

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2649/P1dn
MGG:kg:km

April 16, 1999

Please have DNR attorney Jim Christenson review this draft before sharing it with the other parties. He is the one who prepared the redrafting instructions and I think it is best to make sure that it complies with the intent of the group, as he understands it, before sharing it with others.

1. I did not refer to copies of notices under s. 26.03 (1m) (a) 2. because some counties may choose to allow oral notice to be given.

2. Note that the 3 measurements of damages under s. 26.09 (3) (b) 1. to 3. use the "stumpage value" and not the stumpage rate. Also, s. 26.09 (3) (b) 3. only works if it is possible to have a situation where 2 times the fair market value will exceed 4 times the "stumpage value" as calculated under the definition for stumpage value. Please let me know if any changes to this are necessary.

3. I moved the language contained in s. 26.09 (6) (a) to s. 26.09 (3) (b) because it seemed more logical to list it along with the other ways to measure the actual damages.

4. In reviewing this draft, I notice that under s. 26.09 (2) (a) counties may sue for violations of s. 26.09 (1g) and (1r) but not for violations of s. 26.09 (1m). OK?

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