

# WISCONSIN LEGISLATIVE COUNCIL STAFF

## *RULES CLEARINGHOUSE*

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## CLEARINGHOUSE RULE 95-099

### 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 October 1994.]**

#### **1. Statutory Authority**

- a. In 1993 Wisconsin Act 131, the reference to a closed area consisting of a maximum of 80 acres was modified by adding the words “in the municipality.” Similarly, the phrase “in the municipality” should be added in s. NR 46.19 (1) (intro.) after the reference to “80 acres.”
- b. Under s. 77.83 (1) (a) 2., a closed area which consists of quarter-quarter sections, government lots and fractional lots does not appear to be limited by the 80-acre maximum. However, this limitation is inserted in s. NR 46.19 (1) (b). This provision should be reviewed for its compliance with the statute.
- c. Section 77.83 (1) (a) (intro.), Stats., allows an owner to designate **one area** in a parcel of managed forest land as closed to public access. This implies that the owner does not have to designate the entire parcel of managed forest land as closed to public access. The rule as stated in s. NR 46.19 (1) (a) appears to conflict with this provision and should be reviewed for its compliance with the statute.

#### **2. Form, Style and Placement in Administrative Code**

- a. The information in s. NR 46.16 (1) (b) as to where petitions must be sent should be placed in a note following the rule, if the information does not appear elsewhere in ch. NR 46. [See s. 1.09 (1), Manual.]

b. Section NR 46.19 should be restructured to read:

NR 46.19 CLOSED AREA. A closed area may consist of:

- (1) An area or areas....
- (2) Any combination of 2....

c. In s. NR 49.19 (1) (s), the phrase “Entire parcel (a)” should be replaced by the phrase “An entire parcel or parcels.”

**4. Adequacy of References to Related Statutes, Rules and Forms**

In the listing of statutes interpreted in the plain language analysis, ss. 77.82 (7) and 77.83 (1), Stats., should be added.