



State of Wisconsin
2003 - 2004 LEGISLATURE

Today would be great

LRBs0174/12
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PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
ASSEMBLY SUBSTITUTE AMENDMENT,
TO 2003 ASSEMBLY BILL 323

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REGEN

1 AN ACT to repeal 77.82 (2m) (c); to renumber and amend 26.97, 77.82 (2m) (d),
2 77.82 (7) (c), 77.88 (2) (d), 77.89 (2) and 77.89 (3); to amend 20.370 (1) (cr), 74.25
3 (1) (a) 6., 74.25 (1) (a) 8., 74.30 (1) (f), 74.30 (1) (h), 75.35 (2) (f) 3., 75.36 (3) (b),
4 77.81 (4), 77.82 (2m) (a), 77.82 (2m) (b), 77.82 (2m) (e), 77.82 (3) (c) (intro.), 77.82
5 (3) (c) 6., 77.82 (4), 77.82 (7) (c) 2., 77.82 (8), 77.82 (12), 77.83 (1) (a) 1., 77.84 (2)
6 (a), 77.84 (2) (b), 77.84 (3) (b), 77.87 (3), 77.88 (1) (a), 77.88 (1) (c), 77.88 (2) (am),
7 77.88 (2) (b), 77.88 (2) (c), 77.88 (2) (f), 77.88 (3), 77.88 (4), 77.88 (5) (a) 1., 77.88
8 (5) (a) 2., 77.88 (5) (b) 1., 77.88 (5) (b) 2., 77.88 (7), 77.88 (8) and 77.89 (1); to
9 repeal and recreate 77.82 (2m) (b); and to create 15.07 (1) (b) 23., 15.07 (2)
10 (m), 15.345 (6), 20.370 (1) (cw), 20.370 (1) (cx), 26.97 (2), 77.82 (2) (cm), 77.82
11 (2m) (d) 2., 77.82 (2m) (dm), 77.82 (3) (g), 77.82 (4g), 77.82 (7) (c) 2., 77.82 (7)
12 (c) 3., 77.83 (1m), 77.84 (2) (am), 77.84 (2) (bm), 77.84 (2) (cm), 77.87 (1g), 77.876,

1 77.88 (1) (am), 77.88 (2) (d) 2., 77.88 (3m), 77.88 (5m) and 77.895 of the statutes;
2 **relating to:** the Managed Forest Land Program, creating a managed forest
3 land board, providing funding for grants for land acquisition for certain outdoor
4 activities, allowing managed forest land to be located in cities, requiring the
5 exercise of rule-making authority, and making appropriations.

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

6 **SECTION 1.** 15.07 (1) (b) 23. of the statutes is created to read:

7 15.07 (1) (b) 23. The managed forest land board.

8 **SECTION 2.** 15.07 (2) (m) of the statutes is created to read:

9 15.07 (2) (m) The member appointed under s. 15.345 (6) (a) 2. shall serve as
10 chairperson of the managed forest land board.

11 **SECTION 3.** 15.345 (6) of the statutes is created to read:

12 15.345 (6) **MANAGED FOREST LAND BOARD.** (a) There is created in the department
13 of natural resources a managed forest land board consisting of:

14 1. The chief state forester or his or her designee.

15 2. One member appointed from a list of 5 nominees submitted by the Wisconsin
16 Counties Association.

17 3. One member appointed from a list of 5 nominees submitted by the Wisconsin
18 Towns Association.

19 4. One member appointed from a list of 5 nominees submitted by an association
20 that represents the interests of counties that have county forests within their
21 boundaries.

22 5. One member appointed from a list of 5 nominees submitted by the council
23 on forestry.

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

2 20.370 (1) (cr) *Forestry — recording fees.* All moneys received under ss. 77.82
3 (2m) (d) and (4) and 77.88 (2) (d) for the payment of fees to the registers of deeds under
4 s. 77.91 (5).

