



State of Wisconsin

2003 - 2004 LEGISLATURE

Tues (10/7) a.m.

LRBs0174/P# 2
MGG/BJK/wlj:rs
M
RGT

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

ASSEMBLY SUBSTITUTE AMENDMENT,

TO 2003 ASSEMBLY BILL 323

DNcte

regenerate
↓

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* 20.370 (1) (cr), 74.25 (1) (a) 6., 74.25
3 (1) (a) 8., 74.30 (1) (f), 74.30 (1) (h), 75.35 (2) (f) 3., 75.36 (3) (b), 77.81 (4), 77.82
4 (2m) (a), 77.82 (2m) (b), 77.82 (2m) (e), 77.82 (3) (c) (intro.), 77.82 (3) (c) 6., 77.82
5 (4), 77.82 (7) (c), 77.82 (7) (c), 77.82 (8), 77.82 (12), 77.83 (1) (a) 1., 77.84 (2) (a),
6 77.84 (2) (b), 77.84 (2) (c), 77.84 (3) (b), 77.87 (3), 77.88 (1) (a), 77.88 (1) (c), 77.88
7 (2) (am), 77.88 (2) (b), 77.88 (2) (c), 77.88 (2) (f), 77.88 (3), 77.88 (4), 77.88 (5) (a)
8 1., 77.88 (5) (a) 2., 77.88 (5) (b) 1., 77.88 (5) (b) 2., 77.88 (7), 77.88 (8) and 77.89
9 (1); and *to create* 20.370 (1) (cw), 20.370 (1) (cx), 23.09 (18m), 77.82 (2) (cm),
10 77.82 (2m) (d) 2., 77.82 (2m) (dm), 77.82 (3) (g), 77.82 (7) (c) 2., 77.83 (1m), 77.84
11 (2) (am), 77.84 (2) (bm), 77.84 (2) (cm), 77.87 (1g), 77.876, 77.88 (1) (am), 77.88
12 (2) (d) 2., 77.88 (3m) and 77.88 (5m) of the statutes; **relating to:** the Managed

creating a managed forest land board;

1 Forest Land Program, providing funding for grants for land acquisition for
2 certain outdoor activities, allowing managed forest land to be located in cities,
3 requiring the exercise of rule-making authority, and making appropriations.

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

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

INS
2-4

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

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

9 20.370 (1) (cw) *Forestry — outdoor recreation grants.* All moneys received
10 under s. 77.84 (2) (bm) for grants ^{*(I) actually awarded by the managed forest land board under*} ~~under s. 23.09 (18m)~~ *5. 77. 895*

11 SECTION 3. 20.370 (1) (cx) of the statutes is created to read:

12 20.370 (1) (cx) *Forestry — management plans.* All moneys received under s.
13 77.82 (2m) (dm) for payment for management plans prepared by plan writers who
14 are under contract with the department under s. 77.82 (3). *B + No (CS)*

15 SECTION 4. ^{*(B) 77. 895*} ~~23.09 (18m)~~ of the statutes is created to read:

16 ^{*(B) 77. 895*} ~~23.09 (18m)~~ GRANTS FOR LAND ACQUISITIONS FOR OUTDOOR RECREATION ^{*ACTIVITIES*} (a) In this

(B) (CS) (1) DEFINITION

17 ~~Section:~~
18 (a) *Board* means the managed forest land board
19 (b) *Land* means land in fee simple, conservation easements, and other easements in land.

move to p 18

20 (c) *Local governmental unit* means a city, village, town or county.

