

WISCONSIN LEGISLATIVE COUNCIL STAFF

RULES CLEARINGHOUSE

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(608) 266-1304

One E. Main St., Ste. 401
P.O. Box 2536
Madison, WI 53701-2536
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CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

CLEARINGHOUSE RULE 99-144

AN ORDER to create chapter Trans 316, relating to wood harvesting slasher.

Submitted by **DEPARTMENT OF TRANSPORTATION**

10-14-99 RECEIVED BY LEGISLATIVE COUNCIL.

11-02-99 REPORT SENT TO AGENCY.

RNS:WF:jal;rv

LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]

Comment Attached YES NO

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]

Comment Attached YES NO

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]

Comment Attached YES NO

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS
[s. 227.15 (2) (e)]

Comment Attached YES NO

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]

Comment Attached YES NO

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL
REGULATIONS [s. 227.15 (2) (g)]

Comment Attached YES NO

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]

Comment Attached YES NO

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CLEARINGHOUSE RULE 99-144

Comments

[NOTE: All citations to "Manual" in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated September 1998.]

5. Clarity, Grammar, Punctuation and Use of Plain Language

a. Section Trans. 316.01 (intro.) states that one of the purposes of ch. Trans 316 is to permit wood harvesting slashers to engage in limited operation on Wisconsin roads. However, ch. Trans 316 does not in any way address the manner in which wood harvesting slashers may be operated on Wisconsin highways or how this operation is limited. In addition, the purpose of s. 341.05 (25), Stats., which is the statutory authority for ch. Trans 316, is to exempt wood harvesting slashers from motor vehicle registration. However, ch. Trans 316 does not provide such an exemption. It is suggested that the rule address these questions.

b. In s. Trans 316.01 (intro.) it appears that the word "limited" should replace the word "limit." In addition, in this section, the word "roads" should be replaced with the word "highways" because highways is the term used in s. 341.05 (25), Stats.

c. Section Trans 316.02 (1) should be redrafted as a definition of "self-propelled slasher" because the term is defined as a certain type of slasher. This comment also applies to s. Trans 316.02 (3).

d. Section Trans 316.02 (1) would be more clear if the term "independently powered" were replaced by the term "self-propelled when used" to make it clear that the defined term refers to a wood harvesting slasher that moves under its own power when used for cutting purposes.

The Wisconsin Department of Transportation proposes an order to create ch. TRANS 316, Wisconsin Administrative Code, relating to wood harvesting slasher.

**NOTICE OF INTENT TO ADOPT RULE
WITHOUT PUBLIC HEARING
AND
TEXT OF PROPOSED RULE**

NOTICE IS HEREBY GIVEN that pursuant to the authority of s. 341.05(25), Stats., and according to the procedure set forth in s. 227.16(2)(b), Stats., the Wisconsin Department of Transportation will adopt the following rule creating ch. Trans 316 without public hearing.

Questions about this rule may be addressed to Lorelee Brumund, Division of State Patrol, Room 551, P. O. Box 7912, Madison, Wisconsin 53707-7912, telephone (608) 267-3622.

Analysis Prepared by the Wisconsin Department of Transportation

STATUTORY AUTHORITY: s. 341.05(25), Stats., as created by 1997 Wis. Act 269
STATUTES INTERPRETED: s. 341.05(25), Stats.

General Summary of Proposed Rule. This proposed rule making creates ch. Trans 316 which permits wood harvesting slashers to be included in the list of vehicles exempt from registration, and permit uniform enforcement of its exemption from vehicle registration requirements by both law enforcement and operators. The proposed rule also defines "wood harvesting slasher" pursuant to s. 341.05(25), Stats., as created by 1997 Wis. Act 269. *Deck*

Fiscal Impact. The Department estimates that there will be no fiscal impact on the liabilities or revenues of any county, city, village, town, school district, vocational, technical and adult education district or sewerage district. The Department estimates that there will be no fiscal impact on state revenues or liabilities.

Initial Regulatory Flexibility Analysis. This proposed rule will have no adverse impact on small businesses.

