

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

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ARG:rs&jld:jf

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The mowing procedures of the department of transportation (DOT) are contained in its maintenance manual. As requested, the attached draft codifies certain portions of the maintenance manual. For the most part, the attached draft requires DOT to promulgate rules setting forth its mowing procedures. While establishing mowing procedures by DOT rule may be considered a "step down" in formality from codifying such procedures, it is also a "step up" from the current format of establishing such procedures in an administrative manual, as agency rules must go through a legislative review process coordinated by the Joint Legislative Council. See ss. 227.14 and 227.15. Do you want to establish a deadline by which DOT must submit to the Joint Legislative Council its proposed rules on mowing?

The attached draft does not include an express prohibition against DOT mowing up a backslope, i.e. beyond the bottom of a ditch, because the draft's prohibition against mowing beyond a ditch necessarily includes mowing up a backslope.

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