5 **SECTION 5.** 20.370 (1) (cw) of the statutes is created to read:

6 20.370 (1) (cw) *Forestry — outdoor activity grants.* All moneys received under
7 s. 77.84 (2) ^{(b) and} (bm) for grants awarded by the managed forest land board under s. 77.895.

8 **SECTION 6.** 20.370 (1) (cx) of the statutes is created to read:

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

12 **SECTION 7.** 26.97 of the statutes is renumbered 26.97 (1), and 26.97 (1) (b), as
13 renumbered, is amended to read:

14 26.97 (1) (b) Arrest a person, with or without a warrant, whom the ranger,
15 chairperson, warden or deputy has reason to believe is committing or has committed
16 a violation of a statutory provision specified under sub. (1) par. (a).

17 **SECTION 8.** 26.97 (2) of the statutes is created to read:

18 26.97 (2) A state forest ranger, conservation warden, or other duly appointed
19 deputy may do any of the following:

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

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

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

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

5 **SECTION 9.** 74.25 (1) (a) 6. of the statutes is amended to read:

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

10 **SECTION 10.** 74.25 (1) (a) 8. of the statutes is amended to read:

11 74.25 (1) (a) 8. Retain for the taxation district all woodland tax law collections
12 under s. 77.16 and 80% of collections of the taxes imposed under ss. 77.04 and 77.84
13 (2) (a) and (am).

14 **SECTION 11.** 74.30 (1) (f) of the statutes is amended to read:

15 74.30 (1) (f) Pay to the county treasurer 20% of collections of occupational taxes
16 on coal docks, 20% of collections of the taxes imposed under ss. 77.04 and 77.84 (2)
17 (a) and (am) and all collections of payments for closed lands under s. 77.84 (2) (b) and
18 (bm).

19 **SECTION 12.** 74.30 (1) (h) of the statutes is amended to read:

20 74.30 (1) (h) Retain for the taxation district all woodland tax law collections
21 under s. 77.16 and 80% of collections of the taxes imposed under ss. 77.04 and 77.84
22 (2) (a) and (am).

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

24 75.35 (2) (f) 3. Any withdrawal tax or withdrawal fee due under s. 77.84 (3) (b).

25 **SECTION 14.** 75.36 (3) (b) of the statutes is amended to read:

1 75.36 (3) (b) From the net proceeds of the sale of the property, as determined
2 under par. (a), first pay any withdrawal tax and withdrawal fee due under s. 77.84
3 (3) (b) and then pay to taxing jurisdictions all special assessments and special
4 charges to which the property is subject, including interest and any penalties
5 imposed under s. 74.47. If the net proceeds are not sufficient to pay all outstanding
6 amounts due, the net proceeds shall be prorated to each taxing jurisdiction based
7 upon the ratio that the amount of all special assessments and special charges due
8 that taxing jurisdiction bears to the amount of all special assessments and special
9 charges levied against the property sold, including interest and any penalties
10 imposed under s. 74.47. Amounts payable under this paragraph shall be paid to the
11 taxing jurisdiction within 15 days after the last day of the month in which sale
12 proceeds become available to the county.

13 **SECTION 15.** 77.81 (4) of the statutes is amended to read:

14 77.81 (4) "Municipality" means a town ~~or~~, village, or city.

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

16 77.82 (2) (cm) A copy of an instrument that has been recorded in the office of
17 the register of deeds of the county in which the property is located that shows the
18 ownership of the land subject to the petition.

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

20 77.82 (2m) (a) Except as provided in par. (b), a petition under sub. (2) ~~or~~, (4m),
21 or (12) shall be accompanied by a nonrefundable application fee of \$100 \$300.

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

23 77.82 (2m) (b) If the petition under sub. (2), (4m), or (12) is accompanied by a
24 proposed management plan as provided in par. (c), the nonrefundable application fee
25 shall be \$10 \$20 unless a different amount for the fee is established by the

1 department by rule at an amount equal to the average expense to the department of
2 recording an order issued under this subchapter.