Copies of Rule. Copies of this proposed rule may be obtained upon request, without cost, by writing to Lorelee Brumund, Department of Transportation, Division of State Patrol, Room 551, P. O. Box 7912, Madison, WI 53707-7912, or by calling (608) 267-3622. Alternate formats of the proposed rule will be provided to individuals at their request.

TEXT OF PROPOSED RULE

Under the authority vested in the state of Wisconsin, department of transportation, by s. 341.05(25), Stats., the department of transportation hereby proposes to create a rule interpreting s. 341.05(25), Stats., relating to wood harvesting slasher.

SECTION 1. Chapter Trans 316 is created to read:

CHAPTER TRANS 316 WOOD HARVESTING SLASHERS

TRANS 316.01 Purpose and scope. The purpose of this chapter is to define wood harvesting slasher pursuant to s. 341.05(25), Stats., and to permit its limited operation on Wisconsin roads. ?

TRANS 316.02 Definitions. In this chapter:

(1) "Self-propelled" means a ^{slasher} slasher that is independently powered for cutting functions, but which requires a separate vehicle for transport purposes. (5)

(2) "Tree loader" means a mechanism, constructed as part of the slasher unit, that is used to load trees onto the slasher saw table for cutting.

(3) "Truck-mounted" means a ^{slasher} slasher that is permanently secured to a truck for use during cutting functions and for transport purposes.

(4) "Wood harvesting slasher" means a unit with a mounted tree loader constructed specifically to cut trees to specific lengths and principally used off the highway. These units include either of the following:

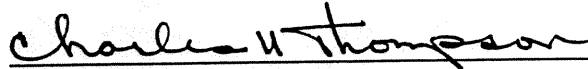
(a) A self-propelled unit mounted on or towed by an articulated semi-trailer or trailer that shall be considered as a single unit.

(b) A truck-mounted motorized unit that shall be considered as a single unit.

(END OF RULE TEXT)

Effective Date. This rule shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22(2), Stats.

Signed at Madison, Wisconsin, this 13 day of October, 1999.

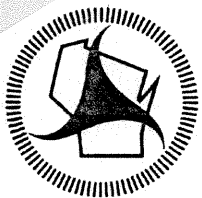


CHARLES H. THOMPSON

Secretary

Wisconsin Department of Transportation

DEC 27 1999



Wisconsin Department of Transportation

www.dot.state.wi.us

Tommy G. Thompson
Governor

Charles H. Thompson
Secretary

Office of General Counsel
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E-Mail: ogc.exec@dot.state.wi.us

The Honorable Fred Risser
President, Wisconsin State Senate
Room 220 South, State Capitol
Madison, Wisconsin 53707

December 23, 1999

The Honorable Scott Jensen
Speaker, Wisconsin State Assembly
Room 211 West, State Capitol
Madison, Wisconsin 53707

RE: Proposed Administrative Rule **TRANS 316**
Notification of Legislative Standing Committees
CLEARINGHOUSE RULE 99-144

Gentlemen:

Enclosed is a copy of Clearinghouse Rule **99-144**, relating to **wood harvesting slashers**. The rule is submitted to you for referral to the appropriate standing committees.

Sincerely,

A handwritten signature in cursive script that reads "Julie A. Johnson".

Julie A. Johnson
Paralegal

JAJ/dim

Enclosure

cc: Gary Poulson/Senator Judy Robson/Representative Glenn Grothman/
David Schumacher/Sandy Huxtable/Loralee Brumund

CR 99-144

The Wisconsin Department of Transportation proposes an order to create ch. TRANS 316, Wisconsin Administrative Code, relating to wood harvesting slasher.

**REPORT OF THE DEPARTMENT OF TRANSPORTATION
ON THE FINAL RULE DRAFT**

This report is submitted to the presiding officers of the Senate and Assembly for referral to the appropriate standing committees. The report consists of the following parts:

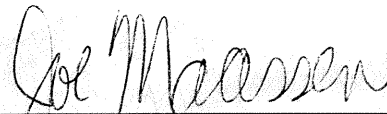
Part 1--Analysis prepared by the Department of Transportation.

Part 2--Rule text in final draft form.

Part 3--Recommendations of the Legislative Council.

