutes is amended to read:

12 75.36 (3) (b) From the net proceeds of the sale of the property, as determined
13 under par. (a), first pay any withdrawal tax and withdrawal fee due under s. 77.84
14 (3) (b) and then pay to taxing jurisdictions all special assessments and special
15 charges to which the property is subject, including interest and any penalties
16 imposed under s. 74.47. If the net proceeds are not sufficient to pay all outstanding
17 amounts due, the net proceeds shall be prorated to each taxing jurisdiction based
18 upon the ratio that the amount of all special assessments and special charges due
19 that taxing jurisdiction bears to the amount of all special assessments and special
20 charges levied against the property sold, including interest and any penalties
21 imposed under s. 74.47. Amounts payable under this paragraph shall be paid to the
22 taxing jurisdiction within 15 days after the last day of the month in which sale
23 proceeds become available to the county.

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

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1 77.82 (2) (cm) A copy of an instrument that has been recorded in the office of
2 the register of deeds of the county in which the property is located that shows the
3 ownership of the land subject to the petition.

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

5 77.82 (2m) (a) Except as provided in par. (b), a petition under sub. (2) ~~or~~ (4m),
6 or (12) shall be accompanied by a nonrefundable application fee of \$100 \$300.

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

8 77.82 (2m) (b) If the petition under sub. (2), (4m), or (12) is accompanied by a
9 ~~proposed management plan as provided in par. (e)~~, the nonrefundable application fee
10 shall be \$10 \$20 unless a different amount for the fee is established by the
11 department by rule at an amount equal to the average expense to the department of
12 recording an order issued under this subchapter.

13 **SECTION 12.** 77.82 (2m) (c) of the statutes is repealed.

14 **SECTION 13.** 77.82 (2m) (d) of the statutes is renumbered 77.82 (2m) (d) 1. and
15 amended to read:

16 77.82 (2m) (d) 1. ~~All the fees collected under this subsection shall be deposited~~
17 ~~in the conservation fund. The~~ All of the fees collected under par. (b) and \$10 \$20 of
18 each \$100 \$300 fee collected under par. (a) shall be credited to the appropriation
19 under s. 20.370 (1) (cr), except as provided under subd. 2.

20 **SECTION 14.** 77.82 (2m) (d) 2. of the statutes is created to read:

21 77.82 (2m) (d) 2. The department may establish by rule a different amount of
22 each \$300 fee under subd. 1. that will be credited to the appropriation under s. 20.370
23 (1) (cr). The amount shall be equal to the average expense to the department of
24 recording an order issued under this subchapter.

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

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1 77.82 (2m) (e) If the ~~proposed a~~ management plan accompanying a petition
2 filed under sub. (2), (4m), or (12) is not approved by the department under its initial
3 review under sub. (3) (a), the department shall collect from the petitioner a fee in an
4 amount equal to \$100 ~~\$300~~ less the amount the petitioner paid under par. (e) (b).

5 **SECTION 16.** 77.82 (3) (c) (intro.) of the statutes is amended to read:

6 77.82 (3) (c) (intro.) To qualify for approval, a management plan shall be
7 prepared by a plan writer certified by the department or prepared by the department
8 itself and shall include all of the following:

9 **SECTION 17.** 77.82 (3) (c) 6. of the statutes is amended to read:

10 77.82 (3) (c) 6. A description of the forestry practices, including harvesting,
11 thinning and reforestation, that will be undertaken during the term of the order,
12 specifying the period of time in which each ~~is intended to~~ will be completed.

13 **SECTION 18.** 77.82 (3) (g) of the statutes is created to read:

14 77.82 (3) (g) The department shall promulgate rules specifying the
15 qualifications that a person must satisfy to become a certified plan writer.

