LRB-4389/1 MGG:kmg:km

1997 ASSEMBLY BILL 726

January 20, 1998 - Introduced by LAW REVISION COMMITTEE. Referred to Committee on Judiciary.

AN ACT *to amend* 23.095 (1) (a) of the statutes; **relating to:** damaging natural resources (suggested as remedial legislation by the department of natural resources).

Analysis by the Legislative Reference Bureau

Current law prohibits any physical act that destroys, molests, defaces or removes a natural resource and any act that unreasonably wastes a natural resource. Under the bill, the requirement that the act be unreasonable is expanded to cover acts that destroy, molest, deface or remove a natural resource.

For further information, see the Notes provided by the law revision committee of the legislative council.

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:

Law revision committee prefatory note: This bill is a remedial legislation proposal, requested by the department of natural resources and introduced by the law revision committee under s. 13.83 (1) (c) 4., stats. After careful consideration of the various provisions of this bill, the law revision committee has determined that this bill makes minor substantive changes in the statutes, and that these changes are desirable as a matter of public policy.

ASSEMBLY BILL 726

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- **SECTION 1.** 23.095 (1) (a) of the statutes is amended to read:
- 2 23.095 (1) (a) "Damage" means to commit a physical act that <u>unreasonably</u>
- destroys, molests, defaces, removes or unreasonably wastes.

Note: 1995 Wisconsin Act 391 amended s. 23.095, stats., relating to the malicious waste of natural resources. According to the department of natural resources, a literal interpretation of this statute, as amended by 1995 Wisconsin Act 391, could prohibit hunting, because it now provides that no person may damage or attempt to damage any natural resource within the state. Damage is defined as "a physical act that destroys, molests, defaces, removes or unreasonably wastes". This amendment to the statute would require physical acts that destroy, molest, deface or remove to be done "unreasonably".

4 (END)