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

5 77.82 (2m) (b) If the petition under sub. (2), (4m), or (12) is accompanied by a
6 management plan, the nonrefundable application fee shall be \$20 unless a different
7 amount for the fee is established by the department by rule at an amount equal to
8 the average expense to the department of recording an order issued under this
9 subchapter.

10 **SECTION 20.** 77.82 (2m) (c) of the statutes is repealed.

11 **SECTION 21.** 77.82 (2m) (d) of the statutes is renumbered 77.82 (2m) (d) 1. and
12 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.

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

18 77.82 (2m) (d) 2. The department may establish by rule a different amount of
19 each \$300 fee under subd. 1. that will be credited to the appropriation under s. 20.370
20 (1) (cr). The amount shall be equal to the average expense to the department of
21 recording an order issued under this subchapter.

22 **SECTION 23.** 77.82 (2m) (dm) of the statutes is created to read:

23 77.82 (2m) (dm) The fees collected under pars. (a) and (e) that are not credited
24 to the appropriation under s. 20.370 (1) (cr) shall be credited to the appropriation
25 under s. 20.370 (1) (cx).

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

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

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

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

10 **SECTION 26.** 77.82 (3) (c) 6. of the statutes is amended to read:

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

14 **SECTION 27.** 77.82 (3) (g) of the statutes is created to read:

15 77.82 (3) (g) The department shall promulgate rules specifying the
16 qualifications that a person must satisfy to become a certified plan writer. For
17 management plans prepared by the department under this subsection, the
18 department may contract with plan writers certified by the department to prepare
19 these plans.

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

21 77.82 (4) **ADDITIONS TO MANAGED FOREST LAND.** An owner of land that is
22 designated as managed forest land under an order that takes effect on or after the
23 effective date of this subsection [revisor inserts date], may petition the
24 department to designate as managed forest land an additional parcel of land in the
25 same municipality if the additional parcel is at least 3 acres in size and is contiguous

that

1 to any of ~~the owner's~~ ^{that} designated land. The petition shall be accompanied by a
 2 nonrefundable \$10 ~~\$20~~ application fee unless a different amount of for the fee is
 3 established ~~in the same manner as the fee under sub. (2m) (b)~~ by the department by
 4 rule at an amount equal to the average expense to the department of recording an
 5 order issued under this subchapter. The fee shall be ~~deposited in the conservation~~
 6 ~~fund and credited to the appropriation under s. 20.370 (1) (cr).~~ The petition shall be
 7 ~~submitted~~ filed on a department form and shall contain any additional information
 8 required by the department.

SECTION 29. 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 paragraph [revisor inserts
 date], wishes to have an additional parcel of land that is at least 10 acres in size and
 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 [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,~~ ^g and that is contiguous to any of ~~the owner's~~ ^{that} designated land, the owner may

withdraw the designated land and may petition the department under sub. (2) for

a ~~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.

g that does not satisfy the requirements in sub (1)

1 SECTION 30. 77.82 (7) (c) of the statutes is renumbered 77.82 (7) (c) 1. and
2 amended to read:

3 77.82 (7) (c) 1. Except as provided in par. (d), if a petition is received on or before
4 ~~January 31 of any year from a petitioner who owns less than 1,000 acres in this state~~
5 ~~or on or before March 31 of any year from any other petitioner~~ other than a petitioner
6 who owns less than 1,000 acres in this state, the department shall investigate and
7 shall either approve the petition and issue the order under sub. (8) or deny the
8 petition ~~on or~~ before the following November 21.

9 SECTION 31. 77.82 (7) (c) 2. of the statutes is created to read:

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

15 SECTION 32. 77.82 (7) (c) 2. of the statutes, as created by 2003 Wisconsin Act
16 (this act), is amended to read:

17 77.82 (7) (c) 2. Except as provided in subd. 3. or par. (d), if a petition is received
18 on or before July 1 of any year from a petitioner who owns less than 1,000 acres in
19 this state ~~on or before July 1 of any year~~, the department shall investigate and shall
20 either approve the petition and issue the order under sub. (8) or deny the petition
21 before November 21 of the year following the year in which the petition is received.

22 SECTION 33. 77.82 (7) (c) 3. of the statutes is created to read:

23 77.82 (7) (c) 3. Except as provided in par. (d), if a petition is received on or before
24 May 15 of any year from a petitioner who owns less than 1,000 acres in this state,
25 who, before the deadline established by the department by rule, submitted a draft

1 management plan prepared by a plan writer certified by the department, and who
2 submits a completed plan, as defined by the department by rule, with the petition,
3 the department shall investigate and shall either approve the petition and issue the
4 order under sub. (8) or deny the petition before the following November 21.

5 **SECTION 34.** 77.82 (8) of the statutes is amended to read:

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

14 **SECTION 35.** 77.82 (12) of the statutes is amended to read:

15 77.82 (12) RENEWAL. ~~The department shall notify each owner of managed forest~~
16 ~~land of the expiration date of an order no later than the January 31 preceding the~~
17 ~~expiration date. The~~ An owner of managed forest land may petition the department
18 under sub. (2) for renewal of the order. The A petition filed by an owner of 1,000 acres
19 or more in this state shall be filed no later than the March 31 and before the
20 expiration date of the order. A petition filed by an owner of less than 1,000 acres in
21 this state shall be filed no later than the 2nd July 1 before the expiration date of the
22 order. The petition shall specify whether the owner wants the order renewed for 25
23 or 50 years. ~~The notice and hearing provisions under subs. (5) and, (6) and (7) do not~~
24 apply to a petition under this subsection. The department may deny the petition only
25 if the land fails to meet the eligibility requirements under sub. (1), if the owner has

1 failed to comply with the management plan that is in effect on the date that the
2 petition for renewal is filed, or if there are delinquent taxes on the land. If the
3 petition is denied, the department shall state the reason for the denial in writing.

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4 **SECTION 36.** 77.83 (1) (a) 1. of the statutes is amended to read:

5 77.83 (1) (a) 1. A maximum of ~~80~~ 160 acres in the municipality, of which not
6 more than 80 acres may be land designated as managed forest land before the
7 effective date of this subdivision [revisor inserts date].

8 **SECTION 37.** 77.83 (1m) of the statutes is created to read:

9 77.83 (1m) MODIFICATION OF DESIGNATION. For a managed forest land order that
10 takes effect on or after the effective date of this subsection [revisor inserts date],
11 the owner of the managed forest land may modify the designation of a closed or open
12 area one time during the term of the order. For a managed forest land order that
13 takes effect before the effective date of this subsection [revisor inserts date], the
14 owner of the managed forest land may modify the designation of a closed or open area
15 one time during the period beginning with the effective date of this subsection
16 [revisor inserts date], and ending with the expiration date of the order, regardless of
17 whether the owner has previously modified the designation as authorized by rules
18 promulgated by the department.

19 **SECTION 38.** 77.84 (2) (a) of the statutes is amended to read:

20 77.84 (2) (a) ~~Each~~ For managed forest land orders that take effect before the
21 effective date of this paragraph [revisor inserts date], each owner of managed
22 forest land shall pay to the municipal treasurer an acreage share of 74 cents per acre
23 on or before January 31.

24 **SECTION 39.** 77.84 (2) (am) of the statutes is created to read:

1 77.84 (2) (am) For managed forest land orders that take effect on or after the
2 effective date of this paragraph [revisor inserts date], each owner of managed
3 forest land shall pay to the municipal treasurer, on or before January 31, an amount
4 that is equal to 5 percent of the average statewide property tax per acre of property
5 classified under s. 70.32 (2) (a) 6., as determined under par. (cm), for each acre of
6 managed forest land.

7 **SECTION 40.** 77.84 (2) (b) of the statutes is amended to read:

8 77.84 (2) (b) ~~In~~ For managed forest land orders that take effect before the
9 effective date of this paragraph [revisor inserts date], in addition to the payment
10 under par. (a), each owner shall pay \$1 for each acre that is designated as closed
11 under s. 77.83. The payment shall be made to the municipal treasurer on or before
12 January 31.

