

2007 DRAFTING REQUEST

Bill

Received: **11/09/2007**

Received By: **mglass**

Wanted: **As time permits**

Identical to LRB:

For: **Donald Friske (608) 266-7694**

By/Representing: **Tim Gary**

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

Drafter: **mglass**

May Contact: **DNR**

Addl. Drafters:

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

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Friske@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Managed forest land program changes

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>
/?				_____			S&L
/P1	mglass 11/09/2007	wjackson 11/09/2007	pgreensl 11/12/2007	_____	cduerst 11/12/2007		S&L
/P2	mglass 12/05/2007	wjackson 12/05/2007	jfrantze 12/06/2007	_____			S&L
/1	mglass 12/06/2007	wjackson 12/10/2007	pgreensl 12/10/2007	_____	lparisi 12/10/2007		S&L

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/2	mglass 12/18/2007	wjackson 12/19/2007	rschluet 12/20/2007	_____	sbasford 12/20/2007	sbasford 01/24/2008	

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intro*

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FE Sent For:

<END>

Kite, Robin

From: Gary, Tim
Sent: Wednesday, August 08, 2007 11:11 AM
To: Kite, Robin
Subject: FW: MFL Legislative Proposals
Attachments: Legislative_Proposal_MFL_Clean-up (6-25-07).doc

Robin,

Don would like to have the attached proposal drafted into bill form.

Thank you in advance,
Tim Gary
RA to Don Friske

From: Nelson, Kathryn J - DNR
Sent: Tuesday, August 07, 2007 3:58 PM
To: Gary, Tim
Subject: MFL Legislative Proposals

Tim,

Here is the electronic copy. The latest copy that I have in my computer is dated August 7. Please give me a call if you have questions.

<<Legislative_Proposal_MFL_Clean-up (6-25-07).doc>>

 Kathryn J. Nelson

Forest Tax Section Chief

Bureau of Forest Management

Wisconsin Department of Natural Resources

(☎) phone: (608) 266-3545

(☎) fax: (608) 266-8576

(✉) e-mail: Kathryn.Nelson@Wisconsin.gov

DATE: Updated August 9, 2007

TO: Amber Meyer Smith – AD/5

FROM: Robert Mather, Bureau of Forest Management
Division of Forestry

SUBJECT: MFL Legislative Proposals.

Create One Deadline for Entry Under the Managed Forest Law (MFL) Program

1. Problem/Issue

The two deadlines currently in use are providing confusion to DNR Foresters, Certified Plan Writers and landowners.

2. Description of Legislation (Provide statute chapter number only – use plain English)

Amend Chapter 77 to create one petition or management plan packet deadline for landowners owning less than 1,000 acres of woodland.

Requests to amend the statutes:

- Create one application deadline of first Monday in June. (For enrollment effective the following Jan. 1)
- Eliminate the current July 1 and May 15 deadline.
- Include management plan as part of MFL application. Keep the requirements in 77.82 (2), except that sub. (i) should state that a management plan is a part of the application.
- Eliminate the draft management plan deadline date. The goal is to have a management plan submitted with the application. DNR Foresters would review the application to determine eligibility and to determine if the management plan would follow sound forestry practices.
- Change the word “petition” to “application.” Many landowners are confused by the word “petition” and can understand “application” easier.

3. Background

Recent changes to the MFL program have created multiple petition deadlines. The July 1 deadline was created to allow enough time for DNR Foresters to prepare large numbers of MFL plan packets at a time when a lot of people were applying for the tax law program (i.e. 18 months prior to the January 1 effective date). The May 15 deadline was created to allow landowners who hired a Certified Plan Writer to prepare MFL plan packets on a faster deadline (7 months prior to the January 1 effective date).

The reasons for creating the two deadlines no longer exist. Certified Plan Writers will be preparing the majority of the MFL plan packets, thus reducing management plan writing workload on DNR Foresters. The need for the July 1 application deadline that is 18 months prior to the January 1 effective date is no longer needed. DNR Foresters will be reviewing Certified Plan Writer MFL Plan



Packets, yet the review period of this review falls during spring fire control season. Accomplishing the review in a timely manner during the fire season is difficult, thus the May 15 deadline should be changed. One petition deadline is preferred to address all issues and provide simplification to the MFL petition and review process. The first Monday in June is the proposed deadline for MFL petitions.

4. Past Legislation (Please provide specific bill numbers. If none, leave blank)

2003 Act 228 created the July 1 petition deadline effective immediately upon signing into law on April 13, 2004. This bill also created the May 15 petition deadline that became effective on November 1, 2005.

5. Land Use Impacts. What impact will the proposal have on land use?

Simplification of the MFL entry process may encourage additional landowners to enter land into the MFL program, thus increasing the acreage of private land under sound forestry management.

6. Fiscal Estimate (Your best estimate – you do not need M&B review)

There will be minimal fiscal change from this proposal. Efficiency and streamlining of the petition process is the expected outcome. Less time will be spent on explaining the MFL petition process and the review of plans so that other high priority work can be accomplished.

Provide Department of Revenue Withdrawal Tax Estimates for Landowners Prior to Submitting Voluntary Declaration of Withdrawal or Notice of Investigation.

1. Problem/Issue

Landowners need to make informed decisions regarding withdrawal of their lands from the MFL program. The amount of withdrawal taxes a landowner may pay once their land is withdrawn from the program may encourage greater compliance with the MFL program.

2. Description of Legislation (Provide statute chapter number only – use plain English)

Amend Chapter 77 to include provision to prepare withdrawal tax estimates for voluntary and involuntary withdrawals.

Requests to amend the statutes:

- Allow landowners to request a withdrawal tax estimate from Department of Revenue and Department of Natural Resources prior to voluntary withdrawal of lands from the Managed Forest Law (MFL) program.
- Allow DNR Foresters to request a withdrawal tax estimate from Department of Revenue and Department of Natural Resources prior to issuing a Notice of Investigation (NOI). NOI's are the last warning before recommending involuntary withdrawal from the MFL and FCL programs for failure to comply with the tax law provisions.

3. Background

no municipality

tax estimate only for DNR and owner

applies final plan must be included in petition June 1 does not want DNR to have to prepare plan

no time frame

Changes to assessed values of wooded land have caused large increases in the amount of withdrawal penalty when a landowner is voluntarily or involuntarily withdrawn from the program. Many times landowners would have decided to remain in the MFL program had they known the amount of the withdrawal penalty. Currently, the Department of Revenue and the Department of Natural Resources do not calculate the withdrawal penalty until after the Order of Withdrawal is issued. The Order of Withdrawal is non-rescindable once it has been issued. Many landowners would have chosen to comply with the MFL program had a withdrawal penalty estimate been provided prior to issuance of the Order of Withdrawal.

4. Past Legislation (Please provide specific bill numbers. If none, leave blank)

No previous bills were proposed for providing withdrawal tax estimates.

5. Land Use Impacts. What impact will the proposal have on land use?

Increased compliance with the MFL program may result once withdrawal penalty estimates are provided the landowner. More lands would be eligible to remain in the MFL program.

6. Fiscal Estimate (Your best estimate – you do not need M&B review)

Fewer complaints are expected with issuance of withdrawal penalty estimates because landowners will have made an informed choice to comply with the program or to remove their land prior to the MFL order expiration date. Increased staff time will be needed from both the Department of Revenue and the Department of Natural Resources to determine withdrawal penalty estimates prior to the issuance of the Order of Withdrawal. Time will be saved after the Order of Withdrawal is issued because fewer landowners are expected to complain or file for judicial review or contested case hearings.

Change the requirement that the stumpage rate values be published in Admin. Rule.

1. Problem/Issue

NR 46, Admin. Code stumpage rates are used to calculate yield and severance taxes from Managed Forest Law and Forest Crop Law entries. These rates are published and are available to private landowners and others. Many people use these rates in a manner in which they were not intended, in essence, to determine the value of their timber or to establish minimum bid prices of the timber they intend to sell. The department only uses stumpage rates to determine the yield and severance tax values which must be assessed on harvested forest products. Providing the public with the actual yield or severance tax rate per product and zone (instead of an average stumpage rate) would simplify and provide clarity to what a landowner is actually going to be required to pay in taxes.

NR 46, Admin. Code stumpage rates take a long time to collect and are not very timely in relation to today's timber markets. Changes in timber market conditions show up in the stumpage rate tables 1 to 2 years after they have occurred. A more timely method to determine stumpage rates, and subsequently yield and severance taxes, would allow for landowners to pay yield and severance taxes that reflect their actual sale price better. The department would annually determine the yield and severance tax rates from collected price data and the department would gather public input on the proposed rates. Eliminating the administrative rule requirement would allow for values that better reflect current timber market conditions and reduce considerable administrative overhead.

2. Description of Legislation (Provide statute chapter number only – use plain English)

- Amend Chapter 77.91(1) to eliminate the rule promulgation requirement.
- Amend Chapter 77.87(3) to language consistent with 77.06 (5). This language says that the tax assessed is due and payable to the department of natural resources on the last day of the next calendar month after mailing the certificate. This is a minor consistency change for better clarification.

3. Background

Stumpage rates vary widely across the state and within the individual market zones. Landowners are concerned about paying their yield and severance tax bills, especially if they sold their timber for less than the rates listed in NR 46.

Yield and severance taxes were not meant to be a sales tax, but payment of deferred property taxes. That being said, it is important to create yield and stumpage taxes that better reflect the current market conditions in a timely manner.

4. Past Legislation (Please provide specific bill numbers. If none, leave blank)

AB 1011 was proposed in 2006 to change how yield and severance taxes are calculated. This proposal would have allowed landowners to pay yield taxes based on arms-length timber sale negotiations.

5. Land Use Impacts. What impact will the proposal have on land use?

This proposal will not have major impacts on land use, only on how landowners pay yield and severance taxes.

6. Fiscal Estimate (Your best estimate – you do not need M&B review)

Yield and severance tax payments rise and fall depending on stumpage rates. If the rule making requirement is eliminated, DNR will be able to determine average stumpage rates and subsequently yield and severance tax rates more timely. Yield and severance tax payments to local municipalities will fluctuate more quickly and better reflect market conditions.

Clearly identify that the new owner of a transfer is responsible for filing the transfer form and payment of the transfer fee.

1. Problem/Issue

It is confusing who really bears responsibility for payment of the transfer fee. When managed forest land is transferred all obligations and requirements for the Managed Forest Law become the responsibility of the new owner or transferee including all taxes, fees and penalties. Chapter 77 provides that the former owner is responsible for filing a report that includes the signature of the former owner and the transferee, and is accompanied by the transfer fee. The transfer fee is the only fee that the new owner is not clearly responsible for. However, if the fee is not paid, they are the ones responsible for the withdrawal tax and fee if the land is withdrawn for failure to comply with the law.

There is no method to penalize former owner once their interest in the land has been transferred. The former owner's obligations of notification for liens such as the MFL program may be more appropriate in or with requirements for real estate transfers.

Obtaining or requiring the former owners' signature is unnecessary, time consuming and can be burdensome for the new owner. Currently, a copy of the deed or other legal title document is accepted as fulfillment of the former owner's signature because these documents contain the grantor's (former owner's) signature and provide other important information regarding the land transferred (e.g., legal description, grantee, county parcel identification number, etc.) that is needed for the administration of the program.

The deadlines for filing the MFL transfer documents are inconsistent. Filing of the report, including signatures and fee, under s. 77.88 (2) (d) 1., Stats. is required within 10 days after the transfer of ownership and the certification of the new owners' intent to comply with the plan and other proof under s. 77.88 (2) (e), Stats. is required within 30 days after the transfer. Having two different deadlines is confusing.

2. Description of Legislation (Provide statute chapter number only – use plain English)

Amend s. 77.88 (2) (d.) 1., Stats., to clearly identify that the transferee is responsible for filing the report of the land transfer on a form provided by the department, that they are responsible for including the transfer fee and that the report is due within 30 days after the transfer.

3. Background

The Department of Natural Resources processes several hundreds of MFL transfers yearly. These transfers are initiated by realtors, and buyers and sellers of MFL lands. Questions are directed to the DNR Forester on how to transfer lands and to obtain the transfer forms.

Realtors, buyers, sellers, DNR Foresters and Cooperating Foresters need clean and clear direction to facilitate a transfer of land under the MFL program. The current process for transferring of land includes a two step process.

