



**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO SENATE BILL 278**

November 13, 2013 – Offered by Representative BEWLEY.

1 **AN ACT** *to renumber* 77.83 (2) (a); *to renumber and amend* 77.83 (2) (b); *to*
2 *amend* 77.83 (4) (a); and *to create* 77.83 (2) (ad), 77.83 (2) (b) 3., 77.83 (2) (b)
3 3m. and 77.83 (2) (b) 4. of the statutes; **relating to:** public access to open
4 managed forest land near certain mining sites.

Analysis by the Legislative Reference Bureau

Under the Managed Forest Land (MFL) Program, the owner of land that meets certain requirements as to size and the amount of timber on the land may apply to have the Department of Natural Resources (DNR) designate the land as MFL. The owner of such land then makes an annual payment that is lower than, and in lieu of, the property taxes that normally would be payable on the land. In exchange, the owner must comply with certain forestry practices and may keep a specific area closed to public access. The remainder of the land must be kept open for recreational activities consisting of hunting, fishing, hiking, sight-seeing, and cross-country skiing, with certain exceptions. Under current law, an owner may restrict public access to open MFL within 300 feet of a commercial logging operation and may prohibit the use of certain vehicles on open MFL.

This substitute amendment establishes additional conditions under which an owner of open MFL may restrict public access. Under the substitute amendment, these additional conditions apply only with respect to certain iron mining activities

such as bulk sampling. Bulk sampling is excavating in a potential mining site to assess the quality and quantity of iron ore deposits and to collect and analyze data to prepare an application for a mining permit.

This substitute amendment authorizes an owner of open MFL to restrict public access to any area that is within 300 feet of an iron mining drilling site or bulk sampling site or within 300 feet of a site where a well is being constructed by a person conducting certain iron mining activities. The substitute amendment also allows DNR to authorize an owner to restrict public access within a greater distance than 300 feet from a bulk sampling site during blasting activities if DNR, another state agency, or the federal government determines that the restriction is necessary to protect public safety.

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

1 **SECTION 1.** 77.83 (2) (a) of the statutes is renumbered 77.83 (2) (ag).

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

3 77.83 (2) (ad) In this subsection:

4 1. “Bulk sampling” has the meaning given in s. 295.41 (7).

5 2. “Drilling site” has the meaning given in s. 295.44 (1) (e).

6 **SECTION 3.** 77.83 (2) (b) of the statutes is renumbered 77.83 (2) (b) (intro.) and
7 amended to read:

8 77.83 (2) (b) (intro.) An owner may restrict public access to any area of open
9 managed forest land ~~which~~ that is within 300 feet of any of the following:

10 1. A building or within 300 feet of a.

11 2. A commercial logging operation that conforms to the management plan.

12 **SECTION 4.** 77.83 (2) (b) 3. of the statutes is created to read:

13 77.83 (2) (b) 3. A drilling site operated by a person licensed to engage in
14 exploration under s. 295.44 (2).

15 **SECTION 5.** 77.83 (2) (b) 3m. of the statutes is created to read:

