

## 2013 DRAFTING REQUEST

**Bill**

Received: **8/22/2013** Received By: **mglass**  
Wanted: **As time permits** Same as LRB:  
For: **Thomas Tiffany (608) 266-2509** By/Representing: **Larry Konopacki**  
May Contact: Drafter: **mglass**  
Subject: **Nat. Res. - parks and forestry** Addl. Drafters: **btradewe**

Extra Copies:

Submit via email: **YES**  
Requester's email: **Sen.Tiffany@legis.wi.gov**  
Carbon copy (CC) to: **larry.konopacki@legis.wisconsin.gov**

---

### Pre Topic:

No specific pre topic given

---

### Topic:

Public access to managed forest land; ferrous mining

---

### Instructions:

See attached

---

### Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mglass 8/26/2013			_____			
/P1	mglass 8/28/2013	scalvin 8/26/2013	jmurphy 8/26/2013	_____	sbasford 8/27/2013		Local
/1	mglass 8/29/2013	scalvin 8/28/2013	jfrantze 8/28/2013	_____	rose 8/28/2013		Local

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/2		scalvin 8/29/2013	jmurphy 8/29/2013	_____	mbarman 8/29/2013	lparisi 8/30/2013	Local

FE Sent For:

*at  
intro*

<END>

**2013 DRAFTING REQUEST**

**Bill**

Received: **8/22/2013** Received By: **mglass**  
Wanted: **As time permits** Same as LRB:  
For: **Thomas Tiffany (608) 266-2509** By/Representing: **Larry Konopacki**  
May Contact: Drafter: **mglass**  
Subject: **Nat. Res. - parks and forestry** Addl. Drafters: **btradewe**

Extra Copies:

Submit via email: **YES**  
Requester's email: **Sen.Tiffany@legis.wi.gov**  
Carbon copy (CC) to: **larry.konopacki@legis.wisconsin.gov**

---

**Pre Topic:**

No specific pre topic given

---

**Topic:**

Public access to managed forest land; ferrous mining

---

**Instructions:**

See attached

---

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mglass 8/26/2013			_____			
/P1	mglass 8/28/2013	scalvin 8/26/2013	jmurphy 8/26/2013	_____	sbasford 8/27/2013		Local
/1	mglass 8/29/2013	scalvin 8/28/2013	jfrantze 8/28/2013	_____	rose 8/28/2013		Local

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/2		scalvin 8/29/2013	jmurphy 8/29/2013	_____	mbarman 8/29/2013		Local

FE Sent For:

<END>

### 2013 DRAFTING REQUEST

**Bill**

Received: **8/22/2013** Received By: **mglass**  
Wanted: **As time permits** Same as LRB:  
For: **Thomas Tiffany (608) 266-2509** By/Representing: **Larry Konopacki**  
May Contact: Drafter: **mglass**  
Subject: **Nat. Res. - parks and forestry** Addl. Drafters:  
Extra Copies:  
  
Submit via email: **YES**  
Requester's email: **Sen.Tiffany@legis.wi.gov**  
Carbon copy (CC) to: **larry.konopacki@legis.wisconsin.gov**

---

**Pre Topic:**

No specific pre topic given

---

**Topic:**

Public access to managed forest land; ferrous mining ✓

---

**Instructions:**

See attached

---

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mglass 8/26/2013			_____			
/P1	mglass 8/28/2013	scalvin 8/26/2013	jmurphy 8/26/2013	_____	sbasford 8/27/2013		Local
/1	mglass 8/28/2013	scalvin 8/28/2013	jfrantze 8/28/2013	_____	rose 8/28/2013		Local

1/2 sac  
08/28/2013

Jm  
8/29

Jm + PS  
8/29

FE Sent For:

**<END>**

### 2013 DRAFTING REQUEST

**Bill**

Received: **8/22/2013** Received By: **mglass**  
Wanted: **As time permits** Same as LRB:  
For: **Legislative Council - IND 2670683** By/Representing: **Larry Konopacki**  
May Contact: Drafter: **mglass**  
Subject: **Nat. Res. - parks and forestry** Addl. Drafters:  
Extra Copies:

Submit via email: **YES**  
Requester's email: **larry.konopacki@legis.wisconsin.gov**  
Carbon copy (CC) to:

**Pre Topic:**

No specific pre topic given

**Topic:**

Public access to managed forest land; ferrous mining ✓

**Instructions:**

See attached

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mglass 8/26/2013			_____			
/P1	mglass 8/27/2013	scalvin 8/26/2013	jmurphy 8/26/2013	_____	sbasford 8/27/2013		Local

