

Senate Bill 56

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CHAPTER 212, LAWS OF 1967

AN ACT to amend 28.11 (11) (a) of the statutes, relating to withdrawal of county forest lands.

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

28.11 (11) (a) of the statutes is amended to read:

28.11 (11) (a) The county board may by resolution adopted by not less than two-thirds of its membership make application to the conservation commission to withdraw lands entered under this section. The county board shall first refer the resolution to the county forestry committee ~~before acting on the same, and~~ *which shall consult with an authorized representative of the conservation department in formulating its withdrawal proposal.* The county board shall not take final action thereon until 90 days after such referral or until the report thereon of the forestry committee has been filed with the board. Such application shall include the land description and a statement of the reasons for withdrawal *and any restrictions or other conditions of use attached to the land proposed for withdrawal.* Upon the filing of such application the commission shall investigate the same and it may conduct a public hearing thereon if it deems it advisable at such time and place as it sees fit. *If requested by the county in writing the commission shall hold a public hearing.* During the course of its investigation the commission shall make an examination of the character of the land, the volume of timber, improvements and any other special values and in the case of withdrawal for the purpose of sale to any pur-

chaser other than the state or a local unit of government it shall establish a minimum value on the lands to be withdrawn. In making its investigation the commission shall give full weight and consideration to the purposes and principles set forth in sub. (1) and it shall also weigh and consider the benefits to the people of the state as a whole, as well as to the county, from the proposed use against the benefits accruing to the people of the state as a whole and to the county under the continued entry of such lands. If the commission finds that the benefits after withdrawal outweigh the benefits under continued entry and that the lands will be put to a better and higher use it shall make an order withdrawing such lands from entry, otherwise it shall deny the application. ~~The findings and order of the commission shall be filed with the county clerk and the county forestry committee and in the case of orders of withdrawal a copy shall also be filed with the register of deeds who shall record the same.~~ *If the application is denied the county board may by resolution adopted by not less than two-thirds of its membership appeal to a review committee. The commission shall submit the findings of its investigation and of any hearing on a proposed withdrawal to the committee which shall be composed of one member appointed by the county board submitting the application for withdrawal; one member from another county which has land enrolled under the county forest law, this member to be appointed by the governor and to be chairman of the review committee; one member appointed by the conservation commission; one member appointed by the university of Wisconsin from the college of agriculture; and a 5th member to be selected by unanimous vote of the appointed members or by the governor if they fail to achieve unanimity. This committee by majority vote shall, within 60 days after receiving the findings of the conservation commission, either approve the application for withdrawal if it finds the proposed use to be of a greater benefit considering all losses and benefits to the people of the state as a whole, as well as to the people of the county, or shall provisionally deny the application giving specific reasons why it finds the proposal deficient and making any suggestions for revising the application to reduce the conflict of the proposed use with the public interest. If the committee approves a withdrawal it shall notify the county board of its approval stating, as necessary, specific procedures to be followed by the county relating to such withdrawal. The county board may then by a resolution approved by not less than two-thirds of its membership, withdraw the lands from the county forest law and shall send copies of this resolution to the conservation commission and to the county register of deeds who shall record the same. If the committee provisionally denies the proposed withdrawal it may consider an amended application for withdrawal upon presentation of the application and supporting information, or it may require additional investigation of the amended application by the conservation commission before reconsidering the application. Any additional investigation shall include additional public hearings if requested by either the county, conservation commission or by the committee.*

Approved November 21, 1967.