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(FORM UPDATED: 08/11/2010)

WISCONSIN STATE LEGISLATURE ...  
PUBLIC HEARING - COMMITTEE RECORDS

2005-06

(session year)

Assembly

(Assembly, Senate or Joint)

Committee on Forestry...

**COMMITTEE NOTICES ...**

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

**INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL**

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)  
(**ab** = Assembly Bill)                      (**ar** = Assembly Resolution)                      (**ajr** = Assembly Joint Resolution)  
(**sb** = Senate Bill)                              (**sr** = Senate Resolution)                              (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

\* Contents organized for archiving by: Stefanie Rose (LRB) (July 2013)

## Assembly

### Record of Committee Proceedings

#### Committee on Forestry

##### Senate Bill 353

Relating to: exemption from construction standards for certain load-bearing dimension lumber.

By Senators Breske, A. Lasee and Grothman; cosponsored by Representatives Berceau, Ainsworth, Albers, Hahn, Pettis, Musser, Gunderson and Hines.

January 03, 2006      Referred to Committee on Forestry.

January 10, 2006      **PUBLIC HEARING HELD**

Present: (5)      Representatives Friske, Mursau, Ainsworth, M. Williams and Hubler.  
Absent: (1)      Representative Boyle.

##### Appearances For

- Roger Breske, Madison — Senator, 12th Senate District
- Gunnar Bergerson, Madison — Lobbyist, Lake States Lumber & Timber Producers Association
- Terry Mace, Madison — Wisconsin Department of Natural Resources
- Joe Hovel, Conover — Partners in Forestry Cooperative

##### Appearances Against

- Jerry Deschane, Madison — Wisconsin Builders Association

##### Appearances for Information Only

- None.

##### Registrations For

- Gene Francisco, Sun Prairie — Executive Director, Wisconsin Professional Loggers Association
- Gary Vander Wyst, Butternut — Society of American Foresters
- Terese Berceau, Madison — Representative, 76th Assembly District

##### Registrations Against

- None.

March 14, 2006      **EXECUTIVE SESSION HELD**

Present: (5) Representatives Friske, Mursau, Ainsworth, M.  
Williams and Hubler.  
Absent: (1) Representative Boyle.

Moved by Representative Hubler, seconded by Representative  
Mursau that **Senate Bill 353** be recommended for concurrence.

Ayes: (5) Representatives Friske, Mursau, Ainsworth,  
M. Williams and Hubler.

Noes: (0) None.

Absent: (1) Representative Boyle.

CONCURRENCE RECOMMENDED, Ayes 5, Noes 0

  
Tim Gary  
Committee Clerk

## Vote Record Committee on Forestry

Date: 3-14-06

Moved by: Rep. Hubler

Seconded by: Rep. Mursau

AB \_\_\_\_\_ SB 353 Clearinghouse Rule \_\_\_\_\_  
 AJR \_\_\_\_\_ SJR \_\_\_\_\_ Appointment \_\_\_\_\_  
 AR \_\_\_\_\_ SR \_\_\_\_\_ Other \_\_\_\_\_

A/S Amdt \_\_\_\_\_  
 A/S Amdt \_\_\_\_\_ to A/S Amdt \_\_\_\_\_  
 A/S Sub Amdt \_\_\_\_\_  
 A/S Amdt \_\_\_\_\_ to A/S Sub Amdt \_\_\_\_\_  
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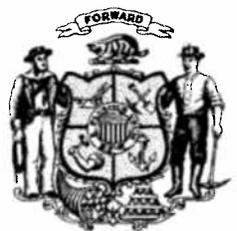
Be recommended for:  
 Passage     Adoption     Confirmation     Concurrence     Indefinite Postponement  
 Introduction     Rejection     Tabling     Nonconcurrence

<u>Committee Member</u>	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
<b>Representative Donald Friske, Chair</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Representative Jeffrey Mursau</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Representative John Ainsworth</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Representative Mary Williams</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Representative Mary Hubler</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Representative Frank Boyle</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Totals:</b>	<u>5</u>	<u>0</u>	<u>1</u>	<u>  </u>

Motion Carried                       Motion Failed



# WISCONSIN STATE LEGISLATURE



Date: 1/6/05 <sup>Date ???</sup> Staff Person: Jennifer Tim Don

Constituent Name: Joe Goehner

Address: W8706 Dakota Rd Westfield

53964

Phone Number: (H) \_\_\_\_\_ (W) \_\_\_\_\_

Social Security Number/Email: \_\_\_\_\_

Constituent Concerns: Phone Letter Email Fax Form/Ltr Website

Supports SB 353

Action Taken: \_\_\_\_\_

Date Closed: \_\_\_\_\_



**Gary, Tim**

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**From:** Hamel Forest Products [hfp@tds.net]  
**Sent:** Monday, January 09, 2006 11:02 AM  
**To:** Sen.Breske@legis.state.we.us  
**Cc:** Rep.Vruwink; Rep.Friske  
**Subject:** Senate Bill 353 Concerns

Dear Senator Breske,

In regards to Senate Bill 686 - I support it!

