

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0388/1dn
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December 1, 1999

1. I have not included the intent statement that I was provided. The LRB has a policy of not including legislative intent statements in our drafts except in certain situations that do not apply here. The reasons for excluding these are numerous and include the following:

a. Because each draft should include all provisions that are necessary to carry out legislative intent in the substantive text of the draft, a statement of intent that mirrors the substantive text is redundant and thus unnecessary.

b. A statement of intent that is initially drafted to be in harmony with substantive provisions of an act may, if the substantive provisions are later amended, be irrelevant to or in direct conflict with the amended provisions. If the statement is not at the time of the amendment also amended or repealed, the existence of the statement may confuse the status of the law.

2. There are 3 different types of requirements referred to in this draft: "criteria", "standards" and "objectives". I have restructured the draft to make it clearer as to how these 3 references fit together. Note that I have dropped the definition of "upland environmental area" because it substantive in nature; that concept is now contained in s. 66.427 (2) (c).

3. Note that, to be an "upland environmental area" subject to the ordinances, an area must meet all of the standards established by rule by DNR, not just the size requirements. Otherwise, it is unclear what purpose the nonsize standards were to serve. Please review this carefully to ensure that it complies with your intent.

4. Note that the types of areas for which rules must be promulgated may include the the 4 enumerated types. DNR, therefore, does not have to include these, and the bill imposes no other restrictions or conditions on the types of areas for which criteria must be established. OK?

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