

1991 Assembly Bill 623

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1991 WISCONSIN ACT 206

AN ACT to amend 20.909 (1), 44.47 (5), 170.07, 170.08, 170.09, 170.10 and 170.11; and to create 44.47 (5m) and 170.12 of the statutes, relating to: the ownership of sunken logs.

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

SECTION 1. 20.909 (1) of the statutes is amended to read:

20.909 (1) LOST OR ABANDONED PROPERTY. ~~Any~~ Except as provided in s. 170.12, any personal property lost or abandoned in any building or on any lands belonging to the state and unclaimed for a period of 60 days may be returned to the person finding the same or may be sold at private or public sale by the state agency having charge of the place where such personal property is found. All receipts from such sales, after deducting the necessary expenses of keeping such property and selling the same, shall be paid promptly into the state treasury and credited to the school fund.

SECTION 2. 44.47 (5) of the statutes is amended to read:

44.47 (5) OWNERSHIP, CUSTODY AND USE OF OBJECTS AND DATA. ~~The~~ Except as provided in sub. (5m) and s. 170.12, the state reserves to itself the title to all objects found and data gathered in field archaeology on state sites. Although a permit may name a custodian other than the historical society, title to the objects and data discovered at state sites is reserved to the historical society as trustee for the state. Physical possession of such objects shall revert to the state if such custodian ceases to exist, or if the director, on the recommendation of the state archaeologist, finds that the custodian is not properly caring for them or keeping them conveniently available for study by students of archaeology.

SECTION 3. 44.47 (5m) of the statutes is created to read:

44.47 (5m) SUNKEN LOGS. When reviewing an application to raise and remove sunken logs under s. 170.12, the director may do any of the following:

(a) Require that a permit under this section be secured.

(b) Waive the requirement for a permit, but impose requirements relating to the gathering of data regarding any activity done pursuant to a permit issued under s. 170.12, which requirements shall be communicated to the board of commissioners of public lands and incorporated by that board into the s. 170.12 permit.

SECTION 4. 170.07 of the statutes is amended to read:

170.07 Lost chattels, notice. ~~If any person shall find any money or goods of the value of three dollars or more~~ Except as provided in s. 170.12, if a person finds \$3 or more or any goods having a value of at least \$3 but less than \$25, and if the owner thereof be of the money or goods is unknown, such person the finder shall, within five 5 days after finding such the money or goods, give a written notice thereof in writing of the found money or goods to the town clerk of the town in which such property was the money or goods are found and shall also, within said five days, cause a notice thereof of the found money or goods to be posted up in two 2 public places in the same town.

SECTION 5. 170.08 of the statutes is amended to read:

170.08 Notice and appraisal. ~~Every~~ Except as provided in s. 170.12, the finder of lost goods of the having a value of \$25 or more shall give a notice thereof of the

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found goods to the clerk of the town ~~wherein in which the goods are found~~; within 15 days after finding the goods and cause a class 2 notice ~~thereof~~ under ch. 985 of the found goods to be published in the county. If no person who is entitled to the goods appears to claim the ~~same~~ who is entitled thereto goods, the finder shall, within 2 months after finding ~~such the~~ goods and before using the ~~same goods~~ to their injury, procure an appraisal ~~thereof~~ of the goods by the town chairperson of the finder's town, ~~the~~. The appraisal shall be certified ~~to~~ by the chairperson and filed in the town clerk's office.

SECTION 6. 170.09 of the statutes is amended to read:

170.09 Restitution. If the owner of ~~such~~ lost money or goods ~~shall appear~~ appears within one year after notice is given to the town clerk ~~as aforesaid~~ under s. 170.07 or 170.08 and shall ~~make~~ makes out his ~~or her~~ right ~~thereto~~ he to the money or goods, he or she shall have restitution of the ~~same money or goods~~ or the value ~~thereof, of the money or goods~~ upon his ~~or her~~ paying all the costs and charges ~~thereon~~ on the money or goods, including a reasonable compensation to the finder for ~~his~~ the finder's trouble.

SECTION 7. 170.10 of the statutes is amended to read:

170.10 Payment to town. If no owner ~~shall appear~~ of lost money or goods appears within one year ~~then after notice is given to the town clerk under s. 170.07 or 170.08~~, the finder of ~~such lost the~~ money or goods shall pay one-half of the value ~~thereof of the money or goods~~, after deducting all legal charges, to the treasurer of the town; ~~and in case such, If the~~ finder shall ~~neglect~~ fails to pay the ~~same on demand, after the expiration of the time aforesaid, the same~~ amount required under this section, the amount may be sued for and recovered by ~~such the~~ town.

SECTION 8. 170.11 of the statutes is amended to read:

170.11 Penalty for neglect. ~~If any~~ Except as provided in s. 170.12, if the finder of lost money or goods of the ~~having a~~ value of three dollars ~~\$3~~ or upward ~~shall neglect~~ more fails to give notice of the ~~same and found money or goods or~~ otherwise to comply with the provisions of ~~this chapter~~ ss. 170.07 to 170.10, the finder shall be liable for the full value of ~~such the~~ money or goods, one-half to the use of the town and the other half to the person who ~~shall sue~~ sues for the ~~same~~ full value, and shall also be responsible to the owner for ~~such lost the~~ money or goods.

