



**WISCONSIN LEGISLATIVE COUNCIL  
AMENDMENT MEMO**

**2005 Assembly Bill 254**

**Assembly Substitute  
Amendment 1 and Assembly  
Amendment 1**

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**Forest Land Plans and Management**

Assembly Amendment 1 to Assembly Substitute Amendment 1 creates a new provision which requires the Department of Natural Resources (DNR) to consult with the chief state forester on the development, review, or implementation of a master plan or management plan for any forest land under the DNR's jurisdiction. The amendment also directs the DNR to manage forest land under its jurisdiction in a manner that is consistent with, and furthers the purpose of, the designation of that forest land as a state forest, state park, state trail, state natural area, state recreation area, or similar designation.

**Duties of Chief State Forester**

Assembly Substitute Amendment 1 authorizes the chief state forester to declare, and requires the chief state forester to manage, emergencies that threaten state forest land. The substitute amendment defines "state forest land" as all forested lands owned by this state and under the jurisdiction of the DNR. The chief state forester's emergency authority does not apply to a state of emergency declared by the Governor. Assembly Substitute Amendment 1 requires the DNR to promulgate administrative rules specifying the emergencies over which the chief state forester has management responsibility. The substitute amendment provides that the chief state forester's emergency authority does not supersede the authority of the Department of Agriculture, Trade and Consumer Protection (DATCP) to declare and manage emergencies relating to the detection and control of pests injurious to plants. Similarly, the substitute amendment provides that DATCP's authority does not supersede the chief state forester's authority or DNR's authority to prevent, detect, and control pests on forest lands.

Assembly Substitute Amendment 1 specifies that the chief state forester must report directly to the DNR Secretary.

### **Forest Land Inventory and Report**

Assembly Substitute Amendment 1 requires the DNR to undertake and maintain a current inventory of state forest lands. The substitute amendment defines “state forest lands” as any parcel of 10 or more contiguous acres of forested land owned by the state and under the jurisdiction of the DNR. The required inventory must specify the condition of forest resources in state forest lands. If the DNR prohibits timber harvesting on any state forest lands, the DNR must prepare a report containing a projection of the long-term forest health effects, economic effects and public benefits that result from the prohibition, and submit the report to the Council on Forestry and the appropriate Assembly and Senate standing committees. The report must be prepared by January 1, 2010 and every 15 years thereafter; however, if the report is for state forest land that does not have an approved master plan, the DNR must prepare the report upon approval of the master plan and every 15 years thereafter.

### **Annual Allowable Timber Harvests**

Assembly Substitute Amendment 1 requires the DNR to establish annual allowable timber harvests for each forested property. The substitute amendment defines “forested property” as forested property owned by the state and under the jurisdiction of the DNR from which timber is harvested. The DNR is authorized to establish a single annual harvest that applies to two or more forested properties in a particular region of the state, as determined by DNR, if each forested property is smaller than 5,000 forested acres and if all proceeds from the sale of timber harvested on the combined forested properties are credited to the appropriate account in the conservation fund. The DNR must submit a report to the Council on Forestry by January 1, 2007, and in each subsequent biennium, that specifies the total timber harvest on each forested property for the previous biennium. However, if the forested property has not been inventoried, the first report to the council must be submitted by January 1, 2009.

Assembly Substitute Amendment 1 provides that if the DNR report submitted to the council states that the timber harvest for forested property in any biennium is less than 90% or more than 110% of the allowable timber harvest, the Council on Forestry must prepare a report and submit it to the Governor and the appropriate Assembly and Senate standing committees. The report must provide the reasons for noncompliance with the annual allowable harvest and recommend methods of ensuring that the timber harvest is consistent with the annual allowable harvest established by DNR.

### **Management of State Forest Land**

Assembly Substitute Amendment 1 specifically requires the DNR Division of Forestry, rather than the DNR, to manage state forest lands. Assembly Amendment 1 deletes this provision.

### **Cooperating Foresters**

Assembly Substitute Amendment 1 requires the DNR to establish, by administrative rule, a program to allow private cooperating foresters to assist the state with the harvest and sale of timber from state forest lands. The DNR rules must authorize the cooperating foresters to receive a portion of the proceeds from each timber sale and establish a method for determining the portion of the proceeds from each timber sale that must be paid to private cooperating foresters.

**Prohibiting Forestry Operations; Forestry Operations May Not Be Declared Nuisance**

Assembly Substitute Amendment 1 does not contain the sections provided in Assembly Bill 254 which prohibit a political subdivision from enacting a zoning ordinance that prohibits forestry operations that are in accordance with generally accepted forestry management practices and provide that a forestry operation may not be declared a nuisance if the operation conforms to generally accepted forestry management practices. The deleted language is identical to the provisions of 2005 Assembly Bill 59, which was passed by the Assembly on a voice vote on May 4, 2005.

**Legislative History**

Assembly Substitute Amendment 1 was offered by Representatives Friske and Mursau. The Assembly Committee on Forestry recommended adoption of Assembly Substitute Amendment 1 on a vote of Ayes, 4; Noes, 0 and recommended passage of the bill as amended on a vote of Ayes, 3; Noes 1.

Assembly Amendment 1 to Assembly Substitute Amendment 1 was offered by Representative Hubler. The Joint Committee on Finance recommended adoption of Assembly Amendment 1 on a vote of Ayes, 16; Noes, 0. The committee recommended adoption of Assembly Substitute Amendment 1 on a vote of Ayes, 16; Noes, 0, and recommended passage of the bill, as amended, by the same vote.

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