



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-5734/1

ZDW:skw

2023 ASSEMBLY BILL 1093

February 16, 2024 - Introduced by Representatives GREEN and SCHMIDT, cosponsored by Senators FELZKOWSKI, QUINN and STAFSHOLT. Referred to Committee on Forestry, Parks and Outdoor Recreation.

AN ACT *to renumber* 77.81 (1) and 77.83 (1m); *to amend* 77.83 (2) (c); and *to create* 20.395 (1) (mr), 77.81 (1c), 77.81 (3m), 77.81 (5g), 77.81 (7), 77.81 (8), 77.83 (1m) (b), 77.83 (2) (d) and 85.65 of the statutes; **relating to:** vehicle access to roads and trails on open managed forest land, granting rule-making authority, and making an appropriation.

Analysis by the Legislative Reference Bureau

This bill provides that the owner of open managed forest land (MFL) with roads or trails that are maintained for vehicular travel must permit public access to the roads and trails for the operation of certain vehicles. The bill also requires the Department of Transportation to administer an MFL road repair program, under which DOT awards grants to individual owners of MFL where roads or trails have been damaged by vehicles.

Access to road and trails

Under the MFL program administered by the Department of Natural Resources, the owner of a parcel of land designated as MFL makes an annual acreage share 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. The owner must also open the MFL to the public for

ASSEMBLY BILL 1093**SECTION 1**

hunting, fishing, hiking, sight-seeing, and cross-country skiing, but may designate up to a certain number of acres as being closed to the public. For MFL that is designated as closed, the owner must pay an additional closed acreage fee.

Under the bill, the owner of open MFL with roads or trails that are maintained for vehicular travel at a width of at least nine feet must permit public access to the roads and trails for the operation of any noncommercial motor vehicle with a gross weight of 8,000 pounds or less and any all-terrain vehicle, utility terrain vehicle, or snowmobile registered for public use or operated by a nonresident as authorized by a trail pass or trail use sticker. The landowner may close the roads or trails to all vehicles from April 1 to the first Saturday of the following May each year.

Under current law, an owner seeking to have land designated as MFL submits an application to DNR that contains a management plan for the land. If the MFL meets the eligibility requirements under the program, DNR approves the application and issues an order designating the land as MFL. An owner may choose to have the order last 25 or 50 years. An owner may modify the designation of a closed or open area two times during the term of the order.

The bill provides that an owner may modify the designation of a closed or open area for a period of one year following the effective date of the bill. This is in addition to two changes authorized under current law.

Road repair program

The bill requires DOT to administer a managed forest land road repair program, which is funded from the forestry account of the conservation fund. Under the program, DOT must award grants to any individual owner of MFL where roads or trails have been damaged by vehicles operating as authorized by the bill. DOT must promulgate rules necessary to administer the program, including rules that establish all of the following for grants awarded under the program: 1) grants must be awarded in the order in which applications for grants are received by DOT; 2) grants may be used for maintenance, but not improvement, of roads and trails; and 3) grants must reimburse 100 percent of the actual costs incurred by the grantee for eligible maintenance activities.

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

This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.

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

SECTION 1. 20.005 (3) (schedule) of the statutes: at the appropriate place, insert the following amounts for the purposes indicated:

ASSEMBLY BILL 1093**SECTION 1****2023-24****2024-25****20.395 Transportation, department of****(1) AIDS****(mr) Managed forest land roads and**

trails grants	SEG	C	1,500,000	1,500,000
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SECTION 2. 20.395 (1) (mr) of the statutes is created to read:

20.395 (1) (mr) *Managed forest land roads and trails grants*. As a continuing appropriation, from the forestry account in the conservation fund, the amounts in the schedule to provide grants under s. 85.65.

SECTION 3. 77.81 (1) of the statutes is renumbered 77.81 (1g).**SECTION 4.** 77.81 (1c) of the statutes is created to read:

77.81 (1c) “All-terrain vehicle” has the meaning given in s. 340.01 (2g).

SECTION 5. 77.81 (3m) of the statutes is created to read:

77.81 (3m) “Motor vehicle” has the meaning given in s. 340.01 (35).

SECTION 6. 77.81 (5g) of the statutes is created to read:

77.81 (5g) “Off-highway motorcycle” has the meaning given in s. 23.335 (1) (q).

SECTION 7. 77.81 (7) of the statutes is created to read:

77.81 (7) “Snowmobile” has the meaning given in s. 340.01 (58a).

SECTION 8. 77.81 (8) of the statutes is created to read:

77.81 (8) “Utility terrain vehicle” has the meaning given in s. 23.33 (1) (ng).

SECTION 9. 77.83 (1m) of the statutes is renumbered 77.83 (1m) (a).**SECTION 10.** 77.83 (1m) (b) of the statutes is created to read:

ASSEMBLY BILL 1093**SECTION 10**

77.83 (1m) (b) Notwithstanding par. (a), the owner of land that is subject to a managed forest land order may modify the designation of a closed or open area for a period of one year following the effective date of this paragraph [LRB inserts date], without penalty. A modification made under this paragraph is in addition to any modification authorized under par. (a).

SECTION 11. 77.83 (2) (c) of the statutes is amended to read:

77.83 (2) (c) ~~An~~ Except as provided in par. (d), an owner may prohibit the use of motor vehicles, ~~as defined under s. 340.01 (35), all-terrain vehicles, utility terrain vehicles, off-highway motorcycles, or snowmobiles, as defined under s. 340.01 (58a), or both~~ any combination thereof, on any open managed forest land. At the request of an owner, the department may provide assistance in enforcing the prohibition.

SECTION 12. 77.83 (2) (d) of the statutes is created to read:

77.83 (2) (d) 1. Except as provided in subd. 2., the owner of open managed forest land with roads or trails that are maintained at a width of not less than 9 feet for vehicular travel shall permit public access to the roads and trails for the operation of any noncommercial motor vehicle with a gross weight of 8,000 pounds or less and any all-terrain vehicle, utility terrain vehicle, or snowmobile registered for public use under s. 23.33 (2) or 350.12 (3) or operated by a nonresident as authorized by a trail pass or trail use sticker issued under s. 23.33 (2j) or 350.12 (3j).

2. The owner of open managed forest land with roads or trails that are subject to subd. 1. may close the roads or trails to all vehicles from April 1 to the first Saturday of the following May each year.

SECTION 13. 85.65 of the statutes is created to read:

ASSEMBLY BILL 1093**SECTION 13**

85.65 Managed forest land road repair program. (1) The department shall administer a managed forest land road repair program. From the appropriation under s. 20.395 (1) (mr), the department shall award grants to any individual owner of land that is subject to a managed forest land order under s. 77.82 (8) where roads or trails have been damaged by vehicles operating as authorized under s. 77.83 (2) (d).

(2) The department shall promulgate rules necessary to administer this section, including rules that establish all of the following for grants awarded under this section:

(a) Grants shall be awarded in the order in which applications for grants are received by the department.

(b) Grants may be used for maintenance, but not improvement, of roads and trails that are subject to s. 77.83 (2) (d) 1.

(c) Grants shall be used to reimburse 100 percent of the actual costs incurred by an applicant for eligible maintenance activities.

SECTION 14. Effective date.

(1) This act takes effect on first day of the 10th month beginning after publication.

(END)