**Senate Bill 353:**

I have some concerns, please let me explain, and after reading, please give this some serious thought.

I know you are a strong supporter of the Forest Products Industry and I praise you for that. I believe the intentions of this bill are well meant.

1. Small mills are not qualified nor trained to grade and certify dimension lumber. This takes months and sometimes years. As you mill a tree, several grades of lumber are derived in 2", 2/BTR, #3 and economy. All of these grades have a different stress ratings and load bearings without being stamped. The miller has no control of what the home owner will use.
2. This is like putting a smoking gun to the small miller who is a hard working honest individual that risks loosing all of his assets in the event of a structural failure, if a lawsuit is initiated.
3. We have other suppliers of building materials who now could be at more risk.
  - a. Supplier of subfloor; what happens if floor joists were in excess of 19% moisture and they shrink? Most small millers don't own a \$500 moisture meter.
  - b. What about the supplier of the flooring? example - inlaid is installed and two months later it starts to loosen.
  - c. Supplier will be at more risk simply because he is a business man; like usual, when the consumer has a problem he lays blame on someone

else.

4. This law was created to protect the consumer, now we are making exceptions.

5. I believe if we change the rule, the state is putting itself at risk.

6. Yes, by passing Senate Bill 353, we will appease some people, help them reduce costs possibly, however there are plenty of places the lumber can be used in a home that is not load bearing.

7. If the legislature feels they should pass the bill, then put 100% of the liability on the homeowner.

8. Have you received any feedback from the Home Owners Association in Wisconsin?

Thank-You and if you would like to discuss further, you may call me at 715.569.4186

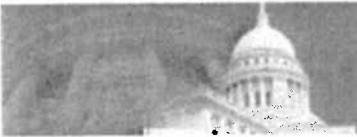
Sincerely,

Ralph Hamel

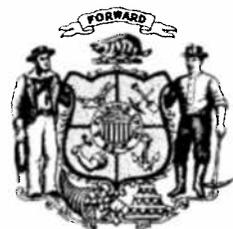
cc: Rep Friske [rep.friske@legis.state.wi.us](mailto:rep.friske@legis.state.wi.us)  
Rep. Amy Sue Vruwink [rep.vruwink@legis.state.wi.us](mailto:rep.vruwink@legis.state.wi.us)

Ralph Hamel  
Hamel Forest Products  
[hfp@tds.net](mailto:hfp@tds.net)

01/09/2006



# WISCONSIN STATE LEGISLATURE



**Gary, Tim**

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**From:** Rod McKinnon [rod@rwmckinnon.com]  
**Sent:** Monday, January 09, 2006 11:08 PM  
**To:** Rep.Friske  
**Subject:** SB 353

Dear Mr. Friske:

I am writing to you to urge your support of SB 353. The timber industry is vital to the economy of Northern Wisconsin. This bill helps somewhat correct the injustice that was the unintended consequence of the UBC which in effect became a "full employment Act" for Menards and Home Depot.

SB 353 hurts no one and breaths hope into an industry struggling to survive. It leaves the final call in the hands of the inspectors but allows the local mills and those who make their own to build more economically. Often this makes the difference between being able to build and not to. He bill brings a great deal of relief at no cost to anyone.

I thank you for your consideration of these thoughts.

Sincerely,

Rod McKinnon  
Land O Lakes  
715-547-387



**Testimony for Public Hearing  
Committee on Forestry – Tuesday, January 10, 2006**

**Prepared by**

Terry Mace  
Forest Utilization and Marketing Specialist  
DNR-Division of Forestry  
One Gifford Pinchot Drive  
Madison, WI 53726  
Phone 608 231-9333  
email: terry.mace@dnr.state.wi.us

**Senate Bill 353**

Relating to: exemption from construction standards for certain load-bearing dimension lumber. By Senators Breske, A. Lasee and Grothman; cosponsored by Representatives Berceau, Ainsworth, Albers, Hahn, Pettis, Musser, Gunderson and Hines.

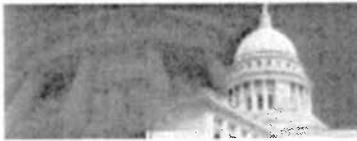
This bill addresses the need for a way to allow the use of locally produced structural lumber in residential construction by a home owner. An example of this would be if an individual wanted to have some local timber custom sawn into lumber at a small sawmill to build their home. Technically this is not allowed currently unless the lumber is grade stamped. It is cost prohibitive for a small mill to get and maintain grade stamping authority. This situation would also arise for the landowner who wants to build a residence from the trees on his woodlot either by using his own small sawmill or contracting with a local mill.

