

2005 ASSEMBLY BILL 7

January 18, 2005 – Introduced by Representatives ALBERS, MURSAU, AINSWORTH, BIES, GRONEMUS, HAHN, HUNDERTMARK, JENSEN, JESKEWITZ, LOEFFELHOLZ, MUSSER and OTT, cosponsored by Senators OLSEN, A. LASEE, LASSA and LAZICH. Referred to Committee on Forestry.

1 **AN ACT** *to amend* 77.82 (1) (a) 1., 77.82 (1) (c), 77.82 (2) (intro.), 77.82 (2) (cm),
2 77.82 (4), 77.82 (4g) (b), 77.82 (5) (a), 77.82 (5) (b), 77.82 (6) (b) 2., 77.82 (7) (a)
3 4., 77.82 (8), 77.83 (1) (a) 1., 77.84 (1), 77.84 (2) (a), 77.84 (2) (am), 77.84 (2) (b),
4 77.84 (2) (bm), 77.85, 77.876 (1), 77.88 (1) (a), 77.88 (3m), 77.88 (5) (a) 1., 77.88
5 (5) (b) 1. and 77.89 (1); and *to create* 77.88 (5) (c) of the statutes; **relating to:**
6 location of contiguous land for purposes of eligibility under the Managed Forest
7 Land Program.

Analysis by the Legislative Reference Bureau

Certain lands are designated as managed forest land under a program administered by the Department of Natural Resources. Under this program, the owner of land designated as managed forest land pays an annual acreage share instead of the property taxes that normally would be payable.

Under current law, the owner of a parcel of land may petition to have the parcel designated as managed forest land if the parcel meets certain requirements, including requirements that the parcel consist of at least ten contiguous acres and that it be located in a single city, town, or village (municipality). Under the bill, the parcel of contiguous acres may be located in more than one municipality.

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For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 77.82 (1) (a) 1. of the statutes is amended to read:

2 77.82 (1) (a) 1. It consists of at least 10 contiguous acres ~~in a single municipality,~~
3 except as provided in this subdivision. The fact that a lake, river, stream or flowage,
4 a public or private road or a railroad or utility right-of-way separates any part of the
5 land from any other part does not render a parcel of land noncontiguous. If a part
6 of a parcel of at least 10 contiguous acres is separated from another part of that parcel
7 by a public road, that part of the parcel may be enrolled in the program, even if that
8 part is less than 10 acres, if that part meets the requirement under subd. 2. and is
9 not ineligible under par. (b).

10 **SECTION 2.** 77.82 (1) (c) of the statutes is amended to read:

11 77.82 (1) (c) In addition to the requirements under pars. (a) and (b), for land
12 subject to a petition under sub. (4m), all forest croplands owned by the petitioner on
13 the date on which the petition is submitted that are located in the municipality or
14 municipalities for which the petition is submitted shall be included in the petition.

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

16 77.82 (2) PETITION. (intro.) Any owner of land may petition the department to
17 designate any eligible parcel of land as managed forest land. A petition may include
18 any number of eligible parcels under the same ownership ~~in a single municipality.~~
19 Each petition shall include all of the following:

20 **SECTION 4.** 77.82 (2) (cm) of the statutes is amended to read:

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

4 **SECTION 5.** 77.82 (4) of the statutes is amended to read:

5 77.82 (4) ADDITIONS TO MANAGED FOREST LAND. An owner of land that is
6 designated as managed forest land under an order that takes effect on or after April
7 28, 2004, may petition the department to designate as managed forest land an
8 additional parcel of land ~~in the same municipality~~ if the additional parcel is at least
9 3 acres in size and is contiguous to any of that designated land. The petition shall
10 be accompanied by a nonrefundable \$20 application fee unless a different amount for
11 the fee is established by the department by rule at an amount equal to the average
12 expense to the department of recording an order issued under this subchapter. The
13 fee shall be deposited in the conservation fund and credited to the appropriation
14 under s. 20.370 (1) (cr). The petition shall be filed on a department form and shall
15 contain any additional information required by the department.

16 **SECTION 6.** 77.82 (4g) (b) of the statutes is amended to read:

17 77.82 (4g) (b) If an owner of land that is designated as managed forest land
18 under an order that takes effect before April 28, 2004, wishes to have designated as
19 managed forest land an additional parcel of land ~~that is in the same municipality,~~
20 that is at least 3 acres in size, that does not satisfy the requirements in sub. (1), and
21 that is contiguous to any of that designated land, the owner may withdraw the
22 designated land and may petition the department under sub. (2) for a new order
23 covering both the withdrawn land and the additional land. The withdrawal tax and
24 the withdrawal fee under s. 77.88 (5) and (5m) do not apply to a withdrawal under
25 this paragraph.

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1 **SECTION 7.** 77.82 (5) (a) of the statutes is amended to read:

2 77.82 **(5)** (a) Upon receipt of a petition under sub. (2), (4) or (4m), the
3 department shall provide written notice of the petition to ~~the~~ each clerk of ~~the~~ each
4 municipality in which the land is located.

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

6 77.82 **(5)** (b) The governing body of the any municipality in which the proposed
7 managed forest land is located or a resident or property tax payer of ~~the~~ such a
8 municipality may, within 15 days after the notice under par. (a) is provided, request
9 the department to deny the petition on the grounds that the land fails to meet the
10 eligibility requirements under sub. (1) or that, if the addition is approved, the entire
11 parcel will fail to meet those eligibility requirements. The request shall be in writing
12 and shall specify the reason for believing that the land is or would be ineligible.

