

1983 Assembly Bill 855

Date of enactment: **May 8, 1984**
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1983 Wisconsin Act 422

AN ACT to repeal 26.12 (6) (b), (c), (e) and (f) and 26.20 (1); to renumber 26.12 (6) (d); to amend 26.03 (1) (a), 26.12 (6) (a), 26.14 (1), 26.14 (5) to (8), 26.19 (1) and 28.06 (3); and to create 26.11 (6) of the statutes, relating to various changes in the forestry laws, changing penalties and making an appropriation.

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

SECTION 2. 26.03 (1) (a) of the statutes is amended to read:

26.03 (1) (a) Before any person cuts, or causes to be cut any logs, piling, poles, posts, pulpwood, Christmas trees or other forest products, except fuel wood for personal home consumption, in, upon or adjoining any forest or wild land area the person shall pay all delinquent taxes on the land and each year shall mail a notice in the English language giving his or her name and post-office address, and listing all the lands upon which cutting is to be done, designating the lands upon which cutting is to be done by each 40 acre governmental subdivision or fraction of a 40 acre governmental subdivision with the proper section, town and range, by registered letter addressed to the county clerk of each county in which the land is located. The county clerk shall mail a copy of the notice to the ~~area forest ranger and the~~ town chairman of each town in which lands upon which forest products are to be cut under this paragraph are located, and to the county treasurer, who shall forthwith determine whether the county holds tax certificates or tax deeds to any of the land listed in the notice, and if the county treasurer so finds, the county treasurer shall take action to collect the unpaid taxes represented by county-owned tax certificates or to prevent cutting on land to which the county holds a tax deed or tax certificate. This section shall not apply to cutting for the purpose of clearing the land for agricultural use or to a person who may cut up to 5 Christmas trees on the person's own property for his or her own use, providing that he or she can prove that his or her real estate taxes for the previous calendar year have been paid.

SECTION 3. 26.11 (6) of the statutes is created to read:

26.11 (6) The department, as the director of the effort, may suppress a forest fire on lands located outside the boundaries of intensive or extensive forest fire protection districts but not within the limits of any city or village if the town responsible for suppressing fires within its boundaries spends more than \$3,000, as determined by rates established by the department, on suppressing the forest fire and if the town chairman makes a request to the department for assistance. Persons participating in the suppression efforts shall act at the direction of the department after the department begins sup-

pression efforts under this subsection. Funds expended by the state under this subsection shall be drawn from the appropriation under s. 20.370 (1) (mu).

SECTION 4. 26.12 (6) (a) of the statutes is amended to read:

26.12 (6) (a) (title) *Definition.* ~~For the purpose of carrying out~~ In this subsection: ~~“Slash” and sub. (7), “slash” means any tree tops, limbs, bark, abandoned forest products, windfalls or other debris left on the land after timber or other forest products have been cut. “Snags”, “stubs” or “rampikes” mean any dead tree still standing, with or without limbs, or any tree whose top has been broken off.~~

SECTION 5. 26.12 (6) (b), (c), (e) and (f) of the statutes are repealed.

SECTION 6. 26.12 (6) (d) of the statutes is renumbered 26.12 (6) (b).

SECTION 7. 26.14 (1) of the statutes, as affected by 1983 Wisconsin Act 36, is amended to read:

26.14 (1) State forest rangers, town chairmen, ~~emergency fire wardens~~, conservation wardens and other duly appointed deputies shall take prompt measures against the spread and illegal setting of forest fires. They have the power of sheriffs to arrest, without warrant, for violations of any statute relating to the fires. They may execute and serve all warrants and processes in the same manner as any constable may serve and execute such processes, and arrest any person detected in the actual violation, or whom the officer has reasonable cause to believe guilty of a violation of this chapter, and take the person before the circuit court for the county where the offense was committed and make proper complaint. They may call upon any able-bodied citizen to assist in fighting fires in such manner as they direct.

SECTION 8. 26.14 (5) to (8) of the statutes are amended to read:

26.14 (5) Any person who sets a fire or assists in the setting of a fire, including a back fire, on any lands in this state and fails to totally extinguish such fire before leaving it shall be fined not more than ~~\$100~~ \$500 or imprisoned not more than 30 days or both.

~~(6) It shall be unlawful for any person to set a fire or assist in the setting of a fire, including a back fire, upon his or her own land or land under his or her control and to allow such fire to escape and become a forest fire. Any person violating this subsection shall be fined not more than \$100~~ (6) Any person who sets a fire or assists in setting of a fire, including a back fire, on any lands in this state and allows the fire to escape and become a forest fire. Any person violating this subsection shall be fined not more than \$1,000 or imprisoned not more than 90 days or both.

~~(7) It shall be unlawful for any person to set or assist in setting a fire upon marsh or other land in the state for the purpose of driving out game birds or animals shall be fined not more than \$200 or imprisoned not more than 90 days or both.~~ (7) Any person who sets or assists in setting a fire upon marsh or other land in the state for the purpose of driving out game birds or animals shall be fined not more than \$1,000 or imprisoned not more than 90 days or both. The possession of firearms upon any marsh while it is on fire shall be prima facie evidence of such violation. ~~Any person who violates this section shall be fined not more than \$200 or imprisoned not more than 90 days or both.~~

~~(8) Any person who intentionally sets fire to the land of another or to a marsh shall be fined not more than \$1,000~~ (8) Any person who intentionally sets fire to the land of another or to a marsh shall be fined not more than \$10,000 or imprisoned not more than ~~2~~ 5 years or both.

SECTION 9. 26.19 (1) of the statutes is amended to read:

26.19 (1) Any person who destroys, defaces, removes or molests any forest protection equipment or property shall be fined not more than ~~\$100~~ \$10,000 or imprisoned not more than ~~90 days~~, 9 months or both.

SECTION 10. 26.20 (1) of the statutes is repealed.

SECTION 12. 28.06 (3) of the statutes is amended to read:

28.06 (3) (title) EXCHANGE, SALE OR PURCHASE. For the purpose of adjusting forest planting programs, ~~the department may exchange of stock with counties, sell stock to or purchase stock from a county, another state or the U.S. forest service is authorized.~~

SECTION 13. Appropriation changes. The appropriation to the department of natural resources under section 20.370 (1) (mu) of the statutes, as affected by the acts of 1983, is increased by \$10,000 for fiscal year 1984-85 to provide funds to pay fire suppression costs under section 26.11 (6) of the statutes, as created by this act.

SECTION 15. Cross-reference changes. In the sections of the statutes listed in Column A, the cross-references shown in Column B are changed to the cross-references shown in Column C:

A	B	C
Statute Sections	Old Cross-References	New Cross-References
26.20 (3)	subs. (1) and (2)	sub. (2)
26.20 (11)	subs. (1), (2), (3) and (4)	subs. (2), (3) and (4)

SECTION 16. Effective dates. (1) Except as provided under subsection (2), this act takes effect the day after publication.

(2) The treatment of section 26.11 (6) of the statutes and SECTION 13 of this act take effect on July 1, 1984.
