

No. 496, S.]

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CHAPTER 474.

AN ACT to repeal 24.01 (7), (8), (10), (11) and (12); 28.015, 28.15, 60.18 (11) and (17) and 66.27; to renumber 26.08 (3) to be 28.02 (6), 28.20 to be 28.09, 59.98 (1) to be 28.10, 59.98 (2) (introductory paragraph), (a) to (f) to be 28.11 (introductory paragraph), (1) to (6), 59.98 (3) (introductory paragraph), (a) to (e) to be 28.12 (introductory paragraph), (1) to (5), 59.98 (4) to be 28.13 and 59.98 (5) (a) and (b) to be 28.14 (1) and (2); to amend chapter 28 (title); to repeal and recreate 28.01, 28.02 and 28.03, and to create 28.04 to 28.08 and 28.20 to 28.23 of the statutes, relating to revising and codifying numerous provisions pertaining to public forests and providing a penalty.

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

SECTION 1. 24.01 (7), (8), (10), (11) and (12) of the statutes are repealed.

SECTION 2. The title to chapter 28 of the statutes is amended to read:

CHAPTER 28

* * * PUBLIC FORESTS.

SECTION 3. 28.01 of the statutes is repealed and recreated to read:

28.01 FORESTRY SUPERVISION. The state conservation commission shall execute all matters pertaining to forestry within the jurisdiction of the state, direct the management of state forests, collect data relative to forest use and conditions and advance the cause of forestry within the state.

SECTION 4. 28.015 of the statutes is repealed.

SECTION 5. 28.02 of the statutes is repealed and recreated to read:

28.02 STATE FORESTS LANDS. (1) DEFINED. State forests lands include all lands granted to the state by an act of congress entitled, "An act granting lands to the state of Wisconsin for forestry purposes," approved June 27, 1906; all lands granted to the state by an act of congress entitled, "An act granting unsurveyed and unattached islands to the state of Wisconsin for forestry purposes," approved August 22, 1912; all lands donated to the state by the Nebagamon Lumber Company for forestry purposes; all lands acquired pursuant to chapter 450, laws of 1903, chapter 264, laws of 1905, chapters 638 and 639, laws of 1911, or pursuant to sections 1494-41 to 1494-62, both inclusive, Wisconsin statutes of 1915, and all lands subsequently acquired for forestry purposes. The

commission may designate as state forest lands any lands within state forest boundaries which were purchased with other conservation funds and where forestry would not conflict with a more intensive use.

(2) ACQUISITION. The commission may acquire lands or interest in lands by grant, devise, gift or purchase within the boundaries of established state forests or purchase areas; and outside of such boundaries for forest nurseries, tracts for forestry research or demonstration and for forest protection structures, or for access to such properties.

(3) DISPOSITION OF IMPROVEMENTS. Buildings not required for administrative or other public use may be razed for salvage material. Otherwise they shall be sold.

(4) SALE OF STATE FOREST LANDS. (a) Lands within state forests may be sold to a local unit of government at their appraised value, where the commission finds that the land is required for a public use or to others for the purpose of making land adjustments due to occupancy resulting from errors of survey. The commission may convey good quality arable land to acquire other lands submarginal for agriculture.

(b) Lands outside state forest boundaries, which have no special public use values, may be sold. The commission may convey part of any land description bordering on a state or federal highway to the highway commission for wide rights-of-way or waysides.

(5) EASEMENTS. The commission may grant easements for a right-of-way for public or private roads or public utility lines, or for flowage rights where it finds that any such use at the designated location does not conflict with the planned development of the forest. Easements for public roads shall be granted for a nominal sum; in all other cases the appraised value shall be required in payment.

(7) SEALED BIDS. All sales of land and all sales of buildings with an estimated value of \$250 or more shall be by sealed bid after published notice in a newspaper having general circulation in the county where the property is located.

SECTION 6. 26.08 (3) of the statutes is renumbered 28.02 (6).

SECTION 7. 28.03 of the statutes is repealed and recreated to read:

28.03 STATE FORESTS. (1) DEFINED. State forests shall consist of well blocked areas of state owned lands which have been established as state forests by the conservation commission.

(2) NAMED. The state forests are designated as follows:

(a) "American Legion State Forest" in Oneida county.

(b) "Brule River State Forest" in Douglas county.

(c) "Flambeau River State Forest" in Sawyer, Rusk and Price counties.

(d) "Kettle Moraine State Forest" in Sheboygan, Fond du Lac, Washington, Waukesha, Jefferson, Ozaukee and Walworth counties.

(e) "Northern Highland State Forest" in Vilas and Iron counties.

(f) "Point Beach State Forest" in Manitowoc county.

(3) COMMISSION MAY NAME. The commission may designate by appropriate name any state forest not expressly named by the legislature.