21 (d) *Nonprofit conservation organization* has the meaning given in s. 23.0955

22 (1).

more to p. 18

PROGRAM

C+S
REQUIREMENTS

the departments

~~added to the board~~

1 (2) The department shall establish a program to award grants from the
 2 appropriation under s. 20.370 (1) (cw) to local governmental units and nonprofit
 3 conservation organizations to acquire land ^{to be used} for hunting, fishing, hiking, sight-seeing,
 4 and cross-country skiing. ^{board} The department shall promulgate rules establishing
 5 ^{requirements} criteria for awarding grants under this subsection. ^{INSERT 3-5A}

INS
3-50

SECTION 5. 74.25 (1) (a) 6. of the statutes is amended to read:

7 74.25 (1) (a) 6. Pay to the county treasurer 20% of collections of occupational
 8 taxes on coal docks, 20% of collections of the taxes imposed under ss. 77.04 and 77.84
 9 (2) (a) and (am) and all collections of payments for closed lands under s. 77.84 (2) (b)
 10 and (bm).

SECTION 6. 74.25 (1) (a) 8. of the statutes is amended to read:

12 74.25 (1) (a) 8. Retain for the taxation district all woodland tax law collections
 13 under s. 77.16 and 80% of collections of the taxes imposed under ss. 77.04 and 77.84
 14 (2) (a) and (am).

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

16 74.30 (1) (f) Pay to the county treasurer 20% of collections of occupational taxes
 17 on coal docks, 20% of collections of the taxes imposed under ss. 77.04 and 77.84 (2)
 18 (a) and (am) and all collections of payments for closed lands under s. 77.84 (2) (b) and
 19 (bm).

SECTION 8. 74.30 (1) (h) of the statutes is amended to read:

21 74.30 (1) (h) 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).

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

25 75.35 (2) (f) 3. Any withdrawal tax or withdrawal fee due under s. 77.84 (3) (b).

1 **SECTION 10.** 75.36 (3) (b) of the statutes is amended to read:

2 75.36 (3) (b) From the net proceeds of the sale of the property, as determined
3 under par. (a), first pay any withdrawal tax and withdrawal fee due under s. 77.84
4 (3) (b) and then pay to taxing jurisdictions all special assessments and special
5 charges to which the property is subject, including interest and any penalties
6 imposed under s. 74.47. If the net proceeds are not sufficient to pay all outstanding
7 amounts due, the net proceeds shall be prorated to each taxing jurisdiction based
8 upon the ratio that the amount of all special assessments and special charges due
9 that taxing jurisdiction bears to the amount of all special assessments and special
10 charges levied against the property sold, including interest and any penalties
11 imposed under s. 74.47. Amounts payable under this paragraph shall be paid to the
12 taxing jurisdiction within 15 days after the last day of the month in which sale
13 proceeds become available to the county.

14 **SECTION 11.** 77.81 (4) of the statutes is amended to read:

15 77.81 (4) "Municipality" means a town ~~or~~, village, or city.

16 **SECTION 12.** 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
18 the register of deeds of the county in which the property is located that shows the
19 ownership of the land subject to the petition.

20 **SECTION 13.** 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),
22 or (12) shall be accompanied by a nonrefundable application fee of \$100 \$300.

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

24 77.82 (2m) (b) If the petition under sub. (2), (4m), or (12) is accompanied by a
25 ^{stat} proposed management plan ^{stat} as provided in par. (c), the nonrefundable application fee

1 shall be ~~\$10~~ \$20 unless a different amount for the fee is established by the
2 department by rule at an amount equal to the average expense to the department of
3 recording an order issued under this subchapter.

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

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

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

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

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

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

17 77.82 (2m) (dm) The ~~remainder of each fee~~ *the fees* collected under ~~par. (a)~~ *par.* ~~that is not~~ *are*
18 credited to the appropriation under s. 20.370 (1) (cr) shall be credited to the
19 appropriation under s. 20.370 (1) (cx).

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

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

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

*In need
5-3
(handwritten)*

16
17

1 77.82 (3) (c) (intro.) To qualify for approval, a management plan shall be
2 prepared by a plan writer certified by the department or prepared by the department
3 itself and shall include all of the following:

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

5 77.82 (3) (c) 6. A description of the forestry practices, including harvesting,
6 thinning and reforestation, that will be undertaken during the term of the order,
7 specifying the period of time in which each is ~~intended to~~ will be completed.

