

**2001 DRAFTING REQUEST**

**Bill**

Received: 09/27/2000

Received By: rkite

Wanted: As time permits

Identical to LRB:

For: John Ainsworth (608) 266-3097

By/Representing: Christina

This file may be shown to any legislator: NO

Drafter: gibsom

May Contact:

Addl. Drafters:

Subject: Nat. Res. - parks and forestry

Extra Copies:

Submit via email: NO

Requester's email:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Registry of bonded loggers

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**Instructions:**

See Attached

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	gibsom 10/16/2000	hhagen 10/17/2000	rschluet 10/17/2000	_____	gretskl 10/17/2000		S&L
/2	gibsom 04/02/2001	hhagen 04/02/2001	pgreensl 04/02/2001	_____	gretskl 04/02/2001	lrb_docadmin	S&L 04/18/2001

FE Sent For:

→ At  
Intro.

<END>

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FE Sent For:		12 hph 4/2/01	4/2 pg	4/2 ps/ch			<END>

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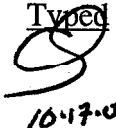
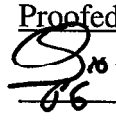
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/?	gibsom	11 hmb 10/17/00	 10-17-00	 10-17-00			
		11 10/17 jld					

FE Sent For:

<END>

Christina in Rinsworth's office

9-27-00

loggers -  
wants DATCP to maintain a record of  
those loggers that are bonded  
need not be bonded but if they are,  
they must give notice to DATCP,  
DATCP must keep a record of loggers that  
are bonded so that the public can  
get this info.

if logger is no longer bonded, the logger  
must notify DATCP that the logger is  
no longer bonded

---

Called Christina to make sure she didn't  
want DNR to keep the registry given that  
forest lands are generally regulated by DNR +  
not DATCP

she said to have DNR keep the registry



State of Wisconsin  
2001 - 2002 LEGISLATURE

RMR  
LRB-0557/11

MGG: ...  
hnh  
JLD

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

1 **AN ACT** <sup>Generate</sup> ...; relating to: a registry of harvesters of forest products who provide  
2 surety for the proper performance of harvesting contracts and granting  
3 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 <sup>or</sup> and 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 the DNR and provide DNR with information concerning the surety. DNR must then maintain a registry open for public inspection that contains this information.

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:***

renumbered 26.01 and (intro.)

Fix component

1 SECTION 1. 26.01 of the statutes is amended to read:

2 **26.01 Definition Definitions.** In this chapter, unless the context requires  
3 otherwise "department":

4 (1) "Department" means the department of natural resources.

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

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

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

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

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

10 **26.04 Registry of harvesters of timber products.** (1) Any person who is  
11 a party to a contract to harvest raw forest products and who provides surety for the  
12 proper performance of the contract shall notify the department of the fact and shall  
13 provide information concerning the surety, as required by rule by the department.

14 (2) The department shall maintain a registry available for public inspection  
15 of the notification and information provided under <sup>sub. (1)</sup> ~~par. (a)~~.

16 (3) If the person who is listed in the registry maintained under <sup>sub. (2)</sup> ~~par. (b)~~ ceases  
17 to provide the surety, the person shall notify the department of that fact and the  
18 department shall remove the person's information from the <sup>registry</sup> ~~information~~.

19 (4) The department shall promulgate rules to specify the information required  
20 under sub. (1) and may promulgate rules to impose time periods for notifying the  
21 department under subs. <sup>(1)</sup> ~~(2)~~ and (3).

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

24 26.01 (4) **DEFINITION.** In this section, "raw Raw forest products" means forest  
25 products not altered by a manufacturing process off the land from which they are



1 taken and includes seedlings, saplings, shrubs, whole-tree chips, boughs, logs,  
2 pilings, posts, poles, cordwood products, pulpwood, fuel wood and Christmas trees.