Part 4--Analysis prepared pursuant to the provisions of s. 227.19(3), Stats.

Submitted by:



JOE MAASSEN
Deputy General Counsel
Office of General Counsel
Department of Transportation
Room 115-B, Hill Farms State
Transportation Building
P. O. Box 7910
Madison, WI 53707-7910
(608) 266-7364

PART 1

Analysis Prepared by the Wisconsin Department of Transportation

STATUTORY AUTHORITY: s. 341.05(25), Stats., as created by 1997 Wis. Act 269

STATUTES INTERPRETED: s. 341.05(25), Stats.

General Summary of Proposed Rule. This proposed rule making creates ch. Trans 316 which permits wood harvesting slashers to be included in the list of vehicles exempt from registration, and permit uniform enforcement of its exemption from vehicle registration requirements by both law enforcement and operators. The proposed rule also defines "wood harvesting slasher" pursuant to s. 341.05(25), Stats., as created by 1997 Wis. Act 269.

Fiscal Impact. The Department estimates that there will be no fiscal impact on the liabilities or revenues of any county, city, village, town, school district, vocational, technical and adult education district or sewerage district. The Department estimates that there will be no fiscal impact on state revenues or liabilities.

Copies of Rule. Copies of this proposed rule may be obtained upon request, without cost, by writing to Lorelee Brumund, Department of Transportation, Division of State Patrol, Room 551, P. O. Box 7912, Madison, WI 53707-7912, or by calling (608) 267-3622. Alternate formats of the proposed rule will be provided to individuals at their request.

PART 2

TEXT OF PROPOSED RULE

Under the authority vested in the state of Wisconsin, department of transportation, by s. 341.05(25), Stats., the department of transportation hereby proposes to create a rule interpreting s. 341.05(25), Stats., relating to wood harvesting slasher.

SECTION 1. Chapter Trans 316 is created to read:

CHAPTER TRANS 316
WOOD HARVESTING SLASHERS

TRANS 316.01 Purpose and scope. The purpose of this chapter is to define wood harvesting slasher pursuant to s. 341.05(25), Stats., as a vehicle exempt from registration.

TRANS 316.02 Definitions. In this chapter:

(1) "Self-propelled slasher" means a slasher that is self-propelled when used for cutting functions, but which requires a separate vehicle for transport purposes.

(2) "Tree loader" means a mechanism, constructed as part of the slasher unit, that is used to load trees onto the slasher saw table for cutting.

(3) "Truck-mounted slasher" means a slasher that is permanently secured to a truck for use during cutting functions and for transport purposes.

(4) "Wood harvesting slasher" means a slasher with a mounted tree loader constructed specifically to cut trees to specific lengths and principally used off the highway. These units include either of the following:

(a) A self-propelled slasher mounted on or towed by an articulated semi-trailer or trailer that shall be considered as a single unit.

(b) A truck-mounted motorized slasher that shall be considered as a single unit.

(END OF RULE TEXT)

Effective Date. This rule shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22(2), Stats.

Signed at Madison, Wisconsin, this 23 day of December, 1999.



CHARLES H. THOMPSON
Secretary
Wisconsin Department of Transportation

PART 4
CR 99-144

ANALYSIS OF FINAL DRAFT OF TRANS 316

(a) **Need for Rule**. This proposed rule making creates ch. Trans 316 which permits wood harvesting slashers to be included in the list of vehicles exempt from registration, and permit uniform enforcement of its exemption from vehicle registration requirements by both law enforcement and operators. The proposed rule also defines "wood harvesting slasher" pursuant to s. 341.05(25), Stats., as created by 1997 Wis. Act 269.

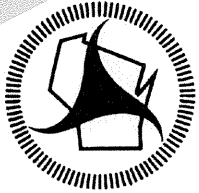
(b) **Modifications as a Result of Testimony at Public Hearing**. Notice of intent to adopt this proposed rule without public hearing was given under the procedure set forth in s. 227.16(2)(a), Stats., which brings the rule into compliance with a statute.

(c) **List of Persons who Appeared or Registered at Public Hearing**. Because there was no hearing, there were none.

