

2005 DRAFTING REQUEST

Bill

Received: 11/29/2004

Received By: **mglass**

Wanted: **Soon**

Identical to LRB:

For: **Sheryl Albers (608) 266-8531**

By/Representing: **Ryan Gruber**

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

Drafter: **mglass**

May Contact:

Addl. Drafters:

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

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Albers@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Acreage requirement under managed forest land program

Instructions:

See Attached, same as 03 4497/1

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> |
|--------------|----------------------|------------------------|------------------------|----------------|----------------------|--|-----------------|
| /? | mglass 11/29/2004 | chanaman 12/06/2004 | | _____ | | | S&L |
| /1 | | | pgreensl 12/06/2004 | _____ | lemery 12/06/2004 | sbasford 12/07/2004 sbasford 12/07/2004 | |

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

FE Sent For:

<END>

12-14-2004
("1")

see
attached

2005 DRAFTING REQUEST

Bill

Received: 11/29/2004

Received By: **mglass**

Wanted: **Soon**

Identical to LRB:

For: **Sheryl Albers (608) 266-8531**

By/Representing: **Ryan Gruber**

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

Drafter: **mglass**

May Contact:

Addl. Drafters:

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

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Albers@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Acreage requirement under managed forest land program

Instructions:

See Attached, same as 03 4497/1

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> |
|--------------|----------------------|------------------------|------------------------|----------------|----------------------|-----------------|-----------------|
| /? | mglass 11/29/2004 | chanaman 12/06/2004 | | _____ | | | S&L |
| /1 | | | pgreensl 12/06/2004 | _____ | lemery 12/06/2004 | | |

FE Sent For:

<END>

2005 DRAFTING REQUEST

Bill

Received: **11/29/2004**

Received By: **mglass**

Wanted: **Soon**

Identical to LRB:

For: **Sheryl Albers (608) 266-8531**

By/Representing: **Ryan Gruber**

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

Drafter: **mglass**

May Contact:

Addl. Drafters:

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

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Albers@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Acreage requirement under managed forest land program

Instructions:

See Attached, same as 03 4497/1

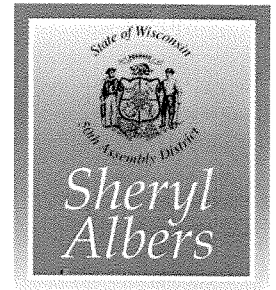
Drafting History:

| <u>Vers.</u> | <u>Drafted</u> | <u>Reviewed</u> | <u>Typed</u> | <u>Proofed</u> | <u>Submitted</u> | <u>Jacketed</u> | <u>Required</u> |
|--------------|----------------|-----------------|--------------|----------------|------------------|-----------------|-----------------|
|--------------|----------------|-----------------|--------------|----------------|------------------|-----------------|-----------------|

| | | | | | | | |
|----|--------|--|------------|------------|--|--|--|
| /? | mglass | | 12/6 ps | 12/6 ps | | | |
|----|--------|--|------------|------------|--|--|--|

FE Sent For:

<END>



To: LRB – Drafting
From: Representative Sheryl K. Albers

Date: November 22, 2004

Subject: Managed Forest Law – Allowances for Contiguous Property in Multiple Municipalities

The Managed Forest Law currently requires an individual to own a minimum of ten acres in any given municipality in order to participate in the program. Please draft a 2005 Assembly bill that would change this requirement to ten contiguous acres, regardless of the municipality or municipalities in which the land is located.

As an example, an individual who owns 15 contiguous acres, with eight acres in Township A and seven acres in Township B cannot currently participate in the program. I would like to change current law to allow individuals in this situation to participate.

Please contact Ryan Gruber in my office with any questions regarding this request. Thank you.

(in 11/29/04)

2003 BILL

Prop w. stats.

Refer
cut

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.

BILL

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, as created by 2003 Wisconsin Act 228,
21 is amended to read:

BILL

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, as affected by 2003 Wisconsin Act 228, is
5 amended to read:

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

17 **SECTION 6.** 77.82 (4g) (b) of the statutes, as created by 2003 Wisconsin Act 228,
18 is amended to read:

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

BILL

1 the withdrawal fee under s. 77.88 (5) and (5m) do not apply to a withdrawal under
2 this paragraph.

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

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

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

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

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

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

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

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

24 **SECTION 11.** 77.82 (8) of the statutes, as affected by 2003 Wisconsin Act 228,
25 is amended to read:

BILL

1 77.82 (8) ORDER. If a petition under sub. (2), (4m), or (12) is approved, the
2 department shall issue an order designating the land as managed forest land for the
3 time period specified in the petition. If a petition under sub. (4) is approved, the
4 department shall amend the original order to include the additional parcel. The
5 department shall provide the petitioner with a copy of the order or amended order
6 and shall also file a copy with the department of revenue, the supervisor of
7 assessments and the clerk of ~~the~~ each municipality in which the land is located, and
8 shall record the order with the register of deeds in ~~the~~ each county, in which the land
9 is located.

10 **SECTION 12.** 77.83 (1) (a) 1. of the statutes, as affected by 2003 Wisconsin Act
11 228, is amended to read:

12 77.83 (1) (a) 1. A maximum of 160 acres ~~in the municipality~~, of which not more
13 than 80 acres may be land designated as managed forest land before April 28, 2004.

