

2009 DRAFTING REQUEST

Bill

Received: **09/15/2009**

Received By: **rkite**

Wanted: **As time permits**

Identical to LRB:

For: **Mary Hubler (608) 266-2519**

By/Representing: **Steve Engelbert**

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

Drafter: **rkite**

May Contact:

Addl. Drafters:

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

Extra Copies:

Submit via email: **YES**

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

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Public safety towers on managed forest land

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>
/?	rkite 10/08/2009	jdyer 10/08/2009		_____			S&L
/1			phenry 10/09/2009	_____	mbarman 10/09/2009	cduerst 10/26/2009	

FE Sent For: **"1" @ intro. 10/28/09**

<END>

2009 DRAFTING REQUEST

Bill

Received: **09/15/2009**

Received By: **rkite**

Wanted: **As time permits**

Identical to LRB:

For: **Mary Hubler (608) 266-2519**

By/Representing: **Steve Engelbert**

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

Drafter: **rkite**

May Contact:

Addl. Drafters:

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

Extra Copies:

Submit via email: **YES**

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

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Public safety towers on managed forest land

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>
/?	rkite 10/08/2009	jdye 10/08/2009		_____			S&L
/1			phery 10/09/2009	_____	mbarman 10/09/2009		

FE Sent For:

<END>

2009 DRAFTING REQUEST

Bill

Received: 09/15/2009

Received By: rkite

Wanted: As time permits

Identical to LRB:

For: Mary Hubler (608) 266-2519

By/Representing: Steve Engelbert

This file may be shown to any legislator: NO

Drafter: rkite

May Contact:

Addl. Drafters:

Subject: Nat. Res. - parks and forestry

Extra Copies:

Submit via email: YES

Requester's email: Rep.Hubler@legis.wisconsin.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Public safety towers on managed forest land

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>
1?	rkite	10/8 jcd	10/8 Dh	ADP			
					ND JF 10/8		

FE Sent For: <END>

Tradewell, Becky

From: Engelbert, Steve
Sent: Tuesday, September 15, 2009 8:26 AM
To: Tradewell, Becky
Subject: Email from LRB Website

Hello Rebecca

I believe that this may be in your area. Representative Hubler requests a bill draft as follows:

Draft legislation request: Modifying the Managed Forest Law.

I would like a bill drafted that would allow removal of land from the Managed Forest Law without penalty when the use of the land is required to ensure public safety. The bill would require that only the minimum amount of land necessary for the public purpose could be removed from the MFL without penalty.

The bill request is prompted by a situation in Barron County, which needed to build a tower to ensure that law enforcement and first responders had the ability to communicate with every corner of the county.

Concerned citizens offered a 99-year lease of 4.837 acres in an ideal location for the tower. This offer turned out to be the only practical solution. The county and the landowners requested that the DNR release only the necessary acreage from the MFL without penalty. The offer was refused.

This bill would stipulate that no penalty would attach to the removal of land from MFL if the use of the land by a local government was essential to protecting public safety.

Mary Hubler

Thanks for your attention to this.

Steve Engelbert
Office of Rep. Mary Hubler
266-2519

Kite, Robin

From: Engelbert, Steve
Sent: Tuesday, September 15, 2009 11:44 AM
To: Kite, Robin
Subject: RE: drafting request

Robin:

Thanks. Let me show this draft to Rep. Hubler and see if this still meets her requirements. I will let you know probably tomorrow.

Steve

From: Kite, Robin
Sent: Tuesday, September 15, 2009 11:11 AM
To: Engelbert, Steve
Subject: drafting request

Steve:

Becky Tradewell forwarded your drafting request to me because it falls within my drafting areas. I drafted a bill on this topic for your office last session and have attached a copy for your reference. Is this the same draft that you want for this session?

Robin

<< File: 07-3278/2 >>

From: Engelbert, Steve
Sent: Tuesday, September 15, 2009 8:26 AM
To: Tradewell, Becky
Subject: Email from LRB Website

Hello Rebecca

I believe that this may be in your area. Representative Hubler requests a bill draft as follows:

Draft legislation request: Modifying the Managed Forest Law.

I would like a bill drafted that would allow removal of land from the Managed Forest Law without penalty when the use of the land is required to ensure public safety. The bill would require that only the minimum amount of land necessary for the public purpose could be removed from the MFL without penalty.

The bill request is prompted by a situation in Barron County, which needed to build a tower to ensure that law enforcement and first responders had the ability to communicate with every corner of the county.

Concerned citizens offered a 99-year lease of 4.837 acres in an ideal location for the tower. This offer turned out to be the only practical solution. The county and the landowners requested that the DNR release only the necessary acreage from the MFL without penalty. The offer was refused.

This bill would stipulate that no penalty would attach to the removal of land from MFL if the use of the land by a local government was essential to protecting public safety.

Mary Hubler

Thanks for your attention to this.

Steve Engelbert
Office of Rep. Mary Hubler
266-2519

9-15-09
Per Steve Engelbert

Redraft 2007 LRB-3450 -

But make retroactive so that it would apply to land already ~~withdrawn~~ withdrawn
Also, require DNR to refund withdrawal taxes and fees paid

9/16/09

Called Steve to ask if perhaps they want the draft to just cover the Barron County situation - I explained that then this could probably be drafted as a non-stat

Also told Steve that I would need to know when the land was withdrawn - he will talk to Rep. Hubler & call me back

10/7/09 -

send follow-up e-mail to Steve reminding him that I have not heard from him about our discussion on 9/16

Kite, Robin

From: Engelbert, Steve
Sent: Wednesday, October 07, 2009 11:43 AM
To: Kite, Robin
Subject: RE: Managed forest law drafting request

Attachments: Withdrawal order - MFL Barron County.pdf

Thanks for following up Robin. The land has not been withdrawn yet although withdrawal is pending. The withdrawal



Withdrawal order -
MFL Barron ...

order was just received and is attached.

Steve Engelbert
Office of Rep. Mary Hubler
266-2519

From: Kite, Robin
Sent: Wednesday, October 07, 2009 11:20 AM
To: Engelbert, Steve
Subject: Managed forest law drafting request

Steve,

I talked with you on September 16 to ask whether Rep. Hubler wanted the draft you requested concerning public safety towers on managed forest land to be drafted narrowly so that it applies specifically to just the Barron County situation. Also, as we discussed, in order to make sure that the draft applies to the Barron County situation, I will need to know when the applicable managed forest land was withdrawn from the program. I wanted to follow-up with you about these issues because I will need this information in order to finish the draft.

Thanks.

Robin

Robin Kite, Senior Legislative Attorney
Wisconsin Legislative Reference Bureau
1 East Main Street, Suite 200
Madison, WI 53703
(608) 266-7291

Managed Forest Law - Withdrawal Order
issued by Wisconsin Department of Natural Resources

Order No: 03 006 1987 Effective Date: January 1, 2010

Page 1 of 2

In the matter of the designation of land located in
Barron County, Town of Clinton
as Managed Forest Lands under Chapter 77, Wisconsin Statutes,
upon the Declaration of Withdrawal of:

Landowner(s) **Karyn Schauf**
 Robert Schauf

Address: **1659 - 10 1/2 St**
 Barron, WI 54812

Register of Deeds: Return document and invoice to

Department of Natural Resources,
Forest Tax Section,
P.O.Box 7963, Madison, WI 53707

PIN: 014-1000-02-000

FINDINGS OF FACT

1. Lands designated as Managed Forest Law under Order No. **03 006 1987** have been requested to be withdrawn from the Managed Forest Law program by the current owner(s) of the property. The request is for a **partial** withdrawal of lands described in the original order and/or amendments.

CONCLUSIONS OF LAW

1. The Department of Natural Resources, pursuant to s.77.88(3), Wis. Stats. and based upon the foregoing Findings of Fact is required to approve the withdrawal of the designated lands from the Managed Forest Law.

ORDER

1. It is hereby ordered that the following land be withdrawn from designation as **Managed Forest Law** and be assessed as general property beginning January 1, 2010.

Township	34	North,	Range	13	West	Parcel Identification No.	Entry Year	Total Acres
Section	10				NENE		1987	40.000

Total Acreage for Order **40.000**

2. A Withdrawal Tax to be calculated by Wisconsin Department of Revenue pursuant to s.77.88(5) Wis. Stats., is due and payable to the Department of Natural Resources by January 31, 2010. If unpaid, the taxation district clerk shall enter the delinquent amount on the property tax roll as a special charge.

Notice of Appeal Rights - See Reverse

Date of Order: September 22, 2009

Pursuant to s.77.91(6), Wis. Stats.,
the authentication requirements of
s.706.05(2)(b), stats., do not apply to this order.

State of Wisconsin
Department of Natural Resources
For the Secretary

This instrument drafted by State of Wisconsin
Department of Natural Resources

By Kathryn J. Nelson
Kathryn J. Nelson, Section Chief
Forest Tax Section

NOTICE OF APPEAL OR REVIEW RIGHTS

If you believe that you have a right to challenge this decision, you should know that Wisconsin Statutes and the Wisconsin Administrative Code establish time periods within which requests to review department decisions must be filed. These time periods and appeal rights are as follows:

1. Any person aggrieved by this decision which adversely affects substantial interests of such person may seek judicial review of the decision pursuant to ss. 227.52 and 227.53, Wis. Stats. A petition for such review must be filed within 30 days after service of this decision.
2. A petitioner under s. 77.82, Wis. Stats. or an owner of Managed Forest land who is adversely affected by a decision of the department under subch. VI, ch. 77, Wis. Stats., other than as provided in ss. 77.88(2)(c) and (2)(f), Wis. Stats., is entitled to a contested case hearing under ch. 227, Wis. Stats. Review must be sought within 30 days after service of this decision. Petitions must be filed and served in accordance with s. 227.42, Wis. Stats., and ch. NR 2, Wis. Admin. Code.

The respondent in an action for review is the Department of Natural Resources. You may wish to seek legal counsel for aid and assistance.

Rm. not run
3450/1

LRB-3278/2

RNK:ld:rs

jd

2009
2007 BILL

LPS.
PWF
Please

To
10/8/09

D-Note

4 Gen

1 AN ACT *to renumber and amend* 77.88 (8); and *to create* 77.88 (8) (a) 3. and
2 77.88 (8) (b) of the statutes; **relating to:** the exception to the assessment of
3 withdrawal taxes and fees against a landowner who transfers ownership of
4 managed forest land for siting a public safety communications tower. ✓

Analysis by the Legislative Reference Bureau

Under the Managed Forest Land (MFL) Program, the owner of land that meets certain requirements as to size and the amount of timber on the land may apply to have the Department of Natural Resources (DNR) designate the land as MFL. The owner of such land then makes an annual payment that is lower than, and in lieu of, the property taxes that normally would be payable on the land. In exchange, the owner must comply with certain forestry practices and may keep a specific area closed to public access; the remainder of the land must be kept open for recreational activities consisting of hunting, fishing, hiking, sight-seeing, and cross-country skiing. Land is not eligible for designation as MFL if more than 20 percent of the land is unsuitable for producing merchantable timber, it is developed for commercial recreation, for industry, or for any other use that DNR determines is incompatible with the practice of forestry, or it is developed for a human residence.

Current law provides that DNR may, at the request of an owner of managed forest land or of the governing body of any municipality in which any managed forest land is located, or at its own discretion, investigate to determination whether the designation as MFL should be withdrawn. Among the reasons why DNR may order the withdrawal of all or a part of a parcel of MFL is for the failure of the land to

BILL

to a county, city, village, or town ✓

conform to an eligibility requirement. ✓ If DNR issues an order withdrawing land as MFL, it must assess against the owner a withdrawal tax and a withdrawal fee unless certain exceptions apply. Among the exceptions is an exception for an owner who transfers ownership of managed forest land for a public road or railroad or utility right-of-way. ✓ This bill expands the exceptions so that DNR may not assess a withdrawal tax or a withdrawal fee against an owner who transfers ownership of MFL for siting a public safety communications tower, ~~provided that the governing body of the county and the municipality in which the land is located has approved the siting of the tower.~~

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

✓ *if DNR orders the withdrawal on or after September 23, 2009*

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

1 **SECTION 1.** 77.88 (8) [✓] of the statutes is renumbered 77.88 (8) (a) (intro.) and
2 amended to read:

3 77.88 (8) (a) (intro.) [✓] No withdrawal tax or withdrawal fee may be assessed
4 against an owner who transfers does any of the following: ✓

5 1. Transfers ownership of managed forest land for a public road or railroad or
6 utility right-of-way. ~~No withdrawal tax or withdrawal fee may be assessed against~~
7 ~~an owner who transfers~~

8 2. Transfers ownership of managed forest land for a park, recreational trail,
9 wildlife or fish habitat area or a public forest to the federal government, the state or
10 a local governmental unit, as defined in s. 66.0131 (1) (a). ✓ The department may not
11 order withdrawal of the remainder of the land unless the remainder fails to meet the
12 eligibility requirements under s. 77.82 (1).

13 **SECTION 2.** 77.88 (8) (a) 3. of the statutes is created to read:

14 77.88 (8) (a) 3. ✓ Transfers ownership of managed forest land for siting a public
15 safety communications tower ~~(if the owner obtained prior approval for siting the~~

✓ *to a county, city, village, or town*

BILL

1 ~~to~~ from the governing body of the county and the municipality in which the
 2 ~~managed forest land is located.~~

3 SECTION 3. 77.88 (8) (b) ~~of~~ of the statutes is created to read:

4 77.88 (8) (b) The department may not order withdrawal of land remaining after
 5 a transfer under par. (a) unless the remainder fails to meet the eligibility
 6 requirements under s. 77.82 (1).

7 (END)

insert
3-b →

d-note
↓

INSERT 3-6

1 **SECTION 1. Nonstatutory provisions.**

2 (1) Notwithstanding section 77.88 (8) of the statutes, if on or after September
3 22, 2009, the department of natural resources assesses a withdrawal tax or fee or both
4 against an owner of managed forest land who transfers ownership of managed forest
5 land to a county, city, village, or town for siting a public safety communications tower,
6 the department of natural resources shall refund to the owner from the
7 appropriation account under s. 20.370 (1) (mv) the amount of any of those withdrawal
8 taxes and fees paid by the owner.

9 **SECTION 2. Initial applicability.**

10 (1) This act first applies to withdrawal taxes and fees assessed by the
11 department of natural resources against an owner of managed forest land for land
12 that the department of natural resources orders withdrawn from designation as
13 managed forest land on or after September 22, 2009.

(end ins 3-6)

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-3450/1dn

RNK: a:...

date

jld

✓ under current law

(DNR)

This draft exempts an owner who transfers managed forest land to a county, city, village, or town for the purpose of siting a public safety communications tower from the requirement to pay ~~the~~ withdrawal fees and taxes. It also requires the Department of Natural Resources to refund those fees and taxes if an owner makes such a transfer and is required to pay the fees and taxes by an order entered on or after September 22, 2009. Please note that the withdrawal taxes collected by DNR are distributed to counties and municipalities under s. 77.89, stats. This draft requires the refund to be paid by DNR rather than by the counties and municipalities that received the distribution of withdrawal taxes. Is this consistent with your intent?

Please feel free to contact me if you have any questions with regard to this draft.

Robin N. Kite
Legislative Attorney
Phone: (608) 266-7291
E-mail: robin.kite@legis.wisconsin.gov

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3450/1dn
RNK:jld:ph

October 9, 2009

This draft exempts an owner who transfers managed forest land to a county, city, village, or town for the purpose of siting a public safety communications tower from the requirement to pay withdrawal fees and taxes. It also requires the Department of Natural Resources (DNR) to refund those fees and taxes if an owner makes such a transfer and is required to pay the fees and taxes by an order entered on or after September 22, 2009. Please note that under current law the withdrawal taxes collected by DNR are distributed to counties and municipalities under s. 77.89, stats. This draft requires the refund to be paid by DNR rather than by the counties and municipalities that received the distribution of withdrawal taxes. Is this consistent with your intent?

Please feel free to contact me if you have any questions with regard to this draft.

Robin N. Kite
Legislative Attorney
Phone: (608) 266-7291
E-mail: robin.kite@legis.wisconsin.gov

Duerst, Christina

From: Engelbert, Steve
Sent: Monday, October 26, 2009 10:01 AM
To: LRB.Legal
Subject: Draft Review: LRB 09-3450/1 Topic: Public safety towers on managed forest land

Please Jacket LRB 09-3450/1 for the ASSEMBLY.