SECTION 8. 28.04 to 28.08 of the statutes are created to read:

28.04 MANAGEMENT OF STATE FORESTS. (1) PURPOSE. The primary use of forests is silviculture and the growing of recurring forest crops, with scenic values, outdoor recreation, public hunting and stabilization of stream flow as extra benefits. Forests are productive properties which contribute to employment in the woods and mills, provide commodities essential to national defense and consumers' need, and earn returns on the investment. However, full recognition must be given to the principle of multiple use, including designation of special use tracts ranging from natural areas receiving a high degree of protection to recreation sites with appropriate facilities.

(2) WORK PLANS. Maps and records for each state forest shall be compiled, covering land ownership, forest planting, cultural cutting, timber sales and special use areas. Based on these records, plans shall be projected for future work, with forest inventories and growth studies leading to determination of the allowable annual cut which can be taken while building up a normal forest growing stock of high quality.

28.05 TIMBER SALES. (1) LIMITATIONS. Cutting shall be limited to trees marked or designated for cutting by a forester in the professional series of the state classified civil service or by a commission-designated employe equally. The commission is authorized to sell products removed in cultural or salvage cuttings and standing timber designated in a timber sales contract, but all sales shall be based on the scale, measure or count of the cut products.

(2) PROCEDURE. Sales of cut products or stumpage having an estimated value of \$250 or more shall be by public sale after published notice in a newspaper having general circulation in the county wherein the timber to be sold is located. Sales with a value of \$1,000 or more shall require consideration and approval by the commission.

28.06 FOREST NURSERIES. (1) **LIMITATION.** Only planting stock of species and sizes suitable for forest and woodlot planting shall be produced in state forest nurseries. The commission may employ labor, up to 500 hours, at prevailing local wages for nursery operation or reforestation, during the spring and fall planting seasons.

(2) **DISTRIBUTION.** In addition to use of planting stock on state lands, the commission may distribute stock for growing forest products, for establishing windbreaks or shelterbelts, for control of soil erosion, and for game food or cover, but not for ornamental or landscape planting. Prices of planting stock shall be approved annually by the commission and shall be based on the cost of production and packaging. To encourage forest planting free stock may be allotted to any nonprofit organization.

(3) **EXCHANGE.** For the purpose of adjusting forest planting programs, exchange of stock with counties or the United States forest service is authorized.

(4) **RESALE OF NURSERY STOCK.** Any person who shall sell forestry stock secured from the conservation commission shall be punished by a fine of not less than \$50 nor more than \$100.

28.07 CO-OPERATION. The commission may co-operate with the college of agriculture of the university of Wisconsin and with departments of this or other states, with federal agencies or with counties, towns, corporations or individuals, to the best interest of the people and the state, in forest surveys, research in forestry and related subjects, forest protection and in assistance to landowners to secure adoption of better forestry practice.

28.08 INCOME. All income from state forest lands shall be paid into the state treasury to the credit of the reforestation fund.

SECTION 9. 28.20 of the statutes is renumbered 28.09

SECTION 10. 59.98 (1) of the statutes is renumbered 28.10.

SECTION 11. 59.98 (2) (introductory paragraph) and (a) to (f) of the statutes are renumbered 28.11 (introductory paragraph) and (1) to (6), respectively.

SECTION 12. 59.98 (3) (introductory paragraph) and (a) to (e) of the statutes are renumbered 28.12 (introductory paragraph) and (1) to (5), respectively.

SECTION 13. 59.98 (4) of the statutes is renumbered 28.13.

SECTION 14. 59.98 (5) (a) and (b) of the statutes are renumbered 28.14 (1) and (2).

SECTION 15. 28.15 of the statutes is repealed.

SECTION 16. 28.20 to 28.23 of the statutes are created to read:

28.20 COMMUNITY FORESTS. Any city, village, town or school district may acquire land, engage in forestry and appropriate funds for such purpose. In the case of a city or village or its school forest, the forest property may be located outside the city or village limits.

28.21 MANAGEMENT. Any municipality, by registering its forest with the conservation commission, shall be eligible to receive free planting stock from the state forest nurseries and the services of foresters in preparing and carrying out planting and forest management plans. No trees shall be cut except those marked or designated for cutting by a state forester. Products of the forest may be devoted to public use.

28.22 TIMBER SALES. All sales shall be based on the scale, measure or count of the cut products. Any sale with an estimated value of \$250 or more shall be by published notice and public sale.

28.23 INCOME. All income from community forests shall be paid into the treasury, but may be assigned to the support of any legally authorized activity.

SECTION 17. 60.18 (11) and (17) of the statutes are repealed.

SECTION 18. 66.27 of the statutes is repealed.

Approved July 12, 1949.