



1995 SENATE BILL 375

October 12, 1995 - Introduced by Senators FARROW, A. LASEE, ZIEN, BUETTNER and DARLING, cosponsored by Representatives KLUSMAN, FREESE, JENSEN, LADWIG, LEHMAN, OLSEN, GOETSCH, SCHNEIDERS, DUFF, HOVEN, GROTHMAN, SKINDRUD and PLACHE. Referred to Committee on Environment and Energy.

1 **AN ACT** *to repeal* 28.06 (3) and 28.11 (3) (f); *to renumber and amend* 28.06 (1)
2 and 28.06 (2); *to amend* 28.06 (title), 28.06 (2m), 28.06 (4), 28.06 (5) and 28.21;
3 and *to create* 28.06 (1) and 28.06 (2r) of the statutes; **relating to:** the
4 production, sale and distribution of planting stock from state forest nurseries.

Analysis by the Legislative Reference Bureau

Under current law, the department of natural resources (DNR) may distribute the planting stock that it produces in state forest nurseries for various purposes such as forest products and ornamental plantings by school pupils for Arbor Day. Under this bill, DNR may produce only planting stock that is suitable for forestry and for wildlife habitat plantings. The distribution of this planting stock is limited to use on DNR lands, to being sold for growing forest products in county forests and to being donated to schools for celebration of Arbor Day.

Under current law, DNR may exchange planting stock with, or sell planting stock to, counties, other states and the U.S. forest service. This bill eliminates this authority.

Under current law, municipalities are eligible to receive free DNR planting stock. The bill eliminates this eligibility. The bill also eliminates the authority of counties that have county forests to establish transplant nurseries for DNR planting stock.

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:

1 **SECTION 1.** 28.06 (title) of the statutes is amended to read:

2 **28.06** (title) **Forest State forest nurseries.**

3 **SECTION 2.** 28.06 (1) of the statutes is renumbered 28.06 (1b) and amended to
4 read:

5 28.06 **(1b)** (title) ~~LIMITATION~~ LIMITATIONS ON PRODUCTION OF PLANTING STOCK.
6 ~~Only~~ The department shall produce in state forest nurseries only planting stock of
7 species and sizes suitable for forest forestry and ~~wood lot planting and for planting~~
8 ~~by school pupils to celebrate arbor day under s. 118.025 shall be produced in state~~
9 ~~forest nurseries~~ for wildlife habitat plantings. The department may employ labor at
10 prevailing local wages for nursery ~~operation or reforestation~~ operations.

11 **SECTION 3.** 28.06 (1) of the statutes is created to read:

12 28.06 **(1)** DEFINITION. In this section, “county forest” has the meaning given in
13 s. 28.11 (2).

14 **SECTION 4.** 28.06 (2) of the statutes is renumbered 28.06 (2b) and amended to
15 read:

16 28.06 **(2b)** (title) ~~DISTRIBUTION~~ LIMITATIONS ON SALE AND DISTRIBUTION OF
17 PLANTING STOCK. In addition to ~~use of~~ using the planting stock produced under sub.
18 (1b) on state lands under the jurisdiction of the department, the department may
19 ~~distribute~~ sell the planting stock only for growing forest products, ~~for establishing~~
20 ~~windbreaks or shelterbelts, for control of soil erosion, and for game food or cover, but~~
21 ~~not for ornamental or landscape planting except by school pupils~~ in county forests
22 and may distribute free of charge the planting stock for celebrating arbor day as
23 provided in s. 118.025.

24 **(2g)** (title) STOCK PRICES. Prices of the planting stock sold under sub. (2b) shall
25 be approved annually by the department and shall be based on the total cost of

1 administering the state forest nursery program under this section, including the ~~cost~~
2 costs of processing applications and producing, packaging, selling and distributing
3 nursery the planting stock. ~~To encourage forest planting, free stock may be allotted~~
4 ~~to any nonprofit organization or any school for the celebration of arbor day under s.~~
5 ~~118.025.~~

6 **SECTION 5.** 28.06 (2m) of the statutes is amended to read:

7 28.06 (2m) SURCHARGE. A person who purchases a seedling under sub. (2) (2b)
8 shall pay, in addition to the price of the seedling charged under sub. (2) (2b), a
9 surcharge of one cent for each seedling purchased. All surcharges collected under
10 this subsection shall be deposited in the conservation fund.

11 **SECTION 6.** 28.06 (2r) of the statutes is created to read:

12 28.06 (2r) TRANSITIONAL PROVISIONS. On the effective date of this subsection
13 [revisor inserts date], the department shall stop transplanting any planting stock
14 that the department produced as authorized under s. 28.06 (1), 1993 stats., and that
15 will not be used, sold or distributed as authorized under sub. (2b). Notwithstanding
16 subs. (1b) and (2b), during the period that begins on the effective date of this
17 subsection [revisor inserts date], and that ends on May 31, 1998, the department
18 may grow, but not sow or transplant, and may sell and distribute the planting stock
19 as authorized under s. 28.06 (1), 1993 stats., and s. 28.06 (2), 1993 stats.

20 **SECTION 7.** 28.06 (3) of the statutes is repealed.

21 **SECTION 8.** 28.06 (4) of the statutes is amended to read:

22 28.06 (4) (title) RESALE OF NURSERY PLANTING STOCK. Any person who sells
23 forestry planting stock secured from the department shall forfeit not more than \$100.

24 **SECTION 9.** 28.06 (5) of the statutes is amended to read:

