

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3709/P1dn
RNK:jld:pg

January 15, 2008

I have prepared this draft in preliminary form to give you an opportunity to consider the questions below. Please note the following:

1. The instructions for this drafting request specified that a managed forest land order could be extended if the land was affected by a fire or by a catastrophic event such as a tornado or flood. I have not used the term "catastrophic" because the term is not defined or described. Instead, the draft requires that the land be adversely affected by a storm, fire, or flood. I think that this distinction is important because it is possible that a "catastrophic event" might have a relatively minor impact on the land. I am assuming, instead, that it is the actual adverse effect on the land that you want to use as a means for determining whether the land qualifies for an extended order.
2. Even though the draft requires that the land be "adversely affected" to qualify for an extended order, as explained above, I think that additional requirements are still needed. For example, how much of the land must have been affected? And what must the adverse affect be? Must a certain amount of merchantable timber be destroyed? Or should some other measure be used? And who should decide whether the land meets these requirements? Should it be DNR? Or should it be an independent appraiser or other professional?
3. The draft requires a field forester to sign the owner's application for an extension of the managed forest land order. Does this mean that the field forester must make some kind of determination about the effect of the storm, fire, or flood on the land? Or must the field forester always sign the application if the owner requests the forester's signature?
4. The draft provides that, if the Department of Natural Resources (DNR) amends the managed forest land order, DNR must file and record copies of the order with certain officials. Is this consistent with your intent?

If you have any questions with regard to this draft, please feel free to contact me.

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