13 **SECTION 9.** 77.82 (6) (b) 2. of the statutes is amended to read:

14 77.82 **(6)** (b) 2. At least 10 days before the date of the hearing, the department
15 shall mail written notice of the date, time and place of the hearing to the petitioner,
16 each person who submitted a request under sub. (5) (b) and the clerk of ~~the~~ each
17 municipality in which the land is located.

18 **SECTION 10.** 77.82 (7) (a) 4. of the statutes is amended to read:

19 77.82 **(7)** (a) 4. That the use of the land as managed forest land is not
20 incompatible with the existing uses of the land in ~~the~~ each municipality in which it
21 is located.

22 **SECTION 11.** 77.82 (8) of the statutes is amended to read:

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

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

7 **SECTION 12.** 77.83 (1) (a) 1. of the statutes is amended to read:

8 77.83 (1) (a) 1. A maximum of 160 acres ~~in the municipality~~, of which not more
9 than 80 acres may be land designated as managed forest land before April 28, 2004.

10 **SECTION 13.** 77.84 (1) of the statutes is amended to read:

11 77.84 (1) TAX ROLL. The Each municipal clerk of a municipality in which the
12 land is located shall enter in a special column or other appropriate place on the tax
13 roll the description of each parcel of land designated as managed forest land, and
14 shall specify, by the designation “MFL-O” or “MFL-C”, the acreage of each parcel
15 that is designated open or closed under s. 77.83. The land shall be assessed and is
16 subject to review under ch. 70. Except as provided in this subchapter, no tax may be
17 levied on managed forest land, except that any building on managed forest land is
18 subject to taxation as personal property under ch. 70.

19 **SECTION 14.** 77.84 (2) (a) of the statutes is amended to read:

20 77.84 (2) (a) For managed forest land orders that take effect before April 28,
21 2004, each owner of managed forest land shall pay to the each municipal treasurer
22 an acreage share of 74 cents per acre on or before January 31.

23 **SECTION 15.** 77.84 (2) (am) of the statutes is amended to read:

24 77.84 (2) (am) For managed forest land orders that take effect on or after April
25 28, 2004, each owner of managed forest land shall pay to the each municipal

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1 treasurer, on or before January 31, an amount that is equal to 5 percent of the
2 average statewide property tax per acre of property classified under s. 70.32 (2) (a)
3 6., as determined under par. (cm), for each acre of managed forest land.

4 **SECTION 16.** 77.84 (2) (b) of the statutes is amended to read:

5 77.84 (2) (b) For managed forest land orders that take effect before April 28,
6 2004, in addition to the payment under par. (a), each owner shall pay \$1 for each acre
7 that is designated as closed under s. 77.83. The payment shall be made to the each
8 municipal treasurer on or before January 31.

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

10 77.84 (2) (bm) For managed forest land orders that take effect on or after April
11 28, 2004, in addition to the payment under par. (am), each owner of managed forest
12 land shall pay to the each municipal treasurer, on or before January 31, an amount
13 that is equal to 20 percent of the average statewide property tax per acre of property
14 classified under s. 70.32 (2) (a) 6., as determined under par. (cm), for each acre that
15 is designated as closed under s. 77.83.

16 **SECTION 18.** 77.85 of the statutes is amended to read:

17 **77.85 State contribution.** The department shall pay before June 30 annually
18 the municipal treasurer, from the appropriation under s. 20.370 (5) (bv), 20 cents for
19 each acre of land in the municipality that is designated as managed forest land under
20 this subchapter. If an acre designated as managed forest land is located in 2 or more
21 municipalities, the department shall make the payment to the treasurer of the
22 municipality in which the largest portion of the acre is located.

23 **SECTION 19.** 77.876 (1) of the statutes is amended to read:

24 77.876 (1) ASSESSMENT. The department shall certify to the each municipality
25 in which the property is located an owner's failure to complete a forestry practice

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1 during the period of time required under an applicable management plan, and the
2 municipality shall impose a noncompliance assessment of \$250 against the owner for
3 each failure. The department shall mail a copy of the certificate of assessment to the
4 owner at the owner's last-known address and to the municipality.

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

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

13 **SECTION 21.** 77.88 (3m) of the statutes is amended to read:

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

25 **SECTION 22.** 77.88 (5) (a) 1. of the statutes is amended to read:

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

6 **SECTION 23.** 77.88 (5) (b) 1. of the statutes is amended to read:

7 77.88 (5) (b) 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, past tax liability~~
10 multiplied by the number of years since the renewal, less any amounts paid by the
11 owner under ss. 77.84 (2) (a) and (am) and 77.87.

12 **SECTION 24.** 77.88 (5) (c) of the statutes is created to read:

13 77.88 (5) (c) For purposes of pars. (a) 1. and (b) 1., if the parcel of land is located
14 in a single municipality, the past tax liability is an amount equal to the product of
15 the total net property tax rate for that municipality in the year prior to the
16 withdrawal multiplied by the assessed value of the parcel of land for the same year,
17 as computed by the department of revenue. For purposes of pars. (a) 1. and (b) 1.,
18 if the parcel is located in more than one municipality, the past tax liability is an
19 amount equal to the sum of the products calculated by multiplying the total net
20 property tax rate for each municipality in the year prior to the withdrawal by the
21 corresponding assessed value of the land in that municipality for the same year, as
22 computed by the department of revenue.

23 **SECTION 25.** 77.89 (1) of the statutes is amended to read:

24 77.89 (1) PAYMENT TO MUNICIPALITIES. By June 30 of each year, the department,
25 from the appropriation under s. 20.370 (5) (bv), shall pay 100 percent of each

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1 payment received under ss. 77.84 (3) (b) and 77.87 (3) and 100 percent of each
2 withdrawal tax payment received under s. 77.88 (7) to the treasurer of the each
3 municipality in which is located the land to which the payment applies.

4 (END)