

1 **AN ACT** *to create* 77.896 of the statutes; **relating to:** creating forest enterprise areas,
 2 requiring the exercise of rule-making authority and making an appropriation.

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

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This draft was prepared for the Joint Legislative Council’s Special Committee on Review of the Managed Forest Land Program.

This draft directs the department of natural resources (DNR) to designate forest enterprise areas in administrative rule. The DNR may designate forest enterprise areas with a combined area of no more than 200,000 acres. However, before January 1, 2013, the department may only designate up to 10 forest enterprise areas with a combined area of not more than 75,000 acres of land. The minimum size of a forest enterprise area must be 5,000 acres. In designating forest enterprise areas, the DNR must give preference to areas that include at least 1,000 acres of land enrolled in the MFL program.

In order to create a forest enterprise area, a town or county must apply to the DNR for designation of a forest enterprise area. The proposed forest enterprise area must be consistent with the town or county forest preservation or development plan if one exists. The DNR is required to write rules to specify additional application requirements.

A town within a forest enterprise area will receive, from the forestry account of the conservation fund, an annual payment of \$1 for each acre of the town enrolled in the MFL program that is included in a forest enterprise area. A county within a forest enterprise area will receive, from the forestry account of the conservation fund, an annual payment of 50 cents for each acre of the county enrolled in the MFL program that is included in a forest enterprise area.

A town or county must use these funds for sustainable forestry and forest-based economic development within the town or county, including educating landowners about the benefits of participating in a forest enterprise area, and contracting with a private forestry consultant to assist forest owners in preparing MFL applications or MFL owners in preparing management plans.

3 **SECTION 1.** 77.896 of the statutes is created to read:

1 **77.896 (1) DESIGNATION.** (a) 1. The department shall promulgate rules to designate
2 forest enterprise areas targeted for sustainable forestry and forest-based economic
3 development, and to establish criteria for determining eligibility and approval of a proposed
4 forest enterprise area and the modification or termination of the designation of a forest
5 enterprise area.

6 2. A town or county that proposes to create a forest enterprise area shall apply to the
7 department. If a town submits an application to the department, the proposed forest enterprise
8 area shall be consistent with the town plan for forest preservation and development if the town
9 has a plan for forest preservation and development. If a county submits an application to the
10 department, the proposed forest enterprise area shall be consistent with the county plan for
11 forest preservation and development if the county has a plan for forest preservation and
12 development.

13 3. In the application, a town or county shall provide the information required by the
14 department by rule.

15 (b) The department may not designate an area as a forest enterprise area unless the
16 department receives an application requesting the designation and the application complies
17 with par. (a).

18 (c) Subject to par. (d), the department may designate forest enterprise areas with a
19 combined area of not more than 200,000 acres of land.

20 (d) Before January 1, 2013, the department may designate not more than 10 forest
21 enterprise areas with a combined area of not more than 75,000 acres of land. The minimum
22 size of a forest enterprise area shall be 5,000 acres of land.

23 (e) In designating forest enterprise areas under this subsection, the department shall give
24 preference to areas that include at least 1,000 acres of land enrolled under s. 77.82.

1 (2) EFFECT OF DESIGNATION. (a) The designation of an area under sub. (1) allows a town
2 within a forest enterprise area to receive, from the forestry account of the conservation fund,
3 an annual payment of \$1 for each acre of the town enrolled under s. 77.82 that is included in
4 a forest enterprise area.

5 (b) The designation of an area under sub. (1) allows a county within a forest enterprise
6 area to receive, from the forestry account of the conservation fund, an annual payment of 50
7 cents for each acre of the county enrolled under s. 77.82 that is included in a forest enterprise
8 area.

9 (c) A town or county that receives a payment under sub. (a) or (b) shall use the funds
10 for sustainable forestry and forest-based economic development within the town or county,
11 including educating landowners about the benefits of participating in a forest enterprise area,
12 and contracting with a forester who engages in the practice of providing consultation services
13 on forestry issues to assist forest owners in preparing applications under s. 77.82 (2) or owners
14 of managed forest land in preparing management plans under s. 77.82 (3).

NOTE: This SECTION requires the DNR to designate forest enterprise areas in administrative rule. The DNR may designate forest enterprise areas with a combined area of up to 200,000 acres. However, before 2013, DNR may only designate up to 10 forest enterprise areas with a combined area of up to 75,000 acres. A town within a forest enterprise area is eligible to receive an annual payment of \$1 for each acre of MFL land in the forest enterprise area. A county within a forest enterprise area is eligible to receive an annual payment of 50 cents for each acre of MFL land in the forest enterprise area. These payments for towns and counties come from the forestry account of the conservation fund. The payments must be used for sustainable forestry and forest-based economic development within the town or county.