2005 DRAFTING REQUEST

Assembly Amendment (AA-AB7)

FE Sent For:

Received: 02/10/2005 Wanted: Soon					Received By: mglass Identical to LRB:			
For: She	ryl Albers (60	08) 266-8531			By/Representing: Ryan Gruber			
This file may be shown to any legislator: NO					Drafter: jkreye			
May Cor	ntact:				Addl. Drafters:			
Subject:		s parks and operty - other	forestry		Extra Copies:			
Submit v	via email: NO							
Pre Top	oic:	ven						
Topic:								
Distribu	tion of mangag	ed forest land a	ids among i	municipalities	Maria A.G. A.G.			
Instruct See attac		e to section 18,	not section	12			.,	
Draftin	g History:	-						
Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	<u>Jacketed</u>	Required	
/? /1	jkreye 02/10/2005	lkunkel 02/10/2005	pgreensl 02/10/20		lnorthro 02/10/2005	lnorthro 02/10/2005		

<END>

2005 DRAFTING REQUEST

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Received: 02/10/2005

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Wanted: Soon

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For: Sheryl Albers (608) 266-8531

By/Representing: Ryan Gruber

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

Drafter: jkreye

May Contact:

Addl. Drafters:

Subject:

Nat. Res. - parks and forestry

Tax, Property - other

Extra Copies:

Submit via email: NO

Pre Topic:

No specific pre topic given

Topic:

Distribution of mangaged forest land aids among municipalities

Instructions:

See attached, do change to section 18, not section 12

Drafting History:

Vers. <u>Drafted</u>

Reviewed Typed

Proofed

Submitted

Jacketed

Required

/?

jkreye

/1 lm x 2/10 2

FE Sent For:

<END>

Gibson-Glass, Mary

From:

Gruber, Ryan

Sent:

Tuesday, February 08, 2005 9:53 AM

To: Subject: Gibson-Glass, Mary Amendment to 2005 AB 7

Hi Mary,

We received the technical memo from DOR dated February 1, 2005. Please draft an amendment that addresses both of the concerns outlined by DOR. The 160 acre limit per municipality should remain in place, and Section 18 should split the payment by the department according to the actual acreage located in each municipality.

I believe we can make those changes without compromising the intent of the bill. Please let me know if you have any questions. Thanks much.

Ryan Gruber Research Assistant Office of Rep. Sheryl Albers

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

MEMORANDUM

February 1, 2005

TO:

Mary Gibson-Glass

Legislative Reference Bureau

FROM:

Blair Kruger

Department of Revenue

SUBJECT:

Technical Memorandum on 2005 AB 7 Concerning the Acreage Requirement

Under the Managed Forest Land Program

We have the following concerns about the bill.

The amendment in Section 12 changes the 160 acre limit on managed forest land closed to public access from a limit in an individual municipality to a limit on individual parcels. As a result, it would be possible for a landowner holding several non-contiguous parcels of managed forest land to close more than 160 acres to public access in a single municipality.

The amendment in Section 18 of the bill directs that the annual payment by DNR on an acre of land that lies in two or more municipalities be paid to the municipality where the largest part of the acre is located. Property is taxed in the municipality where it is located. To be consistent with property tax law, acreage data for land designated as managed forest land is tracked for each municipality in the state. Thus, for a block of land that lies in two or more municipalities, the actual acreage in each municipality would be known, and payments from DNR could be based on the actual acreage in each municipality.

deff

If you have questions regarding this technical memorandum, please contact Daniel Huegel at 266-5705 or at dhuegel@dor.state.wi.us.

Cc: Representative Sheryl Albers

Fiscal Estimate - 2005 Session

Original Updat	ed Corrected S	Supplemental
LRB Number 05-1032/1	Introduction Number AB	-7
Subject Acreage requirement under managed fore	est land program	,
Fiscal Effect State: No State Fiscal Effect Indeterminate Increase Existing Appropriations Decrease Existing Appropriations Create New Appropriations	Increase Existing Revenues Decrease Existing Revenues Decrease Existing Revenues Decrease Costs	
Permissive Mandatory	☐ Permissive ☐ Mandatory ☐ Counties ☐ Count	Affected /illage 🔯 Cities Others VTCS Districts
Fund Sources Affected GPR FED PRO PRS	Affected Ch. 20 Approp	oriations
Agency/Prepared By	Authorized Signature	Date
DOR/ Daniel Huegel (608) 266-5705	Blair Kruger (608) 266-1310	2/4/2005

Fiscal Estimate Narratives DOR 2/4/2005

LRB Number 05-1032/1	Introduction Number AB-7	Estimate Type	Original
Subject			
Acreage requirement under m	anaged forest land program		
and a complete the policy of the control of the			

Assumptions Used in Arriving at Fiscal Estimate

Under current law, a parcel of land is eligible for designation as managed forest land if it meets certain requirements. One requirement is that the parcel must contain at least ten contiguous acres of land in a single municipality. Under the bill, the ten contiguous acres could be in two or more municipalities.

The bill may increase the number of acres eligible for designation as managed forest land. The Department of Revenue does not have information which would permit a reasonable estimate of how many additional acres would be so designated.

State Fiscal Effect:

An owner of land designated as managed forest land is required to permit public access to the land for hunting and other recreational purposes. However, he or she may close up to 160 acres to public access. Annually, for land designated as managed forest land after April 28, 2004 and closed to public access, the owner must pay a fee of \$5.82 per acre for deposit in the state conservation fund. If the bill increases the number acres of managed forest land closed to public access, state revenues will increase.

Annually, the Department of Natural Resources (DNR) pays \$0.20 per acre to municipalities where land designated as managed forest land is located. If the bill increases the number of acres designated as managed forest land, total payments by DNR to municipalities will increase.

Local Fiscal Effect

The municipality retains 80% of the \$0.20 per acre payment from the DNR and remits the remaining 20% to the county. Annually, on land designated as managed forest land after April 28, 2004, the owner must pay a fee of \$1.46 per acre to the municipality where the land is located. The municipality retains 80% of the payment and remits the remaining 20% to the county. If the bill increases the number of acres of managed forest land, revenues to municipalities and counties will increase.

Land designated as managed forest land is exempt from local property taxes. If the bill increases the number of acres of designated as managed forest land, property taxes will be shifted from owners of designated managed forest land to all other property tax owners.

Long-Range Fiscal Implications

Gibson-Glass, Mary

From:

Gibson-Glass, Mary

Sent: To: Wednesday, February 09, 2005 3:03 PM

Cc:

Hotynski, Rebecca; Ebersberger, Eric

Subject:

Gruber, Ryan Assembly Bill 7

We have received a technical memo on the above referenced bill from DOR. Representative Albers asked for a bill that allowed continuous acreage that was in more than one muncipality qualify for the managed forest land program even if there was less than 10 acres in one of the muncipalities. A constitutent wanted an area that consisted of 8 acres in one municipality and 26 acres in another municipality (the two acreages being joined) to be eligible as a single parcel under the managed forest last program.

A portion of the memo reads as follows:

"The amendment in Section 12 changes the 160 acra limit on managed forest land closed to public access from a limit in an individual municipality to a limit on individual parcels. As a result, it would be possible for a landowner holding several noncontiguous parcels of mangaed forest land to close more than 160 acres to public access in a single municipality."

I do not see any problem with this except for possible concerns on policy grounds. Could one of you call me to discuss this?

Thanks,

Mary Mary Gibson-Glass Senior Legislative Attorney Legislative Reference Bureau 608 267 3215

Gibson-Glass, Mary

From:

Gibson-Glass, Mary

Sent:

Thursday, February 10, 2005 10:12 AM

To:

Gruber, Ryan

Subject:

RE: Managed Forest Land constituent letter/diagram

Thanks for the information. I have spoken with Rebecca Hotynski of the Fiscal Bureau and she agrees with me that the first point in the technical memo not "technical" but substantive. Although I do not think the suggested change affects your constituent's concerns, I think that to change it as suggested in the technical memo is not consistent with the overall intent of the bill.

