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1 **SECTION 601.** 28.11 (8) (a) of the statutes is amended to read:

2 28.11 (8) (a) *Acreage payments.* As soon after April 20 of each year as feasible,
3 the department shall pay to each town treasurer 30 cents per acre, based on the
4 acreage of such lands as of the preceding June 30, as a grant out of the appropriation
5 made by s. ~~20.370 (5) (bv)~~ 20.115 (5) (vm) on each acre of county lands entered under
6 this section.

7 **SECTION 602.** 28.11 (8) (b) 1. of the statutes is amended to read:

8 28.11 (8) (b) 1. A county having established and maintaining a county forest
9 under this section is eligible to receive from the state from the appropriations under
10 s. ~~20.370 (5) (bq) and (bs)~~ 20.115 (5) (t) and (u) an annual payment as a noninterest
11 bearing loan to be used for the purchase, development, preservation and
12 maintenance of the county forest lands and the payment shall be credited to a county
13 account to be known as the county forestry aid fund. A county board may, by a
14 resolution adopted during the year and transmitted to the department by December
15 31, request to receive a payment of not more than 50 cents for each acre of land
16 entered and designated as "county forest land". The department shall review the
17 request and approve the request if the request is found to be consistent with the
18 comprehensive county forest land use plan. If any lands purchased from the fund
19 are sold, the county shall restore the purchase price to the county forestry aid fund.
20 The department shall pay to the county the amount due to it on or before March 31
21 of each year, based on the acreage of the lands as of the preceding June 30. If the
22 amounts in the appropriations under s. ~~20.370 (5) (bq) and (bs)~~ 20.115 (5) (t) and (u)
23 are not sufficient to pay all of the amounts approved by the department under this
24 subdivision, the department shall pay eligible counties on a prorated basis.

25 **SECTION 603.** 28.11 (8) (b) 2. of the statutes is amended to read:

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1 28.11 (8) (b) 2. The department may allot additional interest free forestry aid
2 loans on a project basis to individual counties to permit the counties to undertake
3 meritorious and economically productive forestry operations, including land
4 acquisitions. These additional aids may not be used for the construction of
5 recreational facilities or for fish and game management projects. Application shall
6 be made in the manner and on forms prescribed by the department and specify the
7 purpose for which the additional aids will be used. The department shall make an
8 investigation as it deems necessary to satisfy itself that the project is feasible,
9 desirable and consistent with the comprehensive plan. If the department so finds,
10 it may make allotments in such amounts as it determines to be reasonable and
11 proper and charge the allotments to the forestry fund account of the county. These
12 allotments shall be credited by the county to the county forestry aid fund. After
13 determining the loans as required under subd. 1., the department shall make the
14 remainder of the amounts appropriated under s. ~~20.370 (5) (bq) and (bs)~~ 20.115 (5)
15 (t) and (u) for that fiscal year available for loans under this subdivision. The
16 department shall also make loans under this subdivision from the appropriations
17 under s. ~~20.370 (5) (bt) and (bu)~~ 20.115 (5) (um) and (v).

18 **SECTION 604.** 28.11 (9) (am) of the statutes is amended to read:

19 28.11 (9) (am) The acreage loan severance share payments shall be deposited
20 in the conservation fund and credited to the appropriation under s. ~~20.370 (5) (bq)~~
21 20.115 (5) (t), and the project loan severance share payments shall be deposited in
22 the conservation fund and credited to the appropriation under s. ~~20.370 (5) (bu)~~
23 20.115 (5) (v).

24 **SECTION 605.** 28.11 (9) (ar) 1. of the statutes is amended to read:

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1 28.11 (9) (ar) 1. Notwithstanding s. 20.001 (3) (c), if the sum of the
2 unencumbered balances in the appropriations under s. ~~20.370 (5) (bq), (bt) and (bu)~~
3 20.115 (5) (t), (um), and (v) exceeds \$400,000 on June 30 of any fiscal year, the amount
4 in excess of \$400,000 shall lapse from the appropriation under s. ~~20.370 (5) (bq)~~
5 20.115 (5) (t) to the conservation fund, except as provided in subd. 2.

6 **SECTION 606.** 28.11 (9) (ar) 2. of the statutes is amended to read:

7 28.11 (9) (ar) 2. Notwithstanding s. 20.001 (3) (c), if the amount in the
8 appropriation under s. ~~20.370 (5) (bq)~~ 20.115 (5) (t) is insufficient for the amount that
9 must lapse under subd. 1., the remainder that is necessary for the lapse shall lapse
10 from the appropriation under s. ~~20.370 (5) (bu)~~ 20.115 (5) (v).

11 **SECTION 607.** 28.11 (12) of the statutes is amended to read:

12 28.11 (12) ENFORCEMENT. If at any time it appears to the department that the
13 lands are not being managed in accordance with this section it shall so advise the
14 county forestry committee and the county clerk. If the condition persists the
15 department may ~~proceed against the persons responsible for such noncompliance~~
16 under s. 30.03 (4) order a hearing under ch. 227 concerning the noncompliance, and
17 may request the hearing examiner to issue an order directing the responsible parties
18 to perform or refrain from performing acts in order to remedy the noncompliance.
19 If any person fails or neglects to obey an order, the department may request the
20 attorney general to institute proceedings for the enforcement of the department's
21 order in the name of the state. The proceedings shall be brought in the manner and
22 with the effect of proceedings under s. 111.07 (7). No penalty may be imposed for
23 violation of a hearing examiner's order under this subsection, but violation of a
24 judgment enforcing the order may be punished in civil contempt proceedings.

25 **SECTION 608.** 28.90 of the statutes is created to read:

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1 (Seal) STATE OF WISCONSIN

2 DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION

3 By

4 (3) The department shall furnish to each state forest ranger at the time of the
5 ranger's appointment, a pocket identification folder in the same form and substance
6 as the folder described in s. 23.10 (5), except that the impression shall be the seal of
7 the department.

8 (4) A state forest ranger shall carry the identification folder on his or her person
9 at all times that he or she is on official duty, and a state forest ranger shall, on
10 demand, exhibit the same to any person to whom he or she may represent himself
11 or herself as a state forest ranger.

12 SECTION 610. 28.94 of the statutes is created to read:

13 **28.94 Resisting or falsely impersonating a state forest ranger.** Any
14 person who does any of the following may be fined not more than \$10,000 or
15 imprisoned for not more than 9 months or both:

16 (1) Assaults or otherwise resists or obstructs any state forest ranger in the
17 performance of his or her duties.

18 (2) Falsely represents himself or herself to be a state forest ranger or assumes
19 to act as a state forest ranger without having been first appointed.

20 SECTION 611. 28.98 of the statutes is created to read:

21 **28.98 General penalty provision.** Any person who violates any provision
22 of this chapter or any rule promulgated or order issued under this chapter for which
23 no other penalty is prescribed is subject to a forfeiture of not more than \$100.

24 SECTION 612. 29.024 (6) (ag) of the statutes is amended to read:

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1 29.024 (6) (ag) Under a contract issued under par. (a) 4., the department may
2 deduct a portion of each fee collected for a license issued pursuant to the statewide
3 automated system. The department shall credit all of the amounts deducted to the
4 appropriation account under s. 20.370 (9) ~~(hv)~~ (1) (hx).

5 **SECTION 613.** 29.088 (2g) (b) of the statutes is amended to read:

6 29.088 (2g) (b) Subsections (1) and (2) do not apply to toxicants placed in the
7 waters of a preexisting fish rearing facility that is an artificial body of water if the
8 toxicants are necessary to the operation of the fish farm and the department of of
9 environmental quality has issued a permit under s. 283.31 for the preexisting fish
10 rearing facility.

11 **SECTION 614.** 29.219 (3) (c) of the statutes is amended to read:

12 29.219 (3) (c) *Use of fees.* The department shall deposit receipts from the sale
13 of resident 2-day sports fishing licenses under this subsection in the conservation
14 fund. The department shall credit 50% of these receipts to the appropriation under
15 s. 20.370 (4) (1) (ku).

16 **SECTION 615.** 29.219 (3m) (c) of the statutes is amended to read:

17 29.219 (3m) (c) *Use of fees.* The department shall deposit receipts from the sale
18 of 2-day inland lake trout fishing licenses under this subsection in the conservation
19 fund. The department shall credit 50 percent of these receipts to the appropriation
20 account under s. 20.370 (4) (1) (kv).

21 **SECTION 616.** 29.228 (7) (c) of the statutes is amended to read:

22 29.228 (7) (c) *Use of fees.* The department shall deposit receipts from the sale
23 of nonresident 2-day sports fishing licenses under this subsection in the
24 conservation fund. The department shall credit 50% of these receipts to the
25 appropriation under s. 20.370 (4) (1) (ku).

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1 **SECTION 617.** 29.2285 (3) (e) of the statutes is amended to read:

2 29.2285 (3) (e) *Use of moneys from fees.* The department shall deposit the
3 receipts from the sale of sturgeon hook and line tags issued under this subsection into
4 the conservation fund and shall credit these receipts to the appropriation account
5 under s. 20.370 (4) (1) (ky).

6 **SECTION 618.** 29.229 (5r) of the statutes is amended to read:

7 29.229 (5r) FEES TO THE DEPARTMENT. The department may require that the
8 band remit all of the fees collected under sub. (3) (a) to the department. If the
9 department so requires, all of these fees shall be deposited in the conservation fund
10 and credited to the appropriation account under s. 20.370 (9) ~~(hs)~~ (1) (js).

11 **SECTION 619.** 29.2295 (4) (c) of the statutes, as affected by 2009 Wisconsin Act
12 28, is amended to read:

13 29.2295 (4) (c) 1. Subject to subd. 2., the department shall make the payment
14 under par. (a) from the appropriation under s. 20.370 (9) ~~(hk)~~ (1) (hg).

15 2. If the amount calculated under par. (b) for a fiscal year exceeds the amount
16 appropriated under s. 20.370 (9) ~~(hk)~~ (1) (hg) for that fiscal year, the department shall
17 make a payment from the appropriation under s. 20.370 (9) ~~(ht)~~ (1) (hv) to the band
18 that equals the difference between the 2 amounts.

19 **SECTION 620.** 29.2297 (4) of the statutes is amended to read:

20 29.2297 (4) USE OF MONEYS. All moneys retained by the department pursuant
21 to a contract entered into under this section shall be credited to the appropriation
22 account under s. 20.370 (9) ~~(hu)~~ (1) (jw).

23 **SECTION 621.** 29.237 (5) of the statutes is amended to read:

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1 29.237 (5) The department shall deposit receipts from the sale of sturgeon
2 spearing licenses under this subsection into the conservation fund and shall credit
3 these receipts to the appropriation account under s. 20.370 (4) (1) (kw).

4 **SECTION 622.** 29.556 (3) of the statutes is amended to read:

5 29.556 (3) Any fees collected under this section by the department shall be
6 credited to the appropriation account under s. 20.370 ~~(9) (hu)~~ (1) (jw).

7 **SECTION 623.** 29.564 (2) of the statutes, as affected by 2009 Wisconsin Act 28,
8 is amended to read:

9 29.564 (2) All moneys collected under sub. (1), less the amount retained as
10 authorized under sub. (1m), shall be deposited into the account under s. 20.370 ~~(3)~~
11 (1) (is).

12 **SECTION 624.** 29.601 (3) (b) of the statutes is amended to read:

13 29.601 (3) (b) Paragraph (a) does not apply to authorized drainage and sewage
14 from municipalities and industrial or other wastes discharged from mines or
15 commercial or industrial or ore processing plants or operations, through treatment
16 and disposal facilities installed and operated in accordance with plans submitted to
17 and approved by the department of environmental quality under chs. 281, 285 or 289
18 to 299 or in compliance with orders of the department of environmental quality. Any
19 order is subject to modification by subsequent orders.

20 **SECTION 625.** 29.601 (5) (b) 2. of the statutes is amended to read:

21 29.601 (5) (b) 2. This section does not apply to toxicants placed in the waters
22 of a preexisting fish rearing facility that is an artificial body of water if the toxicants
23 are necessary to the operation of the fish farm and the department of environmental
24 quality has issued a permit under s. 283.31 for the preexisting fish rearing facility.

25 **SECTION 626.** 29.931 (2) (am) of the statutes is amended to read:

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1 29.931 (2) (am) If the department or its wardens seize any net or similar fishing
2 device under par. (a), the owner shall reimburse the department for all costs
3 associated with the seizure within 20 days after the department gives written notice
4 to the owner of the owner's obligation to reimburse the department. The notice shall
5 include the amount of the costs required to be reimbursed by the owner. If the owner
6 does not reimburse the department as required under this paragraph, the owner
7 shall forfeit not more than \$1,000 in addition to the costs of reimbursement. All
8 reimbursement costs collected under this paragraph shall be credited to the
9 appropriation under s. 20.370 (3) ~~(mi)~~ (1) (pi).

10 **SECTION 627.** 29.984 (2) of the statutes is amended to read:

11 29.984 (2) USE OF COMMERCIAL FISH PROTECTION SURCHARGE FUNDS. All moneys
12 collected from commercial fish protection surcharges shall be credited to the
13 appropriation under s. 20.370 (4) (1) (kr).

14 **SECTION 628.** 29.987 (2) of the statutes is amended to read:

15 29.987 (2) USE OF NATURAL RESOURCES SURCHARGE FUNDS. All moneys collected
16 from natural resources surcharges shall be credited to the appropriation under s.
17 20.370 (3) ~~(mu)~~ (1) (pu).

18 **SECTION 629.** 29.989 (2) of the statutes is amended to read:

19 29.989 (2) USE OF NATURAL RESOURCES RESTITUTION SURCHARGE FUNDS. All
20 moneys collected from natural resources restitution surcharges shall be
21 appropriated for use under s. 20.370 (3) ~~(mu)~~ (1) (pu).

22 **SECTION 630.** 29.9905 (2) of the statutes is amended to read:

23 29.9905 (2) USE OF GREAT LAKES RESOURCE SURCHARGE FUNDS. All moneys
24 collected from Great Lakes resource surcharges shall be credited to the
25 appropriation under s. 20.370 (4) (1) (kr).

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1 **SECTION 631.** 30.01 (title) of the statutes is amended to read:

2 **30.01 (title) Definitions for chapter.**

3 **SECTION 632.** 30.01 (1j) of the statutes is repealed.

4 **SECTION 633.** 30.01 (6) of the statutes is repealed.

5 **SECTION 634.** 30.015 of the statutes is created to read:

6 **30.015 Definitions for subchs. I to III. (1)** In subchs. I to III:

7 (a) "Department" means the department of environmental quality.

8 (b) "Secretary" means the secretary of environmental quality.

9 **SECTION 635.** 30.03 (2) of the statutes is amended to read:

10 **30.03 (2)** The district attorney of the appropriate county or, at the request of
11 the department of environmental quality, the attorney general shall institute
12 proceedings to recover any forfeiture imposed or to abate any nuisance committed
13 under ~~this chapter subchs. I to III~~ or ch. 31. The district attorney or, at the request
14 of the department of natural resources, the attorney general shall institute
15 proceedings to recover any forfeiture imposed or to abate any nuisance committed
16 under subch. IV or V.

17 **SECTION 636.** 30.07 of the statutes, as created by 2009 Wisconsin Act 55, is
18 renumbered 30.795.

19 **SECTION 637.** 30.12 (1m) (a) of the statutes is amended to read:

20 **30.12 (1m) (a)** The department of agriculture, trade and consumer protection,
21 after consulting with the department of ~~natural resources~~ environmental quality,
22 specifically approves the structure or deposit.

23 **SECTION 638.** 30.12 (1m) (b) of the statutes is amended to read:

24 **30.12 (1m) (b)** The structure or deposit is required, under rules promulgated
25 by the department of agriculture, trade and consumer protection, in order to conform

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1 the drain to specifications approved by the department of agriculture, trade and
2 consumer protection after consulting with the department of ~~natural resources~~
3 environmental quality.

4 **SECTION 639.** 30.124 of the statutes, as affected by 2009 Wisconsin Act 55, is
5 renumbered 23.244, and 23.244 (1) (intro.) and (a), as renumbered are amended to
6 read:

7 23.244 (1) (intro.) Notwithstanding ss. 30.12, 30.20, 30.44, and 30.45, and if the
8 department finds, after consulting with the department of environmental quality,
9 that the activity will not adversely affect public or private rights or interests in fish
10 and wildlife populations, navigation, or waterway flood flow capacity and will not
11 result in environmental pollution, as defined in s. 299.01 (4), the department may
12 do all of the following on public lands or waters:

13 (a) Cut aquatic plants, as defined in s. ~~30.07~~ 30.795 (1) (b), without removing
14 them from the water, for the purpose of improving waterfowl nesting, brood, and
15 migration habitat.

16 **SECTION 640.** 30.1255 of the statutes, as affected by 2009 Wisconsin Act 55, is
17 renumbered 23.243.

18 **SECTION 641.** 30.20 (1g) (c) of the statutes is amended to read:

19 30.20 (1g) (c) A removal of material by the drainage board for the Duck Creek
20 Drainage District from a drain that the board operates in the Duck Creek Drainage
21 District is exempt from the individual and general permit requirements under this
22 section if the removal is required, under rules promulgated by the department of
23 agriculture, trade and consumer protection, in order to conform the drain to
24 specifications imposed by the department of agriculture, trade and consumer

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1 protection after consulting with the department of natural resources environmental
2 quality.

3 **SECTION 642.** 30.203 of the statutes is renumbered 23.178.

4 **SECTION 643.** 30.24 of the statutes is renumbered 23.0942.

5 **SECTION 644.** 30.255 of the statutes is renumbered 23.0943.

6 **SECTION 645.** 30.26 of the statutes, as affected by 2009 Wisconsin Acts 7 and
7 32, is renumbered 23.43.

8 **SECTION 646.** 30.265 of the statutes is renumbered 23.431.

9 **SECTION 647.** 30.27 of the statutes is renumbered 23.432.

10 **SECTION 648.** 30.275 of the statutes is renumbered 23.434.

11 **SECTION 649.** 30.277 of the statutes is renumbered 23.0944, and 23.0944 (1m),
12 as renumbered, is amended to read:

13 23.0944 (1m) FUNDING. Beginning in fiscal year 1992-93, from the
14 appropriation under s. 20.866 (2) (tz), the department shall award grants to
15 governmental units to assist them in projects on or adjacent to rivers that flow
16 through urban areas. The department may award these grants from the
17 appropriation under s. 20.866 (2) (ta) beginning on July 1, 2000 subject to the
18 agreement under s. 23.0917 (4r).

19 **SECTION 650.** 30.40 (3e) of the statutes is created to read:

20 30.40 (3e) "Department" means the department of natural resources.

21 **SECTION 651.** 30.40 (3g) of the statutes is amended to read:

22 30.40 (3g) "Forester" means a person who is employed by the department of
23 natural resources or the department of agriculture, trade and consumer protection
24 to carry out assigned forest management responsibilities or who has received a

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#. RN; 30.277; 23.0944

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1 bachelor's or higher degree from a school of forestry with curriculum accredited by
2 the society of American foresters in the management of forest resources.

3 **SECTION 652.** 30.40 (15m) of the statutes is created to read:

4 30.40 (15m) "Secretary" means the secretary of natural resources.

5 **SECTION 653.** 30.42 (1) (d) 1. of the statutes is amended to read:

6 30.42 (1) (d) 1. Promulgate rules, in consultation with the department of
7 agriculture, trade and consumer protection, that are applicable only to land in the
8 riverway to regulate the cutting and harvesting of timber so that the effect of cutting
9 or harvesting of timber on the scenic beauty and the natural value of the riverway
10 is minimized. For land that is in the river edge zone or the bluff zone, the rules
11 promulgated under this paragraph shall require that the cutting and harvesting of
12 timber be solely by selection cutting and that the minimum basal area for the
13 residual stand of timber be 60 square feet per acre. The rules promulgated under this
14 paragraph do not apply to any cutting or harvesting of timber subject to regulation
15 under s. 30.43 (3).

16 **SECTION 654.** 30.50 (3m) of the statutes is created to read:

17 30.50 (3m) "Department" means the department of natural resources.

18 **SECTION 655.** 30.50 (4s) of the statutes is amended to read:

19 30.50 (4s) "Law enforcement officer" has the meaning specified under s. 165.85
20 (2) (c) and includes a person appointed as a conservation warden ~~by the department~~
21 under s. 23.10 (1) or a state forest ranger appointed under s. 28.92.

22 **SECTION 656.** 30.50 (11m) of the statutes is created to read:

23 30.50 (11m) "Secretary" means the secretary of natural resources.

24 **SECTION 657.** 30.52 (1m) (e) of the statutes is amended to read:

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1 30.52 **(1m)** (e) *Receipt of fees.* All fees remitted to or collected by the department
2 under par. (ar) shall be credited to the appropriation account under s. 20.370 ~~(9) (hu)~~
3 (1) (jw).

4 **SECTION 658.** 30.52 (3m) (b) of the statutes, as affected by 2009 Wisconsin Act
5 28, is amended to read:

6 30.52 **(3m)** (b) All moneys collected under par. (a), less the amount retained as
7 authorized under par. (am), shall be deposited into the account under s. 20.370 ~~(3)~~
8 (1) (is).

9 **SECTION 659.** 30.54 (2) of the statutes is amended to read:

10 30.54 **(2)** If a person applies for a replacement certificate under sub. (1),
11 ~~conservation wardens or local law enforcement officials~~ law enforcement officers,
12 after presenting appropriate credentials to the owner or legal representative of the
13 owner named in the certificate of title, shall inspect the boat's engine serial number
14 or hull identification number, for purposes of verification or enforcement.

15 **SECTION 660.** 30.544 of the statutes is amended to read:

16 **30.544 Inspection of boats purchased out-of-state.** For purposes of
17 enforcement, ~~conservation wardens or local law enforcement officials~~ law
18 enforcement officers, after presenting appropriate credentials to the owner of a boat
19 which was purchased outside of this state and which is subject to the certificate of
20 title requirements of this chapter, shall inspect the boat's engine serial number or
21 hull identification number.

22 **SECTION 661.** 30.67 (2) (a) of the statutes is amended to read:

23 30.67 **(2)** (a) If a boating accident results in death or injury to any person, the
24 disappearance of any person from a boat under circumstances indicating death or
25 injury, or property damage, every operator of a boat involved in an accident shall,

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1 without delay and by the quickest means available, give notice of the accident to a
2 ~~conservation warden or local~~ law enforcement officer and shall file a written report
3 with the department on the form prescribed by it. The department shall promulgate
4 rules necessary to keep accident reporting requirements in conformity with rules
5 adopted by the U.S. coast guard.

6 **SECTION 662.** 30.773 (2) of the statutes is amended to read:

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

14 **SECTION 663.** 30.80 (5m) of the statutes, as created by 2009 Wisconsin Act 55,
15 is amended to read:

16 30.80 (5m) Any person violating any provision of s. ~~30.07~~ 30.795 (2) or (6) shall
17 forfeit not more than \$500 for the first offense and shall forfeit not more than \$2,000
18 upon conviction of the same offense a 2nd or subsequent time within 3 years.

19 **SECTION 664.** 30.92 (1) (b) of the statutes is amended to read:

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

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1 **SECTION 665.** 31.01 (2) of the statutes is amended to read:

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

4 **SECTION 666.** 31.02 (4) (c) of the statutes is amended to read:

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

11 **SECTION 667.** 31.02 (4r) of the statutes is amended to read:

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

18 **SECTION 668.** 31.02 (7m) of the statutes is amended to read:

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

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1 **SECTION 669.** 31.06 (1) of the statutes is amended to read:

2 31.06 (1) Upon receipt of an application for a permit under s. 31.05 the
3 department of environmental quality may order a hearing or it may mail a notice
4 that it will proceed on the application without public hearing unless a request for a
5 public hearing is filed as provided in this section. The notice shall be mailed to the
6 clerk of each municipality directly affected by the proposed dam and to the
7 department of natural resources. The department of environmental quality may
8 give further or other notice as it considers proper. The department of environmental
9 quality shall mail a copy of the notice to the applicant who shall cause the notice to
10 be published in each county in which affected riparian lands are located as a class
11 1 notice, under ch. 985. If a hearing is not requested in writing within 30 days after
12 mailing of the notice, the department of environmental quality may waive the
13 hearing.

14 **SECTION 670.** 31.06 (3) (b) of the statutes is amended to read:

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

23 **SECTION 671.** 31.187 (2) of the statutes is amended to read:

24 31.187 (2) Whenever the department of environmental quality, after
25 consultation with the department of natural resources, determines that the

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1 conservation of any species or variety of wild animals will be promoted thereby, the
2 department of environmental quality may maintain and repair any dam located
3 wholly upon lands the title to which is in the state either as proprietor or in trust for
4 the people after giving due consideration to fixing the level and regulating the flow
5 of the public waters.

6 **SECTION 672.** 31.307 (4) of the statutes is repealed.

7 **SECTION 673.** 31.309 (1) (a) and (am) of the statutes are repealed.

8 **SECTION 674.** 31.309 (1) (b) of the statutes is renumbered 31.309 (1) and
9 amended to read:

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

15 **SECTION 675.** 31.309 (2) (a) of the statutes is renumbered 31.309 (2).

16 **SECTION 676.** 31.309 (2) (b) of the statutes is repealed.

17 **SECTION 677.** 31.34 of the statutes is amended to read:

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

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1 or corporation violating this section shall be fined not less than \$50 nor more than
2 \$1,000.

3 **SECTION 678.** 32.02 (15m) of the statutes is created to read:

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

8 **SECTION 679.** 32.035 (3) of the statutes is amended to read:

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

20 **SECTION 680.** 33.01 (2) of the statutes is amended to read:

21 33.01 (2) "Department" means the department of ~~natural resources~~
22 environmental quality.

23 **SECTION 681.** 33.265 of the statutes is amended to read:

24 **33.265 Notice, filing and recording requirements.** If a district is created
25 or its boundaries altered, the board of commissioners shall record the authorizing

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1 document, including a legal description of the boundary, with the register of deeds
2 in each county where the district is situated, and file the document and legal
3 description with the department of ~~natural resources~~ environmental quality and the
4 department of revenue.

5 **SECTION 682.** 33.457 (4) (intro.) of the statutes is amended to read:

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

12 **SECTION 683.** 33.55 (1) (p) of the statutes is created to read:

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

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

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

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1 house of the legislature, for distribution to the legislature under s. 13.172 (2), at the
2 convening of the legislature.

3 **SECTION 685.** 36.25 (11) (c) of the statutes is amended to read:

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

11 **SECTION 686.** 36.25 (11) (d) of the statutes is amended to read:

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

19 **SECTION 687.** 36.25 (30) of the statutes is amended to read:

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

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1 **SECTION 688.** 36.27 (3m) (a) 2. of the statutes is amended to read:

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

5 **SECTION 689.** 40.02 (17) (n) of the statutes is created to read:

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

15 **SECTION 690.** 40.02 (48) (am) 5m. of the statutes is created to read:

16 40.02 **(48)** (am) 5m. An environmental warden.

17 **SECTION 691.** 40.02 (48) (c) of the statutes is amended to read:

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

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1 motor vehicle inspector, University of Wisconsin System full-time police officer,
2 guard or any other employee whose principal duties are supervision and discipline
3 of inmates at a state penal institution, excise tax investigator employed by the
4 department of revenue, person employed under s. 61.66 (1), or special criminal
5 investigation agent employed by the department of justice.

6 **SECTION 692.** 40.65 (4w) of the statutes is created to read:

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

11 **SECTION 693.** 42.09 (2) (b) of the statutes is amended to read:

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

17 **SECTION 694.** 44.57 (1) (c) of the statutes is amended to read:

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

21 **SECTION 695.** 46.34 of the statutes is amended to read:

22 **46.34 Emission standards for hazardous air contaminants.** The
23 department may assist the department of natural resources environmental quality
24 in the development of emission standards for hazardous air contaminants under s.
25 285.27 (2) (b).

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1 **SECTION 696.** 59.01 of the statutes is amended to read:

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

10 **SECTION 697.** 59.692 (1) (a) of the statutes is amended to read:

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

13 **SECTION 698.** 59.693 (1) of the statutes is amended to read:

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

16 **SECTION 699.** 59.70 (2) (q) 4. of the statutes is amended to read:

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

19 **SECTION 700.** 59.70 (6) (a) 1. of the statutes is amended to read:

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

22 **SECTION 701.** 59.70 (13) (b) of the statutes is amended to read:

23 59.70 (13) (b) Members or employees of the commission may request admission
24 onto any property within the district at reasonable times to determine if mosquito
25 breeding is present. If the owner or occupant refuses admission, the commission

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

9 **SECTION 702.** 59.74 (2) (g) of the statutes is amended to read:

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

13 **SECTION 703.** 60.627 (1) of the statutes is amended to read:

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

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

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

22 **SECTION 705.** 60.71 (4) (c) of the statutes is amended to read:

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

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

5 **SECTION 706.** 60.71 (7) of the statutes is amended to read:

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

10 **SECTION 707.** 60.72 (title) and (1) of the statutes are amended to read:

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

15 **SECTION 708.** 60.73 of the statutes is amended to read:

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

25 **SECTION 709.** 60.782 (2) (d) of the statutes is amended to read:

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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 710.** 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 711.** 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.

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1 **SECTION 712.** 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 713.** 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 714.** 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 715.** 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.

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1 **SECTION 716.** 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 717.** 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 718.** 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 719.** 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 720.** 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.

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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 721.** 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 722.** 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 723.** 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 724.** 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

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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 725.** 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

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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 726.** 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

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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 727.** 66.0307 (4) (a) 1. of the statutes is amended to read:

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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 728.** 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 729.** 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 730.** 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

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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 731.** 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 732.** 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

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

3 **SECTION 733.** 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 734.** 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 735.** 70.11 (21) (am) of the statutes is amended to read:

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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 736.** 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 737.** 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:

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1 **SECTION 738.** 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 739.** 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 740.** 70.114 (1) (a) of the statutes is repealed.

17 **SECTION 741.** 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 742.** 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
25 natural resources or the department of agriculture, trade and consumer protection

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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 743.** 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 744.** 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 745.** 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

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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 746.** 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 747.** 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 748.** 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 749.** 70.375 (4) (o) of the statutes is amended to read:

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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 750.** 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 751.** 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 752.** 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

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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 753.** 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

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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 754.** 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 755.** 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 756.** 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 757.** 77.02 (1) of the statutes, as affected by 2009 Wisconsin Act 28,
25 is amended to read:

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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 758.** 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

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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 759.** 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

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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 760.** 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~~

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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 761.** 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

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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 762.** 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 763.** 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

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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 764.** 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 765.** 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 766.** 77.06 (4) of the statutes is amended to read:

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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 767.** 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

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

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as affected by 2009 Wisconsin Act
(Assembly Bill 570)

3 **SECTION 768.** 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 percent and such tax and
6 penalty shall thereafter draw interest at the rate of one percent per month until paid.

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6

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 769.** 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 770.** 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

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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 771.** 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

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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 772.** 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 773.** 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,

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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 774.** 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 775.** 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.