13 **SECTION 41.** 77.84 (2) (bm) of the statutes is created to read:

14 77.84 (2) (bm) For managed forest land orders that take effect on or after the
15 effective date of this paragraph [revisor inserts date], in addition to the payment
16 under par. (am), each owner of managed forest land shall pay to the municipal
17 treasurer, on or before January 31, an amount that is equal to 20 percent of the
18 average statewide property tax per acre of property classified under s. 70.32 (2) (a)
19 6., as determined under par. (cm), for each acre that is designated as closed under
20 s. 77.83.

21 **SECTION 42.** 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 the year in which this paragraph takes effect [revisor inserts
24 date], and in 2007 and each 5th year thereafter, the department of revenue shall
25 determine the average statewide tax per acre of property classified under s. 70.32 (2)

1 (a) 6. by multiplying the average equalized value of property classified under s. 70.32
2 (2) (a) 6., as determined under s. 70.57, by the average tax rate determined under s.
3 76.126.

4 **SECTION 43.** 77.84 (3) (b) of the statutes is amended to read:

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

13 **SECTION 44.** 77.87 (1g) of the statutes is created to read:

14 77.87 (1g) EXEMPTION. For a managed forest land order that takes effect on or
15 after the effective date of this subsection ... [revisor inserts date], the owner of the
16 managed forest land is exempt from payment of the yield tax under sub. (1) for the
17 first 5 years of the managed forest land order. The exemption under this subsection
18 does not apply to managed forest land converted pursuant to a petition approved
19 under s. 77.82 (7) (d) or to a renewal of managed forest land order under s. 77.82 (12).

20 **SECTION 45.** 77.87 (3) of the statutes is amended to read:

21 77.87 (3) PAYMENT. A tax assessed under sub. (1) or (2) is due and payable to
22 the department on the last day of the month following the date the certificate is
23 mailed to the owner. The department shall collect interest at the rate of 12% per year
24 on any tax that is paid later than the due date. ~~Amounts received shall be credited~~
25 ~~to the conservation fund.~~

1 **SECTION 46.** 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 failure. The department shall mail a copy of the
7 certificate of assessment to the owner at the owner's last-known address and to the
8 municipality.

9 **(2) PAYMENT.** An assessment under sub. (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 percent per year
12 on 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). An unpaid assessment becomes a lien against the merchantable timber cut.
15 If the merchantable timber cut is mingled with other wood products, the unpaid
16 assessment becomes a lien against all of the wood products while they are in the
17 owner's possession 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) is not paid on or before
20 the last day of the August following the date specified under sub. (2), 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.

24 **SECTION 47.** 77.88 (1) (a) of the statutes is amended to read:

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

8 **SECTION 48.** 77.88 (1) (am) of the statutes is created to read:

9 77.88 (1) (am) If a city or village is organized under subch. I of ch. 64, the
10 department shall notify the president of the city council or village board of any
11 investigation under par. (a).

12 **SECTION 49.** 77.88 (1) (c) of the statutes is amended to read:

13 77.88 (1) (c) If the department determines that land should be withdrawn, it
14 shall issue an order withdrawing the land as managed forest land and shall assess
15 against the owner the tax under sub. (5) and the withdrawal fee under sub. (5m).

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

17 77.88 (2) (am) If the land transferred under par. (a) does not meet the eligibility
18 requirements under s. 77.82 (1), the department shall issue an order withdrawing
19 the land from managed forest land designation and shall assess against the owner
20 a withdrawal tax under sub. (5) and the withdrawal fee under sub. (5m).

