

State of Misconsin 2001 - 2002 LEGISLATURE

# **2001 ASSEMBLY BILL 744**

January 23, 2002 – Introduced by Representative AINSWORTH, by request of Department of Natural Resources. Referred to Committee on Rural Affairs and Forestry.

AN ACT to amend 77.82 (7) (c) and 77.82 (12); and to create 77.18 of the statutes; relating to: signature and authorization requirements for orders under the forest croplands program and modifications to certain deadline dates under the managed forest land program.

### Analysis by the Legislative Reference Bureau

Under current law, the department of natural resources (DNR) administers the forest croplands program and the managed forest land program which are similar programs that exempt a landowner from payment of municipal property taxes on the land in the program in exchange for the landowner's payment of an acreage share, which is lower than the municipal property tax, and for the landowner's compliance with approved forestry and other conservation practices. In administering these programs, DNR must record orders that designate or withdraw or declassify land from these programs with the registers of deeds in the counties in which the land is located and must file a copy of orders withdrawing or declassifying lands from these programs with certain governmental agencies. Current law also requires, unless different requirements apply, every instrument offered for recording in the office of the register of deeds to bear all of the required signatures and to contain a specified form of authentication.

For the managed forest land program, current law allows the order to be signed by a facsimile signature of a DNR employee or official, and it exempts the order from the authentication requirement for recording with the office of the register of deeds.

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This bill creates the same procedure and exemption for orders signed by a DNR employee or official under the forest croplands program.

The bill changes the date before which a petition to designate land under the managed forest land program must be filed by a landowner who owns less than 1,000 acres in the state in order to receive a decision approving or disapproving the petition by the following November 21. The bill moves the date up from January 31 to December 31.

Under the managed forest land program, orders are for a term of either 25 years or 50 years. As the program is administered by DNR, an order generally expires on the December 31 of the last year of the order. The bill changes the deadline for a landowner to file a petition to renew an order from the March 31 before the order expires to the December 31 before it expires. The bill also imposes an earlier deadline for DNR to notify a landowner of an upcoming expiration date for a managed forest land order by changing the deadline from the January 31 before the expiration date to the preceding September 30.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

T	SECTION 1. 77.18 of the statutes is created to read:
2	77.18 Signatures. (1) The signature of an official or an employee of the
3	department of natural resources may be stamped, printed, or otherwise reproduced
4	on an order relating to forest croplands under this subchapter after the official or
5	employee adopts the stamped, printed, or otherwise reproduced signature as his or
6	her facsimile signature.
7	(2) The signature or the facsimile signature under sub. (1) of an official or an
8	employee of the department of natural resources meets the requirements under s.
9	706.05 (2) (a).
10	(3) The requirements of s. 706.05 (2) (b) do not apply to orders issued under this
11	subchapter.
12	<b>SECTION 2.</b> 77.82 (7) (c) of the statutes is amended to read:

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1	77.82 (7) (c) Except as provided in par. (d), if a petition is received on or before
2	January <u>December</u> 31 of any year from a petitioner who owns less than 1,000 acres
3	in this state or on or before March 31 of any year from any other petitioner, the
4	department shall investigate and shall either approve the petition and issue the
5	order under sub. (8) or deny the petition on or before the following November 21.

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

7 77.82 (12) RENEWAL. The department shall notify each owner of managed forest 8 land of the expiration date of an order no later than the January 31 September 30 9 preceding the expiration date on which a petition to renew the order must be filed. 10 The owner may petition the department for renewal of the order. The petition shall 11 be filed no later than the March 31 one day before the January 1 before the expiration 12date and shall specify whether the owner wants the order renewed for 25 or 50 years. 13The notice and hearing provisions under subs. (5) and (6) do not apply to a petition 14 under this subsection. The department may deny the petition only if the land fails 15to meet the eligibility requirements under sub. (1), if the owner has failed to comply 16 with the management plan, or if there are delinquent taxes on the land. If the 17petition is denied, the department shall state the reason for the denial in writing.

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### **SECTION 4. Initial applicability.**

(1) The treatment of section 77.82 (7) (c) and (12) of the statutes first applies
to petitions that are submitted or filed on the effective date of this subsection.

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(END)