SECTION 9. 170.12 of the statutes is created to read:

170.12 Sunken logs on submerged state lands. (1) DEFINITIONS. In this section:

- (a) "Board" means the board of commissioners of public lands.
- (b) "Log" means a portion of the trunk of a felled tree which has not been further processed for any end use.
- (c) "Resident of this state" means an individual who maintains a residence, as described in s. 6.10 (1), in this state, or a corporation, partnership, association or other

legal entity that maintains an office in this state and in which at least 50% of the ownership interest is held by one or more individuals who maintain a residence, as described in s. 6.10 (1), in this state.

(2) TITLE TO SUNKEN LOGS. The state reserves to itself title and ownership of all logs resting on submerged lands owned by the state.

(3) APPLICATION TO REMOVE SUNKEN LOGS. A person wishing to raise and remove logs resting on submerged lands owned by the state shall make application to the board for a permit to do so. The application shall do all of the following:

- (a) Identify the boundaries of the location where the sunken logs will be raised.
- (b) Specify the time period during which the sunken logs will be raised.
- (c) Specify the methods to be used in raising the sunken logs, including any techniques with the potential to disturb lake bed material.
- (d) Describe, in detail, the applicant's plans for the use and disposition of any logs raised, including any information necessary for or related to sub. (5).
- (e) Certify that the applicant is a resident of this state.
- (f) Include any additional information required by the board.

(g) Be accompanied by a \$50 application fee.

(4) REVIEW BY OTHER AGENCIES. Upon receipt of an application under sub. (3), the board shall immediately transmit copies of the application to the department of natural resources and to the historical society for review. The department of natural resources and the historical society shall, as appropriate, within 30 days after their receipt of the application, notify the board whether any of the following apply:

- (a) The proposed project appears to require a permit under s. 30.20.
- (b) The proposed project appears to require a permit under s. 44.47.
- (c) The proposed project may affect public rights in navigable waters. The department of natural resources shall recommend to the board requirements and conditions to be attached to the permit which shall protect those rights.
- (d) The proposed project is subject to any requirements arising under federal law.

(5) RESERVATION OF VALUE; OFFSET. The state reserves to itself 30% of the appraised market value of any log raised pursuant to a permit issued under this section. Any applicant may, as part of the application under sub. (3), propose projects for the use of logs raised, and for the use of proceeds from logs raised and sold, as an offset to the state's share of the value of any logs raised. Any project proposed as the basis for an offset shall have demonstrated potential to do 2 or more of the following:

- (a) Increase tourism revenues in this state.
- (b) Increase employment in this state.

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(c) Contribute to increased economic development and activity in this state.

(6) PERMIT. Within 60 days after receipt of an application under sub. (3), the board shall either approve, modify and approve or deny the application for a permit. A permit issued under this subsection shall be effective for a specified period, not to exceed one year, and shall specify all of the following:

(a) The boundaries of the location where sunken logs may be raised pursuant to the permit.

(b) That the applicant shall obtain all other permits that are required by law, and shall comply with all other requirements that are imposed by law, for raising and removing logs resting on submerged lands owned by the state.

(c) The frequency, means and procedure for accounting for and determining the appraised market value of any logs raised.

(d) The amount of the offset to the state's reservation of value, if any, to which the permit holder is entitled if any project proposed under sub. (5) is undertaken and completed. The board, in its judgment, may authorize offsets of up to 100% of the value retained by the state.

(e) The procedure and times when the permit holder shall tender to the board, on behalf of the state, any amounts due the state for its net share of the value of any logs raised.

(f) Any requirements and conditions necessary to protect public rights in navigable waters.

(g) Any requirements imposed under s. 44.47 (5m) (b).

(7) PERMIT RENEWAL. The board shall establish a simplified process for the renewal of permits originally issued under sub. (6). In renewing a permit, the board may attach conditions necessary to ensure compliance with the requirements of the original permit.

(8) DENIAL OF APPLICATION. The board may deny an application for an original or renewal permit if the applicant does any of the following:

(a) Fails to comply with sub. (3).

(b) Violates any of the terms, conditions or requirements of a permit for the previous year.

(9) TRANSFER OF TITLE. At such times as a permit holder tenders to the board any amounts due under the state's reservation of value, pursuant to the terms and conditions of the permit, title to any logs covered by such tender shall pass to the permit holder. If the permit provides for an offset under sub. (6) (d), the board shall issue written findings at the conclusion of the term of the permit which describe the board's findings regarding compliance with the term of the permit and establish the proportion of the authorized offset to which the permit holder is entitled.

(10) FORFEITURE. Any logs subject to this section which are raised in violation of this section, or in violation of a permit issued under this section, shall be confiscated by the board and forfeited to the state.