

1           **SECTION 660.** 30.773 (2) of the statutes is amended to read:

2           30.773 (2) PROCEDURES. A municipality authorized to establish a bulkhead line  
3 under s. 30.11 may establish a designated mooring area in the same manner as it is  
4 authorized to establish the bulkhead line except that the municipality is required to  
5 obtain the approval of the department of natural resources, rather than the  
6 department of environmental quality, and if the municipality created a board of  
7 harbor commissioners, the municipality is also required to obtain the approval of  
8 that board ~~in addition to the approval of the department.~~

9           **SECTION 661.** 30.80 (5m) of the statutes, as created by 2009 Wisconsin Act 55,  
10 is amended to read:

11           30.80 (5m) Any person violating any provision of s. ~~30.07~~ 30.795 (2) or (6) shall  
12 forfeit not more than \$500 for the first offense and shall forfeit not more than \$2,000  
13 upon conviction of the same offense a 2nd or subsequent time within 3 years.

14           **SECTION 662.** 30.92 (1) (b) of the statutes is amended to read:

15           30.92 (1) (b) "Governmental unit" means the department of natural resources,  
16 the department of agriculture, trade and consumer protection, a municipality, a lake  
17 sanitary district, a public inland lake protection and rehabilitation district organized  
18 under ch. 33, the Milwaukee River revitalization council, the Lower Wisconsin State  
19 Riverway board, or any other local governmental unit, as defined in s. 66.0131 (1) (a),  
20 that is established for the purpose of lake management.

21           **SECTION 663.** 31.01 (2) of the statutes is amended to read:

22           31.01 (2) "Department" means the department of ~~natural resources~~  
23 environmental quality.

24           **SECTION 664.** 31.02 (4) (c) of the statutes is amended to read:

1           31.02 (4) (c) With good and sufficient fishways or fish ladders, or in lieu thereof,  
2 the department of environmental quality may permit the owner ~~may be permitted~~  
3 to enter into an agreement with the department of natural resources to pay for or to  
4 supply to the state of Wisconsin annually such quantities of game fish for stocking  
5 purposes as may be agreed upon by the owner and the department of natural  
6 resources.

7           **SECTION 665.** 31.02 (4r) of the statutes is amended to read:

8           31.02 (4r) The department of environmental quality shall promulgate rules  
9 specifying the rights held by the public in navigable waters that are dammed. The  
10 rules shall include provisions on the rights held by the public that affect the  
11 placement of fishways or fish ladders in navigable waters that are dammed. The  
12 department of environmental quality shall consult with the department of natural  
13 resources concerning the rules under this subsection.

14           **SECTION 666.** 31.02 (7m) of the statutes is amended to read:

15           31.02 (7m) The drainage board for the Duck Creek Drainage District shall  
16 operate, repair and maintain dams, dikes and other structures in district drains that  
17 the board operates in the Duck Creek Drainage District in compliance with ch. 88  
18 and any rules promulgated by the department of agriculture, trade and consumer  
19 protection under ch. 88. If a county drainage board fails to perform its duties under  
20 this subsection, the department of ~~natural resources~~ environmental quality may  
21 exercise its authority under subs. (6), (8) and (9).

22           **SECTION 667.** 31.06 (1) of the statutes is amended to read:

23           31.06 (1) Upon receipt of an application for a permit under s. 31.05 the  
24 department of environmental quality may order a hearing or it may mail a notice  
25 that it will proceed on the application without public hearing unless a request for a

1 public hearing is filed as provided in this section. The notice shall be mailed to the  
2 clerk of each municipality directly affected by the proposed dam and to the  
3 department of natural resources. The department of environmental quality may  
4 give further or other notice as it considers proper. The department of environmental  
5 quality shall mail a copy of the notice to the applicant who shall cause the notice to  
6 be published in each county in which affected riparian lands are located as a class  
7 1 notice, under ch. 985. If a hearing is not requested in writing within 30 days after  
8 mailing of the notice, the department of environmental quality may waive the  
9 hearing.

10 **SECTION 668.** 31.06 (3) (b) of the statutes is amended to read:

11 31.06 (3) (b) If it appears, after consulting with the department of natural  
12 resources, that the construction, operation or maintenance of the proposed dam is in  
13 the public interest, considering ecological, aesthetic, economic and recreational  
14 values, the department of environmental quality shall so find and grant a permit to  
15 the applicant, provided the department of environmental quality also finds that the  
16 applicant has complied with s. 31.14 (2) or (3) and, where applicable, with s. 31.05  
17 (3), based on the ~~department's own~~ estimate of the department of environmental  
18 quality of the area of the flowage.

19 **SECTION 669.** 31.187 (2) of the statutes is amended to read:

20 31.187 (2) Whenever the department of environmental quality, after  
21 consultation with the department of natural resources, determines that the  
22 conservation of any species or variety of wild animals will be promoted thereby, the  
23 department of environmental quality may maintain and repair any dam located  
24 wholly upon lands the title to which is in the state either as proprietor or in trust for

1 the people after giving due consideration to fixing the level and regulating the flow  
2 of the public waters.

3 **SECTION 670.** 31.307 (4) of the statutes is repealed.

4 **SECTION 671.** 31.309 (1) (a) and (am) of the statutes are repealed.

5 **SECTION 672.** 31.309 (1) (b) of the statutes is renumbered 31.309 (1) and  
6 amended to read:

7 31.309 (1) When the department determines that the renovation and repair  
8 described under ~~par. (a)~~ s. 31.309 (1) (a), 2007 stats., are complete, the city of Portage  
9 shall assume the maintenance of the city of Portage levee in the Portage levee system  
10 in a manner that will best protect the surrounding area from the overflow of the  
11 Wisconsin River.

12 **SECTION 673.** 31.309 (2) (a) of the statutes is renumbered 31.309 (2).

13 **SECTION 674.** 31.309 (2) (b) of the statutes is repealed.

14 **SECTION 675.** 31.34 of the statutes is amended to read:

15 **31.34 Flow of water regulated.** Each person, firm or corporation  
16 maintaining a dam on any navigable stream shall pass at all times at least 25% of  
17 the natural low flow of water of such stream, except as otherwise provided by law.  
18 This section, however, shall not apply to a plant or dam where the water is discharged  
19 directly into a lake, mill pond, storage pond or cranberry marsh, nor shall it apply  
20 to cases ~~where in the opinion of~~ in which the department of environmental quality  
21 determines, after consultation with the department of natural resources, that such  
22 minimum discharge is not necessary for the protection of fish life. Any person, firm  
23 or corporation violating this section shall be fined not less than \$50 nor more than  
24 \$1,000.

25 **SECTION 676.** 32.02 (15m) of the statutes is created to read:

1           32.02 (15m) The department of agriculture, trade and consumer protection  
2 with the approval of the appropriate standing committees of each house of the  
3 legislature as determined by the presiding officer thereof and as authorized by law,  
4 for acquisition of lands.

5           **SECTION 677.** 32.035 (3) of the statutes is amended to read:

6           32.035 (3) PROCEDURE. The condemnor shall notify the department of any  
7 project involving the actual or potential exercise of the powers of eminent domain  
8 affecting a farm operation. If the condemnor is the department of natural resources,  
9 or the department of agriculture, trade and consumer protection, the notice required  
10 by this subsection shall be given at the time that permission of the ~~senate and~~  
11 ~~assembly~~ appropriate standing committees on natural resources is sought under s.  
12 23.09 (2) (d) ~~or~~, 27.01 (2) (a), or 28.02 (2). To prepare an agricultural impact statement  
13 under this section, the department may require the condemnor to compile and  
14 submit information about an affected farm operation. The department shall charge  
15 the condemnor a fee approximating the actual costs of preparing the statement. The  
16 department may not publish the statement if the fee is not paid.

17           **SECTION 678.** 33.01 (2) of the statutes is amended to read:

18           33.01 (2) "Department" means the department of ~~natural resources~~  
19 environmental quality.

20           **SECTION 679.** 33.265 of the statutes is amended to read:

21           **33.265 Notice, filing and recording requirements.** If a district is created  
22 or its boundaries altered, the board of commissioners shall record the authorizing  
23 document, including a legal description of the boundary, with the register of deeds  
24 in each county where the district is situated, and file the document and legal

1 description with the department of ~~natural resources~~ environmental quality and the  
2 department of revenue.

3 **SECTION 680.** 33.457 (4) (intro.) of the statutes is amended to read:

4 33.457 (4) (intro.) Within 3 months after the implementation plan is developed  
5 and submitted under sub. (1), the department of environmental quality, the  
6 department of natural resources, and the designated planning agency under s.  
7 281.51 that covers the county shall evaluate the implementation plan to determine  
8 whether it is consistent with the criteria for water quality planning under s. 281.51  
9 and whether the plan is adequate to:

10 **SECTION 681.** 33.55 (1) (p) of the statutes is created to read:

11 33.55 (1) (p) One nonvoting representative from the department of  
12 environmental quality, who shall be appointed by the secretary of environmental  
13 quality.

14 **SECTION 682.** 36.25 (8) of the statutes is amended to read:

15 36.25 (8) WATER RESOURCES RESEARCH. Funds made available to the various  
16 state agencies for joint water resources research and data collection programs shall  
17 be administered and coordinated by the director of the water resources center of the  
18 University of Wisconsin-Madison. Such funds shall be made available, on  
19 application from the state agencies concerned, when the director, after seeking the  
20 advice of the department of natural resources and the department of environmental  
21 quality, finds the proposed projects to be consistent with other state projects and the  
22 needs of the state. The director shall make biennial reports to the chief clerk of each  
23 house of the legislature, for distribution to the legislature under s. 13.172 (2), at the  
24 convening of the legislature.

25 **SECTION 683.** 36.25 (11) (c) of the statutes is amended to read:

1           36.25 (11) (c) The laboratory shall provide analytical support to the appropriate  
2 state agencies charged with water system evaluation. The support service shall  
3 include an evaluation from a public health standpoint and analytical support to  
4 ascertain the water's suitability for manufacturing, commercial and recreational  
5 purposes as determined by the rules promulgated by the department of health  
6 services, the department of ~~natural resources~~ environmental quality and the  
7 department of agriculture, trade and consumer protection.

8           **SECTION 684.** 36.25 (11) (d) of the statutes is amended to read:

9           36.25 (11) (d) The laboratory shall be operated to furnish a complete laboratory  
10 service to the department of health services, the department of environmental  
11 quality, and the department of natural resources in the areas of water quality, air  
12 quality, public health and contagious diseases and to make available to the system,  
13 the department of health services, the department of environmental quality, and the  
14 department of natural resources such facilities for teaching in the fields of public  
15 health and environmental protection as may be derived from such a laboratory.

16           **SECTION 685.** 36.25 (30) of the statutes is amended to read:

17           36.25 (30) POLLUTION PREVENTION. The board shall maintain in the extension  
18 a solid and hazardous waste education center to promote pollution prevention, as  
19 defined in s. 299.13 (1) (dm). In cooperation with the department of ~~natural resources~~  
20 environmental quality and the department of commerce, the center shall conduct an  
21 education and technical assistance program to promote pollution prevention in this  
22 state.

23           **SECTION 686.** 36.27 (3m) (a) 2. of the statutes is amended to read:

1           36.27 **(3m)** (a) 2. “Law enforcement officer” has the meaning given in s. 165.85  
2 (2) (c) and includes a person appointed as a conservation warden under s. 23.10 and  
3 a person appointed as an environmental warden under s. 278.10.

4           **SECTION 687.** 40.02 (17) (n) of the statutes is created to read:

5           40.02 **(17)** (n) Notwithstanding par. (d), each participant who is a state forest  
6 ranger on or after the effective date of this paragraph .... [LRB inserts date], shall be  
7 granted creditable service as a protective occupation participant for all covered  
8 service as a state forest ranger that was earned on or after the effective date of this  
9 paragraph .... [LRB inserts date], but may not be granted creditable service as a  
10 protective occupation participant for any covered service as a state forest ranger that  
11 was earned before the effective date of this paragraph .... [LRB inserts date], unless  
12 that service was earned while the participant was classified under sub. (48) (a) and  
13 s. 40.06 (1) (d) as a protective occupation participant.

14           **SECTION 688.** 40.02 (48) (am) 5m. of the statutes is created to read:

15           40.02 **(48)** (am) 5m. An environmental warden.

16           **SECTION 689.** 40.02 (48) (c) of the statutes is amended to read:

17           40.02 **(48)** (c) In s. 40.65, “protective occupation participant” means a  
18 participating employee who is a police officer, fire fighter, an individual determined  
19 by a participating employer under par. (a) or (bm) to be a protective occupation  
20 participant, county undersheriff, deputy sheriff, state probation and parole officer,  
21 county traffic police officer, conservation warden, state forest ranger, field  
22 conservation employee of the department of natural resources or the department of  
23 agriculture, trade and consumer protection who is subject to call for forest fire control  
24 or warden duty, environmental warden, member of the state traffic patrol, state  
25 motor vehicle inspector, University of Wisconsin System full-time police officer,



1 guard or any other employee whose principal duties are supervision and discipline  
2 of inmates at a state penal institution, excise tax investigator employed by the  
3 department of revenue, person employed under s. 61.66 (1), or special criminal  
4 investigation agent employed by the department of justice.

5 **SECTION 690.** 40.65 (4w) of the statutes is created to read:

6 40.65 (4w) A state forest ranger who becomes a protective occupation  
7 participant on or after the effective date of this subsection .... [LRB inserts date], is  
8 not entitled to a duty disability benefit under this section for an injury or disease  
9 occurring before the effective date of this subsection .... [LRB inserts date].

10 **SECTION 691.** 42.09 (2) (b) of the statutes is amended to read:

11 42.09 (2) (b) The state fair park board shall allow the department of natural  
12 resources and the department of agriculture, trade and consumer protection access  
13 to and use of the buildings, appurtenances, fixtures, exhibits and other structures  
14 and facilities described in par. (a) so that the ~~department~~ departments may prepare,  
15 display and dismantle exhibits during events occurring at state fair park.

16 **SECTION 692.** 44.57 (1) (c) of the statutes is amended to read:

17 44.57 (1) (c) Game farms, fish hatcheries, nurseries and other production  
18 facilities operated by the department of natural resources or the department of  
19 agriculture, trade and consumer protection.

20 **SECTION 693.** 46.34 of the statutes is amended to read:

21 **46.34 Emission standards for hazardous air contaminants.** The  
22 department may assist the department of ~~natural resources~~ environmental quality  
23 in the development of emission standards for hazardous air contaminants under s.  
24 285.27 (2) (b).

25 **SECTION 694.** 59.01 of the statutes is amended to read:

1           **59.01 Body corporate; status.** Each county in this state is a body corporate,  
2 authorized to sue and be sued, to acquire and hold, lease or rent real and personal  
3 estate for public uses or purposes, including lands acquired under ch. 75, to sell, lease  
4 and convey the same, including the authority to enter into leases or contracts with  
5 the state for a period of years for the uses and purposes specified in ~~ss.~~ ss. 23.09 (2)  
6 (d) and 28.02 (2), to make such contracts and to do such other acts as are necessary  
7 and proper to the exercise of the powers and privileges granted and the performance  
8 of the legal duties charged upon it.

9           **SECTION 695.** 59.692 (1) (a) of the statutes is amended to read:

10           59.692 (1) (a) "Department" means the department of ~~natural resources~~  
11 environmental quality.

12           **SECTION 696.** 59.693 (1) of the statutes is amended to read:

13           59.693 (1) DEFINITION. In this section, "department" means the department of  
14 ~~natural resources~~ environmental quality.

15           **SECTION 697.** 59.70 (2) (q) 4. of the statutes is amended to read:

16           59.70 (2) (q) 4. The cleanup of the site is conducted under the supervision of the  
17 department of ~~natural resources~~ environmental quality.

18           **SECTION 698.** 59.70 (6) (a) 1. of the statutes is amended to read:

19           59.70 (6) (a) 1. "Department" means the department of ~~natural resources~~  
20 environmental quality.

21           **SECTION 699.** 59.70 (13) (b) of the statutes is amended to read:

22           59.70 (13) (b) Members or employees of the commission may request admission  
23 onto any property within the district at reasonable times to determine if mosquito  
24 breeding is present. If the owner or occupant refuses admission, the commission  
25 member or employee shall seek a warrant to inspect the property as a potential

1 mosquito breeding ground. Commission members or employees may enter upon  
2 property to clean up stagnant pools of water or shores of lakes or streams, and may  
3 spray mosquito breeding areas with insecticides subject to the approval of the district  
4 director and the department of ~~natural resources~~ environmental quality. The  
5 commission shall notify the property owner of any pending action under this  
6 paragraph and shall provide the property owner with a hearing prior to acting under  
7 this paragraph if the owner objects to the commission's actions.

8 **SECTION 700.** 59.74 (2) (g) of the statutes is amended to read:

9 59.74 (2) (g) Every land surveyor and every officer of the department of natural  
10 resources, every officer of the department of agriculture, trade and consumer  
11 protection, and the district attorney shall enforce this subsection.

12 **SECTION 701.** 60.627 (1) of the statutes is amended to read:

13 60.627 (1) DEFINITION. In this section, "department" means the department of  
14 ~~natural resources~~ environmental quality.

15 **SECTION 702.** 60.71 (4) (b) of the statutes is amended to read:

16 60.71 (4) (b) The town board shall publish a class 2 notice, under ch. 985, of the  
17 hearing. The notice shall contain an announcement of the hearing and a description  
18 of the boundaries of the proposed town sanitary district. The town board shall mail  
19 the notice to the department of commerce and the department of ~~natural resources~~  
20 environmental quality at least 10 days prior to the hearing.

21 **SECTION 703.** 60.71 (4) (c) of the statutes is amended to read:

22 60.71 (4) (c) Any person may file written comments on the formation of the  
23 district with the town clerk. Any owner of property within the boundary of the  
24 proposed district may appear at the hearing and offer objections, criticisms or  
25 suggestions as to the necessity of the proposed district and the question of whether

1 his or her property will be benefited by the establishment of the district. A  
2 representative of the department of commerce and of the department of ~~natural~~  
3 ~~resources~~ environmental quality may attend the hearing and advise the town board.

4 **SECTION 704.** 60.71 (7) of the statutes is amended to read:

5 **60.71 (7) FILING AND RECORDING THE ORDER.** The town board shall file copies of  
6 the order establishing the town sanitary district with the department of ~~natural~~  
7 ~~resources~~ environmental quality and record the order with the register of deeds in  
8 each county in which the district is located.

9 **SECTION 705.** 60.72 (title) and (1) of the statutes are amended to read:

10 **60.72 (title) Creation of town sanitary district by order of the**  
11 **department of ~~natural resources~~ environmental quality.** (1) DEFINITION. In  
12 this section, "department" means the department of ~~natural resources~~  
13 environmental quality.

14 **SECTION 706.** 60.73 of the statutes is amended to read:

15 **60.73 Review of orders creating town sanitary districts.** Any person  
16 aggrieved by any act of the town board or the department of ~~natural resources~~  
17 environmental quality in establishing a town sanitary district may bring an action  
18 in the circuit court of the county in which his or her lands are located, to set aside the  
19 final determination of the town board or the department of ~~natural resources~~  
20 environmental quality, within 90 days after the final determination, as provided  
21 under s. 893.73 (2). If no action is taken within the 90-day period, the determination  
22 by the town board or the department of ~~natural resources~~ environmental quality is  
23 final.

24 **SECTION 707.** 60.782 (2) (d) of the statutes is amended to read:

1           60.782 (2) (d) Lease or acquire, including by condemnation, any real property  
2 situated in this state that may be needed for the purposes of s. 23.09 (19), 23.094 (3g)  
3 or ~~30.275~~ 23.434 (4).

4           **SECTION 708.** 60.785 (2) (a) of the statutes is amended to read:

5           60.785 (2) (a) Any town sanitary district may be consolidated with a contiguous  
6 town sanitary district by resolution passed by a two-thirds vote of all of the  
7 commissioners of each district, fixing the terms of the consolidation and ratified by  
8 the qualified electors of each district at a referendum held in each district. The  
9 resolution shall be filed as provided in s. 8.37. The ballots shall contain the words  
10 “for consolidation”, and “against consolidation”. If a majority of the votes cast on the  
11 referendum in each town sanitary district are for consolidation, the resolutions are  
12 effective and have the force of a contract. Certified copies of the resolutions and the  
13 results of the referendum shall be filed with the secretary of ~~natural resources~~  
14 environmental quality and the original documents shall be recorded with the  
15 register of deeds in each county in which the consolidated district is situated.

16           **SECTION 709.** 60.85 (1) (n) of the statutes is amended to read:

17           60.85 (1) (n) “Tax incremental district” means a contiguous geographic area  
18 within a town defined and created by resolution of the town board, consisting solely  
19 of whole units of property as are assessed for general property tax purposes, other  
20 than railroad rights-of-way, rivers or highways. Railroad rights-of-way, rivers or  
21 highways may be included in a tax incremental district only if they are continuously  
22 bounded on either side, or on both sides, by whole units of property as are assessed  
23 for general property tax purposes which are in the tax incremental district. “Tax  
24 incremental district” does not include any area identified as a wetland on a map  
25 under s. ~~23.32~~ 278.32.

1           **SECTION 710.** 61.351 (1) (b) of the statutes is amended to read:

2           61.351 (1) (b) "Wetlands" has the meaning specified under s. ~~23.32~~ 278.32 (1).

3           **SECTION 711.** 61.351 (2) of the statutes is amended to read:

4           61.351 (2) FILLED WETLANDS. Any wetlands which are filled prior to the date  
5 on which a village receives a final wetlands map ~~from the department of natural~~  
6 ~~resources~~ under s. 278.32 in a manner which affects their characteristics as wetlands  
7 are filled wetlands and not subject to an ordinance adopted under this section.

8           **SECTION 712.** 61.351 (3) of the statutes is amended to read:

9           61.351 (3) ADOPTION OF ORDINANCE. To effect the purposes of s. 281.31 and to  
10 promote the public health, safety and general welfare, each village shall zone by  
11 ordinance all unfilled wetlands of 5 acres or more which are shown on the final  
12 wetland inventory maps prepared ~~by the department of natural resources~~ for the  
13 village under s. ~~23.32~~ 278.32, which are located in any shorelands and which are  
14 within its incorporated area. A village may zone by ordinance any unfilled wetlands  
15 which are within its incorporated area at any time.

16           **SECTION 713.** 61.351 (6) of the statutes is amended to read:

17           61.351 (6) FAILURE TO ADOPT ORDINANCE. If any village does not adopt an  
18 ordinance required under sub. (3) within 6 months after receipt of final wetland  
19 inventory maps prepared ~~by the department of natural resources~~ for the village  
20 under s. ~~23.32~~ 278.32, or if the department of ~~natural resources~~ environmental  
21 quality, after notice and hearing, determines that a village adopted an ordinance  
22 which fails to meet reasonable minimum standards in accomplishing the shoreland  
23 protection objectives of s. 281.31 (1), the department of ~~natural resources~~  
24 environmental quality shall adopt an ordinance for the village. As far as applicable,  
25 the procedures set forth in s. 87.30 apply to this subsection.

1           **SECTION 714.** 61.354 (1) of the statutes is amended to read:

2           61.354 (1) DEFINITION. As used in this section, "department" means the  
3 department of ~~natural resources~~ environmental quality.

4           **SECTION 715.** 62.231 (1) (b) of the statutes is amended to read:

5           62.231 (1) (b) "Wetlands" has the meaning specified under s. ~~23.32~~ 278.32 (1).

6           **SECTION 716.** 62.231 (2) of the statutes is amended to read:

7           62.231 (2) FILLED WETLANDS. Any wetlands which are filled prior to the date  
8 on which a city receives a final wetlands map ~~from the department of natural~~  
9 ~~resources~~ under s. 278.32 in a manner which affects their characteristics as wetlands  
10 are filled wetlands and not subject to an ordinance adopted under this section.

11           **SECTION 717.** 62.231 (3) of the statutes is amended to read:

12           62.231 (3) ADOPTION OF ORDINANCE. To effect the purposes of s. 281.31 and to  
13 promote the public health, safety and general welfare, each city shall zone by  
14 ordinance all unfilled wetlands of 5 acres or more which are shown on the final  
15 wetland inventory maps prepared by ~~the department of natural resources~~ for the city  
16 under s. ~~23.32~~ 278.32, which are located in any shorelands and which are within its  
17 incorporated area. A city may zone by ordinance any unfilled wetlands which are  
18 within its incorporated area at any time.

19           **SECTION 718.** 62.231 (6) of the statutes is amended to read:

20           62.231 (6) FAILURE TO ADOPT ORDINANCE. If any city does not adopt an ordinance  
21 required under sub. (3) within 6 months after receipt of final wetland inventory maps  
22 prepared by ~~the department of natural resources~~ for the city under s. ~~23.32~~ 278.32,  
23 or if the department of ~~natural resources~~ environmental quality, after notice and  
24 hearing, determines that a city adopted an ordinance which fails to meet reasonable  
25 minimum standards in accomplishing the shoreland protection objectives of s.

1 281.31 (1), the department of ~~natural resources~~ environmental quality shall adopt  
2 an ordinance for the city. As far as applicable, the procedures set forth in s. 87.30  
3 apply to this subsection.

4 **SECTION 719.** 62.231 (6m) of the statutes is amended to read:

5 62.231 (6m) CERTAIN AMENDMENTS TO ORDINANCES. For an amendment to an  
6 ordinance enacted under this section that affects an activity that meets all of the  
7 requirements under s. 281.165 (2) or (3) (a), the department of ~~natural resources~~  
8 environmental quality may not proceed under sub. (6), or otherwise review the  
9 amendment, to determine whether the ordinance, as amended, fails to meet  
10 reasonable minimum standards.

11 **SECTION 720.** 62.234 (1) of the statutes is amended to read:

12 62.234 (1) DEFINITION. As used in this section, "department" means the  
13 department of ~~natural resources~~ environmental quality.

14 **SECTION 721.** 66.0217 (9) (b) of the statutes is amended to read:

15 66.0217 (9) (b) Within 10 days of receipt of the ordinance, certificate and plat,  
16 the secretary of state shall forward 2 copies of the ordinance, certificate and plat to  
17 the department of transportation, one copy to the department of administration, one  
18 copy to the department of revenue, one copy to the department of public instruction,  
19 one copy to the department, one copy to the department of natural resources, one  
20 copy to the department of environmental quality, one copy to the department of  
21 agriculture, trade and consumer protection and 2 copies to the clerk of the  
22 municipality from which the territory was annexed.

23 **SECTION 722.** 66.0221 (1) of the statutes is amended to read:

24 66.0221 (1) Upon its own motion and subject to sub. (3) and ss. 66.0301 (6) (d)  
25 and 66.0307 (7), a city or village, by a two-thirds vote of the entire membership of



1 its governing body, may enact an ordinance annexing territory which comprises a  
2 portion of a town or towns and which was completely surrounded by territory of the  
3 city or village on December 2, 1973. The ordinance shall include all surrounded town  
4 areas except those that are exempt by mutual agreement of all of the governing  
5 bodies involved. The annexation ordinance shall contain a legal description of the  
6 territory and the name of the town or towns from which the territory is detached.  
7 Upon enactment of the ordinance, the city or village clerk immediately shall file 6  
8 certified copies of the ordinance in the office of the secretary of state, together with  
9 6 copies of a scale map. The secretary of state shall forward 2 copies of the ordinance  
10 and scale map to the department of transportation, one copy to the department of  
11 natural resources, one copy to the department of environmental quality, one copy to  
12 the department of agriculture, trade and consumer protection, one copy to the  
13 department of revenue and one copy to the department of administration. This  
14 subsection does not apply if the town island was created only by the annexation of  
15 a railroad right-of-way or drainage ditch. This subsection does not apply to land  
16 owned by a town government which has existing town government buildings located  
17 on the land. No town island may be annexed under this subsection if the island  
18 consists of over 65 acres or contains over 100 residents. Section 66.0217 (11) applies  
19 to annexations under this subsection. Except as provided in sub. (2), after  
20 December 2, 1973, no city or village may, by annexation, create a town area which  
21 is completely surrounded by the city or village.

22 **SECTION 723.** 66.0223 (1) of the statutes is amended to read:

23 66.0223 (1) In addition to other methods provided by law and subject to sub.  
24 (2) and ss. 59.692 (7), 66.0301 (6) (d), and 66.0307 (7), territory owned by and lying  
25 near but not necessarily contiguous to a village or city may be annexed to a village

1 or city by ordinance enacted by the board of trustees of the village or the common  
2 council of the city, provided that in the case of noncontiguous territory the use of the  
3 territory by the city or village is not contrary to any town or county zoning regulation.  
4 The ordinance shall contain the exact description of the territory annexed and the  
5 names of the towns from which detached, and attaches the territory to the village or  
6 city upon the filing of 7 certified copies of the ordinance in the office of the secretary  
7 of state, together with 7 copies of a plat showing the boundaries of the territory  
8 attached. Two copies of the ordinance and plat shall be forwarded by the secretary  
9 of state to the department of transportation, one copy to the department of  
10 administration, one copy to the department of natural resources, one copy to the  
11 department of environmental quality, one copy to the department of agriculture,  
12 trade and consumer protection, one copy to the department of revenue and one copy  
13 to the department of public instruction. Within 10 days of filing the certified copies,  
14 a copy of the ordinance and plat shall be mailed or delivered to the clerk of the county  
15 in which the annexed territory is located. Sections 66.0203 (8) (c) and 66.0217 (11)  
16 apply to annexations under this section.

17 **SECTION 724.** 66.0235 (5) of the statutes is amended to read:

18 66.0235 (5) APPORTIONMENT BOARD. The boards or councils of the local  
19 governmental units, or committees selected for that purpose, acting together,  
20 constitute an apportionment board. When a local governmental unit is dissolved  
21 because all of its territory is transferred the board or council of the local  
22 governmental unit existing at the time of dissolution shall, for the purpose of this  
23 section, continue to exist as the governing body of the local governmental unit until  
24 there has been an apportionment of assets by agreement of the interested local  
25 governmental units or by an order of the circuit court. After an agreement for

1 apportionment of assets has been entered into between the interested local  
2 governmental units, or an order of the circuit court becomes final, a copy of the  
3 apportionment agreement, or of the order, certified to by the clerks of the interested  
4 local governmental units, shall be filed with the department of revenue, the  
5 department of natural resources, the department of environmental quality, the  
6 department of agriculture, trade and consumer protection, the department of  
7 transportation, the state superintendent of public instruction, the department of  
8 administration, and with any other department or agency of the state from which the  
9 town may be entitled by law to receive funds or certifications or orders relating to the  
10 distribution or disbursement of funds, with the county treasurer, with the treasurer  
11 of any local governmental unit, or with any other entity from which payment would  
12 have become due if the dissolved local governmental unit had continued in existence.  
13 Subject to ss. 79.006 and 86.303 (4), payments from the shared revenue account  
14 made pursuant to ch. 79, payments of forest crop taxes under s. 77.05, of  
15 transportation aids under s. 20.395, of state aids for school purposes under ch. 121,  
16 payments for managed forest land under subch. VI of ch. 77 and all payments due  
17 from a department or agency of the state, from a county, from a local governmental  
18 unit, or from any other entity from which payments would have become due if the  
19 dissolved local governmental unit had continued in existence, shall be paid to the  
20 interested local governmental unit as provided by the agreement for apportionment  
21 of assets or by any order of apportionment by the circuit court and the payments have  
22 the same force and effect as if made to the dissolved local governmental unit.

23 **SECTION 725.** 66.0307 (4) (a) 1. of the statutes is amended to read:

1           66.0307 (4) (a) 1. The department, the department of natural resources, the  
2 department of environmental quality, the department of agriculture, trade and  
3 consumer protection and the department of transportation.

4           **SECTION 726.** 66.0407 (5) of the statutes is amended to read:

5           66.0407 (5) This section does not apply to Canada thistle or annual noxious  
6 weeds that are located on land that the department of natural resources or the  
7 department of agriculture, trade and consumer protection owns, occupies, or controls  
8 and that is maintained in whole or in part as habitat for wild birds by the either  
9 department of ~~natural resources~~.

10          **SECTION 727.** 66.1006 of the statutes is amended to read:

11          **66.1006 Department of ~~natural resources~~ environmental quality**  
12 **approval of discontinuance.** No resolution, ordinance, order, or similar action of  
13 a town board or county board, or of a committee of a town board or county board,  
14 discontinuing any highway, street, alley, or right-of-way that provides public access  
15 to any navigable lake or stream shall be effective until such resolution, ordinance,  
16 order, or similar action is approved by the department of ~~natural resources~~  
17 environmental quality.

18          **SECTION 728.** 66.1105 (2) (k) of the statutes is amended to read:

19          66.1105 (2) (k) "Tax incremental district" means a contiguous geographic area  
20 within a city defined and created by resolution of the local legislative body, consisting  
21 solely of whole units of property as are assessed for general property tax purposes,  
22 other than railroad rights-of-way, rivers or highways. Railroad rights-of-way,  
23 rivers or highways may be included in a tax incremental district only if they are  
24 continuously bounded on either side, or on both sides, by whole units of property as  
25 are assessed for general property tax purposes which are in the tax incremental

1 district. "Tax incremental district" does not include any area identified as a wetland  
2 on a map under s. ~~23.32~~ 278.32.

3 **SECTION 729.** 66.1106 (1) (fm) of the statutes is amended to read:

4 66.1106 (1) (fm) "Environmental remediation tax incremental district" means  
5 a contiguous geographic area within a political subdivision defined and created by  
6 resolution of the governing body of the political subdivision consisting solely of whole  
7 units of property as are assessed for general property tax purposes, other than  
8 railroad rights-of-way, rivers, or highways. Railroad rights-of-way, rivers, or  
9 highways may be included in an environmental remediation tax incremental district  
10 only if they are continuously bounded on either side, or on both sides, by whole units  
11 of property as are assessed for general property tax purposes which are in the  
12 environmental remediation tax incremental district. "Environmental remediation  
13 tax incremental district" does not include any area identified as a wetland on a map  
14 under s. ~~23.32~~ 278.32.

15 **SECTION 730.** 66.1106 (4) (a) of the statutes is amended to read:

16 66.1106 (4) (a) The political subdivision submits a statement that it has  
17 incurred some eligible costs, and includes with the statement a detailed proposed  
18 remedial action plan approved by the department of natural resources that contains  
19 cost estimates for anticipated eligible costs and a schedule for the design,  
20 implementation and construction that is needed to complete the remediation, with  
21 respect to the parcel or contiguous parcels of property and the statement details the  
22 purpose and amount of the expenditures already made and includes a dated  
23 certificate issued by the department of ~~natural resources~~ environmental quality that  
24 certifies that the department of ~~natural resources~~ environmental quality has  
25 approved the site investigation report that relates to the parcel or contiguous parcels

1 in accordance with rules promulgated by the department of ~~natural resources~~  
2 environmental quality.

3 **SECTION 731.** 66.1106 (7) (d) of the statutes is amended to read:

4 66.1106 (7) (d) 1. The department may not authorize a positive environmental  
5 remediation tax increment under par. (a) to pay otherwise eligible costs that are  
6 incurred by the political subdivision after the department of ~~natural resources~~  
7 environmental quality certifies to the department of revenue that environmental  
8 pollution on the parcel or contiguous parcels of property has been remediated unless  
9 the costs are associated with activities, as determined by the department of ~~natural~~  
10 ~~resources~~ environmental quality, that are necessary to close the site described in the  
11 site investigation report.

12 2. The department of ~~natural resources~~ environmental quality shall certify to  
13 the department of revenue the completion of the remediation of environmental  
14 pollution at the site described in the site investigation report.

15 **SECTION 732.** 67.12 (1) (b) 2. of the statutes is amended to read:

16 67.12 (1) (b) 2. Any municipality may issue municipal obligations in  
17 anticipation of receiving proceeds from brownfields revolving loan program loans or  
18 grants under the program described in s. 292.72 if the municipality has received  
19 written notification from the department of ~~natural resources~~ environmental quality  
20 that the department intends to distribute such proceeds to the municipality. The  
21 obligation shall be repaid within 10 years after the original date of the obligation,  
22 except that the obligation may be refunded one or more times. Any refundings shall  
23 be repaid within 20 years after the original date of the original obligation.

24 **SECTION 733.** 70.11 (21) (am) of the statutes is amended to read:

1           70.11 (21) (am) All property purchased or constructed as a waste treatment  
2 facility used exclusively and directly to remove, store, or cause a physical or chemical  
3 change in industrial waste or air contaminants for the purpose of abating or  
4 eliminating pollution of surface waters, the air, or waters of the state if that property  
5 is not used to grow agricultural products for sale and, if the property's owner is taxed  
6 under ch. 76, if the property is approved by the department of revenue. The  
7 department of ~~natural resources~~ environmental quality and department of health  
8 services shall make recommendations upon request to the department of revenue  
9 regarding such property. All property purchased or upon which construction began  
10 prior to July 31, 1975, shall be subject to s. 70.11 (21), 1973 stats.

11           **SECTION 734.** 70.11 (21) (b) of the statutes is amended to read:

12           70.11 (21) (b) The books and records of owners of property covered by this  
13 subsection shall be open to examination by representatives of the department of  
14 ~~natural resources~~ environmental quality, department of health services and  
15 department of revenue.

16           **SECTION 735.** 70.113 (1) (intro.) of the statutes is amended to read:

17           70.113 (1) (intro.) As soon after April 20 of each year as is feasible, the  
18 department of natural resources shall pay to the city, village, or town treasurer all  
19 of the following amounts from the following appropriations for each acre situated in  
20 the municipality of ~~state forest lands, as defined in s. 28.02 (1)~~, state parks under s.  
21 27.01 and state public shooting, trapping or fishing grounds and reserves or refuges  
22 operated thereon, acquired at any time under s. 29.10, 1943 stats., s. 23.09 (2) (d) or  
23 29.749 (1) or from the appropriations made by s. 20.866 (2) (tp) by the department  
24 of natural resources or leased from the federal government by the department of  
25 natural resources:

1           **SECTION 736.** 70.113 (1m) of the statutes is created to read:

2           70.113 (1m) As soon after April 20 of each year as is feasible, the department  
3 of agriculture, trade and consumer protection shall pay to the city, village, or town  
4 treasurer all of the following amounts from the following appropriations for each acre  
5 situated in the municipality that is state forest land, as defined in s. 28.02 (1):

6           (a) Eighty cents, to be paid from the appropriation under s. 20.115 (5) (d) or (s).

7           (b) Eight cents, to be paid from the appropriation under s. 20.115 (5) (s).

8           **SECTION 737.** 70.113 (2) (a) of the statutes is amended to read:

9           70.113 (2) (a) Towns, cities or villages shall be paid for state forest lands as  
10 defined in s. 28.02 (1), state parks under s. 27.01, and other lands acquired under s.  
11 23.09 (2) (d), 23.27, 23.29, 23.293, 23.31 or 29.749 (1) located within such  
12 municipality and acquired after June 30, 1969. Such payments shall be ~~made from~~  
13 ~~the appropriation under s. 20.370 (5) (da) or (dq) and~~ remitted by the department of  
14 natural resources or the department of agriculture, trade and consumer protection  
15 in the amounts certified by the department of revenue according to par. (b).

16           **SECTION 738.** 70.114 (1) (a) of the statutes is repealed.

17           **SECTION 739.** 70.114 (1) (c) of the statutes is amended to read:

18           70.114 (1) (c) "Land" means state forests forest lands, as defined in s. 28.02 (1),  
19 that are acquired after December 31, 1991, state parks that are acquired after  
20 December 31, 1991, under s. 27.01 and other areas that are acquired after  
21 December 31, 1991, under s. 23.09 (2) (d), 23.091, 23.27, 23.29, 23.293, 23.31 or  
22 29.749 (1).

23           **SECTION 740.** 70.114 (1) (d) of the statutes is amended to read:

24           70.114 (1) (d) "Purchase price" means the amount paid by the department of of  
25 natural resources or the department of agriculture, trade and consumer protection



1 for a fee simple interest in real property. "Purchase price" does not include  
2 administrative costs incurred by the applicable department to acquire the land, such  
3 as legal fees, appraisal costs or recording fees. If real estate is transferred by gift to  
4 the applicable department ~~by gift~~ or is sold to the applicable department for an  
5 amount that is less than the estimated fair market value of the property as shown  
6 on the property tax bill prepared for the prior year under s. 74.09, "purchase price"  
7 means an amount equal to the estimated fair market value of the property as shown  
8 on that tax bill. If the real estate is exempt from taxation at the time that it is  
9 transferred or sold to the applicable department and if the property was not sold at  
10 an arm's-length sale, "purchase price" means the fair market value of the real estate  
11 at the time that the applicable department takes title to it.

12 **SECTION 741.** 70.114 (2) of the statutes is amended to read:

13 70.114 (2) APPLICATION. For all land acquired after December 31, 1991, the  
14 department of natural resources and the department of agriculture, trade and  
15 consumer protection shall pay aids in lieu of taxes under this section and not under  
16 s. 70.113.

17 **SECTION 742.** 70.114 (3) of the statutes is amended to read:

18 70.114 (3) ASCERTAINING RATE. Each year, the department of natural resources  
19 and the department of agriculture, trade and consumer protection shall ascertain  
20 from the clerks of the taxation district the aggregate net general property tax rate  
21 for taxation districts to which aids are paid under this section.

22 **SECTION 743.** 70.114 (4) (a) of the statutes is amended to read:

23 70.114 (4) (a) On or before January 31, the department of natural resources  
24 shall pay to each treasurer of a taxation district, with respect to each parcel of land  
25 acquired by, and that is under the jurisdiction of, the department and that is within

1 the taxation district on or before January 1 of the preceding year, an amount  
2 determined under par. (ar).

3 (ar) The amount to be paid under par. (a) or (ag) shall be determined by  
4 multiplying each parcel's estimated value equated to the average level of assessment  
5 in the taxation district by the aggregate net general property tax rate that would  
6 apply to the parcel of land if it were taxable, as shown on property tax bills prepared  
7 for that year under s. 74.09.

8 **SECTION 744.** 70.114 (4) (ag) of the statutes is created to read:

9 70.114 (4) (ag) On or before January 31, the department of agriculture, trade  
10 and consumer protection shall pay to each treasurer of a taxation district, with  
11 respect to each parcel of land acquired by, and that is under the jurisdiction of, the  
12 department of agriculture, trade and consumer protection and that is within the  
13 taxation district on or before January 1 of the preceding year an amount determined  
14 under par. (ar).

15 **SECTION 745.** 70.114 (4) (b) of the statutes is amended to read:

16 70.114 (4) (b) On or before February 15, the taxation district treasurer shall  
17 pay to the treasurer of each taxing jurisdiction, from the amount received under ~~par.~~  
18 pars. (a) and (ag), the taxing jurisdiction's proportionate share of the tax that would  
19 be levied on the parcel if it were taxable.

20 **SECTION 746.** 70.32 (2) (c) 4. of the statutes is amended to read:

21 70.32 (2) (c) 4. "Undeveloped land" means bog, marsh, lowland brush,  
22 uncultivated land zoned as shoreland under s. 59.692 and shown as a wetland on a  
23 final map under s. ~~23.32~~ 278.32 or other nonproductive lands not otherwise classified  
24 under this subsection.

25 **SECTION 747.** 70.375 (4) (o) of the statutes is amended to read:

1           70.375 (4) (o) Actual and necessary reclamation and restoration costs  
2 associated with a mine in this state, including payments for future reclamation and  
3 postmining costs which are required by law or by department of ~~natural resources~~  
4 environmental quality order and fees and charges under chs. 281, 285 or 289 to 299  
5 not otherwise deductible under this section. Any refunds of escrowed or reserve fund  
6 payments allowed as a deduction under this paragraph shall be taxed as net proceeds  
7 at the average effective tax rate for the years the deduction was taken.

8           **SECTION 748.** 70.395 (2) (dc) 1. of the statutes is amended to read:

9           70.395 (2) (dc) 1. Each person intending to submit an application for a mining  
10 permit shall pay \$50,000 to the department of revenue for deposit in the investment  
11 and local impact fund at the time that the person notifies the department of ~~natural~~  
12 ~~resources~~ environmental quality under s. 293.31 (1) of that intent.

13           **SECTION 749.** 70.395 (2) (j) of the statutes is amended to read:

14           70.395 (2) (j) Prior to the beginning of a fiscal year, the board shall certify to  
15 the department of administration for payment from the investment and local impact  
16 fund any sum necessary for the department of ~~natural resources~~ environmental  
17 quality to make payments under s. 289.68 (3) for the long-term care of mining waste  
18 sites, if moneys in the waste management fund are insufficient to make complete  
19 payments during that fiscal year, but this sum may not exceed the balance in the  
20 waste management fund at the beginning of that fiscal year or 50% of the balance  
21 in the investment and local impact fund at the beginning of that fiscal year,  
22 whichever amount is greater.

23           **SECTION 750.** 70.395 (2) (k) of the statutes is amended to read:

24           70.395 (2) (k) Prior to the beginning of each fiscal year, the board shall certify  
25 to the department of administration for payment from the investment and local

1 impact fund any sum necessary for the department of ~~natural resources~~  
2 environmental quality to make payments under s. 292.31 for the environmental  
3 repair of mining waste sites, if moneys in the environmental fund that are available  
4 for environmental repair are insufficient to make complete payments during that  
5 fiscal year. This sum may not exceed the balance in the environmental fund at the  
6 beginning of that fiscal year or 50% of the balance in the investment and local impact  
7 fund at the beginning of that fiscal year, whichever amount is greater.

8 **SECTION 751.** 71.05 (11) (a) of the statutes is amended to read:

9 71.05 (11) (a) The federal adjusted basis at the end of the calendar year 1968  
10 or corresponding fiscal year of waste treatment plant or pollution abatement  
11 equipment acquired pursuant to order or recommendation of the committee on water  
12 pollution, state board of health, city council, village board or county board pursuant  
13 to s. 59.07 (53) or (85), 1971 stats., may be treated as a subtraction modification on  
14 the return of the calendar year 1969 or corresponding fiscal year but not in later  
15 years. In case of such subtraction an add modification shall be made in 1969 and  
16 later taxable years to reverse federal depreciation or amortization of such basis or  
17 to correct gain or loss on disposition. The cost of such plant or equipment acquired  
18 in 1969 or thereafter pursuant to order, recommendation or approval of the  
19 committee on water pollution, department of resource development, department of  
20 ~~natural resources~~ environmental quality, state board of health, city council, village  
21 board, or county board pursuant to s. 59.07 (53) or (85), 1971 stats., (less any federal  
22 depreciation or amortization taken) may be deducted as a subtraction modification  
23 or as subtraction modifications in the year or years in which paid or accrued,  
24 dependent on the method of accounting employed. In case of such election,  
25 appropriate add modifications shall be made in subsequent years to reverse federal

1 depreciation or amortization or to correct gain or loss on disposition. This paragraph  
2 is intended to apply only to depreciable property except that where wastes are  
3 disposed of through a lagoon process, lagooning costs and the cost of land containing  
4 such lagoons may be treated as depreciable property for purposes of this paragraph.  
5 In no event may any amount in excess of cost be deducted. The taxpayer shall file  
6 with the department copies of all recommendations, orders or approvals relating to  
7 installation of such property and such other documents or data relating thereto as  
8 the department requests.

9 **SECTION 752.** 73.0301 (1) (e) of the statutes is amended to read:

10 73.0301 (1) (e) "Licensing department" means the department of  
11 administration; the board of commissioners of public lands; the department of  
12 commerce; the department of children and families; the government accountability  
13 board; the department of financial institutions; the department of health services;  
14 the department of natural resources; the department of environmental quality; the  
15 department of public instruction; the department of regulation and licensing; the  
16 department of workforce development; the office of the commissioner of insurance;  
17 or the department of transportation.

18 **SECTION 753.** 75.105 (1) (a) of the statutes is amended to read:

19 75.105 (1) (a) "Department" means the department of ~~natural resources~~  
20 environmental quality.

21 **SECTION 754.** 75.106 (1) (b) of the statutes is amended to read:

22 75.106 (1) (b) "Department" means the department of ~~natural resources~~  
23 environmental quality.

24 **SECTION 755.** 77.02 (1) of the statutes, as affected by 2009 Wisconsin Act 28,  
25 is amended to read:

1           77.02 (1) PETITION. The owner of an entire quarter quarter section, fractional  
2 lot or government lot as determined by U.S. government survey plat, excluding  
3 public roads and railroad rights-of-way that may have been sold, may file with the  
4 department of ~~natural resources~~ agriculture, trade and consumer protection a  
5 petition stating that the owner believes the lands therein described are more useful  
6 for growing timber and other forest crops than for any other purpose, that the owner  
7 intends to practice forestry thereon, that all persons holding encumbrances thereon  
8 have joined in the petition and requesting that such lands be approved as "Forest  
9 Croplands" under this subchapter. Whenever any such land is encumbered by a  
10 mortgage or other indenture securing any issue of bonds or notes, the trustee named  
11 in such mortgage or indenture or any amendment thereto may join in such petition,  
12 and such action shall for the purpose of this section be deemed the action of all  
13 holders of such bonds or notes. Land for which a petition is submitted under sub. (4)  
14 is exempt from the size requirements specified under this subsection.

15           **SECTION 756.** 77.02 (2) of the statutes is amended to read:

16           77.02 (2) NOTICE OF HEARING, ADJOURNMENT. Upon receipt of such petition the  
17 department of ~~natural resources~~ agriculture, trade and consumer protection shall  
18 investigate the same and shall file a listing of descriptions with the town  
19 chairperson. For petitions received prior to May 1, the department shall within the  
20 same calendar year cause a notice that such petition has been filed to be published  
21 as a class 3 notice, under ch. 985, in the newspaper having the largest general  
22 circulation in the county in which the lands are located, and notice by registered mail  
23 shall be given to the town clerk of any town in which the lands are located. Such  
24 notice shall contain the name of the petitioner, a description of the lands and a  
25 statement that any resident of or taxpayer in the town may within 15 days from the

1 date of publication of the notice file a request with the department that it conduct  
2 a public hearing on the petition. Upon receipt of such a request the department shall  
3 conduct a public hearing on the petition. The department may conduct a public  
4 hearing on any petition without a request, if it deems it advisable to do so. Notice  
5 of the time and place of such hearing and a description, in specific or general terms,  
6 as the department deems advisable, of the property requested to be approved as  
7 "Forest Croplands" shall be given to persons making the request, the owner of such  
8 land and to the assessor of towns in which it is situated, by mail, at least one week  
9 before the day of hearing. The notice also shall be published as a class 1 notice, under  
10 ch. 985, in a newspaper having general circulation in the county in which such land  
11 is located, at least one week before the day of the hearing. Such hearing may be  
12 adjourned and no notice of the time and place of such adjourned hearing need be  
13 given, excepting the announcement thereof by the presiding officer at the hearing at  
14 which the adjournment is had.

15 **SECTION 757.** 77.02 (3) (a) and (c) of the statutes, as affected by 2009 Wisconsin  
16 Act 28, are amended to read:

17 77.02 (3) DECISION, COPIES. (a) After receiving all the evidence offered at any  
18 hearing held on the petition and after making such independent investigation as it  
19 sees fit the department of agriculture, trade and consumer protection shall make its  
20 findings of fact and make and enter an order accordingly. If it finds that the facts give  
21 reasonable assurance that a stand of merchantable timber will be developed on such  
22 descriptions within a reasonable time, and that such descriptions are then held  
23 permanently for the growing of timber under sound forestry practices, rather than  
24 for agricultural, mineral, shoreland development of navigable waters, recreational,  
25 residential or other purposes, and that all persons holding encumbrances against

1 such descriptions have in writing agreed to the petition, the order entered shall grant  
2 the request of the petitioner on condition that all unpaid taxes against said  
3 descriptions be paid within 30 days thereafter; otherwise the department of ~~natural~~  
4 ~~resources~~ agriculture, trade and consumer protection shall deny the request of the  
5 petitioner.

6 (c) Except as provided in sub. (4) (b), any order of the department of agriculture,  
7 trade and consumer protection relating to the entry of forest croplands issued on or  
8 before November 20 of any year shall take effect on January 1 of the following  
9 calendar year, but all orders issued after November 20 shall take effect on January  
10 1 of the calendar year following the calendar year in which orders issued on or before  
11 November 20 would have been effective.

12 **SECTION 758.** 77.03 of the statutes, as affected by 2009 Wisconsin Act 28, is  
13 amended to read:

14 **77.03 Taxation of forest croplands.** After the filing and recording of the  
15 order with the officers under s. 77.02 (3) the lands described therein shall be "Forest  
16 Croplands", on which taxes shall thereafter be payable only as provided under this  
17 subchapter. The enactment of ss. 77.01 to 77.14, petition by the owner and the  
18 making of the order under s. 77.02 (3) or (4) (a) shall constitute a contract between  
19 the state and the owner, running with the lands, for a period of 25 or 50 years at the  
20 election of the applicant at the time the petition is filed, unless withdrawn under s.  
21 77.10, with privilege of renewal by mutual agreement between the owner and the  
22 state, whereby the state as an inducement to owners and prospective purchasers of  
23 forest croplands to come under ss. 77.01 to 77.14 agrees that, unless withdrawn  
24 under s. 77.10, no change in or repeal of ss. 77.01 to 77.14 shall apply to any land then  
25 accepted as forest croplands, except as the department of ~~natural resources~~



1 agriculture, trade and consumer protection and the owner may expressly agree in  
2 writing and except as provided in s. 77.17. If at the end of the contract period the land  
3 is not designated as managed forest land under subch. VI, the merchantable timber  
4 on the land shall be estimated by an estimator jointly agreed upon by the department  
5 of ~~natural resources~~ agriculture, trade and consumer protection and the owner, and  
6 if the department and the owner fail to agree on an estimator, the judge of the circuit  
7 court of the district in which the lands lie shall appoint a qualified forester, whose  
8 estimate shall be final, and the cost thereof shall be borne jointly by the department  
9 of ~~natural resources~~ agriculture, trade and consumer protection and the owner; and  
10 the 10% severance tax paid on the stumpage thereon in the same manner as if the  
11 stumpage had been cut. The owners by such contract consent that the public may  
12 hunt and fish on the lands, subject to such rules as the department of natural  
13 resources prescribes regulating hunting and fishing.

14 **SECTION 759.** 77.04 (2) of the statutes, as affected by 2009 Wisconsin Act 28,  
15 is amended to read:

16 77.04 (2) TAX PER ACRE; PAYMENT; PENALTY. The "acreage share" shall be  
17 computed at the rate of 10 cents per acre on all lands entered prior to 1972 or entered  
18 under s. 77.02 (4) (a). On all lands entered after December 31, 1971, the "acreage  
19 share" shall be computed every 10 years to the nearest cent by the department of  
20 revenue at the rate of 20 cents per acre multiplied by a ratio using the equalized value  
21 of the combined residential, commercial, manufacturing, agricultural, undeveloped,  
22 agricultural forest, and productive forest land classes under s. 70.32 (2) within the  
23 state in 1972 as the denominator, and using equalized value for these combined land  
24 classes in 1982 and every 10th year thereafter as the numerator. All owners shall  
25 pay to the taxation district treasurer the acreage share on each description on or

1 before January 31. If the acreage share is not paid when due to the taxation district  
2 treasurer it shall be subject to interest and penalty as provided under ss. 74.11 (11),  
3 74.12 (10) and 74.47. These lands shall be returned as delinquent and a tax  
4 certificate under subch. VII of ch. 74 shall be issued on them. After 2 years from the  
5 date of the issuance of a tax certificate, the county clerk shall promptly take a tax  
6 deed under ch. 75. On taking such deed the county clerk shall certify that fact and  
7 specify the descriptions to the department of ~~natural resources~~ agriculture, trade  
8 and consumer protection.

9 **SECTION 760.** 77.05 of the statutes is amended to read:

10 **77.05 State contribution.** The department of ~~natural resources~~ agriculture,  
11 trade and consumer protection shall pay before June 30 annually to the town  
12 treasurer, from the appropriation under s. ~~20.370 (5) (bv)~~ 20.115 (5) (vm), 20 cents  
13 for each acre of land in the town that is described as forest croplands under this  
14 subchapter.

15 **SECTION 761.** 77.06 (1) of the statutes is amended to read:

16 **77.06 (1) CUTTING TIMBER REGULATED.** No person shall cut any merchantable  
17 wood products on any forest croplands where the forest crop taxes are delinquent nor  
18 until 30 days after the owner has filed with the department of ~~natural resources~~  
19 agriculture, trade and consumer protection a notice of intention to cut, specifying by  
20 descriptions and the estimated amount of wood products to be removed and the  
21 proportion of present volume to be left as growing stock in the area to be cut. The  
22 department of ~~natural resources~~ agriculture, trade and consumer protection may  
23 require a bond executed by some surety company licensed in this state or other surety  
24 for such amount as may reasonably be required for the payment to the department  
25 of ~~natural resources~~ agriculture, trade and consumer protection of the severance tax

1 hereinafter provided. The department, after examination of the lands specified, may  
2 prescribe the amount of forest products to be removed. Cutting in excess of the  
3 amount prescribed shall render the owner liable to double the severance tax  
4 prescribed in s. 77.06 (5) and subject to cancellation under s. 77.10. Merchantable  
5 wood products include all wood products except wood used for fuel by the owner.

6 **SECTION 762.** 77.06 (2) of the statutes is amended to read:

7 77.06 (2) APPRAISAL OF TIMBER, ZONES. Each year the department of ~~natural~~  
8 ~~resources~~ agriculture, trade and consumer protection, at the time and place it shall  
9 fix and after such public notice as it deems reasonable, shall hold a public hearing.  
10 After the hearing the department shall make and file, open to public inspection, a  
11 determination of the reasonable stumpage values of the wood products usually  
12 grown in the several towns in which any forest croplands lie. A public hearing under  
13 this section shall be held prior to August 1 of each year and the determination of  
14 stumpage values made by the department of ~~natural resources~~ agriculture, trade  
15 and consumer protection shall take effect on November 1 of that year. If the  
16 department of ~~natural resources~~ agriculture, trade and consumer protection finds  
17 there is a material variance in the stumpage values in the different localities, it may  
18 fix separate zones and determine the values for each zone.

19 **SECTION 763.** 77.06 (3) of the statutes is amended to read:

20 77.06 (3) REVALUATION. As to any locality or zone in which the department of  
21 ~~natural resources~~ agriculture, trade and consumer protection deems there has been  
22 no material variance from the preceding year in stumpage values, it may omit to  
23 make any new valuation in any year, in which event the last preceding valuation  
24 shall continue in force until changed in a succeeding year.

25 **SECTION 764.** 77.06 (4) of the statutes is amended to read:

1           77.06 (4) CUTTING REPORTED. Within 30 days after completion of cutting on any  
2 land description, but not more than one year after filing of the notice of intention to  
3 cut, the owner shall transmit to the department of ~~natural resources~~ agriculture,  
4 trade and consumer protection on forms provided by the department a written  
5 statement of the products so cut, specifying the variety of wood, kind of product, and  
6 quantity of each variety and kind as shown by the scale or measurement thereof  
7 made on the ground as cut, skidded, loaded, delivered, or by tree scale certified by  
8 a qualified forester when stumpage is sold by tree measurement. The department  
9 of ~~natural resources~~ agriculture, trade and consumer protection may accept such  
10 reports as sufficient evidence of the facts, or may either with or without hearing and  
11 notice of time and place thereof to such owner, investigate and determine the fact of  
12 the quantity of each variety and kind of product so cut during said periods preceding  
13 such reports.

14           **SECTION 765.** 77.06 (5) of the statutes is amended to read:

15           77.06 (5) TAX LEVY ON RIGHT TO CUT TIMBER. The department of ~~natural resources~~  
16 agriculture, trade and consumer protection shall assess and levy against the owner  
17 a severance tax on the right to cut and remove wood products covered by reports  
18 under this section, at the rate of 10% of the value of the wood products based upon  
19 the stumpage value then in force. Upon making the assessment, the department of  
20 ~~natural resources~~ agriculture, trade and consumer protection shall mail a duplicate  
21 of the certificate by registered mail to the owner who made the report of cutting at  
22 the owner's last-known post-office address. The tax assessed is due and payable to  
23 the department of ~~natural resources~~ agriculture, trade and consumer protection on  
24 the last day of the next calendar month after mailing the certificate. The proceeds

1 of the tax shall be paid into the forestry account of the conservation fund for  
2 distribution under s. 77.07 (3).

3 **SECTION 766.** 77.07 (2) of the statutes is amended to read:

4 77.07 (2) PENALTY, COLLECTIONS. If any severance tax remain unpaid for 30 days  
5 after it becomes due, there shall then be added a penalty of 10%, and such tax and  
6 penalty shall thereafter draw interest at the rate of one per cent per month until paid.  
7 At the expiration of said 30 days the department of ~~natural resources~~ agriculture,  
8 trade and consumer protection shall report to the attorney general any unpaid  
9 severance tax, adding said penalty, and the attorney general shall thereupon proceed  
10 to collect the same with penalty and interest by suit against the owner and by  
11 attachment or other legal means to enforce the lien and by action on the bond  
12 mentioned in s. 77.06 (1), or by any or all such means.

13 **SECTION 767.** 77.08 of the statutes is amended to read:

14 **77.08 Supplemental severance tax.** At any time within one year after any  
15 cutting should have been reported, the department of ~~natural resources~~ agriculture,  
16 trade and consumer protection after due notice to the owner and opportunity to be  
17 heard, and on evidence duly made a matter of record, may determine whether the  
18 quantity of wood products cut from any such land, did in fact substantially exceed  
19 the amount on which the severance tax theretofore levied was based, and if so shall  
20 assess a supplemental severance tax which, in all respects, shall have the same force  
21 and effect as the former severance tax, except only it shall not be a lien on any  
22 property the title of which has passed to a purchaser for value without notice.

23 **SECTION 768.** 77.09 (1) of the statutes is amended to read:

24 77.09 (1) Any person who fails to report or shall intentionally make any false  
25 statement or report to the department of ~~natural resources~~ agriculture, trade and

1 consumer protection required by s. 77.06 shall forfeit not more than \$1,000. An  
2 action under this section shall not be a bar to a cancellation of entry and order of  
3 withdrawal under s. 77.10.

4 **SECTION 769.** 77.10 (1) (a) of the statutes is amended to read:

5 77.10 (1) (a) The department of ~~natural resources~~ agriculture, trade and  
6 consumer protection shall on the application of the department of revenue or the  
7 owner of any forest croplands or the town board of the town in which said lands lie  
8 and may on its own motion at any time cause an investigation to be made and hearing  
9 to be had as to whether any forest croplands shall continue under this subchapter.  
10 If on such hearing after due notice to and opportunity to be heard by the department  
11 of revenue, the town and the owner, the department of ~~natural resources~~ agriculture,  
12 trade and consumer protection finds that any such lands are not meeting the  
13 requirements set forth in s. 77.02 or that the owner has made use of the land for  
14 anything other than forestry or has failed to practice sound forestry on the land, the  
15 department of ~~natural resources~~ agriculture, trade and consumer protection shall  
16 cancel the entry of such description and issue an order of withdrawal, and the owner  
17 shall be liable for the tax and penalty under sub. (2). Copies of the order of  
18 withdrawal specifying the description shall be filed by the department of ~~natural~~  
19 ~~resources~~ agriculture, trade and consumer protection with all officers designated to  
20 receive copies of the order of entry and withdrawal and this subchapter shall not  
21 thereafter apply to the lands withdrawn, except s. 77.07 so far as it may be needed  
22 to collect any previously levied severance or supplemental severance tax. If the  
23 owner shall not repay the amounts on or before the last day of February next  
24 succeeding the return of such lands to the general property tax roll as provided in  
25 sub. (4), the department of ~~natural resources~~ agriculture, trade and consumer

1 protection shall certify to the county treasurer the descriptions and the amounts due,  
2 and the county treasurer shall sell such lands as delinquent as described in s. 77.04  
3 (2). Whenever any county clerk has certified to the taking of tax deed under s. 77.04  
4 (2) the department of ~~natural resources~~ agriculture, trade and consumer protection  
5 shall issue an order of withdrawal as to the lands covered in such tax deed. Such  
6 order may also be issued when examination of tax records reveals prolonged  
7 delinquency and noncompliance with the requirements of s. 77.04 (2).

8 **SECTION 770.** 77.10 (1) (b) of the statutes is amended to read:

9 77.10 (1) (b) Whenever any owner of forest croplands conveys such land the  
10 owner shall, within 10 days of the date of the deed, file with the department of  
11 ~~natural resources~~ agriculture, trade and consumer protection on forms prepared by  
12 the department a transfer of ownership signed by the owner and an acceptance of  
13 transfer signed by the grantee certifying that the grantee intends to continue the  
14 practice of forestry on such land. The department of ~~natural resources~~ agriculture,  
15 trade and consumer protection shall immediately issue a notice of transfer to all  
16 officers designated to receive copies of orders of entry and withdrawal. Whenever a  
17 purchaser of forest croplands declines to certify his or her intention to continue the  
18 practice of forestry thereon, such action shall constitute cause for cancellation of  
19 entry under par. (a) without hearing.

20 **SECTION 771.** 77.10 (2) (a) 1. of the statutes is amended to read:

21 77.10 (2) (a) 1. Any owner of forest croplands may elect to withdraw all or any  
22 of such lands from under this subchapter, by filing with the department of ~~natural~~  
23 ~~resources~~ agriculture, trade and consumer protection a declaration withdrawing  
24 from this subchapter any description owned by such person which he or she specified,  
25 and by payment by such owner to the department of ~~natural resources~~ agriculture,

1 trade and consumer protection within 60 days the amount of tax due from the date  
2 of entry or the most recent date of renewal, whichever is later, as determined by the  
3 department of revenue under s. 77.04 (1) with simple interest thereon at 12% per  
4 year, less any severance tax and supplemental severance tax or acreage share paid  
5 thereon, with interest computed according to the rule of partial payments at the rate  
6 of 12% per year.

7 **SECTION 772.** 77.10 (2) (a) 2. of the statutes is amended to read:

8 77.10 (2) (a) 2. The amount of the tax shall be determined by the department  
9 of revenue and furnished to the department of ~~natural resources~~ agriculture, trade  
10 and consumer protection, which shall determine the exact amount of payment.  
11 When the tax rate or assessed value ratio of the current year has not been determined  
12 the rate of the preceding tax year may be used. On receiving such payment the  
13 department of ~~natural resources~~ agriculture, trade and consumer protection shall  
14 issue an order of withdrawal and file copies thereof with the department of revenue,  
15 the supervisor of equalization and the clerk of the town, and shall record the order  
16 with the register of deeds of the county, in which the land lies. The land shall then  
17 cease to be forest croplands.

18 **SECTION 773.** 77.10 (2) (b) of the statutes is amended to read:

19 77.10 (2) (b) Upon receipt of any taxes under this section by the state, the  
20 department of ~~natural resources~~ agriculture, trade and consumer protection shall  
21 first deduct all moneys paid by the state on account of the lands under s. 77.05 with  
22 interest on the moneys computed according to the rule of partial payments at the rate  
23 of interest paid under par. (a) by the person withdrawing such lands. The  
24 department shall within 20 days remit the balance to the town treasurer who shall  
25 pay 20% to the county treasurer and retain the remainder.