



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

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| 2003 Wisconsin Act 228 [2003 Assembly Bill 323] | Managed Forest Land Program |
| 2003 Acts: www.legis.state.wi.us/2003/data/acts/ | Act Memos: www.legis.state.wi.us/lc/act_memo/act_memo.htm |

2003 Wisconsin Act 228 makes numerous changes to the Managed Forest Land (MFL) program, which is administered by the Department of Natural Resources (DNR).

Act 228 contains the following provisions:

1. MFL Land in Cities

The Act expands eligibility for participation in the MFL program to land located in cities.

2. MFL Petition Requirements

The Act requires that a copy of the legal document recorded with the county register of deeds that shows the ownership of the proposed MFL parcel be included with the petition to enroll in the program. Prior law required a legal description of the land, but the form was not specified.

3. Increase in MFL Program Fees, Creation of Withdrawal Fee, and Noncompliance Assessment

The Act increases the fee for filing a petition to enroll in the MFL program without providing a management plan. In addition, the Act provides that MFL renewal requests that do not contain management plans are also subject to an application fee. The Act also increases the fee to transfer ownership of MFL land.

The Act creates a withdrawal fee of \$300 to be paid in addition to any withdrawal taxes that are required for removal of land from the program before the end of the MFL order.

Finally, the Act creates a noncompliance assessment of \$250 against MFL owners for each failure to complete a forestry practice during the period of time required under the owner's management

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents.

plan. Under the Act, the municipality in which the MFL property is located keeps 80% of the assessment and must distribute 20% of the assessment to the county.

4. Preparation of Management Plans

The Act requires that forest management plans submitted with MFL applications be prepared by a plan writer certified by the DNR, or by the DNR itself. This provision becomes effective on the first day of the 19th month following the Act's effective date. The Act directs the DNR to promulgate rules specifying the qualifications an individual must satisfy to become a certified plan writer.

5. Adding Additional MFL Acreage

The Act authorizes landowners with property enrolled in the MFL program on or after the effective date of the Act to petition the DNR to include additional acreage under their MFL orders if the additional parcel is in the same municipality, is at least three acres in size, and is contiguous to the owner's land. The Act creates an alternative procedure for MFL landowners enrolled before the Act's effective date to designate additional land as MFL.

6. Application and Renewal Deadlines

The Act changes the deadlines for application, approval, and renewal of MFL petitions. The Act also provides that beginning on the first day of the 19th month following the Act's effective date, MFL application and renewal petitions for parcels less than 1,000 acres that satisfy certain conditions are subject to an alternative approval deadline.

7. Increase in Closed Acreage Limit

The Act increases the maximum number of acres of MFL within a municipality that may be closed to public access from 80 acres under prior law to 160 acres. Under the Act, of the 160 acres that may be designated as closed, not more than 80 acres may be land that was designated as MFL before the effective date of the Act.

8. Changes to Acreage Designation

The Act authorizes owners of land enrolled in the MFL program both before the effective date and on or after the effective date of the Act to change the designation of a closed or open area two times during the term of the MFL order.

9. Changes to Acreage Share Payment

The Act requires the acreage share payment made by landowners whose MFL orders take effect on or after the effective date of the Act to be equal to 5% of the average statewide property tax per acre of property assessed as productive forest land, calculated every five years. This change does not affect landowners whose MFL orders take effect before the effective date of the Act.

10. Changes to Closed Acreage Fee

The Act requires the closed acreage payment made by landowners whose MFL orders take effect on or after the Act's effective date to close land to public access to be equal to 20% of the average statewide property tax per acre of property assessed as productive forest land, calculated every five

years. This change does not affect landowners whose MFL orders take effect before the effective date of the Act.

Under the Act, as partially vetoed by the Governor, revenues generated by the closed acreage payment will continue to be deposited in the Forestry Account of the Conservation Fund.

11. Distribution of Yield Taxes and Withdrawal Taxes

Beginning in July 2004, the Act deletes the portion of withdrawal and yield taxes received by the DNR and instead distributes all revenues from these two taxes to municipalities (80%) and counties (20%).

Effective Date: Unless otherwise specified in this memorandum, 2003 Act 228 takes effect on April 28, 2004.

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