- a. The seller notifies the DNR that they have sold the land and pays a \$100 transfer fee.
- b. The buyer notifies the DNR that they have bought the land and that they intend to keep the land in the MFL program.

Many times the seller of MFL lands does not file their report or pay the \$100 fee. These reports are filed by the buyer of the land, who also pays the \$100 fee. Also, many times DNR is not made aware of land transfers until years after MFL lands have actually changed ownership. New plat books will show new landowner names or DNR may notice new housing or buildings during their normal work schedule and begin an investigation as to who owns the land.

DNR has always worked with the new owner (buyer) to obtain the proper forms, signature and transfer fee. Withdrawal of lands and payment of withdrawal fees when these forms could not be obtained is assessed against the new owner. There is not mechanism in MFL to assess withdrawal penalties against the former owner (seller).

Since in most cases the new owner has been supplying the information needed on the *Notice of*

Land Conveyance and Petition for Transfer Form, and since the new owner is the one responsible for withdrawal penalties, and since the MFL program does not have a mechanism to assess fees against anyone but the current owner, amending the statute to reflect current processes would help to clarify the process for transferring MFL lands.

b. Past Legislation (Please provide specific bill numbers. If none, leave blank)

c. Land Use Impacts. What impact will the proposal have on land use?

This proposal will not have major impacts on land use.

d. Fiscal Estimate (Your best estimate – you do not need M&B review)

There will be is no fiscal impact.

Make the signature requirements for Forest Crop Law orders the same as for the Managed Forest Law orders.

1. Problem/Issue

When a Forest Crop Law order is issued the staff must get the an original signature of the Forest Tax Section Chief and the signature of a department attorney to authenticate the first signature before it can be issued to the landowner or submitted for recording at the register of deeds. Under the MFL the statues allow for signatures of an official or employee of the department may be stamped, printed or otherwise reproduced

2. Description of Legislation (Provide statute chapter number only – use plain English)

Amend subch. I ch. 77, Stats. to include the same allowance for reproducing signatures as the Managed Forest Law in s. 77.91 (6), Stats.

3. Background

Hundreds of Forest Crop Law order (transfers, corrections and withdrawals) are issued every year. Each order must be signed by an official of the department and an attorney of the department to verify the first signature. Allowing for stamped, printed or otherwise reproduced signatures of the department official or employee will save time in processing the Forest Crop Law orders.

4. Past Legislation (Please provide specific bill numbers. If none, leave blank)

5. Land Use Impacts. What impact will the proposal have on land use?

This proposal will have no impacts on land use.

6. Fiscal Estimate (Your best estimate – you do not need M&B review)

This proposal will have no fiscal impact, but will reduce staff time required to process transfers, corrections and withdrawal orders under the Forest Crop Law program.

Bureau Contact (Name & phone number)

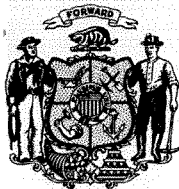
Kathy Nelson, Forest Tax Section, Bureau of Forest Management, 608-266-3545

SIGNATURES:

Legal Services _____

Bureau Director _____

Division Administrator _____



State of Wisconsin
2007 - 2008 LEGISLATURE

3444 / (PI) RMR
LRB-3052/P
MGG:.....
Wlj

Mon

D-N

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

11:00 a.m.
Monday
11/12

Gen Cat

1 AN ACT ...; relating to: petitions and management plans for the designation of
2 managed forest land, transferrals of ownership of managed forest land,
3 establishing stumpage values and estimating withdrawal taxes under the
4 managed forest land program, and signatures and authentication
5 requirements for orders under the forest croplands program
§ and making an appropriation

Analysis by the Legislative Reference Bureau

Under current law, the Department of Natural Resources (DNR) administers the managed forest land (MFL) program and a similar program called the forest croplands program. The MFL program exempts an owner of land that is designated MFL from payment of municipal property taxes on the land. In exchange, the owner must comply with certain forestry practices and must allow the public on the land under certain circumstances unless the landowner elects to pay an extra amount per acre to keep a limited number of acres closed. In addition, an owner of MFL must pay a withdrawal tax when the owner withdraws the land from the program before the order designating the land as MFL expires. Orders are for 25 or 50 years. This bill makes various changes to this program, including the following:

the MFL

- ✓ 1. The bill makes a terminology change by substituting the word "applicant" and "application" for "petition" and "petitioner" in the subchapter related to the MFL program. This change is nonsubstantive.
- ✓ 2. The bill changes the dates before which DNR must act on applications under the MFL program and changes the deadline for owners to file applications to renew MFL orders.

3. The bill requires that the forestry management plan for the MFL accompany the application and eliminates the requirement that DNR prepare a plan upon the request of the applying landowner. Under the bill, proposed management plans must be prepared by plan writers who are certified by DNR and who are not under contract with DNR. Upon request of the petitioner, DNR may complete proposed plans that it does not approve or have such plans completed by plan writers under contract.

4. The bill requires DNR to prepare an estimated of the withdrawal tax ^{that} would be due if the MFL is withdrawn upon request of DNR or a MFL landowner. Under the bill, the Department of Revenue assists with the preparation of these estimates.

5. The bill eliminates the requirement that a stumpage value ^{be established} by DNR that are used to determine the amount of yield taxes and withdrawal taxes under the MFL program be established by rule.

6. The bill clarifies that when MFL is transferred to another owner, the person purchasing or otherwise receiving the land pays the transfer fee.

7. The bill allows facsimile signatures and exempts documents from register of deeds authentication requirements under the forest croplands program. These provisions exist for the MFL program under current law.

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. 20.370 (1) (cx) of the statutes is amended to read:

2 20.370 (1) (cx) *Forestry — management plans.* All moneys as calculated
3 received under s. 77.82 (2m) ~~(dm)~~ 1. (ag) for payment for management plans prepared
4 completed by plan writers who are under contract with the department under s.
5 77.82 (3).

History: 1971 c. 40, 95; 1971 c. 125 ss. 101 to 121, 522 (1); 1971 c. 211, 215, 277, 330, 336; 1973 c. 12 s. 37; 1973 c. 90, 100; 1973 c. 243 s. 82; 1973 c. 296, 298, 301, 318, 333, 336; 1975 c. 8, 39, 51, 91, 198; 1975 c. 224 ss. 7d, 7f, 7m, 17 to 19p; 1977 c. 29 ss. 181 to 234, 1657 (34); 1977 c. 274, 370, 374, 376, 377; 1977 c. 418 ss. 95 to 110, 929 (37); 1977 c. 421, 432; 1977 c. 447 ss. 42 to 44, 210; 1979 c. 34 ss. 199 to 322, 2102 (39) (a); 1979 c. 221; 1979 c. 361 s. 113; 1981 c. 1, 20, 86, 95, 131, 294, 330; 1981 c. 374 ss. 6, 7, 148, 150; 1983 a. 27 ss. 216m to 269, 2202 (23); 1983 a. 75, 181, 243, 397; 1983 a. 410 ss. 5m to 11, 2202 (38); 1983 a. 413; 1983 a. 416 ss. 1, 19; 1983 a. 426; 1985 a. 16, 22; 1985 a. 29 ss. 282d to 356, 3202 (26) (a), (39) (a), (c), (dm), (i); 1985 a. 46, 60, 65, 120, 202, 296; 1987 a. 27, 98, 110, 290, 295, 298, 305; 1987 a. 312 s. 17; 1987 a. 384, 397, 399, 403, 418; 1989 a. 31, 128, 284, 288, 326; 1989 a. 335 ss. 22nn to 30g, 89; 1989 a. 336, 350, 359, 366; 1991 a. 32; 1991 a. 39 ss. 326b to 394, 594c; 1991 a. 254, 269, 300, 309, 315; 1993 a. 16, 75, 166, 213, 343, 349, 415, 421, 453, 464; 1993 a. 490 ss. 18, 271; 1995 a. 27, 201, 225, 227, 296, 378, 459; 1997 a. 27, 35; 1997 a. 237 ss. 33 to 38d, 727g; 1997 a. 248; 1999 a. 9, 32, 74, 92; 1999 a. 150 s. 672; 1999 a. 185; 2001 a. 16, 56, 92, 108, 109; 2003 a. 33, 228, 251, 310, 314, 321, 327; 2005 a. 25, 286, 288, 347, 394.

6 SECTION 2. 26.09 (1b) (j) of the statutes is amended to read:

1 26.09 (1b) (j) "Stumpage value" means the applicable stumpage rate value
2 established by rule under s. 77.91 (1) or the fair market value of raw forest products
3 less the cost of their harvesting, whichever is greater.

History: 1981 c. 67; 1999 a. 190.

4 **SECTION 3.** 77.06 (5) of the statutes is amended to read:

5 **77.06 (5) TAX LEVY ON RIGHT TO CUT TIMBER.** The department of natural resources
6 shall assess and levy against the owner a severance tax on the right to cut and remove
7 wood products covered by reports under this section, at the rate of 10% of the value
8 of the wood products based upon the stumpage value ~~then in force~~ established under
9 s. 77.91 (1). Upon making the assessment, the department of natural resources shall
10 mail a duplicate of the certificate by registered mail to the owner who made the
11 report of cutting at the owner's last-known post-office address. The tax assessed is
12 due and payable to the department of natural resources on the last day of the ~~next~~
13 ~~calendar month after mailing~~ following the date the certificate is mailed to the owner.

14 The proceeds of the tax shall be paid into the forestry account of the conservation
15 fund for distribution under s. 77.07 (3).

History: 1971 c. 215; 1977 c. 29, 224.

16 **SECTION 4.** 77.125 of the statutes is created to read:

17 **77.125 Signatures.** (1) The signature of an official or an employee of the
18 department of natural resources may be stamped, printed, or otherwise reproduced
19 on an order under ss. 77.01 to 77.14 after the official or employee adopts the stamped,
20 printed, or otherwise reproduced signature as his or her facsimile signature.

21 (2) The signature or the facsimile signature under sub. (1) of an official or an
22 employee of the department of natural resources meets the requirements under s.
23 706.05 (2) (a).

1 (3) The requirements of s. 706.05 (2) (b) do not apply to orders issued under this
2 subchapter.

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

4 **77.82 (title) Managed forest land; petition application.**

5 History: 1985 a. 29; 1989 a. 31; 1993 a. 16, 131, 301, 491; 1995 a. 27; 1997 a. 27, 35, 237; 2001 a. 109; 2003 a. 228; 2005 a. 25, 64, 299; s. 13.93 (2) (c).

6 SECTION 6. 77.82 (1) (bn) of the statutes is amended to read:

7 77.82 (1) (bn) For purposes of par. (b) 3., the department by rule shall define
8 "human residence" to include a residence of the petitioner applicant regardless of
9 whether it is the petitioner's applicant's primary residence. The definition may also
10 include up to one acre surrounding the residence for a residence that is not the
11 petitioner's applicant's primary residence.

12 History: 1985 a. 29; 1989 a. 31; 1993 a. 16, 131, 301, 491; 1995 a. 27; 1997 a. 27, 35, 237; 2001 a. 109; 2003 a. 228; 2005 a. 25, 64, 299; s. 13.93 (2) (c).

13 SECTION 7. 77.82 (1) (c) of the statutes is amended to read:

14 77.82 (1) (c) In addition to the requirements under pars. (a) and (b), for land
15 subject to a ~~petition~~ an application under sub. (4m), all forest croplands owned by the
16 petitioner applicant on the date on which the ~~petition~~ application is submitted filed
17 that are located in the municipality or municipalities for which the ~~petition~~
18 application is submitted filed shall be included in the ~~petition~~ application.

19 History: 1985 a. 29; 1989 a. 31; 1993 a. 16, 131, 301, 491; 1995 a. 27; 1997 a. 27, 35, 237; 2001 a. 109; 2003 a. 228; 2005 a. 25, 64, 299; s. 13.93 (2) (c).

20 SECTION 8. 77.82 (2) (intro.) of the statutes is amended to read:

21 77.82 (2) PETITION APPLICATION. (intro.) Any owner of land may ~~petition~~ file an
22 application with the department to designate any eligible parcel of land as managed
23 forest land. ~~A petition~~ An application may include any number of eligible parcels
under the same ownership. Each ~~petition~~ application shall include all of the
following:

History: 1985 a. 29; 1989 a. 31; 1993 a. 16, 131, 301, 491; 1995 a. 27; 1997 a. 27, 35, 237; 2001 a. 109; 2003 a. 228; 2005 a. 25, 64, 299; s. 13.93 (2) (c).

