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RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 98-056

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

It is unclear whether s. NR 46.15 (9) adequately addresses the intent of s. 77.82 (1) (bn), Stats., as created by 1997 Wisconsin Act 27. Specifically, the statute appears to contemplate excluding parcels containing secondary residences from eligibility for designation as managed forest land. A secondary residence that is a cottage or cabin, although it may be used quite often during the warmer months of the year, might very easily fail to have five of the eight characteristics set forth in s. NR 46.15 (9). For example, a summer cottage might not have central heating or cooling, an attached or separate garage, telephone service, a basement or insulation.

2. Form, Style and Placement in Administrative Code

a. In s. NR 46.16 (8) (b), quotation marks should be placed after “Stats.” In sub. (8) (intro.), “all of the following” should be inserted after “include.”

b. In s. NR 46.30 (2) (c), why is the year 1999 included, when the year is not included in par. (a) or (b)? Is it not sufficient merely to include the date that follows the title and delete the date in par. (c)?

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

a. In the citation of statutory authority and statutes interpreted, the citations to ss. 77.82 (1) (b) 3. and 77.82 (1) (bn), Stats., should be followed by the designation “, as created by 1997 Wisconsin Act 27.”

b. The rule does not clearly state that a parcel that is developed for a human residence is not eligible for designation as managed forest land. In order to comply with s. 77.82 (1) (b) 3., Stats., this provision should be set forth clearly in the rule.

5. Clarity, Grammar, Punctuation and Use of Plain Language

a. It appears that s. NR 46.15 (9) (b) does not include private septic systems. Is this omission intended?

b. Current s. NR 46.30 (2) (a) specifies that the stumpage values set forth in the rule are the values per thousand board feet measured by the Scribner Decimal C log rule. This information is not included in s. NR 46.30 (2) (a), as repealed and recreated by the rule. Is the deletion intended?