21 **SECTION 51.** 77.88 (2) (b) of the statutes is amended to read:

22 77.88 (2) (b) If the land remaining after a transfer under par. (a) is contiguous
23 and meets the eligibility requirements under s. 77.82 (1) (a) 2. and (b), it shall
24 continue to be designated as managed forest land until the expiration of the existing
25 order, even if the parcel contains less than 10 acres. Notwithstanding s. 77.82 (12),

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

5 **SECTION 52.** 77.88 (2) (c) of the statutes is amended to read:

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

11 **SECTION 53.** 77.88 (2) (d) of the statutes is renumbered 77.88 (2) (d) 1. and
12 amended to read:

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

20 **SECTION 54.** 77.88 (2) (d) 2. of the statutes is created to read:

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

25 **SECTION 55.** 77.88 (2) (f) of the statutes is amended to read:

1 77.88 (2) (f) If the transferee does not provide the department with the
2 certification required under par. (e), the department shall issue an order
3 withdrawing the land and shall assess against the transferee the withdrawal tax
4 under sub. (5) and the withdrawal fee under sub. (5m). Notwithstanding s. 77.90,
5 the transferee is not entitled to a hearing on an order withdrawing land under this
6 paragraph.

7 **SECTION 56.** 77.88 (3) of the statutes is amended to read:

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

14 **SECTION 57.** 77.88 (3m) of the statutes is created to read:

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

1 **SECTION 58.** 77.88 (4) of the statutes is amended to read:

2 77.88 (4) **NONRENEWAL.** If an owner does not petition the department to renew
3 a managed forest land order, the department shall order the land withdrawn at the
4 expiration of the order. No withdrawal tax under sub. (5) shall or withdrawal fee
5 under sub. (5m) may be assessed.

6 **SECTION 59.** 77.88 (5) (a) 1. of the statutes is amended to read:

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

12 **SECTION 60.** 77.88 (5) (a) 2. of the statutes is amended to read:

13 77.88 (5) (a) 2. Five percent of the stumpage value of the merchantable timber
14 on the land, less any amounts paid by the owner under ss. 77.84 (2) (a) and (am) and
15 77.87.

16 **SECTION 61.** 77.88 (5) (b) 1. of the statutes is amended to read:

17 77.88 (5) (b) 1. An amount equal to the product of the total net property tax rate
18 in the municipality in the year prior to the withdrawal and the assessed value of the
19 land for the same year, as computed by the department of revenue, multiplied by the
20 number of years since the renewal, less any amounts paid by the owner under ss.
21 77.84 (2) (a) and (am) and 77.87.

22 **SECTION 62.** 77.88 (5) (b) 2. of the statutes is amended to read:

23 77.88 (5) (b) 2. Five percent of the stumpage value of the merchantable timber
24 on the land, less any amounts paid by the owner under ss. 77.84 (2) (a) and (am) and
25 77.87.

1 **SECTION 63.** 77.88 (5m) of the statutes is created to read:

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

4 **SECTION 64.** 77.88 (7) of the statutes is amended to read:

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

12 **SECTION 65.** 77.88 (8) of the statutes is amended to read:

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

21 **SECTION 66.** 77.89 (1) of the statutes is amended to read:

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

1 **SECTION 67.** 77.89 (2) of the statutes is renumbered 77.89 (2) (a) and amended
2 to read:

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

10 **SECTION 68.** 77.89 (3) of the statutes is renumbered 77.89 (2) (b) and amended
11 to read:

12 77.89 (2) (b) The municipal treasurer shall pay all amounts received under s.
13 77.84 (2) (b) and (bm) to the county treasurer, as provided under ss. 74.25 and 74.30.
14 The county treasurer shall, by June 30 of each year, pay all amounts received under
15 this ~~subsection~~ paragraph to the department. All amounts received by the
16 department ~~shall be credited to the conservation fund and shall be reserved for land~~
17 ~~acquisition and resource management activities grants under s. 77.895.~~

18 **SECTION 69.** 77.895 of the statutes is created to read:

19 **77.895 Grants for land acquisitions for outdoor activities. (1)**

20 DEFINITIONS. In this section:

21 (a) "Board" means the managed forest land board.