16 **SECTION 19.** 77.82 (4) of the statutes is amended to read:

17 77.82 (4) ADDITIONS TO MANAGED FOREST LAND. An owner may petition the
18 department to designate as managed forest land an additional parcel of land in the
19 same municipality if the additional parcel is at least 3 acres in size and is contiguous
20 to any of the owner's designated land. The petition shall be accompanied by a
21 nonrefundable \$10 ~~\$20~~ application fee unless a different amount ~~of~~ for the fee is
22 ~~established in the same manner as the fee under sub. (2m) (b) by the department by~~
23 rule at an amount equal to the average expense to the department of recording an
24 order issued under this subchapter. The fee shall be ~~deposited in the conservation~~
25 ~~fund and~~ credited to the appropriation under s. 20.370 (1) (cr). The petition shall be

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

3 **SECTION 20.** 77.82 (7) (c) of the statutes is amended to read:

4 77.82 (7) (c) Except as provided in par. (d), if a petition is received on or before
5 January 31 of any year from a petitioner who owns less than 1,000 acres in this state
6 or on or before March 31 of any year from any other petitioner, the department shall
7 investigate and shall either approve the petition and issue the order under sub. (8)
8 or deny the petition ~~on or~~ before the following November 21.

9 **SECTION 21.** 77.82 (7) (c) of the statutes, as affected by 2003 Wisconsin Act
10 (this act), is amended to read:

11 77.82 (7) (c) Except as provided in par. (d), ~~if:~~

12 1. If a petition is received on or before ~~January 31~~ July 1 of any year from a
13 petitioner who owns less than 1,000 acres in this state ~~or on or before March 31 of~~
14 ~~any year from any other petitioner~~, the department shall investigate and shall either
15 approve the petition and issue the order under sub. (8) or deny the petition before the
16 2nd following November 21.

17 **SECTION 22.** 77.82 (7) (c) 2. of the statutes is created to read:

18 77.82 (7) (c) 2. If a petition is received before April 1 of any year from a
19 petitioner who owns 1,000 or more acres in this state, the department shall
20 investigate and shall either approve the petition and issue the order under sub. (8)
21 or deny the petition before the following November 21.

22 **SECTION 23.** 77.82 (8) of the statutes is amended to read:

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

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

6 **SECTION 24.** 77.82 (12) of the statutes is amended to read:

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

21 **SECTION 25.** 77.83 (1) (a) 1. of the statutes is amended to read:

22 77.83 (1) (a) 1. A maximum of 80 160 acres in the municipality.

23 **SECTION 26.** 77.84 (2) (a) of the statutes is amended to read:

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1 77.84 (2) (a) ~~Each~~ Ending with the property tax assessments as of January 1,
2 2007, each owner of managed forest land shall pay to the municipal treasurer an
3 acreage share of 74 cents per acre on or before January 31.

4 **SECTION 27.** 77.84 (2) (am) of the statutes is created to read:

5 77.84 (2) (am) Beginning with the property tax assessments as of January 1,
6 2008, each owner of managed forest land shall pay to the municipal treasurer, on or
7 before January 31, an amount that is equal to 5% of the average statewide property
8 tax per acre of property classified under s. 70.32 (2) (b) 5. and 6., as determined under
9 par. (cm), for each acre of managed forest land.

10 **SECTION 28.** 77.84 (2) (b) of the statutes is amended to read:

11 77.84 (2) (b) ~~In~~ Ending with the property tax assessments as of January 1,
12 2007, in addition to the payment under par. (a), each owner shall pay \$1 for each acre
13 that is designated as closed under s. 77.83. The payment shall be made to the
14 municipal treasurer on or before January 31.

15 **SECTION 29.** 77.84 (2) (bm) of the statutes is created to read:

16 77.84 (2) (bm) Beginning with the property tax assessments as of January 1,
17 2008, in addition to the payment under par. (am), each owner of managed forest land
18 shall pay to the municipal treasurer, on or before January 31, an amount that is equal
19 to 20% of the average statewide property tax per acre of property classified under s.
20 70.32 (2) (b) 5. and 6., as determined under par. (cm), for each acre that is designated
21 as closed under s. 77.83.

22 **SECTION 30.** 77.84 (2) (c) of the statutes is amended to read:

23 77.84 (2) (c) In 1992 and each 5th year thereafter, and until the determination
24 in 2007 under par. (cm), the department of revenue shall adjust the amounts under
25 pars. (a) and (b) by multiplying the amount specified by a ratio using as the

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1 denominator the department of revenue's estimate of the average statewide tax per
2 acre of property classes under s. 70.32 (2) (b) 4., 1993 stats., s. 70.32 (2) (b) 5., 1993
3 stats., and s. 70.32 (2) (b) 6., 1993 stats., for 1986 and, as the numerator, the
4 department of revenue's estimate of the average tax per acre for the same classes of
5 property for the year in which the adjustment is made.

