



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 03-034

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 2002.]

1. Statutory Authority

Section NR 46.16 (1) (c) appears to conflict with the statutory requirements regarding application fees for a petition to designate land as managed forest land, set forth in s. 77.82 (2m), Stats. Section NR 46.16 (1) (c) requires \$20 of each managed forest land petition application fee to be credited to the appropriation under s. 20.370 (1) (cr), Stats., while s. 77.82 (2m) (d), Stats., specifies that only \$10 of each \$100 application fee shall be credited to that appropriation. In addition, the rule fails to specify the amount of application fees and fails to inform the reader that applications that are accompanied by a proposed management plan are subject to a significantly reduced fee if the plan meets certain requirements. The failure to specify fees in the rule also conflicts with the description of the rule set forth in the analysis, which states that the rule “Adjusts application fee for all types of applications to be consistently collected”

2. Form, Style and Placement in Administrative Code

- a. In the analysis, the acronyms “FCL” and “MFL” should be defined.
- b. SECTIONS 1 and 2 of the rule should be reversed so that the provisions affected are in numerical order.
- c. The treatment clause in SECTION 3 of the rule states that s. NR 46.16 (1) (c) is repealed and recreated. However, in the text, the existing language