22 (b) "Land" means land in fee simple, conservation easements, and other
23 easements in land.

24 (c) "Local governmental unit" means a town or county.

1 (d) "Nonprofit conservation organization" has the meaning given in s. 23.0955

2 (1).

3 (2) PROGRAM. The board shall establish a program to award grants from the
4 appropriation under s. 20.370 (1) (cw) to local governmental units, the department,
5 and nonprofit conservation organizations to acquire land to be used for hunting,
6 fishing, hiking, sight-seeing, and cross-country skiing.

7 (3) REQUIREMENTS. The board shall promulgate rules establishing
8 requirements for awarding grants under this subsection. The rules promulgated
9 under this subsection ^{shall} include all of the following:

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

12 (b) A requirement that, in awarding grants to counties under this section, the
13 board give higher priority to counties that have higher ^{numbers} ~~percentages~~ of acres that are
14 designated as closed under s. 77.83.

15 (c) A requirement that, in awarding grants to towns under this section, the
16 board give higher priority to towns that have higher ^{numbers} ~~percentages~~ of acres that are
17 designated as closed under s. 77.83.

18 (d) A requirement that no grant may be awarded under this section without it
19 being approved by the board of each county in which the land to be acquired is
20 located. ^{(e) Requirements concerning ^{the use of} sound forestry practices on land acquired ^{under this section}}

21 (4) PERCENTAGES. In calculating the percentages under sub. (3) (b) and (c), the
22 total number of acres designated as closed under s. 77.83 in a given town or county
23 shall be divided by the number of acres subject to orders designating managed forest
24 lands in that same town or county.

25 SECTION 70. Initial applicability.

(3) (4) Use of land ^{land} acquired under this section may be used for purposes
in addition to those specified in sub. (1) if the additional uses are compatible
with the purposes specified in sub. (1)

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

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

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

11 **SECTION 71. Effective dates.** This act takes effect on the day after publication,
12 except as follows:

13 (1) The treatment of sections 77.82 (2m) (c) and (3) (c) of the statutes, the
14 amendment of section 77.82 (7) (c) 2. of the statutes, and the repeal and recreation
15 of section 77.82 (2m) (b) of the statutes and SECTION 70 (1) of this act take effect on
16 the first day of the 19th month beginning after publication.

17 (END)

(intro) 3 (7) (c) 3rd and
(12) (by SECTION 70 A.R. C)
↑
author of the draft
treatment of
77.82(12) -
added in meet 11-3

Insert 11-3

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.

SECTION 34. 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 and shall also file a copy with the department of revenue, the supervisor of assessments and the clerk of the municipality, and shall record the order with the register of deeds in the county, in which the land is located.

A.R. (C) SECTION 34. 77.82 (12) of the statutes is amended to read: ^{as affected by 2003 Wisconsin Act (this act)}

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 preceding the expiration date.~~

^{plain} An owner of managed forest land may petition the department under sub. (2) for renewal of the order. ~~The~~ A petition filed by an owner of 1,000 acres or more in this state shall be filed no later than the March 31 ~~and~~ before the expiration date of the order. A petition filed by an owner of less than 1,000 acres in this state shall be filed no later than the 2nd July 1 before the expiration date of the order.

The petition shall specify whether the owner wants the order renewed for 25 or 50 years. ~~The notice and hearing~~ provisions under subs. (5) ~~and~~ (6) ~~and~~ (7) 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

^{plain} except that if the owner satisfies the requirements in sub. (7)(c) ³⁰, the petition shall be filed no later than the May 15 before the expiration date of the order

typed scoring should be plain text

Insert 11-3 p. 2

failed to comply with the management plan ^{plain} that is in effect on the date that the
^{plain} petition for renewal is filed, 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.

SECTION 36. 77.83 (1) (a) 1. of the statutes is amended to read:

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

SECTION 37. 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 on 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.

SECTION 38. 77.84 (2) (a) of the statutes is amended to read:

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

SECTION 39. 77.84 (2) (am) of the statutes is created to read: