

Committee Name:

**Assembly Committee – Rural Affairs and Forestry
(AC–RAF)**

Appointments

99hr_AC–RAF_Appt_pt00

Committee Hearings

99hr_AC–RAF_CH_pt00

Committee Reports

99hr_AC–RAF_CR_pt00

Clearinghouse Rules

99hr_AC–RAF_CRule_99–

Executive Sessions

99hr_AC–RAF_ES_pt00

Hearing Records

99hr_ab0555b

99hr_sb0000

Misc.

99hr_AC–RAF_Misc_pt00

Record of Committee Proceedings

99hr_AC–RAF_RCP_pt00

12-16-99 EXEC
AB127, AB202

AB-555

Committee Meeting Attendance Sheet

Assembly Committee on Rural Affairs and Forestry

Date: 12/16/99 Meeting Type: Executive Session
Location: 328 Northwest - State Capitol

<u>Committee Member</u>	<u>Present</u>	<u>Absent</u>	<u>Excused</u>
Rep. John Ainsworth, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Rep. Terry Musser	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Kitty Rhoades	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Stephen Freese	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Judith Klusman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Mary Hubler	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Barbara Gronemus	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Donald Hasenohrl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Gary Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Totals:	<u>8</u>	<u>0</u>	<u>1</u>

Kristina Boardman
Kristina Boardman, Committee Clerk

Boardman, Kristina

From: Paul Mikulak [pomklk@hotmail.com]
Sent: Tuesday, November 30, 1999 8:28 AM
To: rep.ainsworth@legis.state.wi.us
Subject: Committee Status

Dear John,

Perhaps you could find a minute or one of your staff people could bring me up to speed on the status of the various forestry bills in committee. I will be attending a Governor's Council meeting tomorrow in Stevens Point and they will want to know what is happening.

I am concerned about AB 540, AB 555, and AB 293. I know that you have time before January to take care of some of the concerns in Rep. Pettis' bill but perhaps you give me an indication about where you think it will go. If you include the amendments in 504 I don't believe that there should be much problem with that.

Please let me know by e-mail. I am at pomklk@hotmail.com

Thank you,
Paul Mikulak

Get Your Private, Free Email at <http://www.hotmail.com>

Boardman, Kristina

From: Paul Mikulak [pomklk@hotmail.com]
Sent: Tuesday, November 30, 1999 2:28 PM
To: Kristina.Boardman@legis.state.wi.us

Kristina,
Many Thanks for the update. If anything comes up on these issues please do me a favor and let me know.

Paul Mikulak

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Send
Alice O'Connor
copy of
Exec Notice



WISCONSIN LEGISLATIVE COUNCIL STAFF MEMORANDUM

One East Main Street, Suite 401; P.O. Box 2536; Madison, WI 53701-2536
Telephone: (608) 266-1304
Fax: (608) 266-3830
Email: leg.council@legis.state.wi.us

DATE: December 16, 1999

TO: REPRESENTATIVE JOHN AINSWORTH, CHAIRPERSON; AND
MEMBERS OF THE ASSEMBLY COMMITTEE ON RURAL AFFAIRS
AND FORESTRY

FROM: Gordon A. Anderson, Senior Staff Attorney

SUBJECT: Assembly Substitute Amendment ____ (LRBs0229/1) to 1999 Assembly Bill
555, Relating to Failure to Pay Owners of Raw Forest Products

The Assembly Committee on Rural Affairs and Forestry held a public hearing on 1999 Assembly Bill 555, relating to failure to pay owners of raw forest products on November 18, 1999.

Assembly Substitute Amendment ____ (LRBs0229/1) was developed to address issues raised at that hearing.

A. 1999 ASSEMBLY BILL 555

Under the bill, as introduced, a new provision is created in s. 26.05, Stats., relating to timber theft. The new provision provides that no person who enters into a contract with the owner of raw forest products under which the person receives the owner's consent to cut, remove or transport raw forest products may fail to pay the owner the total amount of any compensation for the raw forest products as agreed upon under the contract.

It also provides that, in addition to any other penalty, a person who violates s. 26.05 (2), Stats. (theft of timber products), or a rule promulgated under that provision is liable for the reasonable cost incurred to establish the volume and value of the raw forest products cut, removed or transported.

B. ASSEMBLY SUBSTITUTE AMENDMENT — (LRBs0229/1)

Assembly Substitute Amendment __ differs from the original bill in the following:

1. SECTION 1 creates s. 26.014, Stats., a provision not contained in the original bill. It provides that if a court enters a judgment in an action to recover the amount of any compensation due under a contract to cut, remove or transport raw forest products, the court shall also award costs and attorney fees.

2. SECTION 3 amends s. 26.05 (3) (b), Stats., a provision not contained in the original bill. It provides that instead of the forfeiture provided for violation of the law a person who intentionally violates s. 26.05 (2), Stats. (theft of timber products), or a rule promulgated under that provision may be punished under s. 943.20, Stats., for theft. The effect of the change is to clarify that a person who violates the new s. 26.05 (2m), Stats., relating to failure to pay for forest products, could not be punished under s. 943.20, Stats., for theft. Intentionally failing to pay the owner the total amount of compensation for raw forest products as agreed upon under the contract, a violation of new s. 26.05 (2m), Stats., does not appear to be "theft" under s. 943.20, Stats.

3. SECTION 4 amends s. 26.05 (3) (c), Stats., but in a different manner than the original bill. The original bill limited the duty to pay for reasonable costs to establish the value and volume of the forest products to *theft of timber products*; it does not include failure to pay for forest products. The substitute amendment provides that a person who violates the s. 26.05, Stats., provisions on theft of timber products [s. 26.05 (2), Stats.] or failure to pay the owner for forest products [s. 26.05 (2m), Stats.] or a rule promulgated under the new s. 26.05 (2m), is liable for the reasonable costs incurred to establish the value and volume of the raw forest products cut, removed or transported.

If you have any further questions or I can be of further assistance, please let me know.

GAA:tlu:wu;tlu