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

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

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

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

↓ 25
Insert →
6-25

other than a petitioner who owns less than 1,000 acres in this state

renumbered 77.82 (7)(c) b and

LPS:
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fix
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SECTION 24. 77.82 (7) (c) of the statutes is/amended to read:

1.
77.82 (7) (c) Except as provided in par. (d), if a petition is received on or before

January 31 of any year from a petitioner who owns less than 1,000 acres in this state

or on or before March 31 of any year from any other petitioner, the department shall

investigate and shall either approve the petition and issue the order under sub. (8)

or deny the petition on or before the following November 21.

SECTION 25. 77.82 (7) (c) of the statutes, as affected by 2003 Wisconsin Act ...

(this act), is amended to read:

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

1. If a petition is received on or before January 31 July 1 of any year from a

petitioner who owns less than 1,000 acres in this state or on or before March 31 of

any year from any other petitioner, the department shall investigate and shall either

approve the petition and issue the order under sub. (8) or deny the petition before the

2nd following ^{January 1} ~~November 21~~.

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

77.82 (7) (c) 2. If a petition is received before ^{March 31} ~~April 1~~ of any year from a

petitioner who owns 1,000 or more acres in this state, the department shall

investigate and shall either approve the petition and issue the order under sub. (8)

or deny the petition before the following November 21.

SECTION 27. 77.82 (8) of the statutes is amended to read:

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

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

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

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

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

Insert
2-6

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

4 SECTION 28. 77.82 (12) of the statutes is amended to read:

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

19 SECTION 29. 77.83 (1) (a) 1. of the statutes is amended to read:

20 77.83 (1) (a) 1. A maximum of ~~80~~ 160 acres in the municipality

21 SECTION 30. 77.83 (1m) of the statutes is created to read:

22 77.83 (1m) MODIFICATION OF DESIGNATION. For a managed forest land order that
23 takes effect on or after the effective date of this subsection [revisor inserts date],
24 the owner of the managed forest land may modify the designation of a closed or open
25 area one time during the term of the order. For a managed forest land order that

*of which not more
than 80 acres
may be land designated
as managed forest land before*

*subdivision
the effective date of this paragraph
... [revisor inserts date]*

take effect

1 takes effect before the effective date of this subsection [revisor inserts date], the
2 owner of the managed forest land may modify the designation of a closed or open area
3 one time during the period beginning with the effective date of this subsection
4 [revisor inserts date], and ending with the expiration date of the order, regardless of
5 whether the owner has previously modified the designation as authorized by rules
6 promulgated by the department.

For managed forest land orders that before the effective date of this paragraph ... (revisor inserts

7 **SECTION 31.** 77.84 (2) (a) of the statutes is amended to read: *(date)*

8 77.84 (2) (a) Each ~~Ending with the property tax assessments as of January 1,~~

9 ~~2007~~ each owner of managed forest land shall pay to the municipal treasurer an
10 acreage share of 74 cents per acre on or before January 31.

11 **SECTION 32.** 77.84 (2) (am) of the statutes is created to read:

12 77.84 (2) (am) ~~Beginning with the property tax assessments as of January 1,~~

13 ~~2008~~ each owner of managed forest land shall pay to the municipal treasurer, on or
14 before January 31, an amount that is equal to 5^{percent} of the average statewide property
15 tax per acre of property classified under s. 70.32 (2) (b) 5. and 6., as determined under
16 par. (cm), for each acre of managed forest land.

17 **SECTION 33.** 77.84 (2) (b) of the statutes is amended to read:

18 77.84 (2) (b) In ~~Ending with the property tax assessments as of January 1,~~

19 ~~2007~~ in addition to the payment under par. (a), each owner shall pay \$1 for each acre
20 that is designated as closed under s. 77.83. The payment shall be made to the
21 municipal treasurer on or before January 31.

