



2007 SENATE BILL 28

1 **AN ACT** *to renumber and amend* 101.977; *to amend* 101.66 (1); and *to create*
2 36.25 (47), 101.66 (1m) and 101.977 (2) of the statutes; **relating to:** exemption
3 from construction standards for certain load-bearing dimension lumber and
4 establishing a training program in the grading of lumber.

Analysis by the Legislative Reference Bureau

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

5 **SECTION 1b.** 36.25 (47) of the statutes is created to read:
6 36.25 **(47)** LUMBER GRADING TRAINING PROGRAM. (a) In this subsection:
7 1. “Department” means the department of natural resources.
8 2. “Department employee” means an employee of the department who is
9 knowledgeable in the marketing of forest products and who is selected by the
10 secretary to act under this subsection.

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1 (b) The forest products outreach program at the University of
2 Wisconsin–Stevens Point, in cooperation with the department, shall establish a
3 basic lumber grading training program for individuals and establish the general
4 requirements for successfully completing the training program, including
5 requirements for initial certification and recertification. The training program shall
6 be offered in the extension on an annual basis. The faculty at the forestry outreach
7 program, in cooperation with the department employee, shall develop and establish
8 the content of the training program and shall determine the certification
9 requirements for instructors teaching the training program. Instructors shall be
10 certified by the department.

11 (c) The department, in cooperation with the board, shall establish a procedure
12 under which the department determines successful completion of the training
13 program and issues certifications of accomplishment to the individuals who are
14 certified or recertified as having successfully completed the training program.
15 Under the procedure, the department employee may delegate to the program
16 instructors the process of determining successful completion and issuing certificates
17 of accomplishment.

18 (d) An individual holding an initial certificate of accomplishment shall be
19 recertified under the training program every 5 years.

20 (e) The department employee may exempt from the training program an
21 individual who has any of the following:

22 1. A bachelor's or postgraduate degree in forest products or wood science and
23 technology.

24 2. A degree that is equivalent to a degree specified in subd. 1.

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1 3. A level of experience or background in understanding wood properties,
2 construction, and design that the department employee determines to be equivalent
3 to the level of understanding held by an individual who successfully completes the
4 training program.

5 (f) The department employee shall issue a certificate of accomplishment to each
6 individual who meets the requirement under par. (e). A certificate of
7 accomplishment issued under this subdivision applies only to the initial certification
8 requirement and an individual receiving such a certificate must be recertified as
9 required under par. (d).

10 **SECTION 1m.** 101.66 (1) of the statutes is amended to read:

11 101.66 (1) ~~Every~~ Except as provided in sub. (1m), every builder, designer, and
12 owner shall use building materials, methods, and equipment which are in
13 conformance with the one- and 2-family dwelling code.

14 **SECTION 2.** 101.66 (1m) of the statutes is created to read:

15 101.66 (1m) (a) No person may use in a one- or 2-family dwelling load-bearing
16 dimension lumber that has not been tested and approved for conformance as
17 required by the department unless the lumber is approved for use under par. (c) and
18 one of the following applies:

19 1. The lumber has been milled at the request of the person owning the lumber
20 for use in the construction of the dwelling, and the dwelling will be inhabited by the
21 person owning the lumber.

22 2. The person milling the lumber sells the lumber directly to a person who will
23 inhabit the dwelling or to a person acting on his or her behalf and for whom a building
24 permit has been issued for the dwelling.

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1 (b) The lumber shall be milled so that it meets or exceeds the requirements of
2 the one- and 2-family dwelling code. The person milling the lumber shall provide
3 to the person receiving the lumber a written certification that the lumber meets or
4 exceeds these requirements. The department shall design and provide forms for this
5 purpose.

6 (bn) A person may not provide a written certification under par. (b) unless the
7 person has been issued a certificate of accomplishment evidencing certification or
8 recertification under the lumber grading training program under s. 36.25 (47) and
9 the person has received the certificate within the 5 years before providing the written
10 certification. The person shall attach to the written certification a copy of his or her
11 certificate of accomplishment.

12 (c) Upon receipt of a copy of the certification required under par. (b) an inspector
13 who is certified under sub. (2) may either authorize the use of the lumber, reject the
14 use of the lumber, or authorize its use subject to more restrictive construction
15 requirements, including requirements as to size, spacing, length of spans, and
16 design.

17 **SECTION 3.** 101.977 of the statutes is renumbered 101.977 (1) and amended to
18 read:

19 101.977 (1) ~~A~~ Except as provided in sub. (2), a person who constructs a
20 multifamily dwelling shall use building materials, methods, and equipment that are
21 in conformance with the standards prescribed under s. 101.973 (1).

22 **SECTION 4.** 101.977 (2) of the statutes is created to read:

23 101.977 (2) (a) No person may use in a multifamily dwelling load-bearing
24 dimension lumber that has not been tested and approved for conformance as

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1 required by the department unless the lumber is approved for use as provided under
2 par. (c) and if one of the following applies:

3 1. The lumber has been milled at the request of the person owning the lumber
4 for use in the construction of the multifamily dwelling, a dwelling unit of which will
5 be inhabited by that person.

6 2. The person milling the lumber sells the lumber directly to a person who will
7 inhabit the dwelling unit in the multifamily dwelling, or to a person acting on his or
8 her behalf and for whom a building permit has been issued for the multifamily
9 dwelling.

10 (b) The lumber shall be milled so that it meets or exceeds the requirements of
11 the standards prescribed in s. 101.973. The person milling the lumber shall provide
12 to the person receiving the lumber a written certification that the lumber meets or
13 exceeds these requirements. The department shall design and provide forms for this
14 purpose.

15 (bn) A person may not provide a written certification under par. (b) unless the
16 person has been issued a certificate of accomplishment evidencing certification or
17 recertification under the lumber grading training program under s. 36.25 (47) and
18 the person has received the certificate within the 5 years before providing the written
19 certification. The person shall attach to the written certification a copy of his or her
20 certificate of accomplishment.

21 (c) Upon receipt of a copy of the certification required under par. (b), an
22 inspector who inspects multifamily dwellings for compliance with this subchapter
23 may either authorize the use of the lumber, reject the use of the lumber, or authorize

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SECTION 4

1 its use subject to more restrictive construction requirements, including
2 requirements as to size, spacing, length of spans, and design.

3 (END)