The cost of lumber inspection for a small Wisconsin mill normally will preclude them from participating in a soft wood lumber grade stamp program. The most commonly used association in Wisconsin for softwood lumber grading is the Northeast Lumber Manufacturers Association, which then sub contracts with the Northern Softwood Lumber Bureau. This requires a trained softwood lumber grader on site and a fee of \$300 per month or .52 per thousand bf (board feet) of all softwood lumber shipment regardless of whether or not the lumber is grade stamped. The fee goes down to .40 per thousand bf when the production exceeds 10 million bf annually. For a mill cutting less than 600 thousand bf per year the cost would \$3,600 per year plus the cost of the lumber grader. The fee for a sawmill cutting 3 million bf per year would be around \$18,000 per year plus the cost of the lumber grader whose salaries could be in the range of \$35,000 to \$45,000 per year. This system does not allow for you to hire a contract grader to come in and grade just the lumber you want to have stamped.

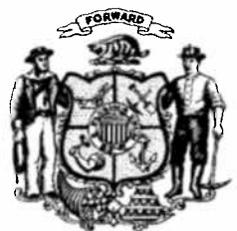
In the Primary Wood Using Industry Directory maintained by the DNR division of forestry there are 278 sawmills listed of which 78 produce 100,000 bf or less per year. The directory does not include all of the local small sawmills owned by farmers and landowners for their own use. These are the people that this law is intended to help.

The legislation requires that the sawmill provide written certification that the lumber meets or exceeds the standards and it also allows the local building inspector to reject or require larger members if it is felt that the lumber does not meet the standards of grade stamped lumber.

This is a common sense bill that will help the local communities economically by allowing local product to be used.



# WISCONSIN STATE LEGISLATURE



**Gary, Tim**

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**From:** Richard Wilson [rwilson@pukall-lumber.com]  
**Sent:** Tuesday, January 10, 2006 8:32 AM  
**To:** Sen.Breske; Sen.Stepp  
**Cc:** Rep.Friske; Rep.Meyer  
**Subject:** State Senate Bill 353

Dear Senators Breske and Stepp,

I oppose Bill 353 sponsored by Senator Breske as a building supply store owner and manufacturer of building products. The current building code protects the homeowners and the sawmill and forest products industry of our State. All lumber manufacturer's must certify lumber as to grade and species as both have considerable impact on material strength. Our little sawmill in Arbor Vitae, WI spends several thousand dollars per year to train grader staff, industry membership dues, and inspection fees to ensure that the lumber leaving our yard meets building codes. We investing in expensive equipment to measure moisture content. We must stamp each piece of lumber with the appropriate grade and specie and, if during the inspection the inspector decides the lumber is below grade, he can shut down the operation or hold shipments. This speaks to how seriously the manufacturer's in the industry consider proper grading.

Individuals building their own home with wood cut from their land without meeting minimum specifications create potential problems for the current homeowner as well as future homeowners unaware of the materials behind the walls, flooring, or roof. Some of the problems are as follows:

- Variable moisture content of the lumber will create uneven shrinking after construction. Even wall studs will create waves and cracks in plaster or drywall if the studs are not dried to 19% moisture content or less. If a homeowner sells high quality materials that are applied to non-kiln dried studs, the result may be a dissatisfied homeowner looking to place blame on the manufacturer of the paneling or siding.
- Who is responsible for structural failures if the builder uses inferior materials down the road? This State has seen its fair share of problems in the construction industry. Construction lumber is graded for strength. Lumber characteristics such as number of knots, placement of knots, size of knots, slope of grain, dimensional size, moisture content, and shake all affect the strength and suitability of building materials.
- Insects, mold and staining may develop if the lumber is not properly kiln dried. The kiln drying process raises the temperature of the lumber to 160 degrees, killing insects, fungus, and etc.

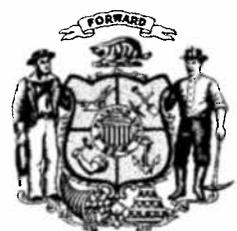
In addition, based upon Pukall Lumber industry experience, it takes over a year to train a grader and some that try do not succeed. I doubt that a DNR short course in grading will make any individual with a portable sawmill qualified to certify lumber. Lumber grading requires hours of memorization and practice to get it right. Graders are one of the highest respected and important positions in a sawmill. Please do not place the education burden on the DNR.

If the exception is to pass in the Senate, then the homeowner should have no legal recourse against any building material supplier and assume 100% responsibility for the end product of the house. The financial burden always falls to the established businesses with deep pockets in litigation. I don't want that to happen to our industry.