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

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

4 History: 1985 a. 29; 1989 a. 31; 1993 a. 16, 131, 301, 491; 1995 a. 27; 1997 a. 27, 35, 237; 2001 a. 109; 2003 a. 228; 2005 a. 25, 64, 299; s. 13.93 (2) (c).

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

5 77.82 (2) (dm) A proposed management plan prepared by an independent
6 certified plan writer.

7 **SECTION 11.** 77.82 (2) (e) of the statutes is amended to read:

8 77.82 (2) (e) A statement of the owner's forest management objectives for the
9 production of merchantable timber, in sufficient detail to provide direction for the
10 development and approval of a proposed management plan. The petition application
11 may also state additional forest management objectives, which may include wildlife
12 habitat management, aesthetic considerations, watershed management and
13 recreational use.

14 **SECTION 12.** 77.82 (2) (f) of the statutes is amended to read:

15 77.82 (2) (f) Proof that each person holding any encumbrance on the land
16 agrees to the petition that the application may be filed.

17 History: 1985 a. 29; 1989 a. 31; 1993 a. 16, 131, 301, 491; 1995 a. 27; 1997 a. 27, 35, 237; 2001 a. 109; 2003 a. 228; 2005 a. 25, 64, 299; s. 13.93 (2) (c).

17 **SECTION 13.** 77.82 (2) (i) of the statutes is repealed.

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

19 77.82 (2m) (title) FEEES FOR PETITIONS APPLICATIONS AND MANAGEMENT PLANS.

20 History: 1985 a. 29; 1989 a. 31; 1993 a. 16, 131, 301, 491; 1995 a. 27; 1997 a. 27, 35, 237; 2001 a. 109; 2003 a. 228; 2005 a. 25, 64, 299; s. 13.93 (2) (c).

20 **SECTION 15.** 77.82 (2m) (a) 1. of the statutes is renumbered 77.82 (2m) (a) and
21 amended to read:

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22 77.82 (2m) (a) A petition An application under sub. (2), (4m), or (12) shall be
23 accompanied by a nonrefundable application recording fee of \$20 unless a different
24 amount for the recording fee is established by the department by rule at an amount

1 equal to the average expense to the department for recording an order issued under
2 this subchapter.

History: 1985 a. 29; 1989 a. 31; 1993 a. 16, 131, 301, 491; 1995 a. 27; 1997 a. 27, 35, 237; 2001 a. 109; 2003 a. 228; 2005 a. 25, 64, 299; s. 13.93 (2) (c).

3 SECTION 16. 77.82 (2m) (a) 2. of the statutes is ~~repealed~~.

4 SECTION 17. 77.82 (2m) (am) of the statutes is amended to read:

5 77.82 (2m) (am) The department shall by rule establish on an annual basis a
6 nonrefundable fee that the department shall charge for a management plan
7 prepared completed by the department, including any plan prepared by a certified
8 plan writer contracted by the department under sub. (3) (g). The fee shall be based
9 on the comparable commercial market rate that is charged for preparation of such
10 management plans.

History: 1985 a. 29; 1989 a. 31; 1993 a. 16, 131, 301, 491; 1995 a. 27; 1997 a. 27, 35, 237; 2001 a. 109; 2003 a. 228; 2005 a. 25, 64, 299; s. 13.93 (2) (c).

11 SECTION 18. 77.82 (2m) (c) of the statutes is amended to read:

12 77.82 (2m) (c) A proposed management plan is exempt from the management
13 plan preparation fee under par. (a) 2. (ag) if it is prepared completed by an
14 independent certified plan writer instead of by the department.

History: 1985 a. 29; 1989 a. 31; 1993 a. 16, 131, 301, 491; 1995 a. 27; 1997 a. 27, 35, 237; 2001 a. 109; 2003 a. 228; 2005 a. 25, 64, 299; s. 13.93 (2) (c).

15 SECTION 19. 77.82 (2m) (d) of the statutes is amended to read:

16 77.82 (2m) (d) All of the recording fees collected under par. (a) 1. shall be
17 credited to the appropriation under s. 20.370 (1) (cr).

History: 1985 a. 29; 1989 a. 31; 1993 a. 16, 131, 301, 491; 1995 a. 27; 1997 a. 27, 35, 237; 2001 a. 109; 2003 a. 228; 2005 a. 25, 64, 299; s. 13.93 (2) (c).

18 SECTION 20. 77.82 (2m) (dm) 1. of the statutes is amended to read:

19 77.82 (2m) (dm) 1. Of each fee \$300 or the entire fee, whichever is less, that is
20 collected under par. (a) or (e) that is not credited to the appropriation under s. 20.370
21 (1) (er) (ag) shall be credited to the appropriation under s. 20.370 (1) (cx).

History: 1985 a. 29; 1989 a. 31; 1993 a. 16, 131, 301, 491; 1995 a. 27; 1997 a. 27, 35, 237; 2001 a. 109; 2003 a. 228; 2005 a. 25, 64, 299; s. 13.93 (2) (c).

22 SECTION 21. 77.82 (2m) (e) of the statutes is renumbered 77.82 (2m) (ag) and
23 amended to read:

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1 77.82 (2m) (ag) If a proposed management plan accompanying a petition an
 2 application filed under sub. (2), (4m), or (12) is not approved by the department under
 3 its initial review under sub. (3) (a), and if the department agrees to complete the
 4 proposed management plan under sub. (3) (a), the department shall collect from the
 5 petitioner applicant the management plan ~~preparation~~ fee established under par.
 6 (am) ~~if the petitioner has not previously paid the fee.~~

7 History: 1985 a. 29; 1989 a. 31; 1993 a. 16, 131, 301, 491; 1995 a. 27; 1997 a. 27, 35, 237; 2001 a. 109; 2003 a. 228; 2005 a. 25, 64, 299; s. 13.93 (2) (c).

7 **SECTION 22.** 77.82 (3) (a) of the statutes is amended to read:

8 77.82 (3) (a) A proposed management plan may cover the entire acreage of each
 9 parcel subject to the ~~petition~~ application. The department, after considering the
 10 owner's forest management objectives as stated under sub. (2) (e), shall review and
 11 either approve or disapprove the proposed management plan. If the department
 12 disapproves the plan, it shall inform the ~~petitioner~~ applicant of the changes
 13 necessary to qualify the plan for approval upon subsequent review. At the request
 14 of the ~~petitioner~~ applicant, the department may agree to complete the proposed
 15 management plan that has been prepared by an independent certified plan writer.
 16 ~~The department shall complete any proposed management plan prepared by the~~
 17 ~~department.~~

18 History: 1985 a. 29; 1989 a. 31; 1993 a. 16, 131, 301, 491; 1995 a. 27; 1997 a. 27/35, 237; 2001 a. 109; 2003 a. 228; 2005 a. 25, 64, 299; s. 13.93 (2) (c).

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

19 77.82 (3) (c) (intro.) To qualify for approval, a management plan ~~shall be~~
 20 ~~prepared by an independent certified plan writer or prepared by the department and~~
 21 shall include all of the following:

22 History: 1985 a. 29; 1989 a. 31; 1993 a. 16, 131, 301, 491; 1995 a. 27; 1997 a. 27, 35, 237; 2001 a. 109; 2003 a. 228; 2005 a. 25, 64, 299; s. 13.93 (2) (c).

22 **SECTION 24.** 77.82 (3) (g) of the statutes is amended to read:

23 77.82 (3) (g) The department shall certify plan writers and shall promulgate
 24 rules specifying the qualifications that a person must satisfy to become a certified

1 plan writer. For management plans prepared completed by the department under
2 this subsection, the department may contract with plan writers certified by the
3 department to ~~prepare and complete~~ these plans.

4 **History:** 1985 a. 29; 1989 a. 31; 1993 a. 16, 131, 301, 491; 1995 a. 27; 1997 a. 27, 35, 237; 2001 a. 109; 2003 a. 228; 2005 a. 25, 64, 299; s. 13.93 (2) (c).

SECTION 25. 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~~ file an application with the department to designate as
8 managed forest land an additional parcel of land if the additional parcel is at least
9 3 acres in size and is contiguous to any of that designated land. The ~~petition~~
10 application shall be accompanied by a nonrefundable \$20 application fee unless a
11 different amount for the fee is established by the department by rule at an amount
12 equal to the average expense to the department of recording an order issued under
13 this subchapter. The fee shall be deposited in the conservation fund and credited to
14 the appropriation under s. 20.370 (1) (cr). The ~~petition~~ application shall be filed on
15 a department form and shall contain any additional information required by the
16 department.

17 **History:** 1985 a. 29; 1989 a. 31; 1993 a. 16, 131, 301, 491; 1995 a. 27; 1997 a. 27, 35, 237; 2001 a. 109; 2003 a. 228; 2005 a. 25, 64, 299; s. 13.93 (2) (c).

SECTION 26. 77.82 (4g) (a) of the statutes is amended to read:

18 77.82 (4g) (a) If an owner of land that is designated as managed forest land
19 under an order that takes effect before April 28, 2004, wishes to have an additional
20 parcel of land that is at least 10 acres in size and that satisfies the other requirements
21 in sub. (1) designated as managed forest land, the owner may ~~petition~~ file an
22 application with the department under sub. (2) for a new order covering the
23 additional land.

24 **History:** 1985 a. 29; 1989 a. 31; 1993 a. 16, 131, 301, 491; 1995 a. 27; 1997 a. 27, 35, 237; 2001 a. 109; 2003 a. 228; 2005 a. 25, 64, 299; s. 13.93 (2) (c).

SECTION 27. 77.82 (4g) (b) of the statutes is amended to read:

1 77.82 (4g) (b) If an owner of land that is designated as managed forest land
2 under an order that takes effect before April 28, 2004, wishes to have designated as
3 managed forest land an additional parcel of land that is at least 3 acres in size, that
4 does not satisfy the requirements in sub. (1), and that is contiguous to any of that
5 designated land, the owner may withdraw the designated land from the original
6 order and may ~~petition~~ file an application with the department under sub. (2) for a
7 new order covering both the withdrawn land and the additional land. The
8 withdrawal tax and the withdrawal fee under s. 77.88 (5) and (5m) do not apply to
9 a withdrawal under this paragraph.

NOTE: NOTE: Par. (b) is shown as affected by 2 acts of the 2005 Wisconsin legislature and as merged by the revisor under s. 13.93 (2) (c).NOTE:
History: 1985 a. 29; 1989 a. 31; 1993 a. 16, 131, 301, 491; 1995 a. 27; 1997 a. 27, 35, 237; 2001 a. 109; 2003 a. 228; 2005 a. 25, 64, 299; s. 13.93 (2) (c).

10 **SECTION 28.** 77.82 (4m) (a) of the statutes is amended to read:

11 77.82 (4m) (a) An owner of land that is entered as forest croplands under s.
12 77.02 may ~~petition~~ file an application with the department under sub. (2) to convert
13 all or a portion of the land to managed forest land, subject to sub. (1) (c).

History: 1985 a. 29; 1989 a. 31; 1993 a. 16, 131, 301, 491; 1995 a. 27; 1997 a. 27, 35, 237; 2001 a. 109; 2003 a. 228; 2005 a. 25, 64, 299; s. 13.93 (2) (c).

14 **SECTION 29.** 77.82 (4m) (b) of the statutes is amended to read:

15 77.82 (4m) (b) ~~A petition~~ An application under this subsection shall specify
16 whether the order designating the land as managed forest land will remain in effect
17 for 25 years or 50 years, as elected by the owner.

History: 1985 a. 29; 1989 a. 31; 1993 a. 16, 131, 301, 491; 1995 a. 27; 1997 a. 27, 35, 237; 2001 a. 109; 2003 a. 228; 2005 a. 25, 64, 299; s. 13.93 (2) (c).

18 **SECTION 30.** 77.82 (4m) (d) of the statutes is amended to read:

19 77.82 (4m) (d) An owner of land who has filed a conversion ~~petition~~ application
20 under this subsection and for whom the department is ~~preparing~~ or completing a
21 management plan may withdraw the request and have it prepared by an
22 independent certified plan writer if the owner determines that the department is not
23 ~~preparing~~ completing the management plan in a timely manner.