(d) **Response to Legislative Council Recommendations**. The Legislative Council report contained four recommendations, all of which have been incorporated into the proposed rule.

(e) **Final Regulatory Flexibility Analysis**. This proposed rule will have no adverse impact on small businesses.

OCT 18 1999



Wisconsin Department of Transportation

www.dot.state.wi.us

Tommy G. Thompson
Governor

Charles H. Thompson
Secretary

Office of General Counsel
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E-Mail: ogc.exec@dot.state.wi.us

The Honorable Judy Robson
Senate Chairman
Joint Committee for Review
of Administrative Rules
Room 15 South, State Capitol
Madison, Wisconsin 53702

October 14, 1999

The Honorable Glenn Grothman
Assembly Chairman
Joint Committee for Review
of Administrative Rules
Room 15 North, State Capitol
Madison, Wisconsin 53702

RE: **NOTICE OF INTENT TO ADOPT RULE WITHOUT PUBLIC HEARING** and Text
of Proposed Rule, relating to **wood harvesting slasher**, Trans 316

Dear Senator Robson and Representative Grothman:

Enclosed for your information is a Notice of Intent to Adopt Rule Without Public Hearing and Text of Proposed Rule making relating to the above-entitled matter. This document has also been filed with the Legislative Council and with the Revisor of Statutes in accordance with the requirements of ss. 227.15(1) and 227.16(2)(e), Stats.

Sincerely,

A handwritten signature in cursive script that reads "Julie A. Johnson".

Julie A. Johnson
Paralegal

Enclosure

cc: Sandy Beaupre
Mike Goetzman
David Schumacher
Capt. Sandy Huxtable
Loralee Brumund

The Wisconsin Department of Transportation proposes an order to create ch. TRANS 316, Wisconsin Administrative Code, relating to wood harvesting slasher.

**NOTICE OF INTENT TO ADOPT RULE
WITHOUT PUBLIC HEARING
AND
TEXT OF PROPOSED RULE**

NOTICE IS HEREBY GIVEN that pursuant to the authority of s. 341.05(25), Stats., and according to the procedure set forth in s. 227.16(2)(b), Stats., the Wisconsin Department of Transportation will adopt the following rule creating ch. Trans 316 without public hearing.

Questions about this rule may be addressed to Lorelee Brumund, Division of State Patrol, Room 551, P. O. Box 7912, Madison, Wisconsin 53707-7912, telephone (608) 267-3622.

Analysis Prepared by the Wisconsin Department of Transportation

STATUTORY AUTHORITY: s. 341.05(25), Stats., as created by 1997 Wis. Act 269
STATUTES INTERPRETED: s. 341.05(25), Stats.

General Summary of Proposed Rule. This proposed rule making creates ch. Trans 316 which permits wood harvesting slashers to be included in the list of vehicles exempt from registration, and permit uniform enforcement of its exemption from vehicle registration requirements by both law enforcement and operators. The proposed rule also defines "wood harvesting slasher" pursuant to s. 341.05(25), Stats., as created by 1997 Wis. Act 269.

Fiscal Impact. The Department estimates that there will be no fiscal impact on the liabilities or revenues of any county, city, village, town, school district, vocational, technical and adult education district or sewerage district. The Department estimates that there will be no fiscal impact on state revenues or liabilities.

Initial Regulatory Flexibility Analysis. This proposed rule will have no adverse impact on small businesses.

Copies of Rule. Copies of this proposed rule may be obtained upon request, without cost, by writing to Lorelee Brumund, Department of Transportation, Division of State Patrol, Room 551, P. O. Box 7912, Madison, WI 53707-7912, or by calling (608) 267-3622. Alternate formats of the proposed rule will be provided to individuals at their request.

TEXT OF PROPOSED RULE

Under the authority vested in the state of Wisconsin, department of transportation, by s. 341.05(25), Stats., the department of transportation hereby proposes to create a rule interpreting s. 341.05(25), Stats., relating to wood harvesting slasher.

SECTION 1. Chapter Trans 316 is created to read:

CHAPTER TRANS 316 WOOD HARVESTING SLASHERS

TRANS 316.01 Purpose and scope. The purpose of this chapter is to define wood harvesting slasher pursuant to s. 341.05(25), Stats., and to permit its limit operation on Wisconsin roads.