Rick Wilson  
Pukall Lumber Co, Inc.  
715-356-3252 (T)  
715-356-5222 (F)



WISCONSIN STATE LEGISLATURE



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**ASSEMBLY FORESTRY COMMITTEE**

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**Tuesday, January 10, 2006**

Thank you, Chairman Friske, for scheduling Senate Bill 353 for a public hearing and for inviting me to be here today.

As you know, in the 2003 session we approved several changes to Wisconsin's Uniform Dwelling Code. Many of these changes were very good. However, an unintended consequence was brought to my attention. So-called log homes, or homes built from locally sawn and milled lumber are excellent homes and are built with pride and care – these homes are usually constructed better than most. The current Code seeks to set up statewide standards, which is fine. But this becomes a problem when a homeowner decides to build with his or her own lumber and have it locally milled because the lumber doesn't fit nicely into the checklist of state building codes.

Many of us have had a chance to see homes the Amish community builds with this type of high quality product.

There are a couple of reasons that the lumber wouldn't qualify for use. For one, the current Code relies on grades of lumber. Unfortunately, because professional graders are nationally certified and come with costly

certification fees, smaller mills do not have graders of their own. Independent graders are also few and far between. For both of these reasons, it's difficult to get the lumber graded.

Additionally, the lumber may be roughly sawn and wouldn't meet the grading standards even though the quality is there.

On behalf of local homebuilders, I have introduced legislation - now known as SB353 - that would allow locally sawn lumber in homes if the miller assures its quality AND a building inspector approves of its use.

This legislation will not undermine the new Code. It will only apply to a select group and allow an existing, specialized industry to continue to work in Wisconsin. While working on SB353, I received help from several experts, including a miller in the business, DNR staff and a professor at the University of Wisconsin – Stevens Point.

How the legislation finally formed was a long process. In the end, I am confident that SB353 is a proposal that will provide some leeway under the law without sacrificing the good intentions of the UDC.

I hope you will give it every possible consideration.

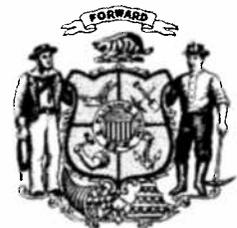
Thank you again.

## Notes:

- Must:
  1. Be requested by and delivered to the homeowner.
  2. Written certification by the miller.
  3. Building inspector can reject, approve or require modifications.
- DNR feels that the increased workload and modifications required are minimal and can be easily absorbed into current budgets.
- Received positive responses to setting up an education program through the UW, the DNR and local forestry groups.



WISCONSIN STATE LEGISLATURE



## Senate Bill 353

### Comments from Joe Hovel, Partners in Forestry Cooperative

I have a 32 year career in alternative building construction and sustainable forest management in Wisconsin, and have striven to utilize local resources whenever practical. Currently, I also have the pleasure of chairing Partners in Forestry Co-op.

Senate Bill 353 is a common sense measure to encourage building inspectors to recognize the integrity of Wisconsin's forest resource. We should be proud of this resource and promote the use of sustainably harvested materials at the local level. These high quality products should be put to their BEST use.

It is cost and policy prohibitive to officially grade all construction lumber at the point of manufacture. A small scale mill owner or builder should not be penalized for using framing and beam work in a rough sawn form, as is so common in the alternative building markets. When a landowner desires to construct his own home from his own resource harvested from his own woodland, we should encourage and help him.

It may be very worthwhile to offer education to landowners and builders in the utilization of locally produced lumber. These short courses could touch on grading for strength, sizing to insure structural integrity, etc. I would suggest, as partners in sponsoring these sessions, the Departments of Natural Resources and Commerce, U W Extension, and private groups such as Partners in Forestry. Individuals with practical experience can also offer tremendous value to this process.

This Bill is important to the livelihood of several of our members, including myself, who build for the alternative market. I can only imagine how important it is to the balance of rural Wisconsin. For example, the Amish communities would greatly benefit, where craftsmen have a tradition of using the local resource.

This Bill also supports the Uniform Dwelling Code—page one, subchapter one, Comm.20.02 paragraph 5 states “ No part of this code is intended to prohibit or discourage the construction of innovative dwellings .....or any other non conventional structure. “

I will assure you that this concept can work. More than 25 years ago I was active as a young builder in Adams County. At that time Adams had the foresight to adopt the UDC at a county level, and, more importantly, implement a staff of commonsense inspectors who had practical experience. They used discretion guided by their experience to oversee alternative construction just as this Bill should encourage UDC inspectors to do. I enjoyed and much respected the relationship I had with them.

More recently, with the UDC now a part of all rural towns, we see private inspectors traveling great distance to contract with towns. Many of these inspectors have no attachment to the community they serve and may have no incentive to look out side of “ conventional” . Senate Bill 353 may provide this incentive.