

Clearinghouse Rule 00-074  
State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Tommy G. Thompson, Governor  
George E. Meyer, Secretary

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STATE OF WISCONSIN )  
 ) ss  
DEPARTMENT OF NATURAL RESOURCES )

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, George E. Meyer, Secretary of the Department of Natural Resources and custodian of the official records of said Department, do hereby certify that the annexed copy of Natural Resources Board Order No. FR-19-00 was duly approved and adopted by this Department on June 28, 2000. I further certify that said copy has been compared by me with the original on file in this Department and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department at the Natural Resources Building in the City of Madison, this 7 day of September, 2000



*George E. Meyer*  
George E. Meyer, Secretary

(SEAL)

00-074



ORDER OF THE STATE OF WISCONSIN  
NATURAL RESOURCES BOARD  
AMENDING, REPEALING AND  
RECREATING, AND CREATING RULES



The Wisconsin Natural Resources Board proposes )  
an order to amend NR 46.18(6) and 46.22; to repeal and )  
recreate NR 46.30(2)(a) to (c); and to create NR 46.09, )  
46.16(1)(b)3, and 46.23(3) relating to the administration )  
of the Forest Crop Law and the Managed Forest Law. )

FR-19-00

Analysis Prepared by the Department of Natural Resources

Statutory authority: ss. 77.06(2), 77.91(1) and 227.11(2)(a), Stats.  
Statutes interpreted: ss. 77.06(2), and 77.91(1), Stats.

**Application Ownership Changes:** During the processing annually of Managed Forest Law Petitions for Designation up to 100 landowners sell their land to others and would like the petition to be honored for the new landowner. This has created hardships in the processing and resulted in new landowners entering into the tax law without a complete understanding of the agreement they are entering into. New petitions will be required to be filed by the next deadline if the new landowner is interested in the tax laws. What land the original landowner still owns will be allowed to be entered based on the original petition.

**Deadlines for Submission of Transfer and Withdrawal Requests:** Late submissions of tax law transfers, open/closed changes, and withdrawals make it very difficult to process them in a timely manner. Normal transfers have little effect on property taxes other than keeping the records straight between the Department and local town and county officials. Transfers that change the "open and closed" designations on MFL lands and direct requests to change the designation do change the tax status of lands must be processed by December 15 each year. MFL withdrawals, by statute, must also have an order issued by December 15 to be effective January 1. In each case, December 1 has been established as the due date for the required forms to be filed to allow adequate time for processing the forms.

Forest Crop Law withdrawals require a minimum of six weeks lead-time to process. The orders must be completed by November 20 each year. The Department of Revenue and the local towns must supply information and an invoice issued along with the payment being made before the order may be issued. October 1 has been established as the latest date for a withdrawal request to be submitted.

**Annual Stumpage Rate Adjustments:** For purposes of the Forest Crop Law and The Managed Forest Law, this rule repeals and recreates s. NR 46.30(2)(a) to (c) to revise annual stumpage values used to calculate severance and yield taxes due on timber cut during the period from November 1, 2000 through October 31, 2001. Thirteen separate zones reflect varying stumpage values for different species and products across the state. The average price change for sawtimber is a 10.74% increase over current rates. The pulpwood proposed prices are, on the average, 1.27% lower compared to current prices.

**SECTION 1.** NR 46.09 is created to read:

**NR 46.09 Forest croplands withdrawals.** A completed declaration of withdrawal on a department form shall be filed with the department. Requests received by the department no later than October 1 on department forms will be eligible to be effective the following January 1. Forms received by the department after October 1 and before the end of the year shall be effective January 1 of the second year beginning after the year in which the form is received. Delays in processing created by local governments or the department of revenue, or failure to pay the withdrawal penalty on a timely basis may mean a delay in the effective date of the withdrawal.

➤ **Note:** Forms for withdrawal must be filed by the deadline at: Bureau of Forestry, Forest Tax Section, PO Box 7963, Madison, WI 53707. Forms may be obtained at no charge by writing the same address.

**SECTION 2.** NR 46.16(1)(b)3 is created to read:

**NR 46.16(1)(b)3.** Lands subject to an ownership change after the petition deadline, but before the order of designation has been issued, may not be designated as the managed forest law for the year for which the original petition was submitted. Ownership changes taking place after the issuance of an order of designation will be processed as a normal transfer under s. 77.88(2), Stats., after January 1. The new owner shall submit a new and complete petition by the next deadline. The entry shall be effective the following January 1. The department may designate land that remains under the original ownership effective the following January 1 from the date of the original petition providing the remaining land qualifies for entry.

