



2013 SENATE BILL 278

August 30, 2013 – Introduced by Senators TIFFANY and GROTHMAN. Referred to Committee on Workforce Development, Forestry, Mining, and Revenue.

1 **AN ACT** *to amend* 77.83 (2) (a), 77.84 (2) (b) and 77.84 (2) (bm); and *to create*
2 77.81 (5m), 77.83 (2) (d) and 77.84 (2) (br) of the statutes; **relating to:** public
3 access to managed forest land that is located in a proposed mining site.

Analysis by the Legislative Reference Bureau

Under the Managed Forest Land (MFL) Program administered by the Department of Natural Resources (DNR), the owner of a parcel of land designated as MFL makes an annual acreage share payment that is lower than, and in lieu of, the property taxes that normally would be payable on the land. In exchange, the owner must comply with certain forestry practices. Under the program, MFL is designated as either “open” or “closed” to public access. MFL that is designated as “open” must be kept open for hunting, fishing, hiking, sight-seeing, and cross-country skiing (recreational activities). For MFL that is designated as “closed” the owner must make an additional payment per acre (closed acreage payment).

This bill exempts from the requirement that recreational activities be allowed on MFL that is designated as open if the MFL is within a site for which a mining company has notified DNR that it intends to file an application for an iron mining permit (proposed mining site). Instead, under the bill, the mining company and DNR may enter into an agreement to allow any or all of the recreational activities on all or part of the MFL during the entire year or during certain times of the year. However, the owner must make the closed acreage payment for each acre that is located within the proposed mining site and that is closed to any of the recreational activities during any time during the previous calendar year.

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The bill also requires DNR to post on its website information regarding recreational activities that are allowed under agreements that are entered into between a mining company and DNR.

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

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

1 **SECTION 1.** 77.81 (5m) of the statutes is created to read:

2 77.81 **(5m)** “Proposed ferrous mining site” means a proposed mining site, as
3 described under s. 295.46 (1), for which the person proposing to engage in ferrous
4 mining has provided preapplication notification under s. 295.465.

5 **SECTION 2.** 77.83 (2) (a) of the statutes is amended to read:

6 77.83 **(2)** (a) Except as provided in ~~sub. (1) and~~ pars. (b) ~~and~~, (c), and (d) and
7 sub. (1), each owner of managed forest land shall permit public access to the land for
8 the purposes of hunting, fishing, hiking, sight-seeing, and cross-country skiing.

9 **SECTION 3.** 77.83 (2) (d) of the statutes is created to read:

10 77.83 **(2)** (d) 1. The requirement under par. (a) that public access be permitted
11 on managed forest land designated as open does not apply to managed forest land
12 within a proposed ferrous mining site. The department and a person proposing to
13 engage in ferrous mining on managed forest land designated as open within such a
14 proposed ferrous mining site may enter into an agreement to allow that all or part
15 of the land be open for public access during the entire year or certain times of the year
16 for any or all of the purposes specified in par. (a).

17 2. The department shall post notice of each agreement entered into under subd.
18 1. on the department’s Internet site. The notice shall include all of the following
19 information:

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1 a. The areas where public access is permitted, and which activities, as specified
2 in par. (a), are allowed in each area.

3 b. The dates and times that each activity allowed under subd. 2. a. is permitted
4 in a given area.

5 3. This paragraph does not apply after the department approves or denies the
6 application for a ferrous mining permit for the proposed ferrous mining site or after
7 the department determines that the person who proposed to engage in ferrous
8 mining has ceased to pursue a ferrous mining permit for the proposed mining site.

9 **SECTION 4.** 77.84 (2) (b) of the statutes is amended to read:

10 77.84 (2) (b) For managed forest land orders that take effect before April 28,
11 2004, in addition to the payment under par. (a), each owner shall pay \$1 for each acre
12 that is designated as closed under s. 77.83 and for each acre that is located in a
13 proposed ferrous mining site and that is not open to all of the outdoor activities
14 specified in s. 77.83 (2) (a) for any part of the previous calendar year. The payment
15 shall be made to each municipal treasurer on or before January 31.

16 **SECTION 5.** 77.84 (2) (bm) of the statutes is amended to read:

17 77.84 (2) (bm) For managed forest land orders that take effect on or after April
18 28, 2004, in addition to the payment under par. (am), each owner of managed forest
19 land shall pay to each municipal treasurer, on or before January 31, an amount that
20 is equal to 20 percent of the average statewide property tax per acre of property
21 classified under s. 70.32 (2) (a) 6., as determined under par. (cm), for each acre that
22 is designated as closed under s. 77.83 and for each acre that is located in a proposed
23 ferrous mining site and that is not open to all of the outdoor activities specified in s.
24 77.83 (2) (a) for any part of the previous calendar year.

25 **SECTION 6.** 77.84 (2) (br) of the statutes is created to read:

