

**2015 DRAFTING REQUEST**

**Senate Amendment (SA-SB434)**

Received: 1/4/2016 Received By: zwyatt  
For: Thomas Tiffany (608) 266-2509 Same as LRB:  
May Contact: By/Representing: Tyler  
Subject: Nat. Res. - parks and forestry Drafter: zwyatt  
Addl. Drafters:  
Extra Copies:

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

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Changes to managed forest land package

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**Instructions:**

See attached

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**Drafting History:**

| <u>Vers.</u> | <u>Drafted</u>     | <u>Reviewed</u>       | <u>Proofed</u> | <u>Submitted</u>     | <u>Jacketed</u>      | <u>Required</u> |
|--------------|--------------------|-----------------------|----------------|----------------------|----------------------|-----------------|
| /P1          | zwyatt<br>1/5/2016 | kfollett<br>1/4/2016  | _____          | mbarman<br>1/4/2016  |                      |                 |
| /1           | zwyatt<br>1/8/2016 | jdyer<br>1/5/2016     | _____          | mbarman<br>1/5/2016  | mbarman<br>1/5/2016  |                 |
| /2           |                    | kfollett<br>1/12/2016 | _____          | lparisi<br>1/12/2016 | lparisi<br>1/12/2016 |                 |

FE Sent For:

<END>

## Senate Bill 434 – MFL

### Amendment 1

- ✕ Add AB 559 – Ban on leasing.
- ✕ Remove Section 3.
- ✕ Add LRB-1326 language on foot access.
  - Public land access counts as access to MFL-Open.
  - Add language specifically saying access need not be from a public road, but that access from any other land open to public access, by foot, would suffice. This would include federal, state, and also other MFL-Open land.
- ✕ Section 34 of SB 434
  - Change “business entity” to “large landowner” as defined in Sect 20 of ASA 2 of 2013 AB 700
  - Change cap to 320 acres.
- ✕ Clarify Sect 43 of SB 434
  - The department must send out the notification of the department’s decision no later than the next business day.
  - The letter should contain the reason for denial.
- ✕ Sect 74 of SB 434
  - New tax calculation formula shouldn’t apply to “large landowners”
- ✕ Accreditation change
  - Remove the 2 year degree provision
  - Substitute work equivalency
    - 5 years functioning at a cooperating forester level or full time employment in applied forestry and
    - Successful completion of the DNR Certified Plan Writer course
- ✕ Include hold harmless provision in elimination of severance and yield tax for towns and counties.

— vic Tyler: DNR shall pay difference between yield/severance tax in prior year and closed acre fees in 2016, if closed acre fees are less than taxes.



**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**  
**SENATE AMENDMENT ,**  
**TO SENATE BILL 434**

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 6, line 12: delete lines 12 to 15.

3 **2.** Page 9, line 9: delete the material beginning with "holds" and ending with

4 "cutting" on page 9, line 12, and substitute: "has functioned at a cooperating forester

5 level for at least 5 years or has been engaged in full-time work in applied forestry

6 for at least 5 years and has completed a certified plan writer course offered by the

7 department."

8 **3.** Page 10, line 23: after that line insert:

9 "SECTION 16m. 77.81 (2r) of the statutes is created to read:

10 77.81 (2r) "Large property" means one or more separate parcels of land that

11 are under the same ownership, that collectively are greater than 1,000 acres in size,

12 and that are managed forest land or forest croplands or a combination thereof."

1           **4.** Page 11, line 24: after that line insert:

2           “**SECTION 20m.** 77.82 (1) (b) 4. of the statutes is created to read:

3           77.82 (1) (b) 4. A parcel that is not accessible to the public on foot by public road  
4           or from other land open to public access. This subdivision does not apply to a parcel  
5           or part of a parcel that is closed to public access under s. 77.83 (1).”.

6           **5.** Page 15, line 14: delete the material beginning with “160” and ending with  
7           “13.62 (5),” on page 15, line 15 and substitute “320 acres owned by any large property  
8           owner”.

9           **6.** Page 15, line 23: after that line insert:

10          “**SECTION 36k.** 77.83 (2) (am) of the statutes is repealed.

11          **SECTION 36m.** 77.83 (2) (ar) of the statutes is created to read:

12          77.83 (2) (ar) An owner of managed forest land that is designated as closed may  
13          enter into a lease or other agreement for consideration that permits persons to  
14          engage in a recreational activity on the land.

15          **SECTION 36o.** 77.83 (4) (a) of the statutes is renumbered 77.83 (4).

16          **SECTION 36q.** 77.83 (4) (b) of the statutes is repealed.”.

17          **7.** Page 17, line 4: delete “notify” and substitute “send notice to”.

*chase  
component*

18          **8.** Page 17, line 6: delete “notice” and substitute “notice and the reason for the  
19          department’s decision”.

20          **9.** Page 24, line 5: delete “program” and substitute “program, except for land  
21          that is part of a large property,”.

22          **10.** Page 24, line 10: after that line insert:

23          “**SECTION 74m.** 77.88 (5) (af) of the statutes is created to read:

1 77.88 (5) (af) (intro.) *Tax liability; large property.* Except as provided in par.  
2 (am), for land that is part of a large property that is withdrawn during a managed  
3 forest land order, the withdrawal tax shall be the higher of the following:

4 1. An amount equal to the past tax liability multiplied by the number of years  
5 the land was designated as managed forest land, less any amounts paid by the owner  
6 under s. 77.84 (2) (a), (am), and (bp).

7 2. Five percent of the stumpage value of the merchantable timber on the land,  
8 less any amounts paid by the owner under s. 77.84 (2) (a), (am), and (bp)."

9 **11.** Page 24, line 15: delete the material beginning with "calculated" and  
10 ending with "land" on page 24, line 16 and substitute: "calculated under par. (a) (ae)  
11 or (af)";

12 **12.** Page 27, line 6: after that line insert:

13 "(2) The department of natural resources shall determine whether the amount  
14 payable to each county and municipality in 2016 under (s) 77.84 (2) of the statutes,  
15 as affected by this act, is less than the amount received by the respective counties and  
16 municipalities in 2015 under (ss) 77.07 and 77.87, 2013 stats. For each county and  
17 municipality for which the department of natural resources determines that the  
18 amount payable in 2016 is less than the amount received in 2015, the department  
19 of natural resources shall pay to each of those counties and municipalities an amount  
20 equal to the difference between the the amount payable in 2016 and the amount  
21 received in 2015. The department of natural resources shall pay the amounts  
22 required under this subsection not later than December 1, 2016."

23

(END)



**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**  
**SENATE AMENDMENT ,**  
**TO SENATE BILL 434**

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 6, line 12: delete lines 12 to 15.

3 **2.** Page 9, line 9: delete the material beginning with "holds" and ending with  
4 "cutting" on line 12 and substitute "has functioned at a cooperating forester level for  
5 at least 5 years or has been engaged in full-time work in applied forestry for at least  
6 5 years and has completed a certified plan writer course offered by the department".

7 **3.** Page 10, line 23: after that line insert:

8 "SECTION 16m. 77.81 (2r) of the statutes is created to read:

9 77.81 (2r) "Large property" means one or more separate parcels of land that  
10 are under the same ownership, that collectively are greater than 1,000 acres in size,  
11 and that are managed forest land or forest croplands or a combination thereof."

12 **4.** Page 11, line 24: after that line insert:

1           **SECTION 20m.** 77.82 (1) (b) 4. of the statutes is created to read:

2           77.82 (1) (b) 4. A parcel that is not accessible to the public on foot by public road  
3 or from other land open to public access. This subdivision does not apply to a parcel  
4 or part of a parcel that is closed to public access under s. 77.83 (1).”.

5           **5.** Page 15, line 14: delete the material beginning with “160” and ending with  
6 “13.62 (5),” on line 15 and substitute “320 acres owned by any large property owner”.

7           **6.** Page 15, line 23: after that line insert:

8           **SECTION 36k.** 77.83 (2) (am) of the statutes is repealed.

9           **SECTION 36m.** 77.83 (2) (ar) of the statutes is created to read:

10          77.83 (2) (ar) An owner of managed forest land that is designated as closed may  
11 enter into a lease or other agreement for consideration that permits persons to  
12 engage in a recreational activity on the land.

13          **SECTION 36o.** 77.83 (4) (a) of the statutes is renumbered 77.83 (4).

14          **SECTION 36q.** 77.83 (4) (b) of the statutes is repealed.”.

15          **7.** Page 17, line 4: delete “notify” and substitute “send notice to”.

16          **8.** Page 17, line 6: after “notice” insert “and the reason for the department’s  
17 decision”.

18          **9.** Page 24, line 5: after “program” insert “, except for land that is part of a large  
19 property,”.

20          **10.** Page 24, line 10: after that line insert:

21          **SECTION 74m.** 77.88 (5) (af) of the statutes is created to read:

22          77.88 (5) (af) *Tax liability; large property.* Except as provided in par. (am), for  
23 land that is part of a large property that is withdrawn during a managed forest land  
24 order, the withdrawal tax shall be the higher of the following:



1           1. An amount equal to the past tax liability multiplied by the number of years  
2 the land was designated as managed forest land, less any amounts paid by the owner  
3 under s. 77.84 (2) (a), (am), and (bp).

4           2. Five percent of the stumpage value of the merchantable timber on the land,  
5 less any amounts paid by the owner under s. 77.84 (2) (a), (am), and (bp).”.

6           **11.** Page 24, line 14: delete the material beginning with “ealeulated” and  
7 ending with “land” on line 15 and substitute “calculated under par. ~~(a)~~ (ae) or (af)”.

8           **12.** Page 27, line 6: after that line insert:

9           “(2) The department of natural resources shall determine whether the amount  
10 payable to each county and municipality in 2016 under section 77.84 (2) of the  
11 statutes, as affected by this act, is less than the amount received by the respective  
12 counties and municipalities in 2015 under section 77.07 and section 77.87, 2013  
13 stats. For each county and municipality for which the department of natural  
14 resources determines that the amount payable in 2016 is less than the amount  
15 received in 2015, the department of natural resources shall pay to each of those  
16 counties and municipalities an amount equal to the difference between the ~~the~~<sup>e</sup>  
17 amount payable in 2016 and the amount received in 2015. The department of  
18 natural resources shall pay the amounts required under this subsection not later  
19 than December 1, 2016.”.

20

(END)

Senate Bill 434 – MFL

Amendment 1

- Add AB 559 – Ban on leasing. – 6
- Remove Section 3. – 1
- Add LRB-1326 language on foot access. – 4
  - Public land access counts as access to MFL-Open.
  - Add language specifically saying access need not be from a public road, but that access from any other land open to public access, by foot, would suffice. This would include federal, state, and also other MFL-Open land.
- Section 20 – NS 4+8
  - This provision should be prospective.
    - This provision should first apply upon renewal of an order after date of publication and new orders.
- Section 34 of SB 434 – 5
  - Current law has the cap at 160 acres for any property owner
    - Change cap to 320 acres for any property owner.
- Clarify Sect 43 of SB 434 – 7+8
  - The department must send out the notification of the department's decision no later than the next business day.
  - The letter should contain the reason for denial.
- Sect 74 of SB 434 – 3, 9, 10, 11
  - New tax calculation formula shouldn't apply to "large landowners"
- Accreditation change – NS 1, 2, 3, 5, 6, 7 DEL 2
  - Change Sect 40 Line 18: Delete the material beginning with "engaged" and ending with "cutting."
    - Substitute "5 years of experience engaged in the full-time profession of managing forests, including timber harvesting, wildlife management, water quality and recreation to maintain a healthy and productive forest."
    - This language is from the MFL Handbook developed by the DNR
  - Change Sect 41 Line 23: Delete the material beginning with "engaged" and ending with "cutting."
    - Substitute "5 years of experience engaged in the full-time profession of managing forests, including timber harvesting, wildlife management, water quality and recreation to maintain a healthy and productive forest."
  - Create addition section that would be an "or" to the previous to sections that adds the work experience mentioned in the previous bullets as an alternative to college degrees.
    - So someone wouldn't have to get a cutting notice approved if they were part of the organizations in current law, had a 4 year degree with 5 years' work experience, had a 2 year degree with 5 years' work experience OR the 5 years of work experience.
- Include hold harmless provision in elimination of severance and yield tax for towns and counties. – 12



INSERT

**SENATE AMENDMENT ,**  
**TO SENATE BILL 434**

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 6, line 12: delete lines 12 to 15.

*INSI-2*

3 **2.** Page 9, line 9: delete the material beginning with “holds” and ending with  
4 “cutting” on line 12 and substitute “has functioned at a cooperating forester level for  
5 at least 5 years or has been engaged in full-time work in applied forestry for at least  
6 5 years and has completed a certified plan writer course offered by the department”.

7 **3.** Page 10, line 23: after that line insert:

8 “SECTION 16m. 77.81 (2r) of the statutes is created to read:

9 77.81 (2r) “Large property” means one or more separate parcels of land that  
10 are under the same ownership, that collectively are greater than 1,000 acres in size,  
11 and that are managed forest land or forest croplands or a combination thereof.”.

*INSI-11*

12 **4.** Page 11, line 24: after that line insert:

13 “SECTION 20m. 77.82 (1) (b) 4. of the statutes is created to read:

1           77.82 (1) (b) 4. A parcel that is not accessible to the public on foot by public road  
2 or from other land open to public access. This subdivision does not apply to a parcel  
3 or part of a parcel that is closed to public access under s. 77.83 (1).”.

4           **5.** Page 15, line 14: delete the material beginning with “160” and ending with  
5 “13.62 (5),” on line 15 and substitute “320 acres owned by any large property owner”.

6           **6.** Page 15, line 23: after that line insert:

7           “**SECTION 36k.** 77.83 (2) (am) of the statutes is repealed.

8           **SECTION 36m.** 77.83 (2) (ar) of the statutes is created to read:

9           77.83 (2) (ar) An owner of managed forest land that is designated as closed may  
10 enter into a lease or other agreement for consideration that permits persons to  
11 engage in a recreational activity on the land.

12           **SECTION 36o.** 77.83 (4) (a) of the statutes is renumbered 77.83 (4).

13           **SECTION 36q.** 77.83 (4) (b) of the statutes is repealed.”.

14           **7.** Page 17, line 4: delete “notify” and substitute “send notice to”.

15           **8.** Page 17, line 6: after “notice” insert “and the reason for the department’s  
16 decision”.

17           **9.** Page 24, line 5: after “program” insert “, except for land that is part of a large  
18 property,”.

19           **10.** Page 24, line 10: after that line insert:

20           “**SECTION 74m.** 77.88 (5) (af) of the statutes is created to read:

21           77.88 (5) (af) *Tax liability; large property.* Except as provided in par. (am), for  
22 land that is part of a large property that is withdrawn during a managed forest land  
23 order, the withdrawal tax shall be the higher of the following:

1           1. An amount equal to the past tax liability multiplied by the number of years  
2 the land was designated as managed forest land, less any amounts paid by the owner  
3 under s. 77.84 (2) (a), (am), and (bp).

4           2. Five percent of the stumpage value of the merchantable timber on the land,  
5 less any amounts paid by the owner under s. 77.84 (2) (a), (am), and (bp).”.

6           **11.** Page 24, line 14: delete the material beginning with “ealeulated” and  
7 ending with “land” on line 15 and substitute “calculated under par. (a) (ae) or (af)”.

8           **12.** Page 27, line 6: after that line insert:

9           PAYMENTS TO COUNTIES AND MUNICIPALITIES. CS  
10           “(2) The department of natural resources shall determine whether the amount  
11 payable to each county and municipality in 2016 under section 77.84 (2) of the  
12 statutes, as affected by this act, is less than the amount received by the respective  
13 counties and municipalities in 2015 under section 77.07 and section 77.87, 2013  
14 stats. For each county and municipality for which the department of natural  
15 resources determines that the amount payable in 2016 is less than the amount  
16 received in 2015, the department of natural resources shall pay to each of those  
17 counties and municipalities an amount equal to the difference between the amount  
18 payable in 2016 and the amount received in 2015. The department of natural  
19 resources shall pay the amounts required under this subsection not later than  
20 December 1, 2016.”.

(END)

INS 3-19

20

2015-2016 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRBa1385/2ins  
ZDW:kjf

1           **INS 1-2**

2           **1.** Page 9, line 6: delete the material beginning with “engaged” and ending  
3 with “cutting” on line 7 and substitute: “5 years of experience engaged in the  
4 full-time profession of managing forests, including timber harvesting, wildlife  
5 management, water quality, and recreation to maintain a healthy and productive  
6 forest”.

7           **2.** Page 9, line 11: delete the material beginning with “engaged” and ending  
8 with “cutting” on line 12 and substitute: “5 years of experience engaged in the  
9 full-time profession of managing forests, including timber harvesting, wildlife  
10 management, water quality, and recreation to maintain a healthy and productive  
11 forest”.

12           **3.** Page 9, line 12: after that line insert:

13           “**SECTION 12m.** 77.06 (1) (b) 2. e. of the statutes is created to read:

14           77.06 (1) (b) 2. e. A person who has 5 years of experience engaged in the  
15 full-time profession of managing forests, including timber harvesting, wildlife  
16 management, water quality, and recreation to maintain a healthy and productive  
17 forest.”.

18           **INS 1-11**

19           **4.** Page 11, line 22: delete the material beginning with “located” and ending  
20 with “date” on line 24 and substitute: “located”.

21           **INS 2-13**

1           ✓  
2           **5.** Page 16, line 18: delete the material beginning with “engaged” and ending  
3 with “cutting” on line 19 and substitute: “5 years of experience engaged in the  
4 full-time profession of managing forests, including timber harvesting, wildlife  
5 management, water quality, and recreation to maintain a healthy and productive  
6 forest”.

6           ✓  
7           **6.** Page 16, line 23: delete the material beginning with “engaged” and ending  
8 with “cutting” on line 24 and substitute: “5 years of experience engaged in the  
9 full-time profession of managing forests, including timber harvesting, wildlife  
10 management, water quality, and recreation to maintain a healthy and productive  
11 forest”.

11           ✓  
12           **7.** Page 16, line 24: after that line insert:

13           **“SECTION 41m. 77.86 (1) (b) 2. e. of the statutes is created to read:**

14           77.86 (1) (b) 2. e. A person who has 5 years of experience engaged in the  
15 full-time profession of managing forests, including timber harvesting, wildlife  
16 management, water quality, and recreation to maintain a healthy and productive  
17 forest.”.

18           **INS 3-19**

19           ✓  
20           **8.** Page 27, line 15: after that line insert: ✓

21           “(3) BUILDINGS ON PARCELS. The treatment of section 77.82 (1) (b) 3. of the  
22 statutes first applies to land designated as managed forest land under an order  
issued or renewed on the effective date of this subsection.”.