

2001 ASSEMBLY BILL 375

May 8, 2001 – Introduced by Representatives AINSWORTH, ALBERS, FRISKE, GUNDERSON, J. LEHMAN, MONTGOMERY, MUSSER, OTT, PETROWSKI, SERATTI, SYKORA, TOWNSEND, WADE and POWERS, cosponsored by Senators SCHULTZ and COWLES. Referred to Committee on Rural Affairs and Forestry.

1 **AN ACT** *to repeal* 26.03 (1b) (intro.), 26.03 (1b) (c), 26.09 (1b) (c), 26.09 (1b) (d)
2 and 26.09 (1b) (g); *to renumber* 26.03 (1b) (a) and 26.03 (1b) (b); *to renumber*
3 *and amend* 26.01 and 26.05 (1); *to amend* 341.26 (3m); and *to create* 26.04
4 of the statutes; **relating to:** a registry of harvesters of forest products who
5 provide surety for the proper performance of harvesting contracts and granting
6 rule-making authority.

Analysis by the Legislative Reference Bureau

Current law authorizes the department of natural resources (DNR) to require that a person provide a performance bond or other surety when entering a contract to harvest forest products from state forest lands. Current law also authorizes DNR to require a performance bond or surety to cover the amount of the severance or yield tax DNR assesses on forest products harvested under the forest cropland program or the managed forest land program. Current law does not impose an across-the-board requirement that a performance bond or other surety be provided on every contract to harvest forest products.

Under this bill, any person who is a party to a contract to harvest forest products and who does provide a performance bond or other security must notify DNR and provide DNR on an annual basis with information concerning the surety. DNR must then maintain a registry open for public inspection that contains this information.

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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.** 26.01 of the statutes is renumbered 26.01 (intro.) and amended to
2 read:

3 **26.01 Definition Definitions.** (intro.) In this chapter, ~~unless the context~~
4 ~~requires otherwise~~ “department”:

5 **(1)** “Department” means the department of natural resources.

6 **SECTION 2.** 26.03 (1b) (intro.) of the statutes is repealed.

7 **SECTION 3.** 26.03 (1b) (a) of the statutes is renumbered 26.01 (2).

8 **SECTION 4.** 26.03 (1b) (b) of the statutes is renumbered 26.01 (3).

9 **SECTION 5.** 26.03 (1b) (c) of the statutes is repealed.

10 **SECTION 6.** 26.04 of the statutes is created to read:

11 **26.04 Registry of harvesters of timber products.** **(1)** Any person who is
12 a party to a contract to harvest raw forest products and who provides surety for the
13 proper performance of the contract shall notify the department of the fact and shall
14 provide the department on an annual basis with information concerning the surety,
15 as required by rule by the department.

16 **(2)** The department shall maintain a registry available for public inspection of
17 the information provided under sub. (1).

18 **(3)** If the person who is listed in the registry maintained under sub. (2) ceases
19 to provide the surety, the person shall notify the department of that fact and the
20 department shall remove the person’s information from the registry.

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1 **(4)** The department shall promulgate rules to specify the information required
2 under sub. (1) and may promulgate rules to impose time periods for notifying the
3 department under subs. (1) and (3).

4 **SECTION 7.** 26.05 (1) of the statutes is renumbered 26.01 (4) and amended to
5 read:

6 **26.01 (4) DEFINITION.** ~~In this section, “raw~~ **“Raw** forest products” means forest
7 products not altered by a manufacturing process off the land from which they are
8 taken and includes seedlings, saplings, shrubs, whole-tree chips, boughs, logs,
9 pilings, posts, poles, cordwood products, pulpwood, fuel wood and Christmas trees.

10 **SECTION 8.** 26.09 (1b) (c) of the statutes is repealed.

11 **SECTION 9.** 26.09 (1b) (d) of the statutes is repealed.

12 **SECTION 10.** 26.09 (1b) (g) of the statutes is repealed.

13 **SECTION 11.** 341.26 (3m) of the statutes is amended to read:

14 **341.26 (3m) FOREST PRODUCTS VEHICLES.** In recognition of the relationship of
15 the basic economy of the state to the forest products industry, there shall be paid to
16 the department for the annual registration of a road tractor, motor truck or truck
17 tractor used exclusively in connection with the transportation of raw forest products,
18 as defined in s. ~~26.05 (1)~~ **26.01 (4)**, or equipment that is owned or leased by the owner
19 of the road tractor, motor truck or truck tractor and used exclusively in the
20 production of raw forest products, a fee determined in accordance with sub. (3) (g) on
21 the basis of maximum gross weight, except that a trailer used exclusively in
22 connection with the transportation of raw forest products or equipment that is owned
23 or leased by the owner of the trailer and used exclusively in the production of raw
24 forest products may be registered upon payment of a fee which is 25% of the fee
25 prescribed by s. 341.25 (2) for a motor truck having the same gross weight. The

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1 maximum gross weight of each vehicle registered under this subsection shall be
2 computed in the manner specified in s. 341.25 for the same type of vehicle, except that
3 a person who owns and operates more truck tractors than semitrailers registered by
4 him or her within this state and used exclusively as provided in this subsection may
5 register such an excess truck tractor at a fee specified under sub. (3) (g) determined
6 on the basis of the weight of the truck tractor only.

7 (END)