Accordingly, we will draft an amendment for you addressing the second point in the technical memo, unless you still want to include the first point. Joe Kreye is our tax drafter and will be doing the actual amendment. If you have any further questions feel free to contact him or me.

Mary Gibson-Glass Senior Legislative Attorney Legislative Reference Bureau 608 267 3215

----Original Message----

From: Gruber, Ryan

Sent: Wednesday, February 09, 2005 12:44 PM

To: Gibson-Glass, Mary

Subject: Managed Forest Land constituent letter/diagram

Mary,

Here's the information I promised you. Hope it's helpful.

- Ryan

----Original Message----

From: XeroxScan

Sent: Wednesday, February 09, 2005 3:20 AM

To: Gruber, Ryan

Subject: Scan from a Xerox WorkCentre Pro

Please open the attached document. It was scanned and sent to you using a Xerox WorkCentre Pro.

Sent by: rgruber [xerox.scan@legis.state.wi.us]

Number of Images: 2

Attachment File Type: PDF

Device Name: 16N_WCP_45

For more information on Xerox products and solutions, please visit http://www.xerox.com

N2651 Hwy 12/16 Mauston, WI 53948 March 10,2004

Rep. Sheryl Albers Box 339 Co Cove Estates Golf Course Road Reedsburg, WI 53959

Dear Rep. Albers,

I would like to call your attention to a provision in the Managed Forest Land Law that I believe could be improved.

It requires a minimum of 10 acres in a municipality with no exception.

I have a parcel of land in Seven Mile Creek Township, of which about 7 to 8 acres is wooded, which does not qualify because of the ten acre minimum. It joins a parcel in Lemonweir Township of which 26 acres is wooded and is enrolled in Managed Forest Land.

I believe that if the forest land is joined, as these two are, and owned by the same person, it would make sense to allow for an exception.

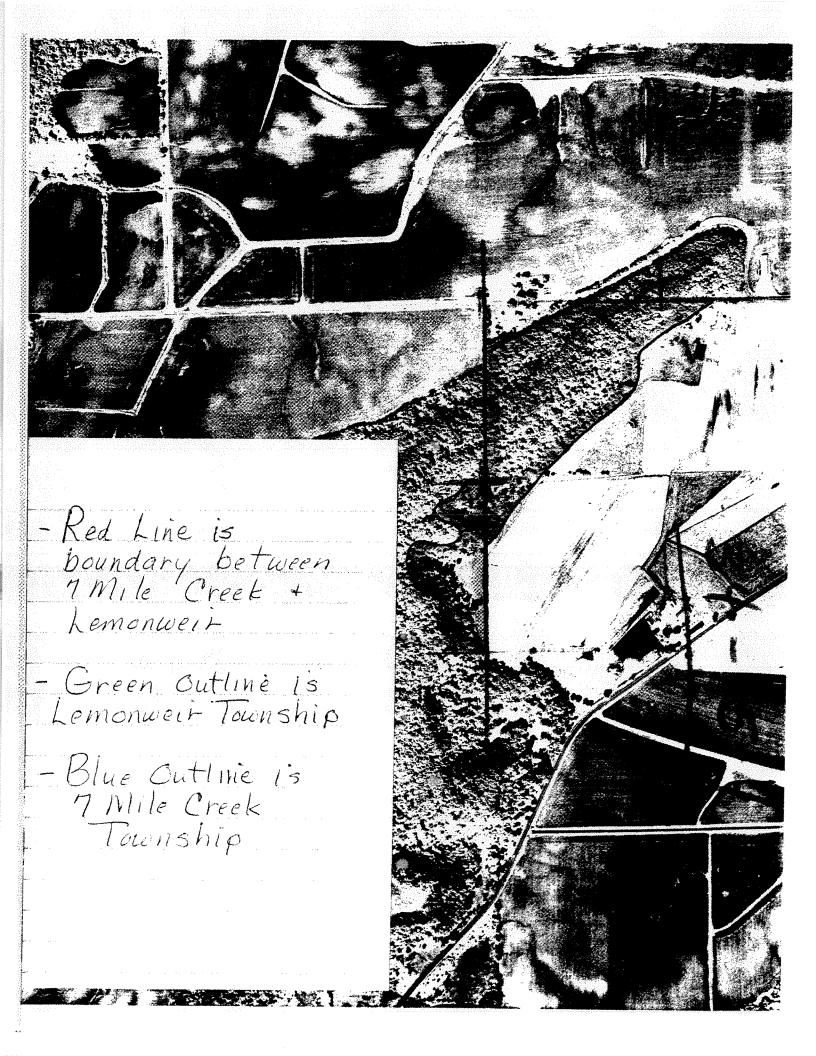
I have enclosed an aerial photo to help explain.

Please, if you would call me at 847-5117, or our area Forester, Tom Quilty at 847-9390.

Thank you, and looking forward to a reply.

Steve Powers

Steve Powers



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.

AN ACT to amend 77.82 (1) (a) 1., 77.82 (1) (c), 77.82 (2) (intro.), 77.82 (2) (cm),

77.82 (4), 77.82 (4g) (b), 77.82 (5) (a), 77.82 (5) (b), 77.82 (6) (b) 2., 77.82 (7) (a)

4., 77.82 (8), 77.83 (1) (a) 1., 77.84 (1), 77.84 (2) (a), 77.84 (2) (am), 77.84 (2) (b),

77.84 (2) (bm), 77.85, 77.876 (1), 77.88 (1) (a), 77.88 (3m), 77.88 (5) (a) 1., 77.88

(5) (b) 1. and 77.89 (1); and to create 77.88 (5) (c) of the statutes; relating to:

location of contiguous land for purposes of eligibility under the Managed Forest

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:

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

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

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

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

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

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

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

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

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

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

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

77.82 (4g) (b) If an owner of land that is designated as managed forest land under an order that takes effect before April 28, 2004, 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, that does not satisfy the requirements in sub. (1), and that is contiguous to any of 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 (5m) do not apply to a withdrawal under this paragraph.

SECTION 7.	77.82	(5)(a)	of the	statutes is	amended	to read:
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77.82 (5) (a) Upon receipt of a petition under sub. (2), (4) or (4m), the department shall provide written notice of the petition to the each clerk of the each municipality in which the land is located.

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

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

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

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

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

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

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

77.82 (8) ORDER. If a petition under sub. (2), (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 each municipality in which the land is located, and shall record the order with the register of deeds in the each county, in which the land is located.

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

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

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

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

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

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

Section 15. 77.84 (2) (am) of the statutes is amended to read:

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

Section 15

ASSEMBLY BILL 7

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

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

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

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

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

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

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

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

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

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

Section 20. 77.88 (1) (a) of the statutes is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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)



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State of Misconsin 2005 - 2006 LEGISLATURE

LRBa0119/1 JK:

ASSEMBLY AMENDMENT,

TO 2005 ASSEMBLY BILL 7 (Modes)

in 2-10-05

1 At the locations indicated, amend the bill as follows:

1. Page 6, line 16: delete lines 16 to 22.

(END)

DRAFTER'S NOTE FROM THE LEGISLATIVE REFERENCE BUREAU

LRBa0119/1dn JK

(date)

Representative Albers:

This amendment is based on the recommendation in the 2nd paragraph of DOR's technical memorandum dated February 1, 2005.

second

Joseph T. Kreye Legislative Attorney Phone: (608) 266–2263

E-mail: joseph.kreye@legis.state.wi.us

DRAFTER'S NOTE FROM THE LEGISLATIVE REFERENCE BUREAU

LRBa0119/1dn JK:lmk:pg

February 10, 2005

Representative Albers:

This amendment is based on the second recommendation in DOR's technical memorandum dated February 1, 2005.

Joseph T. Kreye Legislative Attorney Phone: (608) 266–2263 E-mail: joseph.kreye@legis.state.wi.us