



State of Wisconsin  
2007 - 2008 LEGISLATURE

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**ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO 2007 ASSEMBLY BILL 781**

February 11, 2008 - Offered by Representative WOOD.

1     **AN ACT** *to repeal* 77.83 (2) (am) 2.; *to amend* 74.25 (1) (a) 6., 74.30 (1) (f), 77.82  
2           (2) (g), 77.82 (3) (c) 5., 77.83 (1) (a) 1., 77.83 (1) (b) 1., 77.83 (1) (b) 2., 77.83 (1)  
3           (c), 77.83 (1m), 77.83 (2) (a), 77.83 (2) (am) 1., 77.83 (2) (am) 3., 77.83 (4) (b),  
4           77.84 (1), 77.84 (2) (title), 77.84 (2) (b), 77.84 (2) (cm), 77.88 (2) (e), 77.89 (2) (b),  
5           77.895 (3) (b), 77.895 (3) (c) and 167.31 (4) (cr); and *to create* 77.83 (1r), 77.83  
6           (1t) and 77.84 (2) (bv) of the statutes; **relating to:** managed forest land for  
7           which there is limited access for persons to engage in certain recreational  
8           activities.

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

9           **SECTION 1.** 74.25 (1) (a) 6. of the statutes is amended to read:  
10           74.25 (1) (a) 6. Pay to the county treasurer 20% of collections of occupational  
11           taxes on coal docks, 20% of collections of the taxes imposed under ss. 77.04 and 77.84  
12           (2) (a) and (am), and all collections of payments for closed lands under s. 77.84 (2) (b)

1 and (bm), and all collections of payments for limited-access lands under s. 77.84 (2)  
2 (bv).

3 **SECTION 2.** 74.30 (1) (f) of the statutes is amended to read:

4 74.30 (1) (f) Pay to the county treasurer 20% of collections of occupational taxes  
5 on coal docks, 20% of collections of the taxes imposed under ss. 77.04 and 77.84 (2)  
6 (a) and (am), ~~and~~ all collections of payments for closed lands under s. 77.84 (2) (b) and  
7 (bm), and all collections of payments for limited-access lands under s. 77.84 (2) (bv).

8 **SECTION 3.** 77.82 (2) (g) of the statutes is amended to read:

9 77.82 (2) (g) A map, diagram or aerial photograph showing the location and  
10 acreage of any area that will be designated as closed ~~to the public~~ or as limited access  
11 under s. 77.83.

12 **SECTION 4.** 77.82 (3) (c) 5. of the statutes is amended to read:

13 77.82 (3) (c) 5. A map, diagram or aerial photograph which identifies the open,  
14 closed, and limited-access areas ~~designated as open and closed~~ under s. 77.83.

15 **SECTION 5.** 77.83 (1) (a) 1. of the statutes is amended to read:

16 77.83 (1) (a) 1. ~~Up~~ Subject to sub. (1t), up to 160 acres in each municipality, of  
17 which not more than 80 acres in each municipality may be land designated as  
18 managed forest land before April 28, 2004.

19 **SECTION 6.** 77.83 (1) (b) 1. of the statutes is amended to read:

20 77.83 (1) (b) 1. The addition does not result in increasing the closed ~~portion~~ and  
21 limited-access portions of the land to an area greater than that permitted under par.  
22 (a) and sub. (1t).

23 **SECTION 7.** 77.83 (1) (b) 2. of the statutes is amended to read:

24 77.83 (1) (b) 2. The additional area is contiguous to the area that is already  
25 designated as closed or as limited access.

1           **SECTION 8.** 77.83 (1) (c) of the statutes is amended to read:

2           77.83 (1) (c) If all or any part of an owner's closed managed forest land is  
3 withdrawn or transferred as provided under s. 77.88, the owner may designate a  
4 different or an additional closed area as closed or limited access if it meets the  
5 requirements of par. (b).

6           **SECTION 9.** 77.83 (1m) of the statutes is amended to read:

7           77.83 (1m) MODIFICATION OF DESIGNATION. For a managed forest land order that  
8 takes effect on or after April 28, 2004, the owner of the managed forest land may  
9 modify the designation of a closed, limited-access, or open area 2 times during the  
10 term of the order. For a managed forest land order that takes effect before April 28,  
11 2004, the owner of the managed forest land may modify the designation of a closed,  
12 limited access, or open area 2 times during the period beginning with April 28, 2004,  
13 and ending with the expiration date of the order, regardless of whether the owner has  
14 previously modified the designation as authorized by rules promulgated by the  
15 department.

16           **SECTION 10.** 77.83 (1r) of the statutes is created to read:

17           77.83 (1r) LIMITED-ACCESS AREAS. (a) An owner may designate land subject to  
18 a managed forest land order as being limited-access land. For land so designated,  
19 the owner may enter into a lease or other agreement involving consideration if the  
20 only purpose of the lease or agreement is to permit persons to engage in a  
21 recreational activity.

22           (b) Notwithstanding par. (a), land subject to a lease or agreement as described  
23 under par. (a) shall be designated as being closed instead of limited access if the  
24 consideration paid for access under the lease or agreement consists solely of

1 reasonable membership fees charged by a nonprofit organization and the lease or  
2 agreement is approved by the department.

3 **SECTION 11.** 77.83 (1t) of the statutes is created to read:

4 77.83 (1t) MAXIMUM ACREAGE. Under each managed forest land order, the sum  
5 of the number of the acres designated as closed and the number of acres designated  
6 as limited access may not exceed a total of 160 acres.

7 **SECTION 12.** 77.83 (2) (a) of the statutes is amended to read:

8 77.83 (2) (a) Except as provided in sub- ~~subs.~~ (1) and (1r) and pars. (b) and (c),  
9 each owner of managed forest land shall permit public access to the land for hunting,  
10 fishing, hiking, sight-seeing, and cross-country skiing.

11 **SECTION 13.** 77.83 (2) (am) 1. of the statutes, as created by 2007 Wisconsin Act  
12 20, is amended to read:

13 77.83 (2) (am) 1. For land designated as managed forest land ~~under an order~~  
14 ~~that takes effect on or after October 27, 2007~~, no person may enter into a lease or  
15 other agreement for consideration if the purpose of the lease or agreement is to  
16 permit persons to engage in a recreational activity, except as provided in sub. (1r).

17 **SECTION 14.** 77.83 (2) (am) 2. of the statutes, as created by 2007 Wisconsin Act  
18 20, is repealed.

19 **SECTION 15.** 77.83 (2) (am) 3. of the statutes, as created by 2007 Wisconsin Act  
20 20, is amended to read:

21 77.83 (2) (am) 3. ~~Subdivisions 1. and 2. do~~ Subdivision 1. does not apply to any  
22 lease or other agreement if the consideration involved solely consists of reasonable  
23 membership fees charged by a nonprofit organization and the lease or agreement is  
24 approved by the department.

1           **SECTION 16.** 77.83 (4) (b) of the statutes, as created by 2007 Wisconsin Act 20,  
2 is amended to read:

3           77.83 (4) (b) Any person who fails to comply with sub. (1r) or (2) (am) shall  
4 forfeit an amount equal to the total amount of consideration received by the person  
5 as a result of ~~violating sub. (2) (am)~~ the failure to comply or \$500, whichever is  
6 greater.

7           **SECTION 17.** 77.84 (1) of the statutes is amended to read:

8           77.84 (1) TAX ROLL. Each clerk of a municipality in which the land is located  
9 shall enter in a special column or other appropriate place on the tax roll the  
10 description of each parcel of land designated as managed forest land, and shall  
11 specify, by the designation “MFL-O,” ~~or~~ “MFL-C,” or “MFL-LA,” the acreage of  
12 each parcel that is designated as open or, closed, or limited access under s. 77.83. The  
13 land shall be assessed and is subject to review under ch. 70. Except as provided in  
14 this subchapter, no tax may be levied on managed forest land, except that any  
15 building on managed forest land is subject to taxation as personal property under ch.  
16 70.

17           **SECTION 18.** 77.84 (2) (title) of the statutes is amended to read:

18           77.84 (2) (title) ACREAGE SHARE; ~~PAYMENT~~ PAYMENTS FOR OPEN, CLOSED, OR  
19 LIMITED-ACCESS LAND.

20           **SECTION 19.** 77.84 (2) (b) of the statutes is amended to read:

21           77.84 (2) (b) For managed forest land orders that take effect before April 28,  
22 2004, in addition to the payment under par. (a), each owner of managed forest land  
23 shall pay \$1 for each acre that is designated as closed under s. 77.83. The payment  
24 shall be made to each municipal treasurer on or before January 31.

25           **SECTION 20.** 77.84 (2) (bv) of the statutes is created to read:

1           77.84 (2) (bv) In addition to the payment under par. (a) or (am), each owner of  
2 managed forest land shall pay to each municipal treasurer, on or before January 31,  
3 an amount that is equal to 45 percent of the average statewide property tax per acre  
4 of property classified under s. 70.32 (2) (a) 6., as determined under par. (cm), for each  
5 acre that is designated as limited access under s. 77.83.

6           **SECTION 21.** 77.84 (2) (cm) of the statutes is amended to read:

7           77.84 (2) (cm) For purposes of determining the per acre amounts under pars.  
8 (am) ~~and (bm), (bm), and (bv)~~, in 2004 and in 2007 and each 5th year thereafter, the  
9 department of revenue shall determine the average statewide tax per acre of  
10 property classified under s. 70.32 (2) (a) 6. by multiplying the average equalized  
11 value of property classified under s. 70.32 (2) (a) 6., as determined under s. 70.57, by  
12 the average tax rate determined under s. 76.126.

13           **SECTION 22.** 77.88 (2) (e) of the statutes is amended to read:

14           77.88 (2) (e) The transferred land shall remain managed forest land if the  
15 transferee, within 30 days after the transfer, certifies to the department an intent  
16 to comply with the existing management plan for the land and with any amendments  
17 agreed to by the department and the transferee, and provides proof that each person  
18 holding any encumbrance on the land agrees to the designation. The transferee may  
19 designate an area of the transferred land as closed to public access or as limited  
20 access as provided under s. 77.83. The department shall issue an order continuing  
21 the designation of the land as managed forest land under the new ownership.

22           **SECTION 23.** 77.89 (2) (b) of the statutes, as affected by 2007 Wisconsin Act 20,  
23 is amended to read:

24           77.89 (2) (b) The municipal treasurer shall pay all amounts received under s.  
25 77.84 (2) (b) ~~and, (bm), and (bv)~~ to the county treasurer, as provided under ss. 74.25

1 and 74.30. The county treasurer shall, by June 30 of each year, pay all amounts  
2 received under this paragraph to the department. All amounts received by the  
3 department shall be credited to the conservation fund and shall be reserved for land  
4 acquisition, resource management activities, and grants under s. 77.895.

5 **SECTION 24.** 77.895 (3) (b) of the statutes, as affected by 2007 Wisconsin Act 20,  
6 is amended to read:

7 77.895 (3) (b) A requirement that, in awarding grants to counties under this  
8 section, the board give higher priority to counties that have higher numbers of acres  
9 that are designated as closed or as limited access under s. 77.83.

10 **SECTION 25.** 77.895 (3) (c) of the statutes, as affected by 2007 Wisconsin Act 20,  
11 is amended to read:

12 77.895 (3) (c) A requirement that, in awarding grants to towns under this  
13 section, the board give higher priority to towns that have higher numbers of acres  
14 that are designated as closed or as limited access under s. 77.83.

15 **SECTION 26.** 167.31 (4) (cr) of the statutes is amended to read:

16 167.31 (4) (cr) For purposes of par. (cg) 4., “private property” does not include  
17 property leased for hunting by the public, land that is subject to a contract under  
18 subch. I of ch. 77, or land that is subject to an order designating it as managed forest  
19 land under subch. VI of ch. 77 and that is not designated as closed or as limited access  
20 to the public under s. 77.83 (1).

21 **SECTION 27. Initial applicability.**

22 (1) This act first applies to payments under section 77.84 (2) of the statutes that  
23 are due on January 1, 2009.

24

(END)