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

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

23 **SECTION 14.** 77.84 (2) (a) of the statutes, as affected by 2003 Wisconsin Act 228,
24 is amended to read:

BILL**SECTION 14**

1 77.84 (2) (a) For managed forest land orders that take effect before April 28,
2 2004, each owner of managed forest land shall pay to ~~the~~ each municipal treasurer
3 an acreage share of 74 cents per acre on or before January 31.

4 **SECTION 15.** 77.84 (2) (am) of the statutes, as created by 2003 Wisconsin Act
5 228, is amended to read:

6 77.84 (2) (am) For managed forest land orders that take effect on or after April
7 28, 2004, each owner of managed forest land shall pay to ~~the~~ each municipal
8 treasurer, on or before January 31, an amount that is equal to 5 percent of the
9 average statewide property tax per acre of property classified under s. 70.32 (2) (a)
10 6., as determined under par. (cm), for each acre of managed forest land.

11 **SECTION 16.** 77.84 (2) (b) of the statutes, as affected by 2003 Wisconsin Act 228,
12 is amended to read:

13 77.84 (2) (b) For managed forest land orders that take effect before April 28,
14 2004, in addition to the payment under par. (a), each owner shall pay \$1 for each acre
15 that is designated as closed under s. 77.83. The payment shall be made to ~~the~~ each
16 municipal treasurer on or before January 31.

17 **SECTION 17.** 77.84 (2) (bm) of the statutes, as created by 2003 Wisconsin Act
18 228, is amended to read:

19 77.84 (2) (bm) For managed forest land orders that take effect on or after April
20 28, 2004, in addition to the payment under par. (am), each owner of managed forest
21 land shall pay to ~~the~~ each municipal treasurer, on or before January 31, an amount
22 that is equal to 20 percent of the average statewide property tax per acre of property
23 classified under s. 70.32 (2) (a) 6., as determined under par. (cm), for each acre that
24 is designated as closed under s. 77.83.

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

BILL

1 **77.85 State contribution.** The department shall pay before June 30 annually
2 the municipal treasurer, from the appropriation under s. 20.370 (5) (bv), 20 cents for
3 each acre of land in the municipality that is designated as managed forest land under
4 this subchapter. If an acre designated as managed forest land is located in 2 or more
5 municipalities, the department shall make the payment to the treasurer of the
6 municipality in which the largest portion of the acre is located.

7 **SECTION 19.** 77.876 (1) of the statutes, as created by 2003 Wisconsin Act 228,
8 is amended to read:

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

15 **SECTION 20.** 77.88 (1) (a) of the statutes, as affected by 2003 Wisconsin Act 228,
16 is amended to read:

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

24 **SECTION 21.** 77.88 (3m) of the statutes, as created by 2003 Wisconsin Act 228,
25 is amended to read:

BILL**SECTION 21**

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

12 **SECTION 22.** 77.88 (5) (a) 1. of the statutes, as affected by 2003 Wisconsin Act
13 228, is amended to read:

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

19 **SECTION 23.** 77.88 (5) (b) 1. of the statutes, as affected by 2003 Wisconsin Act
20 228, is amended to read:

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

BILL

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

2 77.88 (5) (c) For purposes of pars. (a) 1. and (b) 1., if the parcel of land is located
3 in a single municipality, the past tax liability is an amount equal to the product of
4 the total net property tax rate for that municipality in the year prior to the
5 withdrawal multiplied by the assessed value of the parcel of land for the same year,
6 as computed by the department of revenue. For purposes of pars. (a) 1. and (b) 1.,
7 if the parcel is located in more than one municipality, the past tax liability is an
8 amount equal to the sum of the products calculated by multiplying the total net
9 property tax rate for each municipality in the year prior to the withdrawal by the
10 corresponding assessed value of the land in that municipality for the same year, as
11 computed by the department of revenue.

12 **SECTION 25.** 77.89 (1) of the statutes, as affected by 2003 Wisconsin Act 228,

13 is amended to read:

14 77.89 (1) **PAYMENT TO MUNICIPALITIES.** By June 30 of each year, the department,
15 from the appropriation under s. 20.370 (5) (bv), shall pay 100 percent of each
16 payment received under ss. 77.84 (3) (b) and 77.87 (3) and 100 percent of each
17 withdrawal tax payment received under s. 77.88 (7) to the treasurer of the each
18 municipality in which is located the land to which the payment applies.

19 **(END)**

Basford, Sarah

From: Gruber, Ryan
Sent: Monday, December 06, 2004 4:37 PM
To: LRB.Legal
Subject: Draft review: LRB 05-1032/1 Topic: Acreage requirement under managed forest land program

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

Draft review: LRB 05-1032/1 Topic: Acreage requirement under managed forest land program

Barman, Mike

From: Gruber, Ryan
Sent: Monday, December 13, 2004 4:50 PM
To: Barman, Mike
Subject: Requests for preliminary fiscal estimates

Hi Mike,

I would appreciate it if you could request preliminary fiscal estimates for the following 2005 drafts:

LRB 0094/1

LRB 0948/1

LRB 1032/1

Thanks much.

Ryan Gruber
Research Assistant
Office of Rep. Sheryl Albers

3 North, State Capitol
Madison, WI 53708-8952
608.266.8531
877.947.0050 (in Wisconsin)
608.282.3650 (fax)