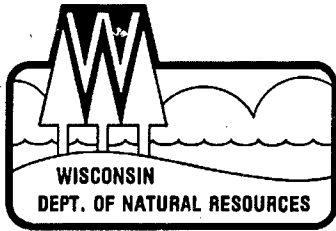


CR 92-115



George E. Meyer  
Secretary

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

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MAR- 2 1993

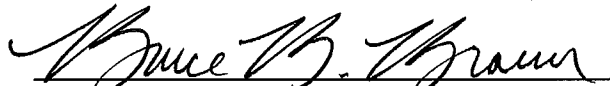
1:45 pm  
Revisor of Statutes  
Bureau

STATE OF WISCONSIN )  
 )  
DEPARTMENT OF NATURAL RESOURCES )      ss

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Bruce B. Braun, Deputy Secretary of the Department of Natural Resources and custodian of the official records of said Department, do hereby certify that the annexed copy of Natural Resources Board Order No. FR-28-92 was duly approved and adopted by this Department on October 29, 1992. I further certify that said copy has been compared by me with the original on file in this Department and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have here-  
unto set my hand and affixed the  
official seal of the Department at  
the Natural Resources Building in  
the City of Madison, this 23<sup>rd</sup>  
day of February, 1993.

  
Bruce B. Braun, Deputy Secretary

(SEAL)

5-1-93



ORDER OF THE STATE OF WISCONSIN  
NATURAL RESOURCES BOARD  
AMENDING, REPEALING AND RECREATING, AND CREATING RULES

IN THE MATTER of amending s. NR 1.20(2) )  
(f) and (g); and repealing and recreating )  
s. NR 1.20(2)(e) and (h); and creating )  
s. NR 1.20(2)(j) of the Wisconsin ) FR-28-92  
Administrative Code pertaining to growing )  
trees and shrubs. )

Analysis Prepared by the Department of Natural Resources

Statutory authority: s. 227.11(2)(a), Stats.  
Statutes interpreted: ss. 28.06 and 28.11, Stats.

Eliminating use of State Nursery Stock for Commercial Christmas Tree Production:  
The proposed change in s. NR 1.20(2)(e) clarifies the issue regarding the intended purpose of state produced nursery stock. The commercial production of Christmas trees is not considered an acceptable usage of state nursery stock according to s. 28.06, Stats. Current administrative rule language is vague and difficult to enforce.

Purchase of State Nursery Stock for Educational and Public Awareness Purposes:  
Due to budgetary concerns within the forestry program, it has been policy not to provide state nursery stock free of charge to educational institutions, youth groups and non-profit organizations. Section NR 1.20(2)(f) is amended to permit the department to provide trees at cost for educational and public awareness purposes to educational institutions, youth groups, and non-profit organizations.

Nursery Stock Prices: Section NR 1.20(2)(g) is amended to reflect the change in the numbering of the other sections in s. NR 1.20(2).

Free State Produced Nursery Stock: The program of providing free trees to lessors of public hunting and fishing grounds has been discontinued by the Bureau of Wildlife due to budgetary constraints. Section NR 1.20(2)(h) is repealed and recreated to specify that free nursery stock may be provided for department-sponsored forestry promotional events (ie. Arbor Day celebrations), university research, and Project Respect participants.

County Forest Program Nursery Stock Price: Section NR 1.20(2)(j) is created to clarify the department's policy of providing a 50% discount on state nursery stock used for reforestation of County Forest lands. This policy is considered a cornerstone exemplifying the partnership between the department and the County Forest program.

SECTION 1. NR 1.20 (2)(e) is repealed and recreated to read:

NR 1.20 (2)(e) Nursery stock produced in state-operated nurseries may not be utilized for the commercial production of Christmas trees.

SECTION 2. NR 1.20 (2)(f) and (g) are amended to read:

NR 1.20 (2)(f) Trees and shrubs may be ~~made available free of charge except for the cost of transportation to~~ purchased for education and public awareness purposes by educational institutions, youth groups (such as 4-H, future farmers, boy scouts, girl scouts and similar vocational or character building organizations), ~~lessors of public hunting and fishing grounds, and state and county agencies and semi-public or~~ and nonprofit organizations for planting ~~on public lands or lands open to the public or for research purposes,~~ provided the department is assured the project will have adequate supervision.

(g) All trees and shrubs distributed for planting on ~~privately owned private~~ lands ~~(, except as provided in par. (f))~~ (h), shall be ~~paid for~~ purchased at prices ~~approved~~ established by the department in accordance with s. 28.06(2), Stats.

SECTION 3. NR 1.20 (2)(h) is repealed and recreated to read:

NR 1.20 (2)(h) Trees and shrubs may be made available free of charge for department-sponsored forestry promotional events, university research and project respect participants, provided the department is assured the project will have adequate supervision and pending availability of nursery stock.

SECTION 4. NR 1.20 (2)(j) is created to read:

NR 1.20 (2)(j) Nursery stock produced in state-operated nurseries shall be made available for reforestation purposes on county forest lands entered under

s. 28.11, Stats., at 50% of the prevailing price established in accordance with  
s. 28.06(2), Stats.

The forgoing rules were approved and adopted by the State of Wisconsin  
Natural Resources Board on October 29, 1992.

The rules shall take effect the first day of the month following  
publication in the Wisconsin administrative register as provided in s.  
227.22(2)(intro.), Stats.

Dated at Madison, Wisconsin

February 23, 1993

STATE OF WISCONSIN  
DEPARTMENT OF NATURAL RESOURCES

By

George E. Meyer

George E. Meyer, Secretary

(SEAL)

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Bureau