6 **SECTION 31.** 77.84 (2) (cm) of the statutes is created to read:

7 77.84 (2) (cm) For purposes of determining the per acre amounts under pars.
8 (am) and (bm), in 2007 and each 5th year thereafter, the department of revenue shall
9 determine the average statewide tax per acre of property classes under s. 70.32 (2)
10 (b) 5. and 6.

11 **SECTION 32.** 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 assessment shall be payable to the department under s. 75.36 (3) if the property
19 is sold by the county. ~~The amount shall be credited to the conservation fund.~~

20 **SECTION 33.** 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

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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 34.** 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 month following the date the certificate is
6 mailed to the owner. The department shall collect interest at the rate of 12% per year
7 on any tax that is paid later than the due date. ~~Amounts received shall be credited~~
8 ~~to the conservation fund.~~

9 **SECTION 35.** 77.876 of the statutes is created to read:

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

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

21 (3) OWNER'S LIABILITY. The owner is personally liable for an assessment under
22 sub. (1). An unpaid assessment becomes a lien against the merchantable timber cut.
23 If the merchantable timber cut is mingled with other wood products, the unpaid
24 assessment becomes a lien against all of the wood products while they are in the

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1 owner's possession or in the possession of any person other than a purchaser for
2 value without notice in the usual course of business.

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

8 **SECTION 36.** 77.88 (1) (c) of the statutes is amended to read:

9 77.88 (1) (c) If the department determines that land should be withdrawn, it
10 shall issue an order withdrawing the land as managed forest land and shall assess
11 against the owner the tax under sub. (5) and the withdrawal fee under sub. (5m).

12 **SECTION 37.** 77.88 (2) (am) of the statutes is amended to read:

13 77.88 (2) (am) If the land transferred under par. (a) does not meet the eligibility
14 requirements under s. 77.82 (1), the department shall issue an order withdrawing
15 the land from managed forest land designation and shall assess against the owner
16 a withdrawal tax under sub. (5) and the withdrawal fee under sub. (5m).

17 **SECTION 38.** 77.88 (2) (b) of the statutes is amended to read:

18 77.88 (2) (b) If the land remaining after a transfer under par. (a) is contiguous
19 and meets the eligibility requirements under s. 77.82 (1) (a) 2. and (b), it shall
20 continue to be designated as managed forest land until the expiration of the existing
21 order, even if the parcel contains less than 10 acres. Notwithstanding s. 77.82 (12),
22 an owner may not petition the department for renewal of the order if the parcel
23 contains less than 10 acres. No withdrawal tax under sub. (5) or withdrawal fee
24 under sub. (5m) may be assessed when the remaining land is withdrawn at the
25 expiration of the order.

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1 **SECTION 39.** 77.88 (2) (c) of the statutes is amended to read:

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

7 **SECTION 40.** 77.88 (2) (d) of the statutes is renumbered 77.88 (2) (d) 1. and
8 amended to read:

9 77.88 (2) (d) 1. Within 10 days after a transfer of ownership, the former owner
10 shall, on a form provided by the department, file with the department a report of the
11 transfer signed by the former owner and the transferee. The report shall be
12 accompanied by a ~~\$20~~ \$100 fee ~~which shall be deposited in the conservation fund and~~
13 Twenty dollars of the fee or a different amount of the fee as may be established under
14 subd. 2. shall be credited to the appropriation under s. 20.370 (1) (cr). The
15 department shall immediately notify each person entitled to notice under s. 77.82 (8).

16 **SECTION 41.** 77.88 (2) (d) 2. of the statutes is created to read:

17 77.88 (2) (d) 2. The department may establish by rule a different amount of
18 each fee under subd. 1. that will be credited to the appropriation under s. 20.370 (1)
19 (cr). The amount shall be equal to the average expense to the department of
20 recording an order issued under this subchapter.

21 **SECTION 42.** 77.88 (2) (f) of the statutes is amended to read:

22 77.88 (2) (f) If the transferee does not provide the department with the
23 certification required under par. (e), the department shall issue an order
24 withdrawing the land and shall assess against the transferee the withdrawal tax
25 under sub. (5) and the withdrawal fee under sub. (5m). Notwithstanding s. 77.90,

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1 the transferee is not entitled to a hearing on an order withdrawing land under this
2 paragraph.

