

**2003 DRAFTING REQUEST**

**Assembly Substitute Amendment (ASA-AB323)**

Received: **11/05/2003**

Received By: **btradewe**

Wanted: **Today**

Identical to LRB:

For: **Legislative Fiscal Bureau**

By/Representing: **Daryl Hinz**

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

Drafter: **btradewe**

May Contact:

Addl. Drafters: **mglass**

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

Extra Copies:

Submit via email: **YES**

Requester's email: **hinz.daryl@legis.state.wi.us**

Carbon copy (CC:) to:

**Pre Topic:**

No specific pre topic given

**Topic:**

Changes to managed forest land proposal including no grant program with money going to county instead

**Instructions:**

See Attached

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	btradewe 11/05/2003	jdyer 11/05/2003		_____			
		jdyer 11/05/2003		_____			
/1			rschluet 11/05/2003	_____	lnorthro 11/05/2003	lnorthro 11/05/2003	

Vers.      Drafted      Reviewed      Typed      Proofed      Submitted      Jacketed      Required

FE Sent For:

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/?	btradewe	1 11/5 jld					

FE Sent For:

1153  
<END>

## AB 323 Substitute Amendment 2

In order to create Substitute Amendment 2, apply the following instructions to AB323 ASA1:

### Insert Hubler Amendment (AA1 to ASA1)

Page 12, line 4: substitute "2 times" for "one time".

Page 12, line 7: substitute "2 times" for "one time".

### Modify Seratti Amendment (AA2 to ASA1)

Disregard previous instructions, as Senator Welch & Representative Friske have agreed to strike the existence of the board and will send all of the funds to the County Government GPR payment.

### Modify Forest Ranger Authority Over MFL

Page 3, line 12: delete lines 12 through and including line 24.

Page 3, line 12: insert: "SECTION 7. 26.97 of the statutes is amended to read: **26.97**

**Law enforcement and police power.** A state forest ranger, town chairperson, conservation warden or other duly appointed deputy may do any of the following:

(1) Arrest a person, with or without a warrant, when the person is detected actually committing a violation of this chapter, subchapter VI of chapter 77, or s. 167.10 (3), 941.10 (1), 941.11, 941.12, 941.13, 943.02 (1), 943.03, 943.04, 943.05 or 943.06 (2)."

### Distribution of the Withdrawal Fee

Exclude withdrawal fees from 77.88 (5m) in section 67 of AB323 ASA1.

### Forestry Account Balance

Change the effective dates by:

1. Do not change effective date for closed acreage rates to enter into effect.
2. Do change the disbursement of the closed acreage rate to become effective July 1, 2005
3. Make allocation of yield and acreage share taxes effective July 1, 2004

### Elimination of the Managed Forest Law Board

1. Strike all language in ASA1 regarding the distribution of closed acreage fees by a Managed Forest Law Board composed of five members following an affirmative resolution by an affected county Board.
2. Require that all closed acreage fees be sent to County Government GPR payments based on the closed acres located within each county.

this is the diff. from 50254/2

or 80/20??

Tonight (or anyway by 7:30 Thurs. a.m.) L & JLD

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

LPS - IF there  
is no PA here when  
you finish with this,  
please email to  
Daryl Hartz - his address  
is in request sheet.  
Thanks, Betsy

regenerate  
↓

1 **AN ACT to repeal 77.82 (2m) (c); to renumber and amend 77.82 (2m) (d), 77.82**  
2 **(7) (c), 77.88 (2) (d) and 77.89 (2); to amend 20.370 (1) (cr), 26.97 (1), 74.25 (1)**  
3 **(a) 6., 74.25 (1) (a) 8., 74.30 (1) (f), 74.30 (1) (h), 75.35 (2) (f) 3., 75.36 (3) (b), 77.81**  
4 **(4), 77.82 (2m) (a), 77.82 (2m) (b), 77.82 (2m) (e), 77.82 (3) (c) (intro.), 77.82 (3)**  
5 **(c) 6., 77.82 (4), 77.82 (7) (c) 2., 77.82 (8), 77.82 (12), 77.82 (12), 77.83 (1) (a) 1.,**  
6 **77.84 (2) (a), 77.84 (2) (b), 77.84 (3) (b), 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), 77.89 (1), 77.89 (1)**  
9 **and 77.89 (2) (b); to repeal and recreate 77.82 (2m) (b); and to create 15.07**  
10 **(1) (b) 23., 15.07 (2) (m), 15.345 (6), 20.370 (1) (cw), 20.370 (1) (cx), 77.82 (2) (cm),**  
11 **77.82 (2m) (d) 2., 77.82 (2m) (dm), 77.82 (3) (g), 77.82 (4g), 77.82 (7) (c) 2., 77.82**  
12 **(7) (c) 3., 77.83 (1m), 77.84 (2) (am), 77.84 (2) (bm), 77.84 (2) (cm), 77.87 (1g),**  
13 **77.876, 77.88 (1) (am), 77.88 (2) (d) 2., 77.88 (3m), 77.88 (5m) and 77.895 of the**

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statutes; **relating to:** the Managed Forest Land Program, ~~creating a managed forest land board, providing funding for grants for land acquisition for certain outdoor activities,~~ allowing managed forest land to be located in cities, 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:*

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

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

~~SECTION 2. 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 3. 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. One member appointed from a 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 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.~~

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

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

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

5           20.370 (1) (cw) *Forestry — outdoor activity grants*. All moneys received under  
6           s. 77.84 (2) (b) and (bm) for grants awarded by the managed forest land board under  
7           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 (1) of the statutes is amended to read:

13          26.97 (1) Arrest a person, with or without a warrant, when the person is  
14          detected actually committing a violation of this chapter, subch. VI of ch. 77, or s.  
15          167.10 (3), 941.10 (1), 941.11, 941.12, 941.13, 943.02 (1), 943.03, 943.04, 943.05 or  
16          943.06 (2).

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

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

22          **SECTION 9.** 74.25 (1) (a) 8. of the statutes is amended to read:

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

1           **SECTION 10.** 74.30 (1) (f) of the statutes is amended to read:

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

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

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

10          **SECTION 12.** 75.35 (2) (f) 3. of the statutes is amended to read:

11          75.35 (2) (f) 3. Any withdrawal tax and any withdrawal fee due under s. 77.84  
12 (3) (b).

13          **SECTION 13.** 75.36 (3) (b) of the statutes is amended to read:

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



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

2           77.81 (4) “Municipality” means a town ~~or~~, village, or city.

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

4           77.82 (2) (cm) A copy of an instrument that has been recorded in the office of  
5 the register of deeds of the county in which the property is located that shows the  
6 ownership of the land subject to the petition.

7           **SECTION 16.** 77.82 (2m) (a) of the statutes is amended to read:

8           77.82 (2m) (a) Except as provided in par. (b), a petition under sub. (2) ~~or~~, (4m),  
9 or (12) shall be accompanied by a nonrefundable application fee of \$100 \$300.

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

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

16          **SECTION 18.** 77.82 (2m) (b) of the statutes, as affected by 2003 Wisconsin Act  
17 .... (this act), is repealed and recreated to read:

18          77.82 (2m) (b) If the petition under sub. (2), (4m), or (12) is accompanied by a  
19 management plan, the nonrefundable application fee shall be \$20 unless a different  
20 amount for the fee is established by the department by rule at an amount equal to  
21 the average expense to the department of recording an order issued under this  
22 subchapter.

23          **SECTION 19.** 77.82 (2m) (c) of the statutes is repealed.

24          **SECTION 20.** 77.82 (2m) (d) of the statutes is renumbered 77.82 (2m) (d) 1. and  
25 amended to read:

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

5           **SECTION 21.** 77.82 (2m) (d) 2. of the statutes is created to read:

6           77.82 (2m) (d) 2. The department may establish by rule a different amount of  
7 each \$300 fee under subd. 1. that will be credited to the appropriation under s. 20.370  
8 (1) (cr). The amount shall be equal to the average expense to the department of  
9 recording an order issued under this subchapter.

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

11          77.82 (2m) (dm) The fees collected under pars. (a) and (e) that are not credited  
12 to the appropriation under s. 20.370 (1) (cr) shall be credited to the appropriation  
13 under s. 20.370 (1) (cx).

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

15          77.82 (2m) (e) If ~~the proposed a~~ a management plan accompanying a petition  
16 filed under sub. (2), (4m), or (12) is not approved by the department under its initial  
17 review under sub. (3) (a), the department shall collect from the petitioner a fee in an  
18 amount equal to ~~\$100~~ \$300 less the amount the petitioner paid under par. ~~(e)~~ (b).

19          **SECTION 24.** 77.82 (3) (c) (intro.) of the statutes is amended to read:

20          77.82 (3) (c) (intro.) To qualify for approval, a management plan shall be  
21 prepared by a plan writer certified by the department or prepared by the department  
22 itself and shall include all of the following:

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

1           77.82 (3) (c) 6. A description of the forestry practices, including harvesting,  
2 thinning and reforestation, that will be undertaken during the term of the order,  
3 specifying the period of time in which each is ~~intended to~~ will be completed.

4           **SECTION 26.** 77.82 (3) (g) of the statutes is created to read:

5           77.82 (3) (g) The department shall promulgate rules specifying the  
6 qualifications that a person must satisfy to become a certified plan writer. For  
7 management plans prepared by the department under this subsection, the  
8 department may contract with plan writers certified by the department to prepare  
9 these plans.

10          **SECTION 27.** 77.82 (4) of the statutes is amended to read:

11          77.82 (4) ADDITIONS TO MANAGED FOREST LAND. An owner of land that is  
12 designated as managed forest land under an order that takes effect on or after the  
13 effective date of this subsection ... [revisor inserts date], may petition the  
14 department to designate as managed forest land an additional parcel of land in the  
15 same municipality if the additional parcel is at least 3 acres in size and is contiguous  
16 to any of ~~the owner's~~ that designated land. The petition shall be accompanied by a  
17 nonrefundable ~~\$10~~ \$20 application fee unless a different amount ~~of~~ for the fee is  
18 established ~~in the same manner as the fee under sub. (2m) (b) by the department by~~  
19 rule at an amount equal to the average expense to the department of recording an  
20 order issued under this subchapter. The fee shall be deposited in the conservation  
21 fund and credited to the appropriation under s. 20.370 (1) (cr). The petition shall be  
22 ~~submitted~~ filed on a department form and shall contain any additional information  
23 required by the department.

24          **SECTION 28.** 77.82 (4g) of the statutes is created to read:

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

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

17           **SECTION 29.** 77.82 (7) (c) of the statutes is renumbered 77.82 (7) (c) 1. and  
18 amended to read:

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

25           **SECTION 30.** 77.82 (7) (c) 2. of the statutes is created to read:

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

6           **SECTION 31.** 77.82 (7) (c) 2. of the statutes, as created by 2003 Wisconsin Act  
7 ... (this act), is amended to read:

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

13           **SECTION 32.** 77.82 (7) (c) 3. of the statutes is created to read:

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

21           **SECTION 33.** 77.82 (8) of the statutes is amended to read:

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

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

5 **SECTION 34.** 77.82 (12) of the statutes is amended to read:

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

20 **SECTION 35.** 77.82 (12) of the statutes, as affected by 2003 Wisconsin Act ....  
21 (this act), is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

3 **SECTION 42.** 77.84 (2) (cm) of the statutes is created to read:

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

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

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

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

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

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

3 **SECTION 45.** 77.876 of the statutes is created to read:

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

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

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

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

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

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

9           **SECTION 47.** 77.88 (1) (am) of the statutes is created to read:

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

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

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

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

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

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

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

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

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

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

12 **SECTION 52.** 77.88 (2) (d) of the statutes is renumbered 77.88 (2) (d) 1. and  
13 amended to read:

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

21 **SECTION 53.** 77.88 (2) (d) 2. of the statutes is created to read:

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

1           **SECTION 54.** 77.88 (2) (f) of the statutes is amended to read:

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

8           **SECTION 55.** 77.88 (3) of the statutes is amended to read:

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

15           **SECTION 56.** 77.88 (3m) of the statutes is created to read:

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

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

3 **SECTION 57.** 77.88 (4) of the statutes is amended to read:

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

8 **SECTION 58.** 77.88 (5) (a) 1. of the statutes is amended to read:

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

14 **SECTION 59.** 77.88 (5) (a) 2. of the statutes is amended to read:

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

18 **SECTION 60.** 77.88 (5) (b) 1. of the statutes is amended to read:

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

24 **SECTION 61.** 77.88 (5) (b) 2. of the statutes is amended to read:

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

4           **SECTION 62.** 77.88 (5m) of the statutes is created to read:

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

7           **SECTION 63.** 77.88 (7) of the statutes is amended to read:

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

15          **SECTION 64.** 77.88 (8) of the statutes is amended to read:

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

24          **SECTION 65.** 77.89 (1) of the statutes is amended to read:

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

6           **SECTION 66.** 77.89 (1) of the statutes, as affected by 2003 Wisconsin Act ... <sup>(</sup> ~~this~~  
7 ~~act~~, is amended to read: <sub>)</sub>

8           77.89 (1) PAYMENT TO MUNICIPALITIES. By June 30 of each year, the department,  
9 from the appropriation under s. 20.370 (5) (bv), shall pay ~~50%~~ 100 percent of each  
10 payment received under ss. 77.84 (3) (b) and 77.87 (3) and ~~50%~~ 100 percent of each  
11 withdrawal tax payment received under s. 77.88 (7) to the treasurer of the  
12 municipality in which is located the land to which the payment applies.

