

2007 DRAFTING REQUEST

Bill

Received: 11/09/2007

Received By: btradewe

Wanted: As time permits

Identical to LRB:

For: Garey Bies (608) 266-5350

By/Representing: Andrew (aide)

This file may be shown to any legislator: NO

Drafter: mglass

May Contact:

Addl. Drafters:

Subject: Nat. Res. - parks and forestry

Extra Copies:

Submit via email: YES

Requester's email: Rep.Bies@legis.wisconsin.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Modify requirement of prior notice to county of harvesting timber

Instructions:

See Attached

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>
/?	btradewe 12/05/2007			_____			Local
/1	mglass 12/10/2007	bkraft 12/13/2007	pgreensl 12/13/2007	_____	lparisi 12/13/2007	sbasford 02/04/2008	

FE Sent For: "1" @ intro. 2-8-08 <END>

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1/?	btradewe	1 bjk 12/13	12/13 PK	2/13 PK/10			

FE Sent For:

<END>

11/8/2007 - Call from Andrew in Rep. Bies' office.

Rep. Bies wants a bill draft relating to s. 26.03(1m)

(a) 1. They had a constituent who cut some timber on his property without knowing that he was required to ^{give prior notice} to the county. Upon inquiring into the possibility of selling the timber for pulp, he was told that he had violated this requirement (apparently by a DNR warden).

Rep. Bies wants a provision that would apply to a person who had never given notice under s. 26.03(1m) and who had harvested timber without giving notice ~~that~~ that would give the person 7 days from being told by the DNR about the requirement to notify the county.

Rut



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-3441/3

MGG:.....

PKR
one

bjk

g → soon in edit 12/6

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

2007 Bill

LPS - Please check spacing.

SA ✓
X-ref ✓

gen. cat.

1 AN ACT ...; relating to: notification to counties of the harvesting of raw forest
2 products.

Analysis by the Legislative Reference Bureau

* Under current law, with certain exceptions, no person may harvest any raw forest products without giving notice the clerk of the county in which the land is located 14 days' notice of the intention to harvest the products. The clerk must then give notice to the town chairperson of each town in which the land is located and to the county treasurer. If the county treasurer determines that there are unpaid taxes on the land, the county treasurer must take action to collect the unpaid taxes or prevent the harvesting of the raw forest products. A person who fails to give this notice is subject to a forfeiture.

* Under this bill, a person is considered to not be in violation of this notification requirement if the person notifies the county clerk of the harvesting within 7 days after being informed by the Department of Natural Resources or by the county of the notification requirement.

* For further information see the local fiscal estimate, which will be printed as an appendix to this bill.

seven

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

3 SECTION 1. 26.03 (1m) of the statutes is amended to read:

1 ✓ 26.03 (1m) HARVESTING UPON NOTIFICATION. (a) 1. Unless otherwise authorized
2 to do so by the county and subject to subd. 1g., no person may harvest any raw forest
3 products, or direct the harvesting of any raw forest products, from any land until 14
4 days after the clerk of the county in which the land is located is notified of the person's
5 proposal to harvest. The person shall notify the county clerk each year and may do
6 so in any manner acceptable to the county.

7 ✓ 1r. Each time the person notifies the county under this paragraph, the person
8 shall describe the land upon which the harvesting will occur by quarter-quarter
9 section, government lot or fractional lot, unless the county requires a different
10 method for describing the land.

11 3. Notification required under this subdivision subd. 1 expires on the December
12 31 immediately following the notification, and no person may harvest, or direct the
13 harvesting of, any additional raw forest products from the land until further
14 notification that complies with this subdivision is provided to the county.

15 **SECTION 2.** 26.03 (1m) (a) 1g. of the statutes is created to read:

16 ✓ 26.03 (1m) (a) 1g. A person who has never previously given notice under subd. ✓
17 1. and who harvested raw forest products or who directed the harvesting of raw forest
18 products without giving the notice required under subd 1. shall be considered to not
19 be in violation of subd. 1. if the person notifies the county clerk of the harvesting
20 within 7 days after being informed by the department or by the county of the
21 notification requirement.

22 **SECTION 3.** 26.03 (1m) (a) 2. of the statutes is amended to read:

23 ✓ 26.03 (1m) (a) 2. Upon receipt of notifications under subd. 1. or 1g., the county
24 clerk shall provide notice to the town chairperson of each town in which the land from
25 which raw forest products will be or were harvested is located and to the county

1 treasurer. The county treasurer shall determine whether the county holds a tax
 2 certificate or tax deeds to any of the land involved. If the county holds a tax
 3 certificate, the county treasurer shall take action to collect the unpaid taxes
 4 represented by county-owned tax certificates or to prevent the harvesting of raw
 5 forest products from the land. If the county holds a tax deed, the county treasurer
 6 shall take action to prevent the harvesting of raw forest products from the land.

7 **SECTION 4.** 26.03 (1m) (b) (intro.) of the statutes is amended to read:

8 **26.03 (1m) (b) (intro.)** Paragraph (a) 1. and 1g. does not apply to a person
 9 harvesting raw forest products on public lands, as defined in s. 70.13 (7), to a person
 10 harvesting raw forest products for fuel wood for his or her home consumption, to a
 11 person harvesting for the purpose of clearing the land for agricultural use or to a
 12 person harvesting from the person's own land, any of the following:

History: 1975 c. 365; 1977 c. 224; 1983 a. 422, 424; 1989 a. 56 s. 258; 1999 a. 190; 2005 a. 423.

13

(END) ✓

[Handwritten signature and scribbles]

Duerst, Christina

From: Nowlan, Andrew
Sent: Monday, February 04, 2008 2:38 PM
To: LRB.Legal
Subject: Draft Review: LRB 07-3441/1 Topic: Modify requirement of prior notice to county of harvesting timber

For Rep. Bies

Please Jacket LRB 07-3441/1 for the ASSEMBLY.