FE Sent For: 1 sac  
08/28/2013

*Jb* / *Rv*  
<END> 8/28

**2013 DRAFTING REQUEST**

**Bill**

Received: **8/22/2013** Received By: **mglass**  
Wanted: **As time permits** Same as LRB:  
For: **Legislative Council - IND 2670683** By/Representing: **Larry Konopacki**  
May Contact: Drafter: **mglass**  
Subject: **Nat. Res. - parks and forestry** Addl. Drafters:  
Extra Copies:

Submit via email: **YES**  
Requester's email: **larry.konopacki@legis.wisconsin.gov**  
Carbon copy (CC) to:

**Pre Topic:**

No specific pre topic given

**Topic:**

Public access to managed forest land; ferrous mining ✓

**Instructions:**

See attached

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
1?	mglass	/PI sac 08/26/2013	<i>Jm</i> 8/26	<i>Jm</i> 8/26			

FE Sent For:

<END>



**Gibson-Glass, Mary**

---

**From:** Konopacki, Larry  
**Sent:** Thursday, August 22, 2013 1:07 PM  
**To:** Tradewell, Becky; Gibson-Glass, Mary  
**Subject:** Budget draft - ferrous mining bulk sampling closure on MFL open  
**Attachments:** 20130822104543998\_0001.pdf; 20130822104543998\_0002.pdf

Hi Becky and Mary,

Would you please draft the attached into a Senate bill, with the following changes:

- Please provide that the acreage share rate for any parcel under s. 77.83 (2) (d) which is not open for all 5 of the "MFL open" activities for the entire year is the applicable "closed" acreage share rate for the order under which the parcel is enrolled. (do not require these parcels to be switched into "closed" MFL status, just require the higher acreage share rate applicable to closed MFL land.)
- Please require the DNR to post information on its website about any agreement between the proposed ferrous mining entity and the DNR allowing open public access on a parcel subject to s. 77.83 (2) (d), including where, when, and for what activities access is allowed. *30 025(2)*  
*30 102(1)*

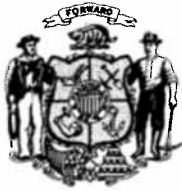
Please draft this bill with me as the requestor.

If possible, could you give this priority treatment?

Thanks,  
Larry

---

Larry A. Konopacki  
Wisconsin Legislative Council  
(608) 267-0683  
[larry.konopacki@legis.wisconsin.gov](mailto:larry.konopacki@legis.wisconsin.gov)



State of Wisconsin  
2013 - 2014 LEGISLATURE



RMR

LRB-29819

P1

MGG: j:...

SAC

Today

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

Part  
9/24  
for

gen cat

- 1 AN ACT ...; relating to: public access to managed forest land that is located in a
- 2 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).

an on 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 one or more recreational activities on all or part of the MFL that is designated as open during certain times of the year. However, regardless of whether the proposed mining site is open to the public for one or more recreational activities, the owner must make the closed acreage payment for the acreage that is located within the proposed mining site.

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  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21

SECTION 1. 77.81 <sup>(5m)</sup> ~~(6m)~~ of the statutes is created to read:

77.81 <sup>2.5B</sup> ~~(6m)~~ "Proposed ferrous mining site" means a proposed mining site, as described under s. 295.46 (1), for which the person proposing to engage in ferrous mining has provided preapplication notification under s. 295.465.

← (INSERT A)

<sup>no A</sup> The department shall post notice of each agreement entered on the department's Internet <sup>e</sup> Web site. The notice shall include all of the following information:

1. The areas where public access is permitted, <sup>and</sup> which activities, as specified in par. (a), <sup>e</sup> ~~that~~ <sup>allowed</sup> are permitted in each area.

2. The dates and times that each activity allowed under subd. 1. is permitted in a given area.

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

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

History: 1985 a. 29; 1987 a. 378; 1995 a. 27; 1997 a. 35; 2003 a. 228; 2005 a. 299.

SECTION 3. 77.84 (2) (bm) of the statutes is amended to read:

1           77.84 (2) (bm) For managed forest land orders that take effect on or after April  
2           28, 2004, in addition to the payment under par. (am), each owner of managed forest  
3           land shall pay to each municipal treasurer, on or before January 31, an amount that  
4           is equal to 20 percent of the average statewide property tax per acre of property  
5           classified under s. 70.32 (2) (a) 6., as determined under par. (cm), for each acre that  
6           is designated as closed under s. 77.83 and for each acre that is located in a proposed  
7           ferrous mining site and that is not open to all of the outdoor activities specified in s.  
8           77.83 (2) (a).

9           History: 1985 a. 29; 1987 a. 378; 1995 a. 27; 1997 a. 35; 2003 a. 228; 2005 a. 299.

(END)

**BILL**

**SECTION 1**

INSERT

A

1            **SECTION 1.** 77.83 (2) (a) of the statutes is amended to read:

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

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

6            77.83 (2) (d) 1. In this paragraph, "proposed ferrous mining site" means a  
7            proposed mining site, as described under s. 295.46 (1), for which the person proposing  
8            to engage in ferrous mining has provided preapplication notification under s.  
9            295.465.

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

(END)



## **Gibson-Glass, Mary**

---

**From:** Konopacki, Larry  
**Sent:** Tuesday, August 27, 2013 4:44 PM  
**To:** Gibson-Glass, Mary  
**Subject:** FW: Draft review: LRB -2981/P1 Topic: Public access to managed forest land; ferrous mining  
**Attachments:** 13-2981/P1.pdf

Hi Mary, in Section 4 and Section 5 of the bill, please require that the additional acreage payment be made for ANY acre that is not open to all the outdoor activities for the entire year (instead of on the entire proposed mining site). In other words, the higher payment amount isn't imposed on a particular parcel within the proposed mining area unless that particular spot is actually closed to one or more activities at least part of the year.

Please include these changes in a /1 and allow the Tiffany office to take over authorship of the bill if they call you to request that.

Thanks,  
Larry

p.s. – I am going to the State Bar program on mining in Wausau, so if you need anything call my cell at: 358-4500.

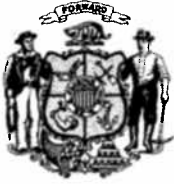
LK

---

Larry A. Konopacki  
Wisconsin Legislative Council  
(608) 267-0683  
[larry.konopacki@legis.wisconsin.gov](mailto:larry.konopacki@legis.wisconsin.gov)

**From:** LRB.Legal  
**Sent:** Tuesday, August 27, 2013 9:17 AM  
**To:** Konopacki, Larry  
**Subject:** Draft review: LRB -2981/P1 Topic: Public access to managed forest land; ferrous mining

**Following is the PDF version of draft LRB -2981/P1.**



RMR

Now

D Note

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

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) and 77.83 (2) (d) of the statutes; **relating to:** public access to  
 3 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).

on (an) 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 one or more recreational activities on all or part of the MFL that is designated as open during certain times of the year. However, regardless of whether the proposed mining site is open to the public for one or more recreational activities, the owner must make the closed acreage payment for the each acre acreage 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

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) The requirement under par. (a) that public access be permitted on  
11 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 <sup>the entire year or</sup> certain times of the year for <sup>any or all</sup> ~~one or more~~

16 of the purposes specified in par. (a). The department shall post notice of each  
17 agreement entered on the department's Internet site. The notice shall include all of  
18 the following information:



for any part of the previous calendar year

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

3 2. The dates and times that each activity allowed under subd. 1. is permitted  
4 in a given area.

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

6 77.84 (2) (b) For managed forest land orders that take effect before April 28,  
7 2004, in addition to the payment under par. (a), each owner shall pay \$1 for each acre  
8 that is designated as closed under s. 77.83 and for each acre that is located in a  
9 proposed ferrous mining site and that is not open to all of the outdoor activities  
10 specified in s. 77.83 (2) (a). The payment shall be made to each municipal treasurer  
11 on or before January 31.

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

13 77.84 (2) (bm) For managed forest land orders that take effect on or after April  
14 28, 2004, in addition to the payment under par. (am), each owner of managed forest  
15 land shall pay to each municipal treasurer, on or before January 31, an amount that  
16 is equal to 20 percent of the average statewide property tax per acre of property  
17 classified under s. 70.32 (2) (a) 6., as determined under par. (cm), for each acre that  
18 is designated as closed under s. 77.83 and for each acre that is located in a proposed  
19 ferrous mining site and that is not open to all of the outdoor activities specified in s.  
20 77.83 (2) (a).

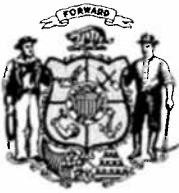
21 for any part of the (END) previous calendar year

DN

^ Please have Larry Konopacki review this  
prior to introduction

MB

I have made some changes in S. 77.83(2)(d).



State of Wisconsin  
2013 - 2014 LEGISLATURE



stays  
1

LRB-2981/1

MGG:sac:jf

*New*

**2013 BILL**

*DNR*

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) and 77.83 (2) (d) of the statutes; **relating to:** public access to  
3 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 ~~higher~~ 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.

\*

**BILL**

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) The requirement under par. (a) that public access be permitted on  
11 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). The department shall post notice  
17 of each agreement entered on the department’s Internet site. The notice shall  
18 include all of the following information:



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

LRB-2981/1dn

MGG:sac:ff

August 28, 2013

- date -

✓  
I have made some changes in s. 77.83 (2) (d). Please have Larry Konopacki review this prior to introduction.

Mary Gibson-Glass  
Senior Legislative Attorney  
Phone: (608) 267-3215  
E-mail: mary.gibson-glass@legis.wisconsin.gov

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

LRB-2981/1dn  
MGG:sac:jf

August 28, 2013

I have made some changes in s. 77.83 (2) (d). Please have Larry Konopacki review this prior to introduction.

Mary Gibson-Glass  
Senior Legislative Attorney  
Phone: (608) 267-3215  
E-mail: mary.gibson-glass@legis.wisconsin.gov

## Gibson-Glass, Mary

---

**From:** Konopacki, Larry  
**Sent:** Thursday, August 29, 2013 9:32 AM  
**To:** Gibson-Glass, Mary  
**Cc:** Esser, Jennifer  
**Subject:** FW: Draft review: LRB -2981/1 Topic: Public access to managed forest land; ferrous mining

Hi Mary,

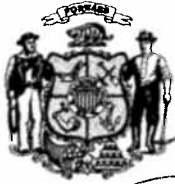
Would you please make a final change to this and send the stripes to the Tiffany office? Please specify that 77.83 (2) (d) only applies: until approval or denial of a mining permit application for the proposed mining site or when the DNR determines that the applicant is no longer pursuing a mining permit for the proposed mining site.

Thanks

---

Larry A. Konopacki  
Wisconsin Legislative Council  
(608) 267-0683  
[larry.konopacki@legis.wisconsin.gov](mailto:larry.konopacki@legis.wisconsin.gov)





now

State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-2981A 2

MGG:sac/jf

RMR  
get  
BCT

2013 BILL

gen cat

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) and 77.83 (2) (d) of the statutes; **relating to:** public access to  
3 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.

**BILL**

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) <sup>1.</sup> The requirement under par. (a) that public access be permitted on  
11 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). <sup>2.</sup> The department shall post notice  
17 of each agreement entered <sup>into under subd. 1.</sup> on the department's Internet site. The notice shall  
18 include all of the following information:

**BILL**

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

3 b. ~~2.~~ The dates and times that each activity allowed under subd. ~~1.~~ is permitted  
4 in a given area.

2.  
a.  
← INSERT 3 4

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

6 77.84 (2) (b) For managed forest land orders that take effect before April 28,  
7 2004, in addition to the payment under par. (a), each owner shall pay \$1 for each acre  
8 that is designated as closed under s. 77.83 and for each acre that is located in a  
9 proposed ferrous mining site and that is not open to all of the outdoor activities  
10 specified in s. 77.83 (2) (a) for any part of the previous calendar year. The payment  
11 shall be made to each municipal treasurer on or before January 31.

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

13 77.84 (2) (bm) For managed forest land orders that take effect on or after April  
14 28, 2004, in addition to the payment under par. (am), each owner of managed forest  
15 land shall pay to each municipal treasurer, on or before January 31, an amount that  
16 is equal to 20 percent of the average statewide property tax per acre of property  
17 classified under s. 70.32 (2) (a) 6., as determined under par. (cm), for each acre that  
18 is designated as closed under s. 77.83 and for each acre that is located in a proposed  
19 ferrous mining site and that is not open to all of the outdoor activities specified in s.  
20 77.83 (2) (a) for any part of the previous calendar year.

← INSERT  
13-21

21 (END)

**2013-2014 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-2981/2ins  
MGG/RCT:.....

1           **Insert 3-4**

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

6           **Insert 3-21**

7           **SECTION 1.** 77.84 (2) (br) of the statutes is created to read:

8           77.84 (2) (br) The requirement under pars. (b) and (bm) that payments be made  
9 for acres located in a proposed ferrous mining site does not apply after the  
10 department approves or denies the application for a ferrous mining permit for the  
11 proposed ferrous mining site or after the department determines that the person who  
12 proposed to engage in ferrous mining has ceased to pursue a ferrous mining permit  
13 for the proposed mining site.

**Barman, Mike**

---

**From:** Esser, Jennifer  
**Sent:** Friday, August 30, 2013 7:59 AM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB -2981/2 Topic: Public access to managed forest land; ferrous mining

Please Jacket LRB -2981/2 for the SENATE.