22 **SECTION 34.** 77.84 (2) (bm) of the statutes is created to read:

23 77.84 (2) (bm) ~~Beginning with the property tax assessments as of January 1,~~

24 ~~2008~~ in addition to the payment under par. (am), each owner of managed forest land
25 shall pay to the municipal treasurer, on or before January 31, an amount that is equal

For managed forestland orders after the effective date of this paragraph ... (revisor inserts date) that take effect on or

- ① to 20²/₁₀₀ ^{percent} of the average statewide property tax per acre of property classified under s.
- ② 70.32 (2) (b) ^a5. and ^b6., as determined under par. (cm), for each acre that is designated
- 3 as closed under s. 77.83.

4 ~~SECTION 35. 77.84 (2) (c) of the statutes is amended to read:~~

5 ~~77.84 (2) (c) In 1992 and each 5th year thereafter, and until the determination~~

6 ~~in 2007 under par. (cm), the department of revenue shall adjust the amounts under~~

7 ~~pars. (a) and (b) by multiplying the amount specified by a ratio using as the~~

8 ~~denominator the department of revenue's estimate of the average statewide tax per~~

9 ~~acre of property classes under s. 70.32 (2) (b) 4., 1993 stats., s. 70.32 (2) (b) 5., 1993~~

10 ~~stats., and s. 70.32 (2) (b) 6., 1993 stats., for 1986 and, as the numerator, the~~

11 ~~department of revenue's estimate of the average tax per acre for the same classes of~~

12 ~~property for the year in which the adjustment is made.~~

13 SECTION 36. 77.84 (2) (cm) of the statutes is created to read:

14 77.84 (2) (cm) For purposes of determining the per acre amounts under pars.

15 (am) and (bm), in 2007 and each 5th year thereafter, the department of revenue shall

16 determine the average statewide tax per acre of property ~~assets~~ ^{classified} under s. 70.32 (2)

17 (b) ~~and~~ ⁷6. ^{by multiplying the average equalized value of property classified} under s. 70.32(2)(a) 6. ^{as determined under s. 70.57, by the}

18 a SECTION 37. 77.84 (3) (b) of the statutes is amended to read: ^{average tax rate} ^{determined under}

19 77.84 (3) (b) Immediately after receiving the certification of the county clerk ^{so 7/60/260}

20 that a tax deed has been taken, the department shall issue an order withdrawing the

21 land as managed forest land. The notice requirement under s. 77.88 (1) does not

22 apply to the department's action under this paragraph. The department shall notify

23 the county treasurer of the amount of the withdrawal fee under s. 77.88 (5m) and the

24 withdrawal tax, as determined under s. 77.88 (5), and the. The amount of the tax and

in the year in which this paragraph takes effect (revisor inserts date) 5
and

1 the assessment shall be payable to the department under s. 75.36 (3) if the property
2 is sold by the county. ~~The amount shall be credited to the conservation fund.~~

3 **SECTION 38.** 77.87 (1g) of the statutes is created to read:

4 **77.87 (1g) EXEMPTION.** For a managed forest land order that takes effect on or
5 after the effective date of this subsection [revisor inserts date], the owner of the
6 managed forest land is exempt from payment of the yield tax under sub. (1) for the
7 first 5 years of the managed forest land order. The exemption under this subsection
8 does not apply to managed forest land converted pursuant to a petition approved
9 under s. 77.82 (7) (d) or to a renewal of managed forest land order under s. 77.82 (12).

10 **SECTION 39.** 77.87 (3) of the statutes is amended to read:

11 **77.87 (3) PAYMENT.** A tax assessed under sub. (1) or (2) is due and payable to
12 the department on the last day of the month following the date the certificate is
13 mailed to the owner. The department shall collect interest at the rate of 12% per year
14 on any tax that is paid later than the due date. ~~Amounts received shall be credited~~
15 ~~to the conservation fund.~~

16 **SECTION 40.** 77.876 of the statutes is created to read:

17 **77.876 Noncompliance assessment. (1) ASSESSMENT.** The department shall
18 certify to the municipality in which the property is located an owner's failure to
19 complete a forestry practice during the period of time required under an applicable
20 management plan, and the municipality shall impose a noncompliance assessment
21 of \$250 against the owner for each failure. The department shall mail a copy of the
22 certificate of assessment to the owner at the owner's last-known address and to the
23 municipality.

24 **(2) PAYMENT.** An assessment under sub. (1) is due and payable to the
25 municipality on the last day of the month following the date the certificate is mailed

1 to the owner. The municipality shall collect interest at the rate of 12~~1/2~~² percent per year on
2 any assessment that is paid later than the due date.

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

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

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

15 77.88 (1) (a) The department may, at the request of the owner of managed forest
16 land or of the governing body of the municipality in which any managed forest land
17 is located, or at its own discretion, investigate to determine whether the designation
18 as managed forest land should be withdrawn. The Except as provided in par. (am),
19 the department shall notify the owner of the land and the mayor of the city, the
20 chairperson of the town, or the president of the village in which the land is located
21 of the investigation.

22 SECTION 42. 77.88 (1) (am) of the statutes is created to read:

23 77.88 (1) (am) If a city or village is organized under subch. I of ch. 64, the
24 department shall notify the president of the city council or village board of any
25 investigation under par. (a).

1 **SECTION 43.** 77.88 (1) (c) of the statutes is amended to read:

2 77.88 (1) (c) If the department determines that land should be withdrawn, it
3 shall issue an order withdrawing the land as managed forest land and shall assess
4 against the owner the tax under sub. (5) and the withdrawal fee under sub. (5m).

5 **SECTION 44.** 77.88 (2) (am) of the statutes is amended to read:

6 77.88 (2) (am) If the land transferred under par. (a) does not meet the eligibility
7 requirements under s. 77.82 (1), the department shall issue an order withdrawing
8 the land from managed forest land designation and shall assess against the owner
9 a withdrawal tax under sub. (5) and the withdrawal fee under sub. (5m).

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

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

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

20 77.88 (2) (c) If the remaining land does not meet the eligibility requirements
21 under s. 77.82 (1) (a) 2. and (b), the department shall issue an order withdrawing the
22 land and shall assess against the owner the withdrawal tax under sub. (5) and the
23 withdrawal fee under sub. (5m). Notwithstanding s. 77.90, the owner is not entitled
24 to a hearing on an order withdrawing land under this paragraph.

1 **SECTION 47.** 77.88 (2) (d) of the statutes is renumbered 77.88 (2) (d) 1. and
2 amended to read:

3 77.88 (2) (d) 1. Within 10 days after a transfer of ownership, the former owner
4 shall, on a form provided by the department, file with the department a report of the
5 transfer signed by the former owner and the transferee. The report shall be
6 accompanied by a ~~\$20 \$100 fee which shall be deposited in the conservation fund and~~
7 Twenty dollars of the fee or a different amount of the fee as may be established under
8 subd. 2. shall be credited to the appropriation under s. 20.370 (1) (cr). The
9 department shall immediately notify each person entitled to notice under s. 77.82 (8).

10 **SECTION 48.** 77.88 (2) (d) 2. of the statutes is created to read:

11 77.88 (2) (d) 2. The department may establish by rule a different amount of
12 each fee under subd. 1. that will be credited to the appropriation under s. 20.370 (1)
13 (cr). The amount shall be equal to the average expense to the department of
14 recording an order issued under this subchapter.

15 **SECTION 49.** 77.88 (2) (f) of the statutes is amended to read:

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

22 **SECTION 50.** 77.88 (3) of the statutes is amended to read:

23 77.88 (3) VOLUNTARY WITHDRAWAL. An owner may request that the department
24 withdraw all or any part of the owner's land meeting one of the requirements
25 specified under sub. (2) (a) 1. to 3. If any remaining land meets the eligibility

1 requirements under s. 77.82 (1), the department shall issue an order withdrawing
2 the land subject to the request and shall assess against the owner the withdrawal
3 tax under sub. (5) and the withdrawal fee under sub. (5m).

4 **SECTION 51.** 77.88 (3m) of the statutes is created to read:

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

16 **SECTION 52.** 77.88 (4) of the statutes is amended to read:

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

21 **SECTION 53.** 77.88 (5) (a) 1. of the statutes is amended to read:

22 77.88 (5) (a) 1. An amount equal to the product of the total net property tax rate
23 in the municipality in the year prior to the withdrawal and the assessed value of the
24 land for the same year, as computed by the department of revenue, multiplied by the

1 number of years the land was designated as managed forest land, less any amounts
2 paid by the owner under ss. 77.84 (2) (a) and (am) and 77.87.

3 **SECTION 54.** 77.88 (5) (a) 2. of the statutes is amended to read:

4 77.88 (5) (a) 2. Five percent of the stumpage value of the merchantable timber
5 on the land, less any amounts paid by the owner under ss. 77.84 (2) (a) and (am) and
6 77.87.

7 **SECTION 55.** 77.88 (5) (b) 1. of the statutes is amended to read:

8 77.88 (5) (b) 1. An amount equal to the product of the total net property tax rate
9 in the municipality in the year prior to the withdrawal and the assessed value of the
10 land for the same year, as computed by the department of revenue, multiplied by the
11 number of years since the renewal, less any amounts paid by the owner under ss.
12 77.84 (2) (a) and (am) and 77.87.

13 **SECTION 56.** 77.88 (5) (b) 2. of the statutes is amended to read:

14 77.88 (5) (b) 2. Five percent of the stumpage value of the merchantable timber
15 on the land, less any amounts paid by the owner under ss. 77.84 (2) (a) and (am) and
16 77.87.

17 **SECTION 57.** 77.88 (5m) of the statutes is created to read:

18 77.88 (5m) WITHDRAWAL FEE. The withdrawal fee assessed by the department
19 under subs. (1) (c), (2) (am), (c), and (f), (3), and (3m) shall be \$300.

20 **SECTION 58.** 77.88 (7) of the statutes is amended to read:

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

1 taxation district clerk shall enter the delinquent amount on the property tax roll as
2 a special charge.

3 **SECTION 59.** 77.88 (8) of the statutes is amended to read:

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

12 **SECTION 60.** 77.89 (1) of the statutes is amended to read:

13 77.89 (1) PAYMENT TO MUNICIPALITIES. By June 30 of each year, the department,
14 from the appropriation under s. 20.370 (5) (bv), shall pay ~~50%~~ ^{2 percent} ~~100%~~ of each payment
15 received under s. 77.84 (3) (b), 77.87 (3) ~~or~~, and 77.88 (7) to the treasurer of the
16 municipality in which is located the land to which the payment applies.

17 **SECTION 61.** 77.89 (2) of the statutes is renumbered 77.89 (2) (a) and amended
18 to read:

19 77.89 (2) (a) Each municipal treasurer shall pay 20% of each payment received
20 under sub. (1) ~~or s.~~ and under ss. 77.84 (2) (a) ~~or and (am)~~, 77.85, and 77.876 to the
21 county treasurer and shall deposit the remainder in the municipal treasury. The
22 payment to the county treasurer for money received before November 1 of any year
23 shall be made on or before the November 15 after its receipt. For money received on
24 or after November 1 of any year, the payment to the county treasurer shall be made
25 on or before November 15 of the following year.

of the statutes and

1 SECTION 62. 77.89 (3) of the statutes is renumbered 77.89 (2) (b) and amended
2 to read:

3 77.89 (2) (b) The municipal treasurer shall pay all amounts received under s.
4 77.84 (2) (b) and (bm) to the county treasurer, as provided under ss. 74.25 and 74.30.
5 The county treasurer shall, by June 30 of each year, pay all amounts received under
6 this subsection paragraph to the department. All amounts received by the
7 department shall be credited to the conservation fund and shall be reserved for land
8 acquisition ~~and resource management activities~~ grants under s. 77.895

9 SECTION 63. Initial applicability.

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

12 SECTION 64. Effective dates. This act takes effect on the day after publication,
13 except as follows:

14 (1) The treatment of sections 77.82 (2m) ~~and (d)~~ and (3) (c) ~~intro.~~ of the
15 ~~statutes~~ ^{the amendment of section 77.82(7)(c) 2 of the statutes and section 77.895} takes effect on the first day of the 19th month beginning after publication.