3 **SECTION 43.** 77.88 (3) of the statutes is amended to read:

4 77.88 (3) VOLUNTARY WITHDRAWAL. An owner may request that the department
5 withdraw all or any part of the owner's land meeting one of the requirements
6 specified under sub. (2) (a) 1. to 3. If any remaining land meets the eligibility
7 requirements under s. 77.82 (1), the department shall issue an order withdrawing
8 the land subject to the request and shall assess against the owner the withdrawal
9 tax under sub. (5) and the withdrawal fee under sub. (5m).

10 **SECTION 44.** 77.88 (3m) of the statutes is created to read:

11 77.88 (3m) WITHDRAWAL FOR FAILURE TO PAY PERSONAL PROPERTY TAXES. If an
12 owner of managed forest land has not paid the personal property tax due for a
13 building on managed forest land before the February settlement date under s. 74.30
14 (1), the municipality in which the managed forest land is located shall certify to the
15 department that a delinquency exists and shall include the legal description of the
16 managed forest land on which the building is located in the certification.
17 Immediately after receiving the certification, the department shall issue an order
18 withdrawing the land as managed forest land and shall assess against the owner of
19 the land the withdrawal tax under sub. (5) and the withdrawal fee under sub. (5m).
20 Notwithstanding s. 77.90, the owner is not entitled to a hearing on an order
21 withdrawing land under this subsection.

22 **SECTION 45.** 77.88 (4) of the statutes is amended to read:

23 77.88 (4) NONRENEWAL. If an owner does not petition the department to renew
24 a managed forest land order, the department shall order the land withdrawn at the

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1 expiration of the order. No withdrawal tax under sub. (5) ~~shall~~ or withdrawal fee
2 under sub. (5m) may be assessed.

3 **SECTION 46.** 77.88 (5) (a) 1. of the statutes is amended to read:

4 77.88 (5) (a) 1. An amount equal to the product of the total net property tax rate
5 in the municipality in the year prior to the withdrawal and the assessed value of the
6 land for the same year, as computed by the department of revenue, multiplied by the
7 number of years the land was designated as managed forest land, less any amounts
8 paid by the owner under ss. 77.84 (2) (a) and (am) and 77.87.

9 **SECTION 47.** 77.88 (5) (a) 2. of the statutes is amended to read:

10 77.88 (5) (a) 2. Five percent of the stumpage value of the merchantable timber
11 on the land, less any amounts paid by the owner under ss. 77.84 (2) (a) and (am) and
12 77.87.

13 **SECTION 48.** 77.88 (5) (b) 1. of the statutes is amended to read:

14 77.88 (5) (b) 1. An amount equal to the product of the total net property tax rate
15 in the municipality in the year prior to the withdrawal and the assessed value of the
16 land for the same year, as computed by the department of revenue, multiplied by the
17 number of years since the renewal, less any amounts paid by the owner under ss.
18 77.84 (2) (a) and (am) and 77.87.

19 **SECTION 49.** 77.88 (5) (b) 2. of the statutes is amended to read:

20 77.88 (5) (b) 2. Five percent of the stumpage value of the merchantable timber
21 on the land, less any amounts paid by the owner under ss. 77.84 (2) (a) and (am) and
22 77.87.

23 **SECTION 50.** 77.88 (5m) of the statutes is created to read:

24 77.88 (5m) WITHDRAWAL FEE. The withdrawal fee assessed by the department
25 under subs. (1) (c), (2) (am), (c), and (f), (3), and (3m) shall be \$300.

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1 **SECTION 51.** 77.88 (7) of the statutes is amended to read:

2 77.88 (7) PAYMENT; DELINQUENCY. ~~A tax~~ Taxes under sub. (5) is and fees under
3 sub. (5m) are due and payable to the department on the last day of the month
4 following the effective date of the withdrawal order. ~~Amounts received shall be~~
5 ~~credited to the conservation fund.~~ If the owner of the land fails to pay the tax or fee,
6 the department shall certify to the taxation district clerk the amount due. The
7 taxation district clerk shall enter the delinquent amount on the property tax roll as
8 a special charge.

9 **SECTION 52.** 77.88 (8) of the statutes is amended to read:

10 77.88 (8) EXCEPTION. No withdrawal tax or withdrawal fee may be assessed
11 against an owner who transfers ownership of managed forest land for a public road
12 or railroad or utility right-of-way. No withdrawal tax or withdrawal fee may be
13 assessed against an owner who transfers ownership of managed forest land for a
14 park, recreational trail, wildlife or fish habitat area or a public forest to the federal
15 government, the state or a local governmental unit, as defined in s. 66.0131 (1) (a).
16 The department may not order withdrawal of the remainder of the land unless the
17 remainder fails to meet the eligibility requirements under s. 77.82 (1).

18 **SECTION 53.** 77.89 (1) of the statutes is amended to read:

19 77.89 (1) PAYMENT TO MUNICIPALITIES. By June 30 of each year, the department,
20 from the appropriation under s. 20.370 (5) (bv), shall pay ~~50%~~ 100% of each payment
21 received under s. 77.84 (3) (b), 77.87 (3) ~~or, and~~ 77.88 (7) to the treasurer of the
22 municipality in which is located the land to which the payment applies.

23 **SECTION 54.** 77.89 (2) of the statutes is renumbered 77.89 (2) (a) and amended
24 to read:

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

8 **SECTION 55.** 77.89 (3) of the statutes is renumbered 77.89 (2) (b) and amended
9 to read:

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

16 **SECTION 56. Initial applicability.**

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

19 **SECTION 57. Effective dates.** This act takes effect on the day after publication,
20 except as follows:

21 (1) The treatment of sections 77.82 (2m) (b) and (c) and (3) (c) (intro.) of the
22 statutes takes effect on the first day of the 19th month beginning after publication.

2003-2004 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1310/lins
MGG/JK:wlj:cph

INSERT
9-22

SECTION [#]h. 77.83 (1m) [↓] of the statutes is created to read:

77.83 (1m) MODIFICATION OF DESIGNATION. For a managed forest land order that
* takes effect ^Δon or after the effective date of this subsection [↓].... [revisor inserts date],
the owner of the managed forest land may modify the designation of a closed or open
area one time during the term of the order. For a managed forest land order that
takes effect before the effective date of this subsection [revisor inserts date], the
owner of the managed forest land may modify the designation of a closed or open area
one time during the period beginning with the effective date of this subsection
[revisor inserts date] and ending with the expiration date of the order, regardless of
whether the owner has previously modified the designation as authorized by rules
promulgated by the department.



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

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LEGAL SECTION: (608) 266-3561
REFERENCE SECTION: (608) 266-0341
FAX: (608) 264-6948

STEPHEN R. MILLER
CHIEF

May 27, 2003

MEMORANDUM

To: Representative Friske

From: Joseph T. Kreye, Legislative Attorney, (608) 266-2263
Mary Gibson-Glass, Sr. Legislative Attorney, (608) 267-3215

Subject: Technical Memorandum to 2003 AB-323 (LRB 03-1310/2)

We received the attached technical memorandum relating to your bill. This copy is for your information and your file. If you wish to discuss this memorandum or the necessity of revising your bill or preparing an amendment, please contact me.

MEMORANDUM

May 19, 2003

TO: Mary Gibson-Glass
Joseph Kreye
Legislative Reference Bureau

FROM: Dennis Collier
Department of Revenue

SUBJECT: Technical Memorandum on 2003 AB 323 Concerning Changes in the Managed Forest Law

On page 10, line 17, page 11, lines 4 and 5, and page 11, lines 19 and 20, the reference to s. 70.32 (2)(b) 5. and 6. should read s. 70.32 (2)(a) 5. and 6., since there is no (b) under current law.

If you have questions regarding this technical memorandum, please contact Daniel Huegel at 266-5705 (e-mail: dhuegel@dor.state.wi.us).



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

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LEGAL SECTION: (608) 266-3561
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STEPHEN R. MILLER
CHIEF

July 8, 2003

MEMORANDUM

To: Representative Friske

From: Joseph T. Kreye, Legislative Attorney, (608) 266-2263
Mary Gibson-Glass, Sr. Legislative Attorney, (608) 267-3215

Subject: Technical Memorandum to **AB-323** (LRB 03-1310/2)

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