

## 2015 DRAFTING REQUEST

### Bill

Received: 12/29/2014 Received By: rkite  
Wanted: As time permits Same as LRB:  
For: Administration-Budget By/Representing: Byrnes  
May Contact: Drafter: rkite  
Subject: Nat. Res. - parks and forestry Addl. Drafters:  
Extra Copies:

Submit via email: YES  
Requester's email:  
Carbon copy (CC) to: sbostatlanguage@webapps.wi.gov

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### Pre Topic:

DOA:.....Byrnes, BB0367 -

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### Topic:

Managed forest land cutting notices

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### Instructions:

See attached

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### 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>
/?	rkite 12/29/2014			_____			
/1	rkite 1/6/2015	jdyer 1/2/2015	rschluet 1/5/2015	_____	sbasford 1/5/2015		
/2	rkite 1/24/2015	jdyer 1/7/2015	rschluet 1/7/2015	_____	mbarman 1/7/2015		
/3		jdyer	jfrantze	_____	srose		

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
		1/24/2015	1/24/2015	_____	1/24/2015		

FE Sent For:

<END>

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/?	rkite 12/29/2014	3 1/24 jld		1/24			
/1	rkite 1/6/2015	jdye 1/2/2015	rschlue 1/5/2015		sbasford 1/5/2015		
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/? rkite

1 1/2 jld jd [Signature] 15/15

FE Sent For:

<END>

## Kite, Robin

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**From:** CathleneH <cathleneh@gmail.com>  
**Sent:** Friday, December 26, 2014 3:26 PM  
**To:** Kite, Robin; Shea, Elisabeth  
**Subject:** Fwd: Statutory Language Drafting Request - BB0367

Sent from my iPhone

Begin forwarded message:

**From:** <[Tyler.Byrnes@Wisconsin.gov](mailto:Tyler.Byrnes@Wisconsin.gov)>  
**Date:** December 26, 2014 at 4:00:33 PM AST  
**To:** <[cathlene.hanaman@legis.wisconsin.gov](mailto:cathlene.hanaman@legis.wisconsin.gov)>  
**Cc:** <[Caitlin.Frederick@wisconsin.gov](mailto:Caitlin.Frederick@wisconsin.gov)>, <[Tyler.Byrnes@wisconsin.gov](mailto:Tyler.Byrnes@wisconsin.gov)>, <[Christopher.Connor@wisconsin.gov](mailto:Christopher.Connor@wisconsin.gov)>  
**Subject:** Statutory Language Drafting Request - BB0367

Biennial Budget: 2015-17

DOA Tracking Code: BB0367

Topic: Managed Forest Law Cutting Notices

SBO Team: AEJ

SBO Analyst: Byrnes, Tyler - DOA  
Phone: (608) 266-1103  
E-mail: [Tyler.Byrnes@Wisconsin.gov](mailto:Tyler.Byrnes@Wisconsin.gov)

Agency Acronym: DNR

Agency Number: 370

Priority: High

Intent:

Please prepare a draft that eliminates the need for approval by a DNR forester of a cutting notices send under s. 77.86(1)(b). from a landowner, if that cutting notice is for a mandatory practice included as part of an approved plan under s. 77.82(3).

This may be accomplished by adding an additional exception, similar to s.77.86(6).

Attachments: False

Please send completed drafts to [SBOSatlanguage@webapps.wi.gov](mailto:SBOSatlanguage@webapps.wi.gov)



State of Wisconsin  
2015 - 2016 LEGISLATURE



LRB-1047

RNK: A:...

*JKD*

DOA:.....Byrnes, BB0367 – Managed forest land cutting notices

**FOR 2015-2017 BUDGET – NOT READY FOR INTRODUCTION**

*due MON, 1-5*

*D-Note*

*In  
12/29*

*4*

*don't gen*

1

AN ACT ...; relating to: the budget. ✓

*Analysis by the Legislative Reference Bureau*

**NATURAL RESOURCES** ✓

**FORESTRY** ✓

Under the Managed Forest Land Program administered by DNR, ✓ the owner of a parcel of land designated as managed forest land (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 consistent with the terms of a management plan approved by DNR. ✓

Current law requires a person who owns MFL ✓ and who intends to cut merchantable timber on the MFL to file a notice of intent to cut the timber and request DNR approval of the proposed cutting. ✓ This bill provides that, if the cutting is required under the terms of an MFL management plan, the owner is not required to obtain DNR approval of the cutting. ✓

*\**

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

2

**SECTION 1.** 77.86 (1) (b) ✓ of the statutes is renumbered 77.86 (1) (b) 1. and

3

amended to read:



1           77.86 (1) (b) 1. Except as provided under sub. (6), an owner who intends to cut  
2 merchantable timber on managed forest land shall, at least 30 days before the  
3 cutting is to take place, on a form provided by the department, file a notice of intent  
4 to cut and, except as provided under subd. 2. request approval of the proposed  
5 cutting from the department.

6 History: 1985 a. 29; 2009 a. 365.

6           **SECTION 2.** 77.86 (1) (b) 2. of the statutes is created to read:

7           77.86 (1) (b) 2. An owner who <sup>is</sup> required under the terms of an approved  
8 management plan to cut merchantable timber on managed forest land is not  
9 required to obtain approval of the cutting of that timber before the cutting takes  
10 place.

11           **SECTION 3.** 77.86 (3) of the statutes is amended to read:

12           77.86 (3) TIME LIMIT. All cutting specified in the notice under sub. (1) (b) shall  
13 be commenced within one year after the date the proposed cutting is approved, ~~or if~~  
14 approval is not required under sub. (1) (b) 2. within the time specified in the  
15 management plan. The owner shall report to the department the date on which the  
16 cutting is commenced.

17 History: 1985 a. 29; 2009 a. 365.

17           **SECTION 4.** 77.86 (4) of the statutes is amended to read:

18           77.86 (4) REPORTING. Within 30 days after completion of any cutting approved  
19 under this section, the owner shall report to the department, on a form provided by  
20 the department, a description of the species of wood, kind of product and the quantity  
21 of each species cut as shown by the scale or measurement made on the ground as cut,  
22 skidded, loaded or delivered, or by tree scale certified by a forester acceptable to the  
23 department if the wood is sold by tree measurement.

24 History: 1985 a. 29; 2009 a. 365.

(END)

d-note  
↓

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

LRB-1047/9<sup>1</sup>dn

RNK: x:...

date

jld

Tyler Byrnes:

This draft provides that an owner of managed forest land (MFL) who cuts timber as required under an approved MFL management plan does not have to obtain approval of the cutting as required under s. 77.86 (1) (b), stats. I have assumed that you want the reporting requirements under current law to continue to apply. Consequently, under the draft, the owner must still comply with the requirement to give notice of the intent to cut under s. 77.86 (1) (b), stats. Is this consistent with your intent? \*

Under s. 77.86 (3), stats., all cutting specified in the notice under s. 77.86 (1) (b) must be commenced within one year after the date that the proposed cutting is approved. This draft provides that, for an owner who is not required to obtain approval of proposed cutting, cutting must be commenced within the time specified in the management plan. I'm not certain that all management plans will specify this information. Please review this part of the draft closely to determine if further changes are needed to address this issue. \*

Current law requires an owner of MFL to file a report with DNR within 30 days after completion of any approved cutting. Under this draft, an owner must file the report even if the cutting does not require DNR approval. Is this consistent with your intent?

Robin N. Kite  
Senior Legislative Attorney  
(608) 266-7291  
robin.kite@legis.wisconsin.gov

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

LRB-1047/1dn  
RNK:jld:rs

January 5, 2015

Tyler Byrnes:

This draft provides that an owner of managed forest land (MFL) who cuts timber as required under an approved MFL management plan does not have to obtain approval of the cutting as required under s. 77.86 (1) (b), stats. I have assumed that you want the reporting requirements under current law to continue to apply. Consequently, under the draft, the owner must still comply with the requirement to give notice of the intent to cut under s. 77.86 (1) (b), stats. Is this consistent with your intent?

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Current law requires an owner of MFL to file a report with DNR within 30 days after completion of any approved cutting. Under this draft, an owner must file the report even if the cutting does not require DNR approval. Is this consistent with your intent?

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Senior Legislative Attorney  
(608) 266-7291  
robin.kite@legis.wisconsin.gov

## Kite, Robin

---

**From:** Byrnes, Tyler - DOA <Tyler.Byrnes@wisconsin.gov>  
**Sent:** Monday, January 05, 2015 11:40 AM  
**To:** Kite, Robin  
**Subject:** LRB-1047/1 - Cutting Notices

Robin – Answers to your Drafter’s notes questions:

1. Yes – Continued notice under s. 77.86 (1)(b) is the intent.
2. Timing of the cut – could you change the draft so that the landowner is required to begin the cutting within one year of receipt by DNR of the cutting notice, since the notice is still required?
3. Yes – continuing reporting on completed cuttings to the department under s. 77.86(4) is the intent.

Thanks,

Tyler



DOA:.....Byrnes, BB0367 – Managed forest land cutting notices

**FOR 2015-2017 BUDGET – NOT READY FOR INTRODUCTION**

due TUES, 1-13  
In  
1/6

X  
1 do not gen  
AN ACT ...; relating to: the budget. ✓

*Analysis by the Legislative Reference Bureau*

**NATURAL RESOURCES**

**FORESTRY**

Under the Managed Forest Land Program administered by DNR, the owner of a parcel of land designated as managed forest land (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 consistent with the terms of a management plan approved by DNR.

Current law requires a person who owns MFL and who intends to cut merchantable timber on the MFL to file a notice of intent to cut the timber and request DNR approval of the proposed cutting. This bill provides that, if the cutting is required under the terms of an MFL management plan, the owner is not required to obtain DNR approval of the cutting.

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

2 SECTION 1. 77.86 (1) (b) of the statutes is renumbered 77.86 (1) (b) 1. and  
3 amended to read:

1           77.86 (1) (b) 1. Except as provided under sub. (6), an owner who intends to cut  
 2 merchantable timber on managed forest land shall, at least 30 days before the  
 3 cutting is to take place, on a form provided by the department, file a notice of intent  
 4 to cut and, except as provided under subd. 2., request approval of the proposed  
 5 cutting from the department.

6           **SECTION 2.** 77.86 (1) (b) 2. of the statutes is created to read:

7           77.86 (1) (b) 2. An owner who is required under the terms of an approved  
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10          **SECTION 3.** 77.86 (3) of the statutes is amended to read:

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 13 approval is not required under sub. (1) (b) 2., within the time specified in the

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 19 the department, a description of the species of wood, kind of product and the quantity  
 20 of each species cut as shown by the scale or measurement made on the ground as cut,  
 21 skidded, loaded or delivered, or by tree scale certified by a forester acceptable to the  
 22 department if the wood is sold by tree measurement.

23                                 (END)

Within one year after the date on which the notice under sub. (1)(b) 1. is filed

## Kite, Robin

---

**From:** Byrnes, Tyler - DOA <Tyler.Byrnes@wisconsin.gov>  
**Sent:** Saturday, January 24, 2015 10:58 AM  
**To:** Kite, Robin  
**Subject:** RE: LRB-1047/2 - Cutting Notices

I mean cooperating forester under 28.05(3). I used "Qualified" to indicate that they meet all the requirements to under 28.05 and the rules thereunder.

Thank,

Tyler

---

**From:** Kite, Robin <Robin.Kite@legis.wisconsin.gov>  
**Sent:** Saturday, January 24, 2015 9:42 AM  
**To:** Byrnes, Tyler - DOA  
**Subject:** RE: LRB-1047/2 - Cutting Notices

Tyler:

I'm not sure what you mean by a "qualified" cooperating forester. Do you mean a cooperating forester or a private forester with whom the department has entered into a contract under s. 28.05 (and the rules thereunder)?

Robin

---

**From:** Byrnes, Tyler - DOA [mailto:Tyler.Byrnes@wisconsin.gov]  
**Sent:** Friday, January 23, 2015 5:24 PM  
**To:** Kite, Robin  
**Subject:** LRB-1047/2 - Cutting Notices

Robin – One changes on this:

Could you specify that cutting notice approval is not required only if the notice is submitted by a qualified cooperating forester?

Thanks,

Tyler



Sat or Sun

DOA:.....Byrnes, BB0367 - Managed forest land cutting notices

**FOR 2015-2017 BUDGET -- NOT READY FOR INTRODUCTION**

IN  
11/26

X  
1 AN ACT ...; relating to: the budget. ✓

*Analysis by the Legislative Reference Bureau*

**NATURAL RESOURCES**

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Current law requires a person who owns MFL and who intends to cut merchantable timber on the MFL to file a notice of intent to cut the timber and request DNR approval of the proposed cutting. This bill provides that, if the cutting is required under the terms of an MFL management plan, the owner is not required to obtain DNR approval of the cutting. — Insert Analysis ✓

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20 of each species cut as shown by the scale or measurement made on the ground as cut,  
21 skidded, loaded or delivered, or by tree scale certified by a forester acceptable to the  
22 department if the wood is sold by tree measurement.

23 (END)

2015-2016 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-1047/3ins.  
RNK:.....

INSERT ANALYSIS

NO if  
if the required notice of the intent to cut the timber is provided to DNR<sup>✓</sup> by a  
cooperating forester NO  
A

INSERT 2-9

- 1 NO if if a cooperating forester authorized under sub. 28.05<sup>g</sup> to assist the state in the<sup>✓</sup>
- 2 harvesting and sale of timber provided the required notice of intent to cut to the
- 3 department under subd. 1.<sup>✓</sup>



State of Wisconsin  
2015 - 2016 LEGISLATURE

LRB-1047/3  
RNK:jld:jf

DOA:.....Byrnes, BB0367 – Managed forest land cutting notices

**FOR 2015-2017 BUDGET -- NOT READY FOR INTRODUCTION**

1 **AN ACT ...; relating to:** the budget.

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*Analysis by the Legislative Reference Bureau*

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Current law requires a person who owns MFL and who intends to cut merchantable timber on the MFL to file a notice of intent to cut the timber and request DNR approval of the proposed cutting. This bill provides that, if the cutting is required under the terms of an MFL management plan, the owner is not required to obtain DNR approval of the cutting if the required notice of the intent to cut the timber is provided to DNR by a cooperating forester.

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3 (END)