

# 07hr\_SC-ENR\_sb0033\_pt01



(FORM UPDATED: 08/11/2010)

## WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

### 2007-08

(session year)

### Senate

(Assembly, Senate or Joint)

### Committee on ... Environment and Natural Resources (SC-ENR)

### 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 ... **HR** ... **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: Mike Barman (LRB) (August 2012)

June-2014

## **Senate**

### **Record of Committee Proceedings**

#### **Committee on Environment and Natural Resources**

##### **Senate Bill 33**

Relating to: failure to pay owners of raw forest products, requiring mills that process forest products to provide receipts, and providing a penalty.

By Senators Lassa, Roessler, Breske and Kedzie; cosponsored by Representatives Gunderson, Hahn, Musser, Hines and Molepske.

February 12, 2007      Referred to Committee on Environment and Natural Resources.

March 13, 2008      Failed to pass pursuant to Senate Joint Resolution 1.

Elizabeth Bier  
Committee Clerk

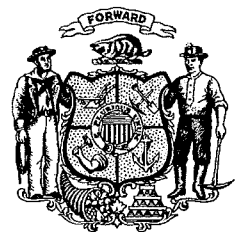
### **Record of Committee Proceedings**

#### **Joint committee on Finance**

##### **Senate Bill 34**



# WISCONSIN STATE LEGISLATURE



**Bier, Beth**

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**From:** Farley, Becca  
**Sent:** Monday, February 26, 2007 1:06 PM  
**To:** Bier, Beth  
**Subject:** FW: Timber Theft Bill

SB 33  
Folder

he is not a constituent, so this is just fyi.

---

**From:** BennettHdsRick@aol.com [mailto:BennettHdsRick@aol.com]  
**Sent:** Monday, February 19, 2007 3:15 PM  
**To:** oconnor@chorus.net; Paul.DeLong@dnr.state.wi.us  
**Cc:** Kelly, Jessica; gfrancisco@newnorth.net; Sen.Miller  
**Subject:** Re: Timber Theft Bill

Paul and others,

In my opinion the worst thing about this legislation is that it sets up DNR as an enforcement agency. When we see 3 foresters show up in court to prosecute a logger who cut 1 unmarked Cherry tree, even though the landowning agency was willing to negotiate a settlement, we know there will be abuses!

A lot of landowner complaints originate from a landowner who was paid, but after the fact did not receive what he felt was due compensation in cases where the volume and value of timber removed didn't meet the estimated amounts on the timber sale contract. A buyer of standing timber may give an estimate of what he sees will come off the land based on his experience. The sale may yield differently which results in a conflict. [Sad to say, but in some cases possibly there was no contract.] No offense to a lot of the good State foresters working out there, but many do not know the true value of a log and arbitrating these disputes takes someone who has a lot of experience. Give me an industrial forester, employed as a timber/long buyer, over a DNR forester with similar years of experience any day. The DNR's experience does match that of the industrial forester and to have him enforcing on behalf of an aggrieved landowner is not right.

I receive a lot of phone calls from people asking the price of lumber. Upon questioning I find out they are selling some standing timber, or logs they cut off their land and want to know the value. When they find out about lumber prices they feel they are getting cheated from the buyer, even though they don't understand all of the costs between felling the tree and producing a kiln dried board ready for market. I've learned through experience to question these calls before giving prices, because after hearing lumber prices they comment about how they are going to sue so and so for not giving them a fair price.

Besides, there are already laws on the books that cover these cases and further legislation is redundant.

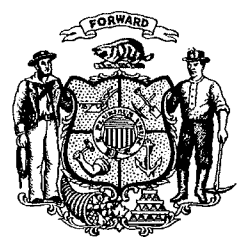
I hope we can put a stop to this legislation before it goes any further.

Please call me if you have any questions regarding my remarks, or if you simply want to discuss the issue.

Thanks,  
Rick

*Rick Degen  
Bennett Hardwoods  
PO Box 1364  
Wausau, WI 54402-1364  
715-845-9663 phone  
715-842-1252 fax*

2/27/2007





wisconsin

SB 33  
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by Gunnar Bergersen

# legislative update

## Timber Theft Bill Introduced in Senate

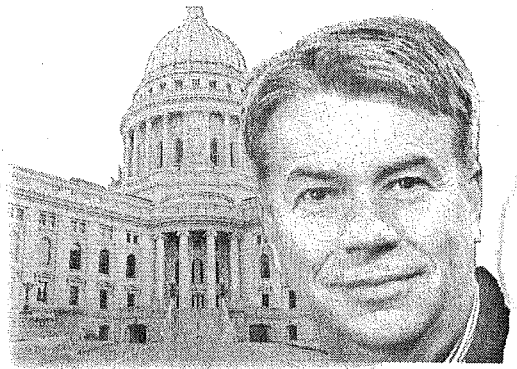


Photo of Wisconsin State Capitol by Tomas Rafaj & Pavol Kustar.

We encourage inexperienced landowners seeking timber sale assistance to work with a private consultant forester or hire a Certified Master Logger

Senator Julie Lassa (D-Stevens Point) reintroduced a version of timber theft bill floating around the capitol for years. The proposed bill makes the DNR an advocate for a landowner in the event of a dispute between the landowner and a logger. Under the bill, the DNR is empowered to investigate civil contract disputes and write tickets.

Former State Forester, Gene Francisco, testified last session that the bill "is unneeded, burdened with ambiguity and open to a wide range of interpretation." The bill places the burden of contract compliance between a forest landowner and the

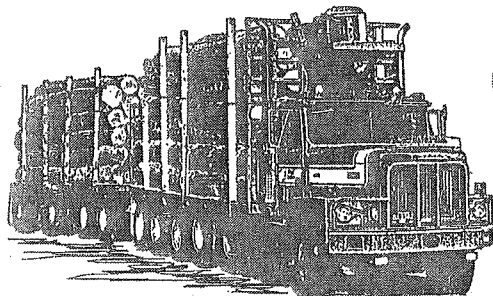
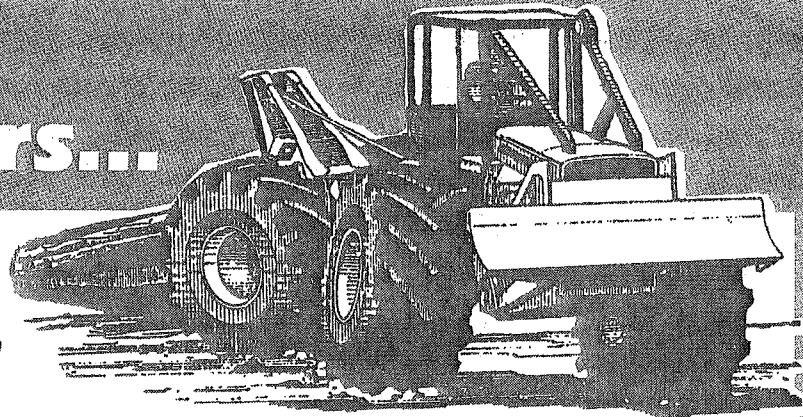
logging contractor on the Department of Natural Resources Forestry Division. This kind of state intervention between contracting parties is unprecedented in Wisconsin law and unneeded.

Under current law, the DNR has the authority to investigate timber theft complaints and either take legal action or provide the landowner with advice on how to best proceed with civil action depending upon details of the case. Current trade and consumer protection laws, as well as the criminal codes provide statutory authority by which a landowner defrauded in a timber transaction can pursue restitution.

This bill basically requires the DNR to investigate an alleged contract violation and write a forfeiture citation which is remitted to the local justice program.

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The civil action is still the responsibility of the landowner. While the bill contains language that requires the court to award reasonable court costs, current civil court procedures already allow for claiming reasonable court costs.

According to Francisco, "the bill may appear reasonable on the surface, but how it is enforced is open to a wide range of interpretation. For example, timber sale contracts generally provide for specifications on how the timber is to be harvested as well as the estimated volume to be cut and an agreed upon value to be paid for each product cut. Volume estimates are just that. Few if any timber volume estimates are accurate. It is common for a forester to either under or over estimate volumes on a tract of timber and the volume estimates are used for bidding purposes only."

Under this bill, if a landowner receives payment based on the actual volume as opposed to the estimated volume, he could demand that the DNR investigate the sale. An investigation could involve everything from witness interviews and mill investigations to physically measuring cut stumps.

The bottom line is that with over 9000 private timber contracts executed every year in Wisconsin, the DNR workload could be exhaustive from frivolous complaints. As a DNR field forester with over 22 years of law enforcement experience, Gene personally investigated numerous alleged timber theft/contract violations and can attest to the extensive time commitment required in these investigations with little results. The fiscal estimate from his experience is significantly underestimated.

Since the earliest versions of this bill started circulating years ago, the logging profession began self-policing the logging profession with a code of practice requiring members to comply with ethical and environmental logging standards. The Wisconsin Certified Master Logger Program requires periodic third-party audits of their logging operations and a complaint line to ensure compliance. We encourage inexperienced landowners seeking timber sale assistance to work with a private

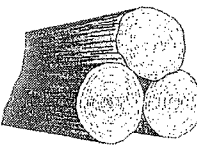
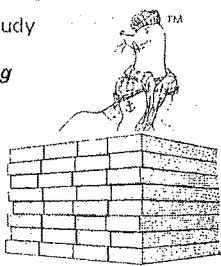
consultant forester to administer their sale or at a minimum seek advice from UW Extension and DNR foresters.

Our goal is for landowners to hire professional Certified Master Loggers. †


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