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(FORM UPDATED: 08/11/2010)

WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

2005-06

(session year)

Assembly

(Assembly, Senate or Joint)

Committee on Forestry...

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
 - (**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
 - (**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

* Contents organized for archiving by: Stefanie Rose (LRB) (July 2013)

Assembly

Record of Committee Proceedings

Committee on Forestry

Assembly Bill 7

Relating to: location of contiguous land for purposes of eligibility under the Managed Forest Land Program.

By Representatives Albers, Mursau, Ainsworth, Bies, Gronemus, Hahn, Hundertmark, Jensen, Jeskewitz, Loeffelholz, Musser and Ott; cosponsored by Senators Olsen, A. Lasee, Lassa and Lazich.

January 18, 2005 Referred to Committee on Forestry.

March 1, 2005 **PUBLIC HEARING HELD**

Present: (5) Representatives Friske, Mursau, Ainsworth, M. Williams and Boyle.

Absent: (1) Representative Hubler.

Appearances For

- Sheryl Albers, Madison — Representative, Wisconsin 50th Assembly District

Appearances Against

- None.

Appearances for Information Only

- Kathy Nelson, Madison — Department of Natural Resource

Registrations For

- Luther Olsen, Madison — Senator, Wisconsin 14th Senate District
- Gene Francisco, Sun Prairie — Executive Director, Wisconsin Professional Loggers Association
- Gunnar Bergerson, Madison — Lobbyist, Lake States Lumber & Timber Producers Association

Registrations Against

- None.

March 29, 2005 **EXECUTIVE SESSION HELD**

Present: (5) Representatives Friske, Mursau, Ainsworth, M. Williams and Hubler.

Absent: (1) Representative Boyle.

Moved by Representative Hubler, seconded by Representative Ainsworth that **Assembly Amendment 1** be recommended for adoption.

Ayes: (5) Representatives Friske, Mursau, Ainsworth,
M. Williams and Hubler.
Noes: (0) None.
Absent: (1) Representative Boyle.

ASSEMBLY AMENDMENT 1 ADOPTION RECOMMENDED,
Ayes 5, Noes 0

Moved by Representative Friske, seconded by Representative Ainsworth that **Assembly Amendment 2** be recommended for adoption.

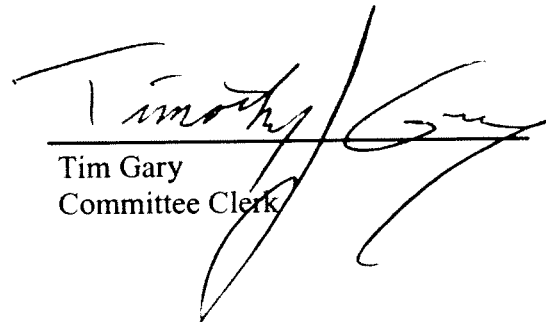
Ayes: (5) Representatives Friske, Mursau, Ainsworth,
M. Williams and Hubler.
Noes: (0) None.
Absent: (1) Representative Boyle.

ASSEMBLY AMENDMENT 2 ADOPTION RECOMMENDED,
Ayes 5, Noes 0

Moved by Representative Friske, seconded by Representative Hubler that **Assembly Bill 7** be recommended for passage as amended.

Ayes: (5) Representatives Friske, Mursau, Ainsworth,
M. Williams and Hubler.
Noes: (0) None.
Absent: (1) Representative Boyle.

PASSAGE AS AMENDED RECOMMENDED, Ayes 5, Noes 0


Tim Gary
Committee Clerk

Vote Record Committee on Forestry

Date: 3-29-05

Moved by: Hubler

Seconded by: Ainsworth

AB 7

SB _____

Clearinghouse Rule _____

AJR _____

SJR _____

Appointment _____

AR _____

SR _____

Other _____

A/S Amdt AA1

A/S Amdt _____ to A/S Amdt _____

A/S Sub Amdt _____

A/S Amdt _____ to A/S Sub Amdt _____

A/S Amdt _____ to A/S Amdt _____ to A/S Sub Amdt _____

Be recommended for:

- Passage Adoption Confirmation Concurrence Indefinite Postponement
 Introduction Rejection Tabling Nonconcurrence

Committee Member

	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
Representative Donald Friske, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Jeffrey Mursau	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative John Ainsworth	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Mary Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Mary Hubler	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Frank Boyle	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Totals:	<u>5</u>	<u>0</u>	<u>1</u>	<u> </u>

Motion Carried

Motion Failed

Vote Record Committee on Forestry

Date: 3-29-05

Moved by: Friske

Seconded by: Ainsworth

AB 7

SB _____

Clearinghouse Rule _____

AJR _____

SJR _____

Appointment _____

AR _____

SR _____

Other _____

A/S Amdt AA2

A/S Amdt _____ to A/S Amdt _____

A/S Sub Amdt _____

A/S Amdt _____ to A/S Sub Amdt _____

A/S Amdt _____ to A/S Amdt _____ to A/S Sub Amdt _____

Be recommended for:

- Passage Adoption Confirmation Concurrence Indefinite Postponement
 Introduction Rejection Tabling Nonconcurrence

Committee Member

Representative Donald Friske, Chair

Representative Jeffrey Mursau

Representative John Ainsworth

Representative Mary Williams

Representative Mary Hubler

Representative Frank Boyle

Aye No Absent Not Voting

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Totals: 5 0 1 _____

Motion Carried

Motion Failed

Vote Record Committee on Forestry

Date: 3-29-05

Moved by: Friske Seconded by: Hubler

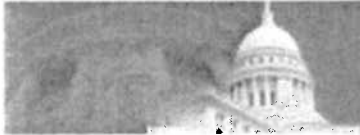
AB 7 SB _____ Clearinghouse Rule _____
 AJR _____ SJR _____ Appointment _____
 AR _____ SR _____ Other _____

A/S Amdt _____
 A/S Amdt _____ to A/S Amdt _____
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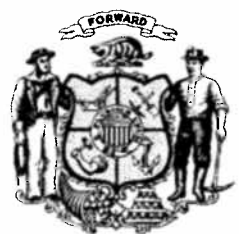
By recommended for:
 Passage Adoption Confirmation Concurrence Indefinite Postponement
 Introduction Rejection Tabling Nonconcurrence

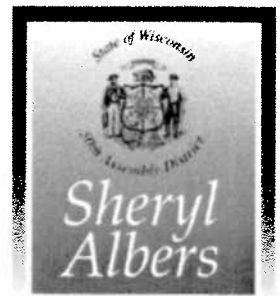
Committee Member	Aye	No	Absent	Not Voting
Representative Donald Friske, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Jeffrey Mursau	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative John Ainsworth	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Mary Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Mary Hubler	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Frank Boyle	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Totals:	<u>5</u>	<u>0</u>	_____	_____

Motion Carried Motion Failed



WISCONSIN STATE LEGISLATURE





**2005 Assembly Bill 7 – Changes to Contiguous Property Requirements Under
Managed Forest Law**

**Testimony of State Representative Sheryl K. Albers before the Assembly Committee
on Forestry – March 1, 2005**

Chairman Friske and members of the Forestry Committee, thank you for allowing me to speak in support of Assembly Bill 7.

A constituent of mine, Steve Powers of Mauston, came to me around this time last year with a problem. Steve owns 34 acres of wooded land that spanned two townships in Juneau County. The wooded area was contiguous, with 26 acres in the Town of Lemonweir and the other 8 acres in the Town of Seven Mile Creek.

Under present MFL guidelines, the eight acres in Seven Mile Creek cannot be enrolled in under MFL because the law requires a minimum of ten contiguous acres in a single municipality. I have distributed an aerial map of Steve's property to illustrate his situation more clearly.

I believe it is important to encourage participation in the managed forest program. While minimum acreage requirements are necessary, using municipal boundaries as a way of excluding land from enrollment seems unnecessary and irrelevant to the intent and purpose of MFL. This bill does not allow for parcels less than ten acres to be enrolled unless they adjoin another eligible parcel that would bring the total acreage above ten.

AB 7 corrects what I perceive to be a deficiency in existing law. As we all know, it's nearly impossible to account for every possible exception and circumstance when initially drafting a law. We often rely on constituents to point out problems after laws have been enacted. We can then take that information and attempt to improve the law.

I am aware that the DNR has estimated a significant cost in performing the necessary reprogramming to accommodate this change. However, in speaking with the Legislative Fiscal Bureau, they have informed me that the department is seeking funds in the 2005-07 budget to update some of its programming. It is my hope that the DNR would consider making this change as part of other programming changes that may be occurring. It seems absurd to me that any agency would use a system that costs \$150,000 every time a change is required. Laws are dynamic, and the systems that implement them need to be equally dynamic. It is my hope that you will not hold the DNR's inflexibility against my constituent or others in his situation.

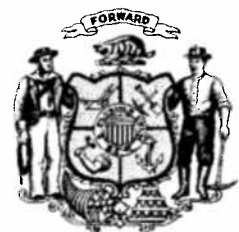
I would also encourage you to support Assembly Amendment 1 to this legislation. When originally drafted, there were concerns raised by the drafter that payments on one contiguous parcel could not be split between two municipalities. It was learned after introduction that this can be dealt with, allowing each municipality to receive payment under Section 77.85 based on the acreage enrolled. Accordingly, I have offered an amendment to delete the language that is no longer necessary.

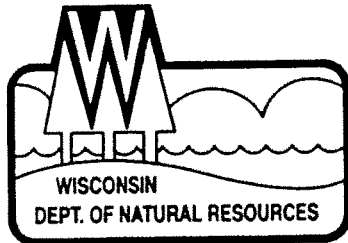
This bill will help us to ensure that some property owners who wish to manage their lands under MFL can better do so. I believe it is good policy that makes government work better for the people it is supposed to serve. I would encourage you to recommend this bill for passage.

Thank you for the opportunity to testify. I would be happy to answer any questions you might have at this time.



WISCONSIN STATE LEGISLATURE





State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor
Scott Hassett, Secretary

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Assembly Bill 7

Assembly Committee on Rural Affairs & Forestry

Department of Natural Resources Testimony
Kathryn Nelson, Acting Forest Tax Section Chief
Division of Forestry
March 1, 2005

Mr. Chairman and Committee Members:

Good morning. My name is Kathy Nelson and I am the Acting Forest Tax Section Chief of the Department of Natural Resources' Division of Forestry. I appreciate this opportunity to appear before you to discuss AB 7.

The Department of Natural Resources supports the intent of AB 7 but has three major concerns about it.

1. Changes in the bill will limit the number of acres that can be closed to public access to 160 statewide instead of 160 acres per municipality.

This bill allows for a landowner in multiple municipalities to enter land into the MFL program as long as it met the minimum eligibility requirements, i.e. 10 acres in size and 80% productive. To do this, AB 7 eliminated all references referring to each municipality. This change will effectively open more land open to public use, but will reduce the privilege MFL participants currently enjoy in being allowed to close up to 160 acres per municipality. Allowing an owner to close to public access up to 160 acres per municipality was a component of the compromise resulting from the negotiations on 2003 Act 228.

2. Changes in the bill will require that an entire parcel of managed forest land be withdrawn when personal property taxes are delinquent.

Currently, the smallest unit in which managed forest lands can be withdrawn is all of the owner's acreage in a quarter-quarter section, government lot or fractional lot. All remaining acreage in the Managed Forest Law Order of Entry must meet the minimum eligibility requirements, i.e. 10 acres in size and 80% productive. If the remaining acreage failed to meet the eligibility requirement, it would also be withdrawn. AB 7 inserted the words "the entire parcel of land" into the law. In some instances, managed forest land parcels may cover several legal descriptions, unintentionally forcing more land to be withdrawn than what is needed to gain compliance with the law.

3. The internal costs to change the computer record keeping system may exceed the benefits that will be derived from the small number of landowners who would benefit from the proposed changes in AB 7.

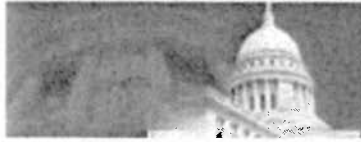
We anticipate a large one-time cost in revising the computer software programs to record and track managed forest law entries with multiple municipalities. Some of the changes would be:

- Create a new system to identify managed forest law orders. The computer software programs use county prefix codes and municipality names (town, village, city) to track managed forest law orders now. The county prefix code is called a "unique identifier" because it identifies only one county in the state. Records are further tracked by municipality. Changes in AB 7 would necessitate a new system to identify land in multiple municipalities so that aids payments can be made accurately and adjacent lands can be found quickly. Transfers or withdrawals in one municipality may have a large impact on land eligibility in another municipality in case of transfers, withdrawals, % productive, etc.
- Revise all legal documents and reports to show multiple counties and municipalities.
- Record the same Order of Entry in multiple counties.

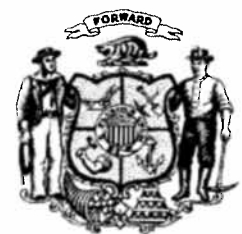
Based on the cost to revise computer software programs after the changes in 2003 Act 228, we expect that the cost to change the computer software programs for AB 7 to be approximately \$150,000. This cost needs to be weighed against the benefit of having a small amount of additional acreage (estimated to be 150-200 acres annually) under the MFL. If you make the determination that the benefits of the bill exceed the costs to implement it, the department requests that you support funding for implementation. We will also work with you on creating language to AB 7 to address the first two concerns.

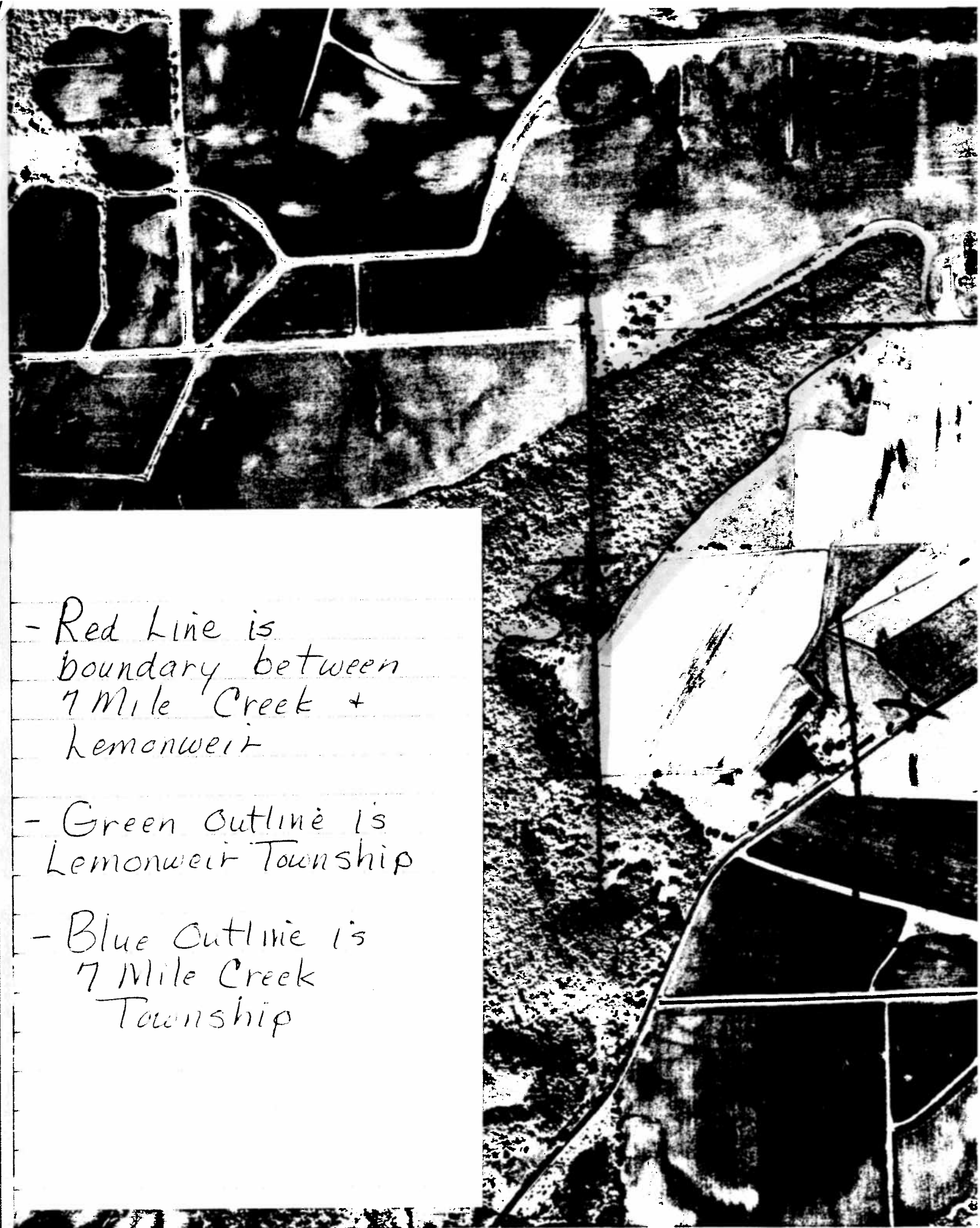
In closing, the Department strongly believes that the Managed Forest Law is a very effective tool to encourage and implement sustainable forestry on private forest lands, the practice of which generates an array of economic, ecological and social benefits to all Wisconsin citizens. We believe that AB 7 is well intentioned but will benefit a very few forest landowners and result in a sizable administrative cost to implement.

I appreciate this opportunity to express the Department's concerns with AB 7 and would be glad to answer any questions you might have.



WISCONSIN STATE LEGISLATURE





- Red Line is boundary between 7 Mile Creek + Lemonweir
- Green Outline is Lemonweir Township
- Blue Outline is 7 Mile Creek Township