3 History: 1981 c. 67; 1999 a. 190.

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

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

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

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

7 341.26 (3m) FOREST PRODUCTS VEHICLES. In recognition of the relationship of  
8 the basic economy of the state to the forest products industry, there shall be paid to  
9 the department for the annual registration of a road tractor, motor truck or truck  
10 tractor used exclusively in connection with the transportation of raw forest products,  
11 as defined in s. ~~26.05 (1)~~ 26.01 (4), or equipment that is owned or leased by the owner  
12 of the road tractor, motor truck or truck tractor and used exclusively in the  
13 production of raw forest products, a fee determined in accordance with sub. (3) (g) on  
14 the basis of maximum gross weight, except that a trailer used exclusively in  
15 connection with the transportation of raw forest products or equipment that is owned  
16 or leased by the owner of the trailer and used exclusively in the production of raw  
17 forest products may be registered upon payment of a fee which is 25% of the fee  
18 prescribed by s. 341.25 (2) for a motor truck having the same gross weight. The  
19 maximum gross weight of each vehicle registered under this subsection shall be  
20 computed in the manner specified in s. 341.25 for the same type of vehicle, except that  
21 a person who owns and operates more truck tractors than semitrailers registered by  
22 him or her within this state and used exclusively as provided in this subsection may

1 register such an excess truck tractor at a fee specified under sub. (3) (g) determined  
2 on the basis of the weight of the truck tractor only.

**History:** 1971 c. 164 s. 83; 1971 c. 250; 1973 c. 200, 325, 333; 1975 c. 429; 1977 c. 23; 1977 c. 29 ss. 1431 to 1434, 1654 (7) (a); 1977 c. 145, 292, 418, 447; 1979 c. 32  
ss. 69, 92 (1); 1979 c. 221; 1981 c. 20; 1983 a. 152, 175, 180, 192, 227, 270, 538; 1985 a. 120, 187; 1987 a. 106, 154, 216; 1987 a. 312 s. 17; 1987 a. 399, 403; 1989 a. 31; 1991  
a. 39, 316; 1993 a. 64, 350; 1995 a. 338; 1997 a. 27, 237; 1999 a. 9, 80, 85, 142, 159.

3 (END)



State of Wisconsin  
2001 - 2002 LEGISLATURE

RMR  
LRB-0557/2  
MGG:hmh&jld:rs  
Stays

2001 BILL

1 *Regenerate*  
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 with information concerning the surety. DNR must then maintain a registry open for public inspection that contains this information.

*on an annual basis*

**BILL**

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 <sup>the department on an annual basis with</sup> information concerning the surety, as required by rule by the department.

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

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

**BILL**

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,  
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21 the basis of maximum gross weight, except that a trailer used exclusively in  
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**BILL**

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)



# State of Wisconsin

## LEGISLATIVE REFERENCE BUREAU

100 NORTH HAMILTON STREET  
5TH FLOOR  
MADISON, WI 53701-2037

STEPHEN R. MILLER  
CHIEF

LEGAL SECTION: (608) 266-3561  
LEGAL FAX: (608) 264-6948

April 2, 2001

### MEMORANDUM

To: Representative Ainsworth

From: Mary Gibson-Glass, Senior Legislative Attorney

Re: LRB-0557/2 Registry of bonded loggers

The attached draft was prepared at your request. Please review it carefully to ensure that it is accurate and satisfies your intent. If it does and you would like it jacketed for introduction, please indicate below for which house you would like the draft jacketed and return this memorandum to our office. If you have any questions about jacketing, please call our program assistants at 266-3561. Please allow one day for jacketing.

JACKET FOR ASSEMBLY  JACKET FOR SENATE

If you have any questions concerning the attached draft, or would like to have it redrafted, please contact me at (608) 267-3215 or at the address indicated at the top of this memorandum.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will request that it be prepared after the draft is introduced. You may obtain a fiscal estimate on the attached draft before it is introduced by calling our program assistants at 266-3561. Please note that if you have previously requested that a fiscal estimate be prepared on an earlier version of this draft, you will need to call our program assistants in order to obtain a fiscal estimate on this version before it is introduced.

Please call our program assistants at 266-3561 if you have any questions regarding this memorandum.