



State of Wisconsin  
2019 - 2020 LEGISLATURE

LRBa1370/1  
EHS:cdc

**SENATE AMENDMENT 1,  
TO SENATE BILL 867**

February 20, 2020 - Offered by Senator TIFFANY.

1           At the locations indicated, amend the bill as follows:

2           **1.** Page 4, line 1: delete the material beginning with that line and ending with  
3 page 6, line 21, and substitute:

4           “**SECTION 1m.** 77.82 (1) (a) 1. of the statutes is amended to read:

5           77.82 (1) (a) 1. It consists of at least 20 10 contiguous acres, except as provided  
6 in this subdivision. The fact that a lake, river, stream, or flowage, a public or private  
7 road, or a railroad or utility right-of-way separates any part of the land from any  
8 other part does not render a parcel of land noncontiguous. ~~If a part of a parcel of at  
9 least 20 contiguous acres is separated from another part of that parcel by a public  
10 road, that part of the parcel may be enrolled in the program, even if that part is less  
11 than 20 acres, if that part meets the requirement under subd. 2. and is not ineligible  
12 under par. (b). The owner of a parcel of less than 20 acres that is subject to a managed~~

1 forest land order before April 16, 2016, may apply one time for a renewal of the order  
2 under sub. (12) without meeting the 20-acre requirement.

3 **SECTION 2m.** 77.82 (1) (a) 3. of the statutes is created to read:

4 77.82 (1) (a) 3. a. It is located in a tract of land under the same ownership that  
5 contains at least 20 acres in parcels that meet the requirements under subds. 1. and  
6 2. and for which designation under a single managed forest land order is sought,  
7 except as provided in subd. 3. b.

8 b. A parcel that does not meet the requirement in subd. 3. a. but that is subject  
9 to a managed forest land order before April 16, 2016, is eligible for a onetime renewal  
10 of the order under sub. (12) without meeting the requirement under subd. 3. a.

11 **SECTION 3m.** 77.82 (1) (bp) 1. a. of the statutes is amended to read:

12 77.82 (1) (bp) 1. a. Any accessory building, structure, or fixture that is built or  
13 placed on the parcel for its benefit.”.

14 **2.** Page 7, line 7: delete lines 7 to 24 and substitute:

15 “**SECTION 6m.** 77.82 (4) of the statutes is amended to read:

16 77.82 (4) ADDITIONS TO MANAGED FOREST LAND. An owner of land that is  
17 designated as managed forest land may file an application with the department to  
18 designate as managed forest land an additional parcel of land if the additional parcel  
19 is at least 3 acres in size and is contiguous to any of that designated land or is not  
20 contiguous to that designated land but meets the requirements under sub. (1) (a) 1.

21 The application shall be accompanied by a nonrefundable \$20 application recording  
22 fee unless a different amount for the fee is established by the department by rule at  
23 an amount equal to the average expense to the department of recording an order  
24 issued under this subchapter. The fee shall be deposited in the conservation fund and

1 credited to the appropriation under s. 20.370 (2) (cr). The application shall be filed  
2 on a department form and shall contain any additional information required by the  
3 department. The tax rate applicable to an addition under this subsection shall be  
4 the tax rate currently applicable to the parcel managed forest land order to which the  
5 land is being added. Except for the minimum acreage requirements under sub. (1)  
6 (a) 1., the eligibility requirements applicable to an addition under this subsection are  
7 the eligibility requirements under the managed forest land order to which the land  
8 is being added.”.

9 **3.** Page 8, line 23: delete the material beginning with that line and ending with  
10 page 9, line 13, and substitute:

11 “**SECTION 9m.** 77.88 (2) (am) of the statutes is amended to read:

12 77.88 (2) (am) *Transferred land; requirements not met.* If the land transferred  
13 under par. (a) does not meet the eligibility requirements under s. 77.82 (1) (a) and  
14 (b), the department shall issue an order withdrawing the land from managed forest  
15 land designation and ~~shall~~ may assess against the owner a withdrawal tax under  
16 sub. (5) and the withdrawal fee under sub. (5m).”.

17 **4.** Page 10, line 13: delete the material beginning with that line and ending  
18 with page 11, line 14, and substitute:

19 “**SECTION 16m.** 77.88 (3k) of the statutes is renumbered 77.88 (3k) (intro.) and  
20 amended to read:

21 77.88 (3k) VOLUNTARY WITHDRAWAL; PRODUCTIVITY. (intro.) Upon the request of  
22 an owner of managed forest land to withdraw part of a parcel of the owner’s land, the  
23 department shall issue an order of withdrawal if the department determines that the  
24 parcel is unable to produce merchantable timber in the amount required under s.

1 77.82 (1) (a) 2. ~~The order shall withdraw only the number of acres that is necessary~~  
2 ~~for the parcel to resume its ability to produce the required amount.~~ No withdrawal  
3 tax under sub. (5) or withdrawal fee under sub. (5m) may be assessed. The order shall  
4 withdraw only the number of acres that is necessary for the parcel to resume its  
5 ability to produce the required amount, except that all of the following apply:

6 **SECTION 17m.** 77.88 (3k) (a) and (b) of the statutes are created to read:

7 77.88 **(3k)** (a) If the land remaining in the parcel after the requested  
8 withdrawal does not meet the eligibility requirements under the order designating  
9 the managed forest land, the withdrawal order shall withdraw the entire parcel.

10 (b) If the land subject to a managed forest land order after the requested  
11 withdrawal does not meet the eligibility requirements under that managed forest  
12 land order, the withdrawal order shall withdraw all land under that managed forest  
13 land order.

14 **SECTION 18m.** 77.88 (3L) of the statutes is renumbered 77.88 (3L) (intro.) and  
15 amended to read:

16 77.88 **(3L)** VOLUNTARY WITHDRAWAL; SUSTAINABILITY. (intro.) Upon the request  
17 of an owner of managed forest land to withdraw part of a parcel of the owner's land,  
18 the department shall issue an order of withdrawal if the department determines that  
19 the parcel is unsuitable, due to environmental, ecological, or economic concerns or  
20 factors, for the production of merchantable timber. ~~The order shall withdraw only~~  
21 ~~the number of acres that is necessary for the parcel to resume its sustainability to~~  
22 ~~produce merchantable timber.~~ No withdrawal tax under sub. (5) or withdrawal fee  
23 under sub. (5m) may be assessed. The order shall withdraw only the number of acres  
24 that is necessary for the parcel to resume its sustainability to produce merchantable  
25 timber, except that all of the following apply:

1           **SECTION 19m.** 77.88 (3L) (a) and (b) of the statutes are created to read:

2           77.88 **(3L)** (a) If the land remaining in the parcel after the requested  
3 withdrawal does not meet the eligibility requirements under the order designating  
4 the managed forest land, the withdrawal order shall withdraw the entire parcel.

5           (b) If the land subject to a managed forest land order after the requested  
6 withdrawal does not meet the eligibility requirements under that managed forest  
7 land order, the withdrawal order shall withdraw all land under that managed forest  
8 land order.”.

9           **5.** Page 11, line 19: delete “2. g.” and substitute “1. a.”.

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(END)