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

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

22           <sup>(</sup> **SECTION 68.** 77.89 (2) (b) <sup>✓</sup> of the statutes, as affected by 2003 Wisconsin Act ...  
23 ~~this act~~, is amended to read: <sub>)</sub>

24           77.89 (2) (b) The municipal treasurer shall pay all amounts received under s.  
25 77.84 (2) (b) and (bm) to the county treasurer, as provided under ss. 74.25 and 74.30.



1 ~~The county treasurer shall, by June 30 of each year, pay all amounts received under~~  
 2 ~~this paragraph to the department. All amounts received by the department shall be~~  
 3 ~~credited to the conservation fund and shall be reserved for land acquisition and~~  
 4 ~~resource management activities grants under s. 77.895.~~

STRIKE

5 SECTION 69. 77.89 (3) of the statutes is renumbered 77.89 (2) (b) and amended  
 6 to read:

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

13 SECTION 70. 77.895 of the statutes is created to read:

14 **77.895 Grants for land acquisitions for outdoor activities. (1)**  
 15 DEFINITIONS. In this section:  
 16 (a) "Board" means the managed forest land board.  
 17 (b) "Land" means land in fee simple, conservation easements, and other  
 18 easements in land.  
 19 (c) "Local governmental unit" means a town or county.  
 20 (d) "Nonprofit conservation organization" has the meaning given in s. 23.0955  
 21 (1).  
 22 (2) PROGRAM. The board shall establish a program to award grants from the  
 23 appropriation under s. 20.370 (1) (cw) to local governmental units, the department,  
 24 and nonprofit conservation organizations to acquire land to be used for hunting,  
 25 fishing, hiking, sight-seeing, and cross-country skiing.

2

1       (3) REQUIREMENTS. The board shall promulgate rules establishing  
2 requirements for awarding grants under this subsection. The rules promulgated  
3 under this subsection shall include all of the following:

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

6           (b) A requirement that, in awarding grants to counties under this section, the  
7 board give higher priority to counties that have higher numbers of acres that are  
8 designated as closed under s. 77.83.

9           (c) A requirement that, in awarding grants to towns under this section, the  
10 board give higher priority to towns that have higher numbers of acres that are  
11 designated as closed under s. 77.83.

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

15           (e) Requirements concerning the use of sound forestry practices on land  
16 acquired under this section.

17       (4) USE OF LAND. Land acquired under this section may be used for purposes  
18 in addition to those specified in sub. (2), including, but not limited to snowmobiling  
19 and all-terrain vehicle riding, if the additional uses are compatible with the  
20 purposes specified in sub. (2).

21       **SECTION 71. Initial applicability.**

22       (1) The treatment of section 77.82 (3) (c) (intro.)<sup>✓</sup> of the statutes first applies to  
23 management plans that are started on the effective date of this subsection.

24       (2) The treatment of section 77.82 (2m) (a)<sup>g</sup> and (e) and (12) of the statutes, the  
25 renumbering and amendment of section 77.82 (7) (c) of the statutes, the amendment

1 of section 77.82 (2m) (b) of the statutes, and the creation of section 77.82 (7) (c) 2. of  
2 the statutes first applies to applications that are received by the department of  
3 natural resources on the effective date of this subsection.

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

7 **SECTION 72. Effective dates.** This act takes effect on the day after publication,  
8 except as follows:

9 (1) The treatment of section 77.89 (1) of the statutes (by SECTION 66) takes effect  
10 on July 1, 2004. a.s. ✓

11 (2) The ~~treatment of sections 20.370 (1) (cw) and 77.895 of the statutes and the~~  
12 amendment of section 77.89 (2) (b) of the statutes take effect on July 1, 2005. J e

13 (3) The treatment of sections 77.82 (2m) (c), (3) (c) (intro.), (7) (c) 3., and (12)  
14 (by SECTION 35) a.s. ✓ of the statutes, the amendment of section 77.82 (7) (c) 2. of the  
15 statutes, and the repeal and recreation of section 77.82 (2m) (b) of the statutes and  
16 SECTION 71 (1) of this act a.s. ✓ take effect on the first day of the 19th month beginning after  
17 publication.

18

(END)

CCC

LRB 50257/1

A. Sub. Amdt. 2  
to AB-323

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

CS

KMG.



State of Wisconsin  
2003-2004 LEGISLATURE

**CORRECTIONS IN:**

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

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

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