

State of Misconsin 2007 - 2008 LEGISLATURE

# 2007 ASSEMBLY BILL 607

November 29, 2007 – Introduced by Representatives HAHN, WOOD, ALBERS, BALLWEG and MUSSER, cosponsored by Senator WIRCH. Referred to Committee on Biofuels and Sustainable Energy.

1 AN ACT to create 77.82 (1) (bg) of the statutes; relating to: wind turbines located 2 on land designated as managed forest land and granting rule-making 3 authority.

## Analysis by the Legislative Reference Bureau

Under the Managed Forest Land (MFL) Program, the owner of land that meets certain requirements as to size and the amount of timber on the land may apply to have the Department of Natural Resources (DNR) designate the land as MFL. The owner of such land then makes an annual payment that is lower than, and in lieu of, the property taxes that normally would be payable on the land. In exchange, the owner must comply with certain forestry practices and may keep a specific area closed to public access; the remainder of the land must be kept open for recreational activities consisting of hunting, fishing, hiking, sightseeing, and cross-country skiing. For land that the owner keeps closed to public access, the owner must pay a supplemental amount that is in addition to the annual payment described above (closed-land payment).

Among the forestry practices prohibited on land under the MFL program is development of the land for commercial recreation, for industry, or for any other use determined by DNR to be incompatible with the practice of forestry. This bill creates an exception to these restrictions by requiring DNR to allow land on which wind turbines are located to be eligible for designation as MFL. The bill specifies that the exception applies only if the wind turbines do not interfere with sound forestry

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practices on that land. The bill requires DNR to promulgate rules that establish standards for wind turbines that may be allowed on MFL.

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

**SECTION 1.** 77.82 (1) (bg) of the statutes is created to read:

77.82 (1) (bg) Notwithstanding the restrictions under par. (b) 2., a parcel on
which one or more wind turbines are located is eligible for designation as managed
forest land provided that the wind turbines do not interfere with sound forestry
practices on that parcel. The department shall promulgate rules establishing
standards for wind turbines that are acceptable under this paragraph on land
designated as managed forest.

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# SECTION 2. Nonstatutory provisions.

9 (1) The department of natural resources shall submit in proposed form the 10 rules required under section 77.82 (1) (bg) of the statutes, as created by this act, to 11 the legislative council staff under section 227.15 (1) of the statutes no later than the 12 first day of the 7th month beginning after the effective date of this subsection.

SECTION 3. Effective dates. This act takes effect on the day after publication,
 except as follows:

- (1) The treatment of section 77.82 (1) (bg) of the statutes takes effect on the first
  day of the 13th month beginning after publication.
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(END)