History: 1985 a. 29; 1989 a. 31; 1993 a. 16, 131, 301, 491; 1995 a. 27; 1997 a. 27, 35, 237; 2001 a. 109; 2003 a. 228; 2005 a. 25, 64, 299; s. 13.93 (2) (c).

1 SECTION 31. 77.82 (5) (title) of the statutes is amended to read:

2 77.82 (5) (title) NOTICE OF PETITION APPLICATION; REQUEST FOR DENIAL.

History: 1985 a. 29; 1989 a. 31; 1993 a. 16, 131, 301, 491; 1995 a. 27; 1997 a. 27, 35, 237; 2001 a. 109; 2003 a. 228; 2005 a. 25, 64, 299; s. 13.93 (2) (c).

3 SECTION 32. 77.82 (5) (a) of the statutes is amended to read:

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

History: 1985 a. 29; 1989 a. 31; 1993 a. 16, 131, 301, 491; 1995 a. 27; 1997 a. 27, 35, 237; 2001 a. 109; 2003 a. 228; 2005 a. 25, 64, 299; s. 13.93 (2) (c).

7 SECTION 33. 77.82 (5) (b) of the statutes is amended to read:

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

History: 1985 a. 29; 1989 a. 31; 1993 a. 16, 131, 301, 491; 1995 a. 27; 1997 a. 27, 35, 237; 2001 a. 109; 2003 a. 228; 2005 a. 25, 64, 299; s. 13.93 (2) (c).

16 SECTION 34. 77.82 (6) (a) of the statutes is amended to read:

17 77.82 (6) (a) The department shall conduct any investigation necessary to
18 reach a decision on a petition an application.

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History: 1985 a. 29; 1989 a. 31; 1993 a. 16, 131, 301, 491; 1995 a. 27; 1997 a. 27, 35, 237; 2001 a. 109; 2003 a. 228; 2005 a. 25, 64, 299; s. 13.93 (2) (c).

19 SECTION 35. 77.82 (6) (b) 2. of the statutes is amended to read:

20 77.82 (6) (b) 2. At least 10 days before the date of the hearing, the department
21 shall mail written notice of the date, time and place of the hearing to the petitioner
22 applicant, to each person who submitted a request under sub. (5) (b), and to the clerk
23 of each municipality in which the land is located.

History: 1985 a. 29; 1989 a. 31; 1993 a. 16, 131, 301, 491; 1995 a. 27; 1997 a. 27, 35, 237; 2001 a. 109; 2003 a. 228; 2005 a. 25, 64, 299; s. 13.93 (2) (c).

1 SECTION 36. 77.82 (7) (a) (intro.) of the statutes is amended to read:

2 77.82 (7) (a) (intro.) After considering the testimony presented at the public
3 hearing, if any, the facts discovered by its investigation and the land use in the area
4 in which the land is located, the department shall approve ~~a petition~~ an application
5 under sub. (2) or (4m) if it determines all of the following:

6 History: 1985 a. 29; 1989 a. 31; 1993 a. 16, 131, 301, 491; 1995 a. 27; 1997 a. 27, 35, 237; 2001 a. 109; 2003 a. 228; 2005 a. 25, 64, 299; s. 13.93 (2) (c).

6 SECTION 37. 77.82 (7) (a) 2. of the statutes is amended to read:

7 77.82 (7) (a) 2. That all facts stated in the ~~petition~~ application are correct.

8 History: 1985 a. 29; 1989 a. 31; 1993 a. 16, 131, 301, 491; 1995 a. 27; 1997 a. 27, 35, 237; 2001 a. 109; 2003 a. 228; 2005 a. 25, 64, 299; s. 13.93 (2) (c).

8 SECTION 38. 77.82 (7) (b) (intro.) of the statutes is amended to read:

9 77.82 (7) (b) (intro.) After considering the testimony presented at the public
10 hearing, if any, and the facts discovered by its investigation, the department shall
11 approve ~~a petition~~ an application under sub. (4) if it determines all of the following:

12 History: 1985 a. 29; 1989 a. 31; 1993 a. 16, 131, 301, 491; 1995 a. 27; 1997 a. 27, 35, 237; 2001 a. 109; 2003 a. 228; 2005 a. 25, 64, 299; s. 13.93 (2) (c).

12 SECTION 39. 77.82 (7) (b) 1. of the statutes is amended to read:

13 77.82 (7) (b) 1. That all facts stated in the ~~petition~~ application are correct.

14 History: 1985 a. 29; 1989 a. 31; 1993 a. 16, 131, 301, 491; 1995 a. 27; 1997 a. 27, 35, 237; 2001 a. 109; 2003 a. 228; 2005 a. 25, 64, 299; s. 13.93 (2) (c).

14 SECTION 40. 77.82 (7) (c) 1. of the statutes is amended to read:

15 77.82 (7) (c) 1. Except as provided in par. (d), if ~~a petition~~ an application is
16 received on or before March 31 of any year from any petitioner other than a petitioner
17 an applicant who owns less than 1,000 acres or more in this state, the department
18 shall investigate and shall either approve the ~~petition~~ application and issue the order
19 under sub. (8) or deny the ~~petition~~ application before the following November 21.
20 An application received after March 31 from an applicant who owns 1,000 acres or
21 more in this state shall be acted on by the department as provided in this subdivision
22 before the November 21 of the year following the year in which the application is
23 received.

History: 1985 a. 29; 1989 a. 31; 1993 a. 16, 131, 301, 491; 1995 a. 27; 1997 a. 27, 35, 237; 2001 a. 109; 2003 a. 228; 2005 a. 25, 64, 299; s. 13.93 (2) (c).

1 SECTION 41. 77.82 (7) (c) 2. of the statutes is repealed.

2 SECTION 42. 77.82 (7) (c) 3. of the statutes is amended to read:

3 77.82 (7) (c) 3. Except as provided in par. (d), if a ~~petition~~ an application is
4 received on or before ~~May 15~~ June 1 of any year from a ~~petitioner~~ an applicant who
5 owns less than 1,000 acres in this state, ~~who, before the deadline established by the~~
6 ~~department by rule, submitted a draft management plan prepared by an~~
7 ~~independent certified plan writer, and who submits a completed plan, as defined by~~
8 ~~the department by rule, with the petition,~~ the department shall investigate and shall
9 either approve the ~~petition~~ application and issue the order under sub. (8) or deny the
10 ~~petition~~ application before the following November 21. An application received after
11 June 1 from an applicant who owns less than 1,000 acres in this state shall be acted
12 on by the department as provided in this subdivision before the November 21 of the
13 year following the year in which the application is received.

History: 1985 a. 29; 1989 a. 31; 1993 a. 16, 131, 301, 491; 1995 a. 27; 1997 a. 27, 35, 237; 2001 a. 109; 2003 a. 228; 2005 a. 25, 64, 299; s. 13.93 (2) (c).

14 SECTION 43. 77.82 (7) (d) of the statutes is amended to read:

15 77.82 (7) (d) The department shall approve or disapprove a ~~petition~~ an
16 application under par. (a) that is ~~submitted~~ filed under sub. (4m) within 3 years after
17 the date on which the ~~petition is submitted to~~ application is filed with the
18 department.

History: 1985 a. 29; 1989 a. 31; 1993 a. 16, 131, 301, 491; 1995 a. 27; 1997 a. 27, 35, 237; 2001 a. 109; 2003 a. 228; 2005 a. 25, 64, 299; s. 13.93 (2) (c).

19 SECTION 44. 77.82 (8) of the statutes is amended to read:

20 77.82 (8) ORDER. If a ~~petition~~ an application under sub. (2), (4m), or (12) is
21 approved, the department shall issue an order designating the land as managed
22 forest land for the time period specified in the ~~petition~~ application. If a ~~petition~~ an
23 application under sub. (4) is approved, the department shall amend the original
24 order to include the additional parcel. The department shall provide the ~~petitioner~~

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

5 **History:** 1985 a. 29; 1989 a. 31; 1993 a. 16, 131, 301, 491; 1995 a. 27; 1997 a. 27, 35, 237; 2001 a. 109; 2003 a. 228; 2005 a. 25, 64, 299; s. 13.93 (2) (c).

5 **SECTION 45.** 77.82 (10) of the statutes is amended to read:

6 77.82 (10) DENIAL. If the department denies a petition an application, it shall
 7 notify the ~~petitioner~~ applicant in writing, stating the reason for the denial.

8 **History:** 1985 a. 29; 1989 a. 31; 1993 a. 16, 131, 301, 491; 1995 a. 27; 1997 a. 27, 35, 237; 2001 a. 109; 2003 a. 228; 2005 a. 25, 64, 299; s. 13.93 (2) (c).

8 **SECTION 46.** 77.82 (11) of the statutes is amended to read:

9 77.82 (11) DURATION. An order under this subchapter remains in effect for the
 10 period specified in the ~~petition~~ application unless the land is withdrawn under s.
 11 77.84 (3) (b) or 77.88. An amendment to or repeal of this subchapter does not affect
 12 the terms of an order or management plan, except as expressly agreed to in writing
 13 by the owner and the department and except as provided in sub. (11m).

14 **History:** 1985 a. 29; 1989 a. 31; 1993 a. 16, 131, 301, 491; 1995 a. 27; 1997 a. 27, 35, 237; 2001 a. 109; 2003 a. 228; 2005 a. 25, 64, 299; s. 13.93 (2) (c).

14 **SECTION 47.** 77.82 (11g) of the statutes is amended to read:

15 77.82 (11g) WITHDRAWAL TAX ON CONVERTED FOREST CROPLANDS PROHIBITED. No
 16 tax or interest may be assessed under s. 77.10 (2) (a) on land converted to managed
 17 forest land pursuant to a petition an application approved under sub. (7) (d).

18 **History:** 1985 a. 29; 1989 a. 31; 1993 a. 16, 131, 301, 491; 1995 a. 27; 1997 a. 27, 35, 237; 2001 a. 109; 2003 a. 228; 2005 a. 25, 64, 299; s. 13.93 (2) (c).

18 **SECTION 48.** 77.82 (12) of the statutes is amended to read:

19 77.82 (12) RENEWAL. An owner of managed forest land may petition file an
 20 application with the department under sub. (2) for renewal of the order. A petition
 21 An application filed by an owner of 1,000 acres or more in this state shall be filed no
 22 later than the March 31 before the expiration date of the order. A petition An
 23 application filed by an owner of less than 1,000 acres in this state shall be filed no

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

History: 1985 a. 29; 1989 a. 31; 1993 a. 16, 131, 301, 491; 1995 a. 27; 1997 a. 27, 35, 237; 2001 a. 109; 2003 a. 228; 2005 a. 25, 64, 299; s. 13.93 (2) (c).

12 **SECTION 49.** 77.87 (1g) (a) of the statutes is amended to read:

13 77.87 (1g) (a) An order converting forest cropland to managed forest land
 14 pursuant to a ~~petition~~ an application approved under s. 77.82 (7) (d).

History: 1985 a. 29; 1991 a. 39; 2003 a. 228; 2005 a. 64.

15 **SECTION 50.** 77.87 (1g) (d) of the statutes is amended to read:

16 77.87 (1g) (d) ~~A~~ An order ~~petitioned for~~ for which an application is filed under s.
 17 77.82 (4g) (b).

History: 1985 a. 29; 1991 a. 39; 2003 a. 228; 2005 a. 64.

18 **SECTION 51.** 77.87 (3) of the statutes is amended to read:

19 77.87 (3) PAYMENT. A tax assessed under sub. (1) or (2) is due and payable to
 20 the department on the last day of the next month following the date the certificate
 21 is mailed to the owner. The department shall collect interest at the rate of 12% per
 22 year on any tax that is paid later than the due date. Amounts received shall be
 23 credited to the conservation fund.

History: 1985 a. 29; 1991 a. 39; 2003 a. 228; 2005 a. 64.

1 SECTION 52. 77.88 (2) (b) of the statutes is amended to read:

2 77.88 (2) (b) If the land remaining after a transfer under par. (a) is contiguous
3 and meets the eligibility requirements under s. 77.82 (1) (a) 2. and (b), it shall
4 continue to be designated as managed forest land until the expiration of the existing
5 order, even if the parcel contains less than 10 acres. Notwithstanding s. 77.82 (12),
6 an owner may not ~~petition~~ file an application with the department for renewal of the
7 order if the parcel contains less than 10 acres. No withdrawal tax under sub. (5) or
8 withdrawal fee under sub. (5m) may be assessed when the remaining land is
9 withdrawn at the expiration of the order.

History: 1985 a. 29; 1991 a. 39; 1993 a. 16, 131; 1995 a. 27; 1999 a. 150 s. 672; 2003 a. 228; 2005 a. 64, 299.

10 SECTION 53. 77.88 (2) (d) 1. of the statutes is amended to read:

11 77.88 (2) (d) 1. Within ~~10~~ 30 days after a transfer of ownership, the former
12 owner transferee shall, on a form provided by the department, file with the
13 department a report of the transfer signed by the former owner and the transferee.
14 ~~The report shall be accompanied by a \$100 fee which transferee shall pay a \$100 fee~~
15 that will accompany the report. The fee shall be deposited in the conservation fund.
16 Twenty dollars of the fee or a different amount of the fee as may be established under
17 subd. 2. shall be credited to the appropriation under s. 20.370 (1) (cr). The
18 department shall immediately notify each person entitled to notice under s. 77.82 (8).

History: 1985 a. 29; 1991 a. 39; 1993 a. 16, 131; 1995 a. 27; 1999 a. 150 s. 672; 2003 a. 228; 2005 a. 64, 299.

19 SECTION 54. 77.88 (4) of the statutes is amended to read:

20 77.88 (4) NONRENEWAL. If an owner does not ~~petition~~ file with the department
21 an application to renew a managed forest land order, the department shall order the
22 land withdrawn at the expiration of the order. No withdrawal tax under sub. (5) or
23 withdrawal fee under sub. (5m) may be assessed.

History: 1985 a. 29; 1991 a. 39; 1993 a. 16, 131; 1995 a. 27; 1999 a. 150 s. 672; 2003 a. 228; 2005 a. 64, 299.

24 SECTION 55. 77.88 (5) (ab) 1. of the statutes is amended to read:

1 77.88 (5) (ab) 1. "Expanded order" means an order approved under s. 77.82 (8)
2 that is petitioned for for which an application is filed under s. 77.82 (4g) (b).

3 History: 1985 a. 29; 1991 a. 39; 1993 a. 16, 131; 1995 a. 27; 1999 a. 150 s. 672; 2003 a. 228; 2005 a. 64, 299.

3 **SECTION 56.** 77.88 (5) (am) (intro.) of the statutes is amended to read:

4 77.88 (5) (am) (intro.) For land that is withdrawn within 10 years after the date

Strike extra space

5 on which an initial managed forest land order was issued under s. 77.82 (8) for a
6 petition an application approved under s. 77.82 (7) (d), the withdrawal tax shall be
7 the higher of the following:

8 History: 1985 a. 29; 1991 a. 39; 1993 a. 16, 131; 1995 a. 27; 1999 a. 150 s. 672; 2003 a. 228; 2005 a. 64, 299.

8 **SECTION 57.** 77.88 (5g) of the statutes is created to read:

9 77.88 (5g) ESTIMATES OF WITHDRAWAL TAX. Upon the request of an owner of
10 managed forest land or of a forester employed by the department, the department,
11 with the assistance of the department of revenue, shall *g* prepare an estimate of the
12 amount of withdrawal tax that would be assessed under sub. (5) *g* if the department
13 issued an order to withdraw the land under this section.

14 **SECTION 58.** 77.88 (6) of the statutes is amended to read:

15 77.88 (6) DETERMINATION OF STUMPAGE VALUE. In determining the stumpage
16 value of merchantable timber for purposes of this section, an estimator agreed upon
17 by the parties or, if they cannot agree, a forester appointed by a judge of the circuit
18 court in the county in which the land is located shall estimate the volume of
19 merchantable timber on the land. The estimate obtained shall be final. The
20 department shall determine the current stumpage value of the merchantable timber,
21 based on the rule promulgated applicable stumpage value established under s. 77.91
22 (1). The owner shall pay the entire cost of obtaining the estimate.

23 History: 1985 a. 29; 1991 a. 39; 1993 a. 16, 131; 1995 a. 27; 1999 a. 150 s. 672; 2003 a. 228; 2005 a. 64, 299.

23 **SECTION 59.** 77.90 of the statutes is amended to read:

strike extra space

1 **77.90 Right to hearing.** A petitioner An applicant under s. 77.82 or an owner
2 of managed forest land who is adversely affected by a decision of the department
3 under this subchapter is entitled to a contested case hearing under ch. 227.

History: 1985 a. 29.

4 **SECTION 60.** 77.91 (1) of the statutes is amended to read:

5 77.91 (1) ~~RULE MAKING; STUMPAGE VALUE~~ STUMPAGE VALUES. Each year the
6 department shall ~~promulgate a rule establishing a~~ establish reasonable stumpage
7 value values for the merchantable timber grown in the municipalities in which
8 managed forest land is located. If the department finds that stumpage values vary
9 in different parts of the state, it may establish different zones and specify the
10 stumpage value for each zone. The rule stumpage value shall take effect on
11 November 1 of each year. Notwithstanding s. 227.11, the department may not
12 promulgate or have in effect rules that established stumpage values.

History: 1985 a. 29; 1987 a. 186; 1991 a. 39; 1993 a. 16; 1995 a. 27, 201, 225; 2003 a. 33.

13 **SECTION 61.** 170.12 (5) of the statutes is amended to read:

14 170.12 (5) RESERVATION OF VALUE. The state reserves to itself 30% of the
15 stumpage value, as established by the department of natural resources by rule
16 promulgated under s. 77.91 (1), of any log raised pursuant to a permit issued under
17 this section.

History: 1991 a. 206, 315; 1997 a. 27, 191, 237; 1999 a. 9; 2005 a. 253.

18 **SECTION 62. Initial applicability.**

19 (1) MANAGED FOREST LAND APPLICATIONS AND MANAGEMENT PLANS. The treatment
20 of section 77.82 (2) (dm), (e), and (i), (2m) (a) 2., (am), (c), (d), (dm) 1. and (e), (3) (a),
21 (c) (intro.), and (g), (4m) (d) and (7) (c) 1., 2., and 3. of the statutes first applies to
22 applications filed on the effective date of this subsection.

1 (2) RENEWALS OF MANAGED FOREST LAND ORDERS. The treatment of section 77.82
2 (12) of the statutes first applies to applications for renewal that are filed on the
3 effective date of this subsection.

4 (3) TRANSFERS OF MANAGED FOREST LAND OWNERSHIP. The treatment of section
5 77.88 (2) (d) 1. of the statutes first applies to transfers of ownership that occur on
6 the effective date of this subsection.

7 (4) ESTIMATES OF WITHDRAWAL TAX. The treatment of section 77.88 (5g) of the
8 statutes first applies to notifications of investigations for withdrawing managed
9 forest land that are issued on the effective date of this subsection.

10

(END)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

34441 pldn
LRB-3052/2dn
MGG:.....
Wlj

(No. 17) We had to change the LRB number due to ~~restrictio~~ limitations in our computer program ~~regarding~~ regarding the assigning of version numbers.

(17) This is under a new LRB number; the former one was LRB
07-30520

This draft is technically very complicated. Please have DNR review it carefully, especially the changes in the deadlines and the management plan requirements.

Current law refers to "amending" management plans. If amending a plan requires the involvement of a plan writer, either an independent one or one who is a DNR employee or contracted by DNR, you may wish to specify in the draft who can prepare such amendments.

Please review the bill keeping in mind ~~whether~~ ^{STET} the changes in the date requirements work regardless of when the bill becomes effective. In this regard, you may want a delayed effective date. If you want delayed effective dates for different provisions in the bill, as opposed to an overall delayed effective date, please call me to discuss this so that we may sort out the issues that will arise.

Mary Gibson-Glass
Senior Legislative Attorney
Phone: (608) 267-3215

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3444/P1dn
MGG:wlj:pg

November 12, 2007

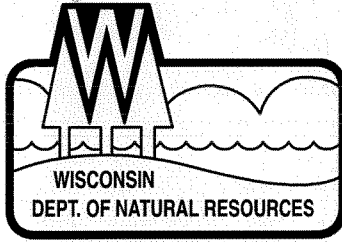
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Mary Gibson-Glass
Senior Legislative Attorney
Phone: (608) 267-3215



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor
Matthew J. Frank, Secretary

101 S. Webster St.
Box 7921
Madison, Wisconsin 53707-7921
Telephone 608-266-2621
FAX 608-267-3579
TTY Access via relay - 711

November 14, 2007

Tim Gary
State Capitol, 312 North
Madison, WI 53703

Subject: Department Comments on LRB-3444

Dear Tim:

Thank you for allowing us the opportunity to comment on this important Managed Forest Law bill, which should significantly streamline current administrative procedures and reduce public confusion about the law. Please extend my appreciation to Mary Gibson-Glass for her work navigating this complex law.

We have the following important suggestions, based off of the sections and line number provided in the original draft of LRB-3444 that you provided to me. Please feel free to contact Bob Mather or Forestry Attorney Quinn Williams with any questions or concerns regarding these suggestions.

Section 3, line 18, un-strike "next"

Section 3, line 19, un-strike "calendar"

d/note

This keeps consistency in billing for FCL and MFL, and keeps tracking easy. It also clarifies billing under MFL.

Section 10, line 12, add "and Department employee"

Referral requirements are still codified under NR 46, but this addition gives the Department the leeway to create plans that are not able to be done by independent plan writers.

Section 21, lines 6 – 11. Strike everything after "77.82(2m)(ag)" on line 6, and insert "if an applicant is not able to have a management plan prepared by an independent certified plan writer, the Department may agree to prepare that management plan and shall collect the fee established under (am)."

Since the petition and management plan are now being merged into one deadline, there will not be the original problem of petitions coming in without management plans. We have an identified process via administrative rule that defines what has to happen before the department prepares a plan, and the cost charged to the landowner if the department does prepare a plan.

Between Section 23 and 24, strike 77.82(3)(f) and insert:

77.82(3)(f) Management plans may be amended by

- 1) Mutual agreement between the owner and the department
- 2) the Department to ensure the practice of sound forestry

Although the department believes that it currently has the ability to amend management plans without mutual agreement where the prescribed forest practice clearly violates the practice of sound forestry due to changes in the best available science or forest condition, this provision would clarify that authority.

Between Section 48 and 49, insert:

77.86(c) "If the proposed cutting conforms to the management plan and is consistent with sound forestry practices, the department shall approve the request."

This further clarifies the purpose of the Managed Forest Law program to encourage the management of private forest lands for the production of future forest crops for commercial use through sound forestry practices, and prevents the absurd result of requiring the department to approve an un-sound and destructive forestry practice.

Section 57, lines 7 through 8, replace "or of a forester employed by the department, the department, with the assistance of the department of revenue" with ", the department of revenue, with the assistance of the department"

Department of Revenue currently calculates the withdrawal taxes, and has both the expertise, data and infrastructure to meet this need. The department currently provides the initial basic information needed in order for them to calculate the withdrawal tax due.

Section 57, line 10, add, at the end of the current sentence, "A \$100 non refundable fee per order of designation, or a non refundable fee of \$200 per 1,000 acres within an order of designation, whichever is greater, due at the time the request for an estimate of withdrawal tax is made by a landowner. These funds will be credited to the Department of Revenue's account."

This will prevent those who are not serious about contemplating withdrawal from the Managed Forest Law from overloading the Department of Revenue's staff time, and would create a funding source for the management of this provision.

Section 62, line 18, replace "on the effective date of this subsection" with "the second June 1st after publication."

The intent is to make sure that, should the statutory changes occur in late spring of 2008, there would be enough "fair warning" to applicants to allow them to apply.

Section 62, lines 20 and 21, replace "on the effective date of this subsection" with "immediately following publication."

The first renewals will not take place until 2011 at the earliest.

Section 62, lines 23 and 24, replace "on the effective date of this subsection" with "immediately following publication."

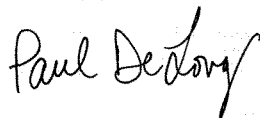
There should not be an administrative problem in dealing with this.

Section 62, line 3 and 24, replace "on the effective date of this subsection" with "90 days following publication."

We have discussed this issue with DOR already. Further, we will encourage DOR's participation in the hearing process. Therefore, this should give them sufficient time to meet the new requirements.

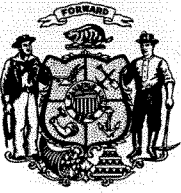
I appreciate the continued leadership on forestry issues by Rep. Friske and look forward to working with you as this proposal proceeds through the legislative process.

Sincerely,

A handwritten signature in black ink that reads "Paul DeLong". The signature is written in a cursive, slightly slanted style.

Paul DeLong, Administrator
Division of Forestry

Cc: Bob Mather, FR/4
Kathy Nelson, FR/4
Quinn Williams, LS/5



State of Wisconsin
2007 - 2008 LEGISLATURE

p2 RMR
LRB-3444/P1
MGG:wlj:pg
↑ stays

DA Note

~~XXXX~~ Thus NOON

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

LPS: Please check for extra spaces and the auto-ref.

Regen

1 **AN ACT to repeal** 77.82 (2) (i), 77.82 (2m) (a) 2. and 77.82 (7) (c) 2.; **to renumber**
2 **and amend** 77.82 (2m) (a) 1. and 77.82 (2m) (e); **to amend** 20.370 (1) (cx), 26.09
3 (1b) (j), 77.06 (5), 77.82 (title), 77.82 (1) (bn), 77.82 (1) (c), 77.82 (2) (intro.), 77.82
4 (2) (cm), 77.82 (2) (e), 77.82 (2) (f), 77.82 (2m) (title), 77.82 (2m) (am), 77.82 (2m)
5 (c), 77.82 (2m) (d), 77.82 (2m) (dm) 1., 77.82 (3) (a), 77.82 (3) (c) (intro.), 77.82
6 (3) (g), 77.82 (4), 77.82 (4g) (a), 77.82 (4g) (b), 77.82 (4m) (a), 77.82 (4m) (b), 77.82
7 (4m) (d), 77.82 (5) (title), 77.82 (5) (a), 77.82 (5) (b), 77.82 (6) (a), 77.82 (6) (b) 2.,
8 77.82 (7) (a) (intro.), 77.82 (7) (a) 2., 77.82 (7) (b) (intro.), 77.82 (7) (b) 1., 77.82
9 (7) (c) 1., 77.82 (7) (c) 3., 77.82 (7) (d), 77.82 (8), 77.82 (10), 77.82 (11), 77.82 (11g),
10 77.82 (12), 77.87 (1g) (a), 77.87 (1g) (d), 77.87 (3), 77.88 (2) (b), 77.88 (2) (d) 1.,
11 77.88 (4), 77.88 (5) (ab) 1., 77.88 (5) (am) (intro.), 77.88 (6), 77.90, 77.91 (1) and
12 170.12 (5); and **to create** 77.125, 77.82 (2) (dm) and 77.88 (5g) of the statutes;
13 **relating to:** petitions and management plans for the designation of managed
14 forest land, transferrals of ownership of managed forest land, establishing
15 stumpage values and estimating withdrawal taxes under the managed forest

granting rule-making authority 5

- 1 land program, signatures and authentication requirements for orders under
- 2 the forest croplands program, and making an appropriation.

in exchange for a lower payment per acre

Analysis by the Legislative Reference Bureau

Under current law, the Department of Natural Resources (DNR) administers the managed forest land (MFL) program and a similar program called the forest croplands program. The MFL program exempts an owner of land that is designated MFL from payment of municipal property taxes on the land. In exchange, the owner must comply with certain forestry practices and must allow the public on the land under certain circumstances unless the landowner elects to pay an extra amount per acre to keep a limited number of acres closed. In addition, an owner of MFL must pay a withdrawal tax when the owner withdraws the land from the program before the order designating the land as MFL expires. Orders are for 25 or 50 years. This bill makes various changes to the MFL program, including the following:

1. The bill makes a terminology change by substituting the words "applicant" and "application" for "petitioner" and "petition" in the subchapter related to the MFL program. This change is nonsubstantive.

2. The bill changes the dates before which DNR must act on applications under the MFL program and changes the deadline for owners to file applications to renew MFL orders.

3. The bill requires that the forestry management plan for the MFL accompany the application and eliminates the requirement that DNR prepare a plan upon the request of the applying landowner. Under the bill, proposed management plans must be prepared by plan writers who are certified by DNR and who are not under contract with DNR. Upon request of the petitioner, DNR may complete proposed plans that it does not approve or have such plans completed by plan writers under contract.

4. The bill requires DNR to prepare an estimate of the withdrawal tax that would be due if the MFL is withdrawn upon request of DNR or an MFL landowner. Under the bill, the Department of Revenue assists with the preparation of these estimates.

5. The bill eliminates the requirement that the stumpage value that is used to determine the amount of yield taxes and withdrawal taxes under the MFL program be established by rule.

6. The bill clarifies that when MFL is transferred to another owner, the person purchasing or otherwise receiving the land pays the transfer fee.

7. The bill allows facsimile signatures and exempts documents from register of deeds authentication requirements under the forest croplands program. These provisions exist for the MFL program under current law.

INS
ANL

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.** 20.370 (1) (cx) of the statutes is amended to read:

2 20.370 (1) (cx) *Forestry — management plans.* All moneys as ~~calculated~~ ^{PLAIN}
3 received under s. 77.82 (2m) ~~(dm)~~ 1. (ag) for payment for management plans prepared
4 ^{ev} completed by plan writers who are under contract with the department under s.
5 77.82 (3).

6 **SECTION 2.** 26.09 (1b) (j) of the statutes is amended to read:

7 26.09 (1b) (j) “Stumpage value” means the applicable stumpage rate value
8 established by ~~rule~~ under s. 77.91 (1) or the fair market value of raw forest products
9 less the cost of their harvesting, whichever is greater.

10 **SECTION 3.** 77.06 (5) of the statutes is amended to read:

11 77.06 (5) TAX LEVY ON RIGHT TO CUT TIMBER. The department of natural resources
12 shall assess and levy against the owner a severance tax on the right to cut and remove
13 wood products covered by reports under this section, at the rate of 10% of the value
14 of the wood products based upon the stumpage value ~~then in force~~ established under
15 s. 77.91 (1). Upon making the assessment, the department of natural resources shall
16 mail a duplicate of the certificate by registered mail to the owner who made the
17 report of cutting at the owner’s last-known post-office address. The tax assessed is
18 due and payable to the department of natural resources on the last day of the next ^{PLAIN}
19 ^{calendar} calendar month after mailing following the date the certificate is mailed to the owner.

20 The proceeds of the tax shall be paid into the forestry account of the conservation
21 fund for distribution under s. 77.07 (3).

1 SECTION 4. 77.125 of the statutes is created to read:

2 77.125 Signatures. (1) The signature of an official or an employee of the
3 department of natural resources may be stamped, printed, or otherwise reproduced
4 on an order under ss. 77.01 to 77.14 after the official or employee adopts the stamped,
5 printed, or otherwise reproduced signature as his or her facsimile signature.

6 (2) The signature or the facsimile signature under sub. (1) of an official or an
7 employee of the department of natural resources meets the requirement under s.
8 706.05 (2) (a).

9 (3) The requirement of s. 706.05 (2) (b) does not apply to orders issued under
10 this subchapter.

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

12 77.82 (title) **Managed forest land; petition application.**

13 SECTION 6. 77.82 (1) (bn) of the statutes is amended to read:

14 77.82 (1) (bn) For purposes of par. (b) 3., the department by rule shall define
15 "human residence" to include a residence of the ~~petitioner~~ applicant regardless of
16 whether it is the ~~petitioner's~~ applicant's primary residence. The definition may also
17 include up to one acre surrounding the residence for a residence that is not the
18 ~~petitioner's~~ applicant's primary residence.

19 SECTION 7. 77.82 (1) (c) of the statutes is amended to read:

20 77.82 (1) (c) In addition to the requirements under pars. (a) and (b), for land
21 subject to ~~a petition~~ an application under sub. (4m), all forest croplands owned by
22 the ~~petitioner~~ applicant on the date on which the ~~petition~~ application is submitted
23 filed ^{plain space} that are located in the municipality or municipalities for which the ~~petition~~
24 application is submitted filed shall be included in the ~~petition~~ application.

25 SECTION 8. 77.82 (2) (intro.) of the statutes is amended to read:

1 77.82 (2) PETITION APPLICATION. (intro.) Any owner of land may ~~petition~~ file an
2 application with the department to designate any eligible parcel of land as managed
3 forest land. ~~A petition~~ An application may include any number of eligible parcels
4 under the same ownership. Each ~~petition~~ application shall include all of the
5 following:

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

7 77.82 (2) (cm) A copy of an instrument that has been recorded in the office of
8 the register of deeds of each county in which the property is located that shows the
9 ownership of the land subject to the ~~petition~~ application.

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

11 77.82 (2) (dm) A proposed management plan prepared by an independent
12 certified plan writer *or by the department the department*

13 **SECTION 11.** 77.82 (2) (e) of the statutes is amended to read:

14 77.82 (2) (e) A statement of the owner's forest management objectives for the
15 production of merchantable timber, in sufficient detail to provide direction for the
16 development and approval of a proposed management plan. The ~~petition~~ application
17 may also state additional forest management objectives, which may include wildlife
18 habitat management, aesthetic considerations, watershed management and
19 recreational use.

20 **SECTION 12.** 77.82 (2) (f) of the statutes is amended to read:

21 77.82 (2) (f) Proof that each person holding any encumbrance on the land
22 agrees to the ~~petition~~ that the application may be filed.

23 **SECTION 13.** 77.82 (2) (i) of the statutes is repealed.

24 **SECTION 14.** 77.82 (2m) (title) of the statutes is amended to read: ... (this Act)

25 77.82 (2m) (title) FEEES FOR PETITIONS APPLICATIONS AND MANAGEMENT PLANS.

~~(1)(a)~~

(1)(a)

← INS 5-19

INS 5-22

was affected by 2007 Wisconsin Act

Please fix comp.

STET

1 SECTION 15. 77.82 (2m) (a) ~~1~~ of the statutes is ~~renumbered 77.82 (2m) (a) and~~
2 amended to read:

3 77.82 (2m) (a) ~~A petition~~ ^{1.} An application under sub. (2), (4m), or (12) shall be
4 accompanied by a nonrefundable application recording fee of \$20 unless a different
5 amount for the recording fee is established by the department by rule at an amount
6 equal to the average expense to the department for recording an order issued under
7 this subchapter.

as affected by 2007 Wisconsin Act 10 this act

8 SECTION 16. 77.82 (2m) (a) 2. of the statutes is repealed.

INS 6-87
INS 6-8

9 SECTION 17. 77.82 (2m) (am) of the statutes is amended to read:

10 77.82 (2m) (am) The department shall by rule establish on an annual basis a
11 nonrefundable fee that the department shall charge for a management plan
12 prepared ^{or} completed by the department, including any plan prepared by a certified
13 plan writer ~~contracted by the department under sub. (3) (g).~~ The fee shall be based
14 on the comparable commercial market rate that is charged for preparation of such
15 management plans.

PLAIN

PLAIN prepared or or

16 SECTION 18. 77.82 (2m) (c) of the statutes is amended to read:

17 77.82 (2m) (c) A proposed management plan is exempt from the management
18 plan ~~preparation~~ fee under par. (a) ~~2.~~ (ag) if it is prepared completed by an
19 independent certified plan writer instead of by the department.

20 SECTION 19. 77.82 (2m) (d) of the statutes is amended to read:

21 77.82 (2m) (d) All of the recording fees collected under par. (a) ~~1.~~ shall be
22 credited to the appropriation under s. 20.370 (1) (cr).

23 SECTION 20. 77.82 (2m) (dm) 1. of the statutes is amended to read:

1 77.82 (2m) (dm) 1. Of each fee \$300 or the entire fee, whichever is less, that is
2 collected under par. (a) or (e) that is not credited to the appropriation under s. 20.370
3 (1) (er) (ag) shall be credited to the appropriation under s. 20.370 (1) (cx). INS 7-8

4 Please fix comp. → SECTION 21. 77.82 (2m) (e) of the statutes is renumbered 77.82 (2m) (ag) and
5 amended to read: applicant

6 77.82 (2m) (ag) If a proposed management plan accompanying ~~a petition~~ an
7 application filed under sub. (2), (4m), or (12) is not approved by the department under
8 its initial review under sub. (3) (a), and if the department agrees to complete the
9 proposed management plan under sub. (3) (a), the department shall collect from the
10 petitioner applicant the management plan preparation fee established under par.
11 (am), if the petitioner has not previously paid the fee. PLAIN PLAIN

12 SECTION 22. 77.82 (3) (a) of the statutes is amended to read:

13 77.82 (3) (a) A proposed management plan may cover the entire acreage of each
14 parcel subject to the petition application. The department, after considering the
15 owner's forest management objectives as stated under sub. (2) (e), shall review and
16 either approve or disapprove the proposed management plan. If the department
17 disapproves the plan, it shall inform the petitioner applicant of the changes
18 necessary to qualify the plan for approval upon subsequent review. At the request
19 of the petitioner applicant, the department may agree to complete the proposed
20 management plan that has been prepared by an independent certified plan writer.
21 ~~The department shall complete any proposed management plan prepared by the~~
22 ~~department.~~ ← INS 7-22

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

PLAIN

1 77.82 (3) (c) (intro.) To qualify for approval, a management plan shall be
2 prepared by an independent certified plan writer or prepared by the department and
3 shall include all of the following:

INSERT 8-3

4 SECTION 24. 77.82 (3) (g) of the statutes is amended to read:

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

10 SECTION 25. 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 April
13 28, 2004, may ~~petition~~ file an application with the department to designate as
14 managed forest land an additional parcel of land if the additional parcel is at least
15 3 acres in size and is contiguous to any of that designated land. The ~~petition~~
16 application shall be accompanied by a nonrefundable \$20 application fee unless a
17 different amount for the fee is established by the department by rule at an amount
18 equal to the average expense to the department of recording an order issued under
19 this subchapter. The fee shall be deposited in the conservation fund and credited to
20 the appropriation under s. 20.370 (1) (cr). The ~~petition~~ application shall be filed on
21 a department form and shall contain any additional information required by the
22 department.

23 SECTION 26. 77.82 (4g) (a) of the statutes is amended to read:

24 77.82 (4g) (a) If an owner of land that is designated as managed forest land
25 under an order that takes effect before April 28, 2004, wishes to have an additional

1 parcel of land that is at least 10 acres in size and that satisfies the other requirements
2 in sub. (1) designated as managed forest land, the owner may ~~petition~~ file an
3 application with the department under sub. (2) for a new order covering the
4 additional land.

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

6 77.82 (4g) (b) If an owner of land that is designated as managed forest land
7 under an order that takes effect before April 28, 2004, wishes to have designated as
8 managed forest land an additional parcel of land that is at least 3 acres in size, that
9 does not satisfy the requirements in sub. (1), and that is contiguous to any of that
10 designated land, the owner may withdraw the designated land from the original
11 order and may ~~petition~~ file an application with the department under sub. (2) for a
12 new order covering both the withdrawn land and the additional land. The
13 withdrawal tax and the withdrawal fee under s. 77.88 (5) and (5m) do not apply to
14 a withdrawal under this paragraph.

NOTE: NOTE: Par. (b) is shown as affected by 2 acts of the 2005 Wisconsin legislature and as merged by the revisor under s. 13.93 (2)
(c).NOTE:

15 **SECTION 28.** 77.82 (4m) (a) of the statutes is amended to read:

16 77.82 (4m) (a) An owner of land that is entered as forest croplands under s.
17 77.02 may ~~petition~~ file an application with the department under sub. (2) to convert
18 all or a portion of the land to managed forest land, subject to sub. (1) (c).

19 **SECTION 29.** 77.82 (4m) (b) of the statutes is amended to read:

20 77.82 (4m) (b) ~~A petition~~ An application under this subsection shall specify
21 whether the order designating the land as managed forest land will remain in effect
22 for 25 years or 50 years, as elected by the owner.

23 **SECTION 30.** 77.82 (4m) (d) of the statutes is amended to read:

PLAIN

PLAIN

1 77.82 (4m) (d) An owner of land who has filed a conversion ~~petition~~ application

2 under this subsection and for whom the department is preparing or [✓] completing a

3 management plan may withdraw the request and have it prepared by an ~~or completed~~

4 independent certified plan writer if the owner determines that the department is not

5 preparing ^{or} completing the management plan in a timely manner.

6 SECTION 31. 77.82 (5) (title) of the statutes is amended to read:

7 77.82 (5) (title) NOTICE OF ~~PETITION~~ APPLICATION; REQUEST FOR DENIAL.

8 SECTION 32. 77.82 (5) (a) of the statutes is amended to read:

9 77.82 (5) (a) Upon receipt of ~~a petition~~ an application under sub. (2), (4) or (4m),

10 the department shall provide written notice of the ~~petition~~ application to each clerk

11 of each municipality in which the land is located.

12 SECTION 33. 77.82 (5) (b) of the statutes is amended to read:

13 77.82 (5) (b) The governing body of any municipality in which the proposed

14 managed forest land is located or a resident or property tax payer of such a

15 municipality may, within 15 days after the notice under par. (a) is provided, request

16 the department to deny the ~~petition~~ application on the grounds that the land fails to

17 meet the eligibility requirements under sub. (1) or that, if the addition is approved,

18 the entire parcel will fail to meet those eligibility requirements. The request shall

19 be in writing and shall specify the reason for believing that the land is or would be

20 ineligible.

21 SECTION 34. 77.82 (6) (a) of the statutes is amended to read:

22 77.82 (6) (a) The department shall conduct any investigation necessary to

23 reach a decision on ~~a petition~~ an application.

24 SECTION 35. 77.82 (6) (b) 2. of the statutes is amended to read:

1 77.82 (6) (b) 2. At least 10 days before the date of the hearing, the department
2 shall mail written notice of the date, time, and place of the hearing to the petitioner,
3 applicant, to each person who submitted a request under sub. (5) (b), and to the clerk
4 of each municipality in which the land is located.

5 **SECTION 36.** 77.82 (7) (a) (intro.) of the statutes is amended to read:

6 77.82 (7) (a) (intro.) After considering the testimony presented at the public
7 hearing, if any, the facts discovered by its investigation and the land use in the area
8 in which the land is located, the department shall approve ~~a petition~~ an application
9 under sub. (2) or (4m) if it determines all of the following:

10 **SECTION 37.** 77.82 (7) (a) 2. of the statutes is amended to read:

11 77.82 (7) (a) 2. That all facts stated in the ~~petition~~ application are correct.

12 **SECTION 38.** 77.82 (7) (b) (intro.) of the statutes is amended to read:

13 77.82 (7) (b) (intro.) After considering the testimony presented at the public
14 hearing, if any, and the facts discovered by its investigation, the department shall
15 approve ~~a petition~~ an application under sub. (4) if it determines all of the following:

16 **SECTION 39.** 77.82 (7) (b) 1. of the statutes is amended to read:

17 77.82 (7) (b) 1. That all facts stated in the ~~petition~~ application are correct.

18 **SECTION 40.** 77.82 (7) (c) 1. of the statutes is amended to read:

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

1 before the November 21 of the year following the year in which the application is
2 received.

3 SECTION 41. 77.82 (7) (c) 2. of the statutes is repealed.

4 SECTION 42. 77.82 (7) (c) 3. of the statutes is amended to read:

5 77.82 (7) (c) 3. Except as provided in par. (d), if ~~a petition~~ an application is
6 received on or before ~~May 15~~ June 1 of any year from a ~~petitioner~~ an applicant who
7 owns less than 1,000 acres in this state, ~~who, before the deadline established by the~~
8 ~~department by rule, submitted a draft management plan prepared by an~~
9 ~~independent certified plan writer, and who submits a completed plan, as defined by~~
10 ~~the department by rule, with the petition,~~ the department shall investigate and shall
11 either approve the ~~petition~~ application and issue the order under sub. (8) or deny the
12 ~~petition~~ application before the following November 21. An application received after
13 June 1 from an applicant who owns less than 1,000 acres in this state shall be acted
14 on by the department as provided in this subdivision before the November 21 of the
15 year following the year in which the application is received.

16 SECTION 43. 77.82 (7) (d) of the statutes is amended to read:

17 77.82 (7) (d) The department shall approve or disapprove ~~a petition~~ an
18 application under par. (a) that is submitted filed under sub. (4m) within 3 years after
19 the date on which the ~~petition is submitted to~~ application is filed with the
20 department.

21 SECTION 44. 77.82 (8) of the statutes is amended to read:

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

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

6 **SECTION 45.** 77.82 (10) of the statutes is amended to read:

7 77.82 (10) DENIAL. If the department denies ~~a petition~~ an application, it shall
8 notify the ~~petitioner~~ applicant in writing, stating the reason for the denial.

9 **SECTION 46.** 77.82 (11) of the statutes is amended to read:

10 77.82 (11) DURATION. An order under this subchapter remains in effect for the
11 period specified in the ~~petition~~ application unless the land is withdrawn under s.
12 77.84 (3) (b) or 77.88. An amendment to or repeal of this subchapter does not affect
13 the terms of an order or management plan, except as expressly agreed to in writing
14 by the owner and the department and except as provided in sub. (11m).

15 **SECTION 47.** 77.82 (11g) of the statutes is amended to read:

16 77.82 (11g) WITHDRAWAL TAX ON CONVERTED FOREST CROPLANDS PROHIBITED. No
17 tax or interest may be assessed under s. 77.10 (2) (a) on land converted to managed
18 forest land pursuant to ~~a petition~~ an application approved under sub. (7) (d).

19 **SECTION 48.** 77.82 (12) of the statutes is amended to read:

20 77.82 (12) RENEWAL. An owner of managed forest land may ~~petition~~ file an
21 application with the department under sub. (2) for renewal of the order. ~~A petition~~
22 An application filed by an owner of 1,000 acres or more in this state shall be filed no
23 later than the March 31 before the expiration date of the order. ~~A petition~~ An
24 application filed by an owner of less than 1,000 acres in this state shall be filed no
25 later than the ~~2nd July 1~~ June 1 before the expiration date of the order, ~~except that~~

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

11 **SECTION 49.** 77.87 (1g) (a) of the statutes is amended to read:

12 77.87 (1g) (a) An order converting forest cropland to managed forest land
13 pursuant to ~~a petition~~ an application approved under s. 77.82 (7) (d).

14 **SECTION 50.** 77.87 (1g) (d) of the statutes is amended to read:

15 77.87 (1g) (d) ~~A~~ An order petitioned for for which an application is filed under
16 s. 77.82 (4g) (b).

17 **SECTION 51.** 77.87 (3) of the statutes is amended to read:

18 77.87 (3) PAYMENT. A tax assessed under sub. (1) or (2) is due and payable to
19 the department on the last day of the next month following the date the certificate
20 is mailed to the owner. The department shall collect interest at the rate of 12% per
21 year on any tax that is paid later than the due date. Amounts received shall be
22 credited to the conservation fund.

23 **SECTION 52.** 77.88 (2) (b) of the statutes is amended to read:

24 77.88 (2) (b) If the land remaining after a transfer under par. (a) is contiguous
25 and meets the eligibility requirements under s. 77.82 (1) (a) 2. and (b), it shall

INSERT
14-10

1 continue to be designated as managed forest land until the expiration of the existing
2 order, even if the parcel contains less than 10 acres. Notwithstanding s. 77.82 (12),
3 an owner may not ~~petition~~ file an application with the department for renewal of the
4 order if the parcel contains less than 10 acres. No withdrawal tax under sub. (5) or
5 withdrawal fee under sub. (5m) may be assessed when the remaining land is
6 withdrawn at the expiration of the order.

7 **SECTION 53.** 77.88 (2) (d) 1. of the statutes is amended to read:

8 77.88 (2) (d) 1. Within ~~10~~ 30 days after a transfer of ownership, the former
9 owner transferee shall, on a form provided by the department, file with the
10 department a report of the transfer signed by the former owner and the transferee.
11 ~~The report shall be accompanied by a \$100 fee which~~ transferee shall pay a \$100 fee
12 that will accompany the report. The fee shall be deposited in the conservation fund.
13 Twenty dollars of the fee or a different amount of the fee as may be established under
14 subd. 2. shall be credited to the appropriation under s. 20.370 (1) (cr). The
15 department shall immediately notify each person entitled to notice under s. 77.82 (8). ✓

16 **SECTION 54.** 77.88 (4) of the statutes is amended to read:

17 77.88 (4) NONRENEWAL. If an owner does not ~~petition~~ file with the department
18 an application to renew a managed forest land order, the department shall order the
19 land withdrawn at the expiration of the order. No withdrawal tax under sub. (5) or
20 withdrawal fee under sub. (5m) may be assessed.

21 **SECTION 55.** 77.88 (5) (ab) 1. of the statutes is amended to read:

22 77.88 (5) (ab) 1. "Expanded order" means an order approved under s. 77.82 (8)
23 that is petitioned for for which an application is filed under s. 77.82 (4g) (b).

24 **SECTION 56.** 77.88 (5) (am) (intro.) of the statutes is amended to read:

INSERT
15-16

1 77.88 (5) (am) (intro.) For land that is withdrawn within 10 years after the date
2 on which an initial managed forest land order was issued under s. 77.82 (8) for a
3 ~~petition~~ an application approved under s. 77.82 (7) (d), the withdrawal tax shall be
4 the higher of the following:

5 SECTION 57. 77.88 (5g) of the statutes is created to read:

6 77.88 (5g) ESTIMATES OF WITHDRAWAL TAX. ^(a) Upon the request of an owner of
7 managed forest land ~~or of a forester employed by the department, the department,~~
8 ~~with the assistance of the department of revenue,~~ ^{the department of revenue} shall prepare an estimate of the
9 amount of withdrawal tax that would be assessed under sub. (5) if the department
10 issued an order to withdraw the land under this section. INSERT 16-10

11 SECTION 58. 77.88 (6) of the statutes is amended to read:

12 77.88 (6) DETERMINATION OF STUMPAGE VALUE. In determining the stumpage
13 value of merchantable timber for purposes of this section, an estimator agreed upon
14 by the parties or, if they cannot agree, a forester appointed by a judge of the circuit
15 court in the county in which the land is located shall estimate the volume of
16 merchantable timber on the land. The estimate obtained shall be final. The
17 department shall determine the current stumpage value of the merchantable timber,
18 based on the ~~rule promulgated~~ applicable stumpage value established under s. 77.91
19 (1). The owner shall pay the entire cost of obtaining the estimate.

20 SECTION 59. 77.90 of the statutes is amended to read:

21 77.90 Right to hearing. ~~A petitioner~~ An applicant under s. 77.82 or an owner
22 of managed forest land who is adversely affected by a decision of the department
23 under this subchapter is entitled to a contested case hearing under ch. 227.

24 SECTION 60. 77.91 (1) of the statutes is amended to read:

Handwritten notes:
request
with the assistance of the department
the department of revenue
with the assistance of the department

1 77.91 (1) ~~RULE MAKING; STUMPAGE VALUE~~ STUMPAGE VALUES. Each year the
2 department shall ~~promulgate a rule establishing a~~ establish reasonable stumpage
3 value values for the merchantable timber grown in the municipalities in which
4 managed forest land is located. If the department finds that stumpage values vary
5 in different parts of the state, it may establish different zones and specify the
6 stumpage value for each zone. The rule stumpage value shall take effect on
7 November 1 of each year. Notwithstanding s. 227.11, the department may not
8 promulgate or have in effect rules that established stumpage values.

9 **SECTION 61.** 170.12 (5) of the statutes is amended to read:

10 170.12 (5) RESERVATION OF VALUE. The state reserves to itself 30% of the
11 stumpage value, as established by ~~the department of natural resources by rule~~
12 ~~promulgated~~ under s. 77.91 (1), of any log raised pursuant to a permit issued under
13 this section.

14 **SECTION 62. Initial applicability.**

15 (1) ~~MANAGED FOREST LAND APPLICATIONS AND MANAGEMENT PLANS.~~ The treatment
16 of section 77.82 (2) (dm), (e), and (i), (2m) (a) 2., (am), (c), (d), (dm) 1. and (e), (3) (a),
17 (c) (intro.), and (g), (4m) (d), and (7) (c) 1., 2., and 3. of the statutes first applies to
18 applications filed on the effective date of this subsection.

19 (2) RENEWALS OF MANAGED FOREST LAND ORDERS. The treatment of section 77.82
20 (12) of the statutes first applies to applications for renewal that are filed on the
21 effective date of this subsection.

22 (3) TRANSFERS OF MANAGED FOREST LAND OWNERSHIP. The treatment of section
23 77.88 (2) (d) 1. of the statutes first applies to transfers of ownership that occur on the
24 effective date of this subsection.

✓
1WS
17-21

Insert ANL

3. The bill requires that a forestry management plan for the MFL accompany the application and eliminates the requirement that DNR prepare the plan upon the request of the applying landowner. Under the bill, DNR must prepare the plan only if DNR determines that the applicant is not able to have a proposed management plan prepared by a certified independent plan writer. The bill requires DNR to promulgate rules establishing the criteria for when DNR will prepare the plan.

Insert 5-19

SECTION 4. 77.82 (2) (e) of the statutes, as affected by 2007 Wisconsin Act (this act), is amended to read:

77.82 (2) (e) A statement of the owner's forest management objectives for the production of merchantable timber, in sufficient detail to provide direction for the development and approval of a the proposed management plan. The application may also state additional forest management objectives, which may include wildlife habitat management, aesthetic considerations, watershed management and recreational use.

Insert 5-22

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

77.82 (2) (i) If a proposed management plan is not ~~submitted~~ filed with the petition application, a request that the department prepare a management plan. The department may decline to prepare the plan.

Insert 6-7

~~SECTION 3.~~ 77.82 (2m) (a) 1. of the statutes, as affected by 2007 Wisconsin Act
.... (this act), is renumbered 77.82 (2m) (a).

~~SECTION 4.~~ 77.82 (2m) (a) 2. of the statutes is amended to read:

~~77.82 (2m) (a) 2.~~ ^{strike extra space} If a ~~petition~~ application under sub. (2), (4m), or (12) is not accompanied by a proposed management plan that meets the requirements under par. (c), the department shall charge the plan preparation fee established under par. (am) if the department agrees to complete the plan.

xHistory: 1985 a. 29; 1989 a. 31; 1993 a. 16, 131, 301, 491; 1995 a. 27; 1997 a. 27, 35, 237; 2001 a. 109; 2003 a. 228; 2005 a. 25, 64, 299; s. 13.93 (2) (c).

Insert 6-8

~~SECTION 5.~~ 77.82 (2m) (ac) of the statutes is created to read:

77.82 (2m) (ac) If the department prepares a management plan under sub. (3) (a) 2., the department shall collect from the applicant the management plan fee established under par. (am).

Insert 7-22

~~SECTION 6.~~ 77.82 (2m) (e) of the statutes, as affected by 2007 Wisconsin Act (this act), is renumbered 77.82 (2m) (ag) and amended to read:

77.82 (2m) (ag) If a proposed management plan accompanying an application filed under sub. (2), (4m), or (12) is not approved by the department under its initial review under sub. (3) (a), and if the department agrees to complete the proposed management plan under sub. (3) (a), the department shall collect from the applicant the management plan preparation fee established under par. (am), ~~if the applicant has not previously paid the fee.~~

xHistory: 1985 a. 29; 1989 a. 31; 1993 a. 16, 131, 301, 491; 1995 a. 27; 1997 a. 27, 35, 237; 2001 a. 109; 2003 a. 228; 2005 a. 25, 64, 299; s. 13.93 (2) (c).

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

77.82 (3) (a) A proposed management plan ~~may~~ shall cover the entire acreage of each parcel subject to the ~~petition~~ application. The department, after considering

the owner's forest management objectives as stated under sub. (2) (e), shall review and either approve or disapprove the proposed management plan. If the department disapproves the plan, it shall inform the ~~petitioner~~ applicant of the changes necessary to qualify the plan for approval upon subsequent review. At the request of the ~~petitioner~~ applicant, the department may agree to complete the proposed management plan that has been prepared by an independent certified plan writer. The department shall complete any proposed management plan prepared by the department.

xHistory: 1985 a. 29; 1989 a. 31; 1993 a. 16, 131, 301, 491; 1995 a. 27; 1997 a. 27, 35, 237; 2001 a. 109; 2003 a. 228; 2005 a. 25, 64, 299; s. 13.93 (2) (c).

~~SECTION 8.~~ **SECTION 8.** 77.82 (3) (a) of the statutes, as affected by 2007 Wisconsin Act ...

(this act), is renumbered 77.82 (3) (ag) and amended to read:

77.82 (3) (ag) A proposed management plan shall cover the entire acreage of each parcel subject to the application and shall be prepared by an independent certified plan writer or the department unless par. (am) applies. The

(ar) For a proposed management plan prepared by an independent certified plan writer, the department, after considering the owner's forest management objectives as stated under sub. (2) (e), shall review and either approve or disapprove the proposed management plan. If the department disapproves the proposed plan, it shall inform the applicant of the changes necessary to qualify the plan for approval upon subsequent review. At the request of the applicant, the department may agree to complete the proposed management plan ~~that has been prepared by an independent certified plan writer. The department shall complete any proposed management plan prepared by the department.~~

xHistory: 1985 a. 29; 1989 a. 31; 1993 a. 16, 131, 301, 491; 1995 a. 27; 1997 a. 27, 35, 237; 2001 a. 109; 2003 a. 228; 2005 a. 25, 64, 299; s. 13.93 (2) (c).

~~SECTION 9.~~ **SECTION 9.** 77.82 (3) (am) of the statutes is created to read:

* 77.82 (3) (am) If the department determines that an applicant is not able to
* have ⁷ a proposed management plan prepared by a certified independent plan writer,
the department shall prepare the plan. The department shall promulgate rules
* establishing the criteria ^{that} shall be met in order to determine that an applicant is
unable to prepare such a plan.

Insert 8-3

~~SECTION 10.~~ 77.82 (3) (f) of the statutes is repealed and recreated to read:

77.82 (3) (f) A management plan may be amended either by an agreement entered into by the owner and the department or by the department in order to ensure the practice of sound forestry.

Insert 14-10

~~SECTION 11.~~ 77.86 (1) (c) of the statutes is amended to read:

77.86 (1) (c) If the proposed cutting conforms to the management plan and is consistent with sound forestry practices, the department shall approve the request.

xHistory: 1985 a. 29.

~~SECTION 12.~~ 77.86 (1) (d) of the statutes is amended to read:

77.86 (1) (d) If the proposed cutting does not conform to the management plan or is not consistent with sound forestry practices, the department shall assist the owner in developing an acceptable proposal before approving the request.

xHistory: 1985 a. 29.

Insert 15-16

~~SECTION 13.~~ 77.88 (2) (e) of the statutes is amended to read:

77.88 (2) (e) The transferred land shall remain managed forest land if the transferee, within 30 days after the transfer, certifies to the department an intent to comply with the existing management plan for the land and with any amendments agreed to by the department and the transferee to the plan, and provides proof that

each person holding any encumbrance on the land agrees to the designation. The transferee may designate an area of the transferred land closed to public access as provided under s. 77.83. The department shall issue an order continuing the designation of the land as managed forest land under the new ownership.

xHistory: 1985 a. 29; 1991 a. 39; 1993 a. 16, 131; 1995 a. 27; 1999 a. 150 s. 672; 2003 a. 228; 2005 a. 64, 299.

Insert 16-10

(b) A request from an owner under this subsection shall be accompanied by a nonrefundable fee of \$100 or the alternative nonrefundable fee calculated under par. (c), whichever is greater.

(c) The alternative nonrefundable fee shall be calculated by multiplying the total number of whole and partial acres by \$5.

Insert 17-21

(1) MANAGED FOREST LAND APPLICATIONS AND MANAGEMENT PLANS. The treatment of sections 20.370 (1) (cx), 77.82 (2) (dm) (2m) (ac), (am), (c), (d), (dm) 1. and (3) (a), (am), (c) (intro.), and (g) of the statutes, the amendment of section 77.82 (2) (e) (by SECTION AUTO^{ARA}REF) of the statutes, the renumbering and amendment of section 77.82 (2m) (e) of the statutes, the renumbering of section 77.82 (2m) (a) 1. of the statutes, and the repeal of section 77.82 (2) (i) and (2m) (a) 2. of the statutes first apply to applications filed on the 2nd June 1 after the effective date of this subsection.

(2) INVESTIGATIONS ON APPLICATIONS. The treatment of section 77.82 (7) (c) 1., 2., and (3) of the statutes first applies to applications filed on the effective date of this subsection.