

**2017 DRAFTING REQUEST**

**Bill**

For: **Jeffrey Mursau (608) 266-3780** Drafter: **zwyatt**  
 By: **Cory** Secondary Drafters:  
 Date: **1/24/2017** May Contact:

Same as LRB:

Submit via email: **YES**  
 Requester's email: **Rep.Mursau@legis.wisconsin.gov**  
 Carbon copy (CC) to: **zachary.wyatt@legis.wisconsin.gov**  
**elisabeth.shea@legis.wisconsin.gov**

**Pre Topic:**

No specific pre topic given

**Topic:**

Fences on managed forest land

**Instructions:**

See attached

**Drafting History:**

| <u>Vers.</u> | <u>Drafted</u>      | <u>Reviewed</u>       | <u>Submitted</u>     | <u>Jacketed</u> | <u>Required</u> |
|--------------|---------------------|-----------------------|----------------------|-----------------|-----------------|
| /?           | zwyatt<br>1/27/2017 | kfollett<br>1/30/2017 |                      |                 |                 |
| /P1          | zwyatt<br>2/15/2017 | kfollett<br>2/20/2017 | mbarman<br>1/30/2017 |                 |                 |
| /P2          | zwyatt<br>3/8/2017  | kfollett<br>3/8/2017  | lparisi<br>2/20/2017 |                 |                 |
| /P3          | zwyatt<br>3/14/2017 | kfollett<br>3/14/2017 | rmilford<br>3/8/2017 |                 |                 |
| /1           |                     |                       | rmilford             | mbarman         |                 |

Vers.

Drafted

Reviewed

Submitted  
3/14/2017

Jacketed  
3/14/2017

Required

FE Sent For:

<END>

*None  
Needed*

## Wyatt, Zachary

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**From:** Pfothenauer, Mary  
**Sent:** Friday, January 20, 2017 2:03 PM  
**To:** Wyatt, Zachary  
**Subject:** Fwd: MFL bill Draft

Zack, is this something you would handle?

Sent from my U.S. Cellular® Smartphone

----- Original message -----

**From:** "Bruce, Cory" <Cory.Bruce@legis.wisconsin.gov>  
**Date:** 1/20/17 11:27 AM (GMT-08:00)  
**To:** "Pfothenauer, Mary" <Mary.Pfothenauer@legis.wisconsin.gov>  
**Subject:** MFL bill Draft

Hi Mary,  
We'd like to request a draft that would do the following:

Modify Section 77.82 (1) (bp) (2) (c) to read: "A fence, unless the fence prevents the free and open movement of wild animals across any portion of the parcel except if the fence is part of a nonprofit organization that is described in section 501 (c) of the Internal Revenue Code and that holds a dog club training license under ch.169, stats."

We did a re-write of the Managed Forest Law last session and we thought we took care of this issue, but the DNR said we didn't entirely accomplish our intent. This beagle club is up for renewal in June and we want to avoid them being kicked out of MFL because that was never our intent. We'd like to have a fairly quick effective date if possible? I'm not sure how that gets determined?

Let me know if you have any questions.

Thank you,  
Cory  
Mursau office



**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

Gen

1 AN ACT ...; **relating to:** fences on managed forest land.

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***Analysis by the Legislative Reference Bureau***

Under this bill, the prohibition on a fence that prevents the movement of wild animals across managed forest land (MFL) does not apply if the fence is used by a nonprofit organization that holds a dog club training license.

Under current law, certain forested land may be designated as MFL under a program administered by the Department of Natural Resources. Under this program, the owner 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. In exchange, the owner must comply with certain forestry practices and have a management plan prepared for the land.

Under current law, a parcel containing a building or an improvement associated with a building is ineligible for designation as MFL. A fence is not considered an improvement unless the fence prevents the free and open movement of wild animals across any portion of the parcel.

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

2 SECTION 1. 77.82 (1) (bp) 2. c. of the statutes is amended to read:



## Wyatt, Zachary

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**From:** Bruce, Cory  
**Sent:** Wednesday, February 15, 2017 1:36 PM  
**To:** Wyatt, Zachary  
**Subject:** FW: MFL - Fence Draft

Zach,  
We'd like to make changes to LRB 1769. Please see below. Let me know if you have any questions.

Thank you,  
Cory

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**From:** Gary, Timothy J - DNR  
**Sent:** Tuesday, February 14, 2017 2:44 PM  
**To:** Bruce, Cory <Cory.Bruce@legis.wisconsin.gov>  
**Cc:** Wenzlaff, Tyler <Tyler.Wenzlaff@legis.wisconsin.gov>  
**Subject:** RE: MFL - Fence Draft

Cory,

Here is input I received from DNR program and legal staff regarding LRB-1769/P1. This is DNR's attempt at a streamlined and simple approach that minimizes areas adds clarity and reduces likelihood for abuse of the provision by unintended parties. This is based on the intent including:

1. Land must be owned by the beagle club
2. Fences must be used for dog club trialing purposes
3. The beagle clubs will be able to renew and stay in the program
4. Only existing fences as of 1/1/17 are exempt. A beagle club will not be able to construct new fences in new areas of their properties. The language proposed is ambiguous about whether or not reconstruction of existing fences is allowed on MFL (no easy way to make it explicit). DNR intent would be to interpret the proposed sub. c. as allowing such reconstruction/maintenance of existing fences. Additional support could be provided if the intent that reconstruction/maintenance of existing fences be allowed was noted somewhere in the drafting file.

**Potential edit to Section 2 of the bill:**

77.82(1)(bp) 3. of the statutes is created to read:

77.82(1)(bp) 3. For purposes of par. (b) 3., a fence that prevents the free and open movement of wild animals across any portion of a parcel is an improvement unless all of the following are met:

- a. The fence is used for dog trialing purposes
- b. The fence is on land owned by a nonprofit organization that is described in section 501© of the Internal Revenue Code and that holds a dog club training license under s. 169.20(3)
- c. The fence existed on managed forest enrolled land on January 1, 2017

Sincerely,

**We are committed to service excellence.**

Visit our survey at <http://dnr.wi.gov/customersurvey> to evaluate how I did.

Tim Gary  
Legislative Liaison

Wisconsin Department of Natural Resources

Phone: (608) 266-2120

[Timothy.Gary@wisconsin.gov](mailto:Timothy.Gary@wisconsin.gov)

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**From:** Bruce, Cory [<mailto:Cory.Bruce@legis.wisconsin.gov>]

**Sent:** Monday, January 30, 2017 12:29 PM

**To:** Gary, Timothy J - DNR; Meyer, George

**Cc:** Wenzlaff, Tyler - LEGIS

**Subject:** MFL - Fence Draft

Tim and George,

Attached is the bill draft for the MFL changes related to fencing. I think it looks okay, but I'll wait for your comments before we have the bill jacketed.

Thanks,

Cory



*INSERT*

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

1 **AN ACT to amend** 77.82 (1) (bp) 2. c.; and **to create** 77.82 (1) (bp) 3. of the statutes;  
2 **relating to: fences on managed forest land.**

*\**

***Analysis by the Legislative Reference Bureau*** *for dog training on land*

*owned  
used  
owned*

Under this bill, the prohibition on a fence that prevents the movement of wild animals across managed forest land (MFL) does not apply if the fence is used by a nonprofit organization that holds a dog club training license.

Under current law, certain forested land may be designated as MFL under a program administered by the Department of Natural Resources. Under this program, the owner 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. In exchange, the owner must comply with certain forestry practices and have a management plan prepared for the land.

Under current law, a parcel containing a building or an improvement associated with a building is ineligible for designation as MFL. A fence is not considered an improvement unless the fence prevents the free and open movement of wild animals across any portion of the parcel.

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

3 **SECTION 1.** 77.82 (1) (bp) 2. c. of the statutes is amended to read:





**2017-2018 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-1769/P2ins  
ZDW...

1           **INS 2-10**

2           a. The fence is used for dog trialing purposes.

3           b. The fence is on land owned by a nonprofit organization that is described in  
4 section 501 (c) of the Internal Revenue Code and that holds a dog club training license  
5 under s. 169.20 (3).

6           c. The fence existed on January 1, 2017<sup>^</sup>, on land designated as managed forest  
7 land.

## Wyatt, Zachary

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**From:** Rep.Mursau  
**Sent:** Tuesday, March 07, 2017 1:12 PM  
**To:** Wyatt, Zachary  
**Subject:** FW: Draft review: LRB -1769/P2

**Importance:** High

Zach,  
Can we make the changes outlined below to LRB 1769?

Thank you,  
Cory

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**From:** George Meyer [mailto:georgemeyer@tds.net]  
**Sent:** Monday, February 20, 2017 1:35 PM  
**To:** Rep.Mursau <Rep.Mursau@legis.wisconsin.gov>; Gary, Timothy J - DNR <Timothy.Gary@wisconsin.gov>  
**Subject:** RE: Draft review: LRB -1769/P2  
**Importance:** High

Jeff, Cory and Tim,

I would suggest these changes:

1. In the LRB Analysis and in 3 a---replace "trialing" with "training"
2. in 3 c, I would change to put the word "closed" in the following sentence to read: "c. The fence existed on January 1, 2017, on land designated as "closed" managed forest land. This will eliminate any questions that this exemption is a backdoor way to close off open MFL land. These parcels are all in the closed portion of the program.

Gary, what do you think?

Thank you,  
George

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**From:** Rep.Mursau [mailto:Rep.Mursau@legis.wisconsin.gov]  
**Sent:** Monday, February 20, 2017 1:14 PM  
**To:** Gary, Timothy J - DNR; georgemeyer  
**Subject:** FW: Draft review: LRB -1769/P2

Tim and George,  
Here is the latest draft of the MFL – Fence bill. Let me know if this looks good to go!

Cory

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**From:** LRB.Legal  
**Sent:** Monday, February 20, 2017 12:00 PM



WISERT

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

Regen

- 1 AN ACT *to amend* 77.82(1)(bp) 2. c.; and *to create* 77.82(1)(bp) 3. of the statutes;
- 2 relating to: fences on <sup>closed</sup> managed forest land.

WSA

***Analysis by the Legislative Reference Bureau***

Under this bill, the prohibition on a fence that prevents the movement of wild animals across managed forest land (MFL) does not apply if the fence is used for dog trialing on land owned by a nonprofit organization that holds a dog club training license.

Under current law, certain forested land may be designated as MFL under a program administered by the Department of Natural Resources. Under this program, the owner 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. In exchange, the owner must comply with certain forestry practices and have a management plan prepared for the land.

Under current law, a parcel containing a building or an improvement associated with a building is ineligible for designation as MFL. A fence is not considered an improvement unless the fence prevents the free and open movement of wild animals across any portion of the parcel.

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

- 3 SECTION 1. 77.82 (1) (bp) 2. c. of the statutes is amended to read:



**2017-2018 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-1769/P3ins  
ZDW:...

**INS A**

Under this bill, the prohibition on a fence that prevents the free and open movement of wild animals across managed forest land (MFL) does not apply if the fence is used for dog training on closed MFL owned by a nonprofit organization that holds a dog club training license.

Under current law, certain forested land may be designated as MFL under a program administered by the Department of Natural Resources. Under this program, the owner 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. In exchange, the owner must comply with certain forestry practices and have a management plan prepared for the land. The owner must also open the MFL to the public for certain recreational activities, but may designate up to a certain number of acres as being closed to the public. For MFL that is designated as closed, the owner must make an additional payment per acre.



NO CHANGES

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

- 1 **AN ACT to amend** 77.82 (1) (bp) 2. c.; and **to create** 77.82 (1) (bp) 3. of the statutes;  
2 **relating to:** fences on closed managed forest land.

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***Analysis by the Legislative Reference Bureau***

Under this bill, the prohibition on a fence that prevents the free and open movement of wild animals across managed forest land (MFL) does not apply if the fence is used for dog training on closed MFL owned by a nonprofit organization that holds a dog club training license.

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Under current law, a parcel containing a building or an improvement associated with a building is ineligible for designation as MFL. A fence is not considered an improvement unless the fence prevents the free and open movement of wild animals across any portion of the parcel.

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





**Milford, Renae**

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**From:** Bruce, Cory  
**Sent:** Tuesday, March 14, 2017 12:21 PM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB -1769/1

Please Jacket LRB -1769/1 for the ASSEMBLY.