16 (2) The treatment of section 77.82 (7) (c) (by SECTION 24) and (12) of the statutes
17 and the creation of section 77.82 (7) (c) 2. of the statutes take effect on the first
18 February 1 after publication.

19 (END)

11 ↓
Insert
18-17

STET

3.

auto ref.
(1) of
initial
app

of this act

Note

Material from
PPS 2+3

INSERT 18-9

2003-2004 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBs0174/P1ins
MGG&JK:wlj:rs

Insert 2-4

SECTION [#] 15.07 (1) (b) ²³ of the statutes is created to read:

15.07 (1) (b) ²³ The managed forest land board.

SECTION [#] 15.07 (2) (m) of the statutes is created to read:

15.07 (2) (m) The member appointed under s. 15.345 (6) (a) ² shall serve as chairperson of the managed forest land board.

SECTION [#] 15.345 (6) of the statutes is created to read:

15.345 (6) MANAGED FOREST LAND BOARD. (a) There is created in the department of natural resources a managed forest land board consisting of:

1. The chief state forester or his or her designee.
- * 2^o One member appointed from ^a ~~the~~ list of 5 nominees submitted by the Wisconsin Counties Association.
3. One member appointed from a list of 5 nominees submitted by the Wisconsin Towns Association.
4. One member appointed from a list of 5 nominees submitted by an ^{association} ~~associating~~ that represents the interests of counties that have county forests within their boundaries.
5. One member appointed from a list of 5 nominees submitted by the council on forestry.

Insert 3-5A

^{rules} [✓]
The ^{Not} requirements promulgated under this subsection include all of the following:

Insert 3-5B

SECTION ~~4~~[#] 26.97 of the statutes is renumbered 26.97 (1)⁵ and 26.97 (1) (b)[✓], as renumbered, is amended to read:

26.97 (1) (b) Arrest a person, with or without a warrant, whom the ranger, chairperson, warden or deputy has reason to believe is committing or has committed a violation of a statutory provision specified under ~~sub. (1) par. (a)~~[✓].

History: 1989 a. 79.

SECTION ~~5~~[#] 26.97 (2)[✓] of the statutes is created to read:

26.97 (2) A state forest ranger, conservation warden, or other duly appointed deputy may do any of the following:

(a) Arrest a person, with or without a warrant, when the person is detected actually committing a violation of subch. VI of ch. 77.[✓]

(b) Arrest a person, with or without a warrant, whom the ranger, warden, or deputy has reason to believe is committing or has committed a violation of subch. VI of ch. 77.[✓]

(c) Take the arrested person before the circuit court for the county where the violation occurred and make a proper complaint.

(d) Execute and serve any warrant or process in the same manner as any constable.

Insert 6-25

SECTION ~~6~~[#] 77.82 (4g)[✓] of the statutes is created to read:

77.82 (4g) DESIGNATION OF ADDITIONAL MANAGED FOREST LAND FOR CERTAIN OWNERS. (a) If an owner of land that is designated as managed forest land under an order that takes effect before the effective date of this ~~subsection~~^{paragraph} [revisor inserts date], wishes to have an additional parcel of land that is at least 10 acres in size³ and⁴

that satisfies the other requirements in sub. (1) designated as managed forest land, the owner may petition the department under sub. (2) for a new order covering the additional land.

(b) If an owner of land that is designated as managed forest land under an order that takes effect before the effective date of this ^{paragraph} ~~subsection~~ [revisor inserts date], wishes to have designated as managed forest land an additional parcel of land that is in the same municipality, that is at least 3 acres in size but is less than 10 acres in size, and that is contiguous to any of the owner's designated land, the owner may withdraw the designated land and may petition the department under sub. (2) for an new order covering both the withdrawn land and the additional land. The withdrawal tax and the withdrawal fee under s. 77.88 (5) and (6) do not apply to a withdrawal under this paragraph.

