

2003 ASSEMBLY BILL 13

January 30, 2003 – Introduced by Representatives FRISKE, AINSWORTH, SERATTI, M. WILLIAMS, GARD, OWENS, VRAKAS, D. MEYER, GUNDERSON, PETTIS, LOEFFELHOLZ, BIES, MUSSER, JESKEWITZ, HAHN, KESTELL, LADWIG, KRAWCZYK, HINES, VAN ROY, MCCORMICK, LEMAHIEU, OLSEN, PETROWSKI and GRONEMUS, cosponsored by Senators KEDZIE, BRESKE, WELCH and RISSER. Referred to Committee on Forestry.

1 **AN ACT to amend** 26.22, 28.11 (3) (k) and 28.11 (6) (a); and **to create** 28.11 (6)
2 (c) of the statutes; **relating to:** sales of damaged timber by the department of
3 natural resources and by counties from county forest lands.

Analysis by the Legislative Reference Bureau

Under current law, the Department of Natural Resources (DNR) may sell timber that has been damaged by fire or wind and that is located in a state forest or state park on the terms and in the manner that DNR considers is in the best interest of the state. For sales of nondamaged timber from state forest land, DNR must follow certain advertising and sale procedures. This bill expands this authority to sell damaged timber to cover all lands under DNR's jurisdiction and to include damage caused by snow, hail, or ice.

Under current law, counties have no specific authority to sell damaged timber that is located in county forests. The provisions under current law regarding private or public sales and appraisals that apply to the sale of timber from county forests apply to all timber regardless of whether it is damaged. This bill allows a county to sell timber damaged by fire, snow, hail, ice, or wind on the terms and in the manner that the county forestry committee determines is in the county's best interest.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

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

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1 **SECTION 1.** 26.22 of the statutes is amended to read:

2 **26.22 Sales, etc.** The department may sell any timber on the state park or
3 ~~state forest lands~~ land under the department's jurisdiction which has been damaged
4 by fire, snow, hail, ice, or wind, on such terms and in such manner as ~~it shall deem~~
5 the department determines is in the best ~~for the~~ interest of the state.

6 **SECTION 2.** 28.11 (3) (k) of the statutes is amended to read:

7 28.11 **(3)** (k) Establish energy conservation projects which permit individual
8 members of the public to remove up to 10 standard cords of wood without charge from
9 county forest lands for individual home heating purposes. The county board shall
10 limit removal of wood for energy conservation projects to wood that is unsuitable for
11 commercial sale. The county board may require a permit to remove wood for energy
12 conservation projects and may charge a fee for the permit to administer projects
13 established under this paragraph. A county board shall restrict participation in
14 projects established under this paragraph to residents, as defined under s. 29.001
15 (69), but may not restrict participation to residents of the county. No timber sale
16 contract is required for wood removed under this paragraph.

17 **SECTION 3.** 28.11 (6) (a) of the statutes is amended to read:

18 28.11 **(6)** (a) *Limitations.* The county forestry committee is authorized to sell
19 merchantable timber designated in timber sale contracts and products removed in
20 cultural or salvage cuttings. ~~No timber sale contract is required for wood removed~~
21 ~~under sub. (3) (k).~~ All timber sales shall be based on tree scale or on the scale,
22 measure or count of the cut products; the Scribner Decimal C log rule shall be used
23 in log scaling. All cuttings shall be limited to trees marked or designated for cutting
24 by qualified personnel recognized as such by the department.

25 **SECTION 4.** 28.11 (6) (c) of the statutes is created to read:

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1 28.11 **(6)** (c) *Exception.* Paragraphs (a) and (b) 1. and 2. do not apply to any sale
2 of timber that has been damaged by fire, snow, hail, ice, or wind. Timber damaged
3 in that manner that is located in a county forest may be sold by the county forestry
4 committee for that county on such terms and in such manner as the committee
5 determines is in the best interest of the county.

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(END)