

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_ab0669

99hr_sb0000

Misc.

99hr_AC–RAF_Misc_pt00

Record of Committee Proceedings

99hr_AC–RAF_RCP_pt00

01-27-00

PH - AB669

Exec - AB504, AB669

Committee Meeting Attendance Sheet

Assembly Committee on Rural Affairs and Forestry

Date: 1/27/00 Meeting Type: Public Hearing
 Location: 328 Northwest - State Capitol

<u>Committee Member</u>	<u>Present</u>	<u>Absent</u>	<u>Excused</u>
Rep. John Ainsworth, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Totals:	<u>7</u>	<u>0</u>	<u>2</u>

Kristina Boardman

Kristina Boardman, Committee Clerk

Committee Meeting Attendance Sheet

Assembly Committee on Rural Affairs and Forestry

Date: 1/27/00 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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>9</u>	<u>0</u>	<u>0</u>



Kristina Boardman, Committee Clerk

Vote Record

Assembly Committee on Rural Affairs and Forestry

Date: 1/27/00 Moved by: Freese Seconded by: Rhoades
 AB: 109 Clearinghouse Rule: _____
 AB: _____ SB: _____ Appointment: _____
 AJR: _____ SJR: _____ Other: _____
 A: _____ SR: _____

A/S Amdt: _____
 A/S Amdt: _____ to A/S Amdt: _____
 A/S Sub Amdt: _____
 A/S Amdt: _____ to A/S Sub Amdt: _____
 A/S Amdt: _____ to A/S Amdt: _____ to A/S Sub Amdt: _____

- Be recommended for:
- Passage
 - Introduction
 - Adoption
 - Rejection
 - Indefinite Postponement
 - Tabling
 - Concurrence
 - Nonconcurrence
 - Confirmation

Committee Member	Aye	No	Absent	Not Voting
Rep. John Ainsworth, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Terry Musser	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Kitty Rhoades	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Stephen Freese	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Judith Klusman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Mary Hubler	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Barbara Gronemus	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Donald Hasenohrl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Gary Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Totals: _____



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: January 26, 2000

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

FROM: Gordon A. Anderson, Senior Staff Attorney

SUBJECT: 1999 Assembly Bill 669, Relating to Failure to Pay Owners of Raw Forest
Products

A. INTRODUCTION

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. A proposed Assembly substitute amendment was developed to address issues raised at that hearing.

At the executive session on December 16, 1999, concerns were expressed that the substitute amendment might not be germane to the original bill and that the substitute amendment did not adequately deal with the issue of fraudulent failure to pay timber contracts. Therefore, Assembly Bill 669 was introduced by Representative Pettis to address these topics.

B. ASSEMBLY BILL 669

Assembly Bill 669 contains the following provisions:

1. SECTION 1 creates s. 26.04, Stats. 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 to the successful party if the unsuccessful party, before commencement of the action, unreasonably refused to pay a demand for damages or to accept an offer of payment for damages.

2. SECTION 2 creates s. 26.05 (2m), Stats., to provide 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.

3. SECTION 3 amends s. 26.05 (3) (b), Stats., to provide that, instead of the forfeiture provided for in current 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.

4. SECTION 4 creates s. 26.05 (3) (bn), Stats., to provide that a person who fails to pay for raw forest products under s. 26.05 (2m), Stats., and does so with intent to defraud the person who owns the raw forest products, may be penalized as provided under s. 943.20 (3), Stats.:

- a. If the value of the property does not exceed \$1,000, by a fine not to exceed \$10,000, or imprisonment not to exceed nine months, or both. (A Class A misdemeanor.)
- b. If the value of the property exceeds \$1,000 but not \$2,500, by a fine not to exceed \$10,000 or imprisonment not to exceed two years, or both. (A Class E felony.)
- c. If the value of the property exceeds \$2,500, by a fine not to exceed \$10,000 or imprisonment not to exceed 10 years, or both. (A Class C felony.)

(It should be noted that the above penalties may be revised through pending legislation: 1999 Assembly Bill 465 and 1999 Senate Bill 237.)

5. SECTION 5 amends s. 26.05 (3) (c), Stats., to provide that a person who violates the provisions of s. 26.05, Stats., on theft of timber products [s. 26.05 (2), Stats.] or a rule promulgated under that provision or failure to pay the owner for forest products [s. 26.05 (2m), Stats., created by the bill] 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:ksm;wu