Insert 7-6

SECTION ~~7~~[#]. 77.82 (7) (c) 2. of the statutes is created to read:

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

SECTION ~~8~~[#]. 77.82 (7) (c) 2. of the statutes, as created by 2003 Wisconsin Act ... (this act), is amended to read:

77.82 (7) (c) 2. Except as provided in subd. 3. or par. (d), if a petition is received on or before July 1 of any year from a petitioner who owns less than 1,000 acres in this state on or before July 1 of any year, the department shall investigate and shall

either approve the petition and issue the order under sub. (8) or deny the petition before November 21 of the year following the year in which the petition is received.

SECTION ~~§~~[#] 77.82 (7) (c) 3. of the statutes is created to read:

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

Insert 18 -~~4~~⁹

(a) A requirement that the board give higher priority to counties over other grant applicants in awarding grants under this section.

(b) A requirement that, in awarding grants to counties under this section, the board give higher priority to counties that have higher percentages of acres that are designated as closed under s. 77.83.[↓]

(c) A requirement that, in awarding grants to towns under this section, the board give higher priority to towns that have higher percentages of acres that are designated as closed under s. 77.83.[↓]

(d) A requirement that no grant may be awarded under this subsection² without it being approved by the board of each county in which the land to be acquired is located.

(4) PERCENTAGES. In calculating the percentages under sub. (3) (b)[✓] and (c),[✓] the total [△]number of acres designated as closed under s. 77.83[↓] in a given town or county

shall be divided by the number of acres subject to orders designating managed forest lands in that same town or county.

Insert 18-1¹/₂ 11

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

INIT
APP.

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

the amendment of section 77.82 (2m) (b) of the statutes,

Section #. 7782(2m)(b)[✓] of the statute, as affected by
2003 Wisconsin Act ... (this act) is repealed and
recreated to read;

7782(2m)(b) ^② If the petition under subo (2)[✓], (4m)[✓], or (12)[✓]
is accompanied by a management plan, the nonrefundable
application fee shall be \$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. ^①

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBs0174/P2dn

RCT./:....

Wlj

This is a preliminary version of the substitute amendment relating to managed forest land. I made it a preliminary version so that I can do any necessary redrafting without stripes having to be returned. I have done my best to incorporate the desired changes to AB³323, however, before last Friday I was entirely unfamiliar with the program and some of the requested changes are quite complex. Also, because I am not familiar with the program, I may not have used exactly the right terminology in some places.

Please contact me with any changes that are needed.

Rebecca C. Tradewell
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E-mail: becky.tradewell@legis.state.wi.us

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBs0174/P2dn
RCT:wljjf

October 7, 2003

This is a preliminary version of the substitute amendment relating to managed forest land. I made it a preliminary version so that I can do any necessary redrafting without stripes having to be returned. I have done my best to incorporate the desired changes to AB-323, however, before last Friday I was entirely unfamiliar with the program and some of the requested changes are quite complex. Also, because I am not familiar with the program, I may not have used exactly the right terminology in some places.

Please contact me with any changes that are needed.

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10/7 Meeting with Rep. Friske, Tim Gony, Eric Elserberger, etc

✓ 1. Page 3, line 7 - should be (b) and (bm)

✓ 2. Page 8, lines 20-21 - might be more than 10 acres but enable to stand on its own

✓ 3. Page 21, sub. (2) - allow the land to be used for other compatible purposes

✓ 4. Page 21 - add requirements about sound forest management

10/9 More changes from Eric - CK'd by Tim

✓ 1. 77.82 (4) - only add to previously designated land
also in 77.82 (4) (b)

✓ 2. page 10 - 77.82 (12) need to work the May 15th date in
there - double draft

10/9- Changes from Tim:

✓ Page 21, lines 13 & 16 - "numbers" instead of "percentages" +
delete lines 21-24