**SECTION 3.** NR 46.18(6) is amended to read:

**NR 46.18(6) MODIFICATION OF DESIGNATION OF CLOSED OR OPEN AREAS.** A landowner, other than and consistent with the provisions in s. 77.83, Stats., may modify the designation of a closed or open area once during the period of the order. Requests for changes in the open/closed designation shall be in writing or on department forms filed with the department. Requests received by the department no later than December 1 in a given year will be eligible to be effective the following January 1. Requests received by the department after December 1 and before the end of the year, shall be effective January 1 of the second year beginning after the year in which the form is received.

➤ **Note:** Requests to change the open/closed status must be filed by the deadline at: Bureau of Forestry, Forest Tax Section, PO Box 7963, Madison, WI 53707.

**SECTION 4.** NR 46.22 is amended to read:

**NR 46.22 Withdrawal.** (1) The department may order withdrawal of land under s. 77.88 (1), Stats., if the land comprises ~~no less than~~ any of the following:

(1) ~~(a)~~ (a) An entire quarter quarter section, government lot or fractional lot of managed forest under the same order; ~~or~~.

(2) ~~(b)~~ (b) An entire parcel of managed forest land; .

(3) ~~(c)~~ (c) All managed forest land under the same order owned by the owner in a quarter quarter section, government lot or fractional lot if the withdrawal is required as a result of a mistake by the owner.

(2) Voluntary withdrawals submitted for processing under s. 77.88(3), Stats., shall be filed with the department. Requests received by the department no later than December 1 on department forms will be eligible to be effective by the following January 1. Requests for withdrawal received by the department after December 1 and before the end of the year, shall be effective January 1 of the second year beginning after the year in which the form is received.

➤ **Note:** Forms for withdrawal must be filed by the deadline at: Bureau of Forestry, Forest Tax Section, PO Box 7963, Madison, WI 53707. Forms may be obtained at no charge by writing the same address.

**SECTION 5.** NR 46.23(3) is created to read:

NR 46.23(3) Transfers requesting a change in the "open/closed" designation shall be in writing on department forms filed with and received by the department by December 1 in order for the change in the "open/closed" status to be eligible to be effective the following January 1. Requests for transfers, which change the "open/closed" designation, received by the department after December 1 but before the end of the year shall be effective January 1 of the second year beginning after the year in which the form is received.

➤ **Note:** Forms for transferring managed forest land must be filed by the deadline at: Bureau of Forestry, Forest Tax Section, PO Box 7963, Madison, WI 53707. Forms may be obtained at no charge by writing the same address.

**SECTION 6.** NR 46.30(2)(a) to (c) are repealed and recreated to read:

(see attached pages)



The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on June 28, 2000

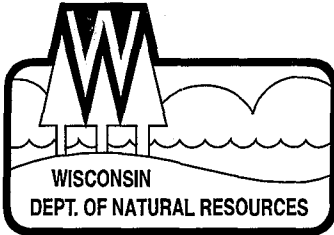
The rules shall take effect the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.22(2)(intro.), Stats.

Dated at Madison, Wisconsin September 7, 2000

STATE OF WISCONSIN  
DEPARTMENT OF NATURAL RESOURCES

By George E. Meyer  
George E. Meyer, Secretary

(SEAL)



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September 6, 2000

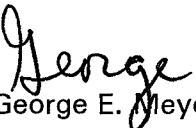
Mr. Gary L. Poulson  
Assistant Revisor of Statutes  
131 West Wilson Street - Suite 800  
Madison, WI

Dear Mr. Poulson:

Enclosed are two copies, including one certified copy, of State of Wisconsin Natural Resources Board Order No. FR-19-00. These rules were reviewed by the Assembly Committee on Rural Affairs and Forestry and the Senate Committee on Agriculture, Environmental Resources and Campaign Finance Reform pursuant to s. 227.19, Stats. Summaries of the final regulatory flexibility analysis and comments of the legislative review committees are also enclosed.

You will note that this order takes effect following publication. Kindly publish it in the Administrative Code accordingly.

Sincerely,

  
George E. Meyer  
Secretary

Enc.