TRANS 316.02 Definitions. In this chapter:

(1) "Self-propelled" means a slasher that is independently powered for cutting functions, but which requires a separate vehicle for transport purposes.

(2) "Tree loader" means a mechanism, constructed as part of the slasher unit, that is used to load trees onto the slasher saw table for cutting.

(3) "Truck-mounted" means a slasher that is permanently secured to a truck for use during cutting functions and for transport purposes.

(4) "Wood harvesting slasher" means a unit with a mounted tree loader constructed specifically to cut trees to specific lengths and principally used off the highway. These units include either of the following:

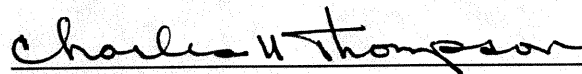
(a) A self-propelled unit mounted on or towed by an articulated semi-trailer or trailer that shall be considered as a single unit.

(b) A truck-mounted motorized unit that shall be considered as a single unit.

(END OF RULE TEXT)

Effective Date. This rule shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22(2), Stats.

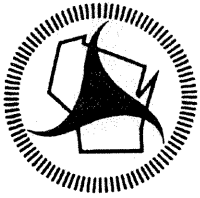
Signed at Madison, Wisconsin, this 13 day of October, 1999.



CHARLES H. THOMPSON

Secretary

Wisconsin Department of Transportation



Wisconsin Department of Transportation

www.dot.state.wi.us

Tommy G. Thompson
Governor

Charles H. Thompson
Secretary

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E-Mail: ogc.exec@dot.state.wi.us

January 13, 1999

Mr. Gary L. Poulson, Deputy Revisor
Revisor of Statutes Bureau
131 West Wilson Street
Suite 800
Madison, Wisconsin 53703

RE: **STATEMENT OF SCOPE OF PROPOSED RULEMAKING, TRANS 316**

Dear Mr. Poulson:

Enclosed is the Statement of Scope for the proposed amendment of ch. Trans 316. Please publish the Scope Statement in accordance with § 227.135(3), Stats., in the Administrative Register.

Sincerely,

A handwritten signature in cursive script that reads "Julie A. Johnson".

Julie A. Johnson
Paralegal

Enclosures

cc: Richard G. Chandler/DOA State Budget Director
Senator Judy Robson, Co-Chair/JCRAR
Representative Glenn Grothman, Co-Chair/JCRAR
Secretary's Office
Sandy Beaupre
Mike Goetzman
Bill Singletary
Lt. Sandra Huxtable
Loralee Brumund

STATEMENT OF SCOPE

DESCRIPTION OF THE OBJECTIVE OF THE RULE:

1997 Wis. Act 269 created s. 341.05(25), Stats., which mandates the Department to define "wood harvesting slasher" by administrative rule. This rule making will create ch. Trans 316 to permit wood harvesting slashers to be included in the list of vehicles exempt from registration, and permit uniform enforcement of its exemption from vehicle registration requirements by both law enforcement and operators.

DESCRIPTION OF EXISTING POLICIES RELEVANT TO THE RULE AND OF NEW POLICIES PROPOSED TO BE INCLUDED IN THE RULE AND AN ANALYSIS OF POLICY ALTERNATIVES:

Existing vehicle registration exemptions would be amended to include wood harvesting slashers, but would not include the units as "implements of husbandry." Law enforcement would be able to easily identify the units from the administrative rule definition and uniformly enforce law relating to the units' limited operation on Wisconsin roads.

STATUTORY AUTHORITY FOR THE RULE:

s. 341.05(25), Stats., as created by 1997 Wis. Act 269

ESTIMATES OF THE AMOUNT OF TIME THAT STATE EMPLOYEES WILL SPEND DEVELOPING THE RULE AND OF OTHER RESOURCES NECESSARY TO DEVELOP THE RULE:

40 hours

Signed at Madison, Wisconsin, this 12 day
of January, 1999.



CHARLES H. THOMPSON

Secretary

Wisconsin Department of Transportation