



State of Wisconsin
2013 - 2014 LEGISLATURE



LRBs0139/1
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**SENATE SUBSTITUTE AMENDMENT 2,
TO SENATE BILL 278**

October 25, 2013 – Offered by Senator COWLES.

1 **AN ACT** *to renumber and amend* 77.88 (9) (d); *to amend* 74.25 (1) (a) 6., 74.30
2 (1) (f), 77.83 (2) (a), 77.84 (2) (b), 77.84 (2) (bm), 77.88 (3), 77.88 (5) (a) 1., 77.88
3 (5) (a) 2., 77.88 (5) (ar) 1., 77.88 (5) (ar) 2., 77.88 (5) (b) 1., 77.88 (5) (b) 2. and
4 77.89 (2) (a); and *to create* 77.81 (1m), 77.81 (5m), 77.83 (2m), 77.84 (2) (bp) and
5 77.88 (9) (d) 2. of the statutes; **relating to:** public access to managed forest land
6 that is located in a proposed ferrous mining site.

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

7 **SECTION 1.** 74.25 (1) (a) 6. of the statutes is amended to read:
8 74.25 (1) (a) 6. Pay to the county treasurer 20% of collections of occupational
9 taxes on coal docks, 20% of collections of the taxes imposed under ss. 77.04 and 77.84
10 (2) (a) and (am), and all collections of payments for closed lands under s. 77.84 (2) (b)
11 and, (bm), and (bp).

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

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

6 **SECTION 3.** 77.81 (1m) of the statutes is created to read:

7 77.81 (1m) “Fixed sampling equipment” means physical equipment that will
8 be in the same location for more than 24 hours and that is used for the evaluation
9 of a proposed ferrous mining site, including equipment that is used for boring,
10 drilling, bulk sampling, or obtaining climatological data or other data relating to the
11 environment or the state’s natural resources.

12 **SECTION 4.** 77.81 (5m) of the statutes is created to read:

13 77.81 (5m) “Proposed ferrous mining site” means a proposed mining site, as
14 described under s. 295.46 (1), for which the person proposing to engage in ferrous
15 mining has provided preapplication notification under s. 295.465.

16 **SECTION 5.** 77.83 (2) (a) of the statutes is amended to read:

17 77.83 (2) (a) Except as provided in ~~sub. (1) and~~ pars. (b) and (c) and subs. (1)
18 and (2m), each owner of managed forest land shall permit public access to the land
19 for the purposes of hunting, fishing, hiking, sight-seeing, and cross-country skiing.

20 **SECTION 6.** 77.83 (2m) of the statutes is created to read:

21 77.83 (2m) PROPOSED FERROUS MINING SITES. (a) The requirement under sub.
22 (2) (a) that public access be permitted on managed forest land designated as open
23 does not apply to an area of land within a proposed ferrous mining site that is located
24 within 600 feet of fixed sampling equipment or within 600 feet of either side of a road
25 that is used for purposes associated with ferrous mining.

1 (b) In addition to any managed forest land for which access is restricted under
2 par. (a), the department may restrict public access to open managed forest land
3 within a proposed ferrous mining site for any of the purposes specified in sub. (2) (a)
4 if the department determines that it is necessary to ensure the safety of the public,
5 the employees and agents of the person proposing to engage in ferrous mining, or the
6 employees and agents of regulatory bodies.

7 (c) No restriction under par. (a) or (b) applies after whichever of the following
8 3 dates occurs first:

9 1. The date on which the department approves or denies the application for a
10 ferrous mining permit for the proposed ferrous mining site.

11 2. The date on which the department determines that the person who proposed
12 to engage in ferrous mining has ceased to pursue a mining permit for the proposed
13 ferrous mining site.

14 3. a. The 730th day after the date on which the person proposing to engage in
15 ferrous mining provides to the department a preapplication notification under s.
16 295.465, except as provided in subd. 3. b.

17 b. The 730th day after the effective date of this subd. 3. b. [LRB inserts date],
18 if the person proposing to engage in ferrous mining has provided to the department
19 the preapplication notification before the effective date of this subd. 3. b. [LRB
20 inserts date].

21 (d) The department may extend the date under par. (c) 3. for a period of up to
22 2 additional years if the department determines, after consulting with the person
23 proposing to engage in ferrous mining and other regulatory bodies, that it is likely
24 that the person, the department, or another regulatory body will need additional

1 time to conduct evaluation activities at the proposed ferrous mining site during that
2 period.

3 (e) Notwithstanding pars. (a) and (b), public access shall always be permitted
4 on open managed forest land within a proposed ferrous mining site for any of the
5 following:

6 1. Fishing that occurs within 50 feet of the water's edge of a class I or class II
7 trout stream.

8 2. Deer hunting during the regular fall open season for hunting deer with
9 firearms that begins on the Saturday immediately preceding the 4th Thursday in
10 November.

11 (g) The department shall post information regarding public access to managed
12 forest land located in a proposed ferrous mining site on the department's Internet
13 site. The information shall include all of the following:

14 1. The areas where public access is permitted, and which activities, as specified
15 in sub. (2) (a), are allowed in each area.

16 2. The dates and times that each activity allowed under subd. 1. is permitted
17 in a given area.

18 **SECTION 7.** 77.84 (2) (b) of the statutes is amended to read:

19 77.84 (2) (b) For managed forest land orders that take effect before April 28,
20 2004, in addition to the payment under par. (a), each owner shall pay \$1 for each acre
21 that is designated as closed under s. 77.83 and for each acre that is located in a
22 proposed ferrous mining site and that is not open to all of the outdoor activities
23 specified in s. 77.83 (2) (a) for any part of the previous calendar year. The payment
24 shall be made to each municipal treasurer on or before January 31.

25 **SECTION 8.** 77.84 (2) (bm) of the statutes is amended to read:

1 77.84 (2) (bm) For managed forest land orders that take effect on or after April
2 28, 2004, in addition to the payment under par. (am), each owner of managed forest
3 land shall pay to each municipal treasurer, on or before January 31, an amount that
4 is equal to 20 percent of the average statewide property tax per acre of property
5 classified under s. 70.32 (2) (a) 6., as determined under par. (cm), for each acre that
6 is designated as closed under s. 77.83 and for each acre that is located in a proposed
7 ferrous mining site and that is not open to all of the outdoor activities specified in s.
8 77.83 (2) (a) for any part of the previous calendar year.

9 **SECTION 9.** 77.84 (2) (bp) of the statutes is created to read:

10 77.84 (2) (bp) For managed forest land orders that take effect before April 28,
11 2004, in addition to the payments under pars. (a) and (b), each owner of managed
12 forest land shall pay to each municipal treasurer, on or before January 31, an amount
13 that is equal to 15 percent of the average statewide property tax per acre of property
14 classified under s. 70.32 (2) (a) 6., as determined under par. (cm), for each acre that
15 is located in a proposed ferrous mining site, and that is not open to all of the outdoor
16 activities specified in s. 77.83 (2) (a) for any part of the previous calendar year.

17 **SECTION 10.** 77.88 (3) of the statutes is amended to read:

18 77.88 (3) VOLUNTARY WITHDRAWAL. An owner may request that the department
19 withdraw all or any part of the owner's land meeting one of the requirements
20 specified under sub. (2) (a) 1. to 3. If any remaining land meets the eligibility
21 requirements under s. 77.82 (1), the department shall issue an order withdrawing
22 the land subject to the request and shall assess against the owner the withdrawal
23 tax under sub. (5) and the withdrawal fee under sub. (5m). If the land being
24 withdrawn is within a proposed ferrous mining site, the department shall issue the
25 order within 30 days after receiving the request.

1 **SECTION 11.** 77.88 (5) (a) 1. of the statutes is amended to read:

2 77.88 (5) (a) 1. An amount equal to the past tax liability multiplied by the
3 number of years the land was designated as managed forest land, less any amounts
4 paid by the owner under ss. 77.84 (2) (a) ~~and~~, (am), and (bp) and 77.87.

5 **SECTION 12.** 77.88 (5) (a) 2. of the statutes is amended to read:

6 77.88 (5) (a) 2. Five percent of the stumpage value of the merchantable timber
7 on the land, less any amounts paid by the owner under ss. 77.84 (2) (a) ~~and~~, (am), and
8 (bp) and 77.87.

9 **SECTION 13.** 77.88 (5) (ar) 1. of the statutes is amended to read:

10 77.88 (5) (ar) 1. For the portion of the land that is designated as managed forest
11 land under the original order, an amount equal to the product of the total net
12 property tax rate in the municipality in the year prior to the year in which the
13 expanded order is approved and the assessed value of the land for the same year, as
14 computed by the department of revenue, multiplied by the number of years under the
15 original order, less any amounts paid by the owner under ss. 77.84 (2) (a) and (bp)
16 and 77.87 during the time the land was designated as managed forest land under the
17 original order.

18 **SECTION 14.** 77.88 (5) (ar) 2. of the statutes is amended to read:

19 77.88 (5) (ar) 2. An amount equal to the product of the total net property tax
20 rate in the municipality in the year prior to this withdrawal and the assessed value
21 of the land for the same year, as computed by the department of revenue, multiplied
22 by the number of years the land was designated as land under the expanded order,
23 less any amounts paid by the owner under ss. 77.84 (2) (am) and (bp) and 77.87
24 during the time the land is designated as managed forest land under the expanded
25 order.

1 **SECTION 15.** 77.88 (5) (b) 1. of the statutes is amended to read:

2 77.88 (5) (b) 1. An amount equal to the past tax liability multiplied by the
3 number of years since the renewal, less any amounts paid by the owner under ss.
4 77.84 (2) (a) ~~and~~, (am), and (bp) and 77.87.

5 **SECTION 16.** 77.88 (5) (b) 2. of the statutes is amended to read:

6 77.88 (5) (b) 2. Five percent of the stumpage value of the merchantable timber
7 on the land, less any amounts paid by the owner under ss. 77.84 (2) (a) ~~and~~, (am), and
8 (bp) and 77.87.

9 **SECTION 17.** 77.88 (9) (d) of the statutes is renumbered 77.88 (9) (d) 1. and
10 amended to read:

11 77.88 (9) (d) 1. ~~A~~ Except as provided in subd. 2., a withdrawal order issued
12 before December 15 of any year takes effect on the January 1 after the date of
13 issuance. ~~A, and a~~ a withdrawal order issued on or after December 15 of any year takes
14 effect on the 2nd January 1 after the date of issuance.

15 **SECTION 18.** 77.88 (9) (d) 2. of the statutes is created to read:

16 77.88 (9) (d) 2. An order that is issued for a withdrawal of land that is located
17 within a proposed ferrous mining site takes effect on the date the order is issued.

18 **SECTION 19.** 77.89 (2) (a) of the statutes is amended to read:

19 77.89 (2) (a) Each municipal treasurer shall pay 20% of each payment received
20 under sub. (1) and under ss. 77.84 (2) (a) ~~and~~, (am), and (bp), 77.85, and 77.876 to the
21 county treasurer and shall deposit the remainder in the municipal treasury. The
22 payment to the county treasurer for money received before November 1 of any year
23 shall be made on or before the November 15 after its receipt. For money received on

1 or after November 1 of any year, the payment to the county treasurer shall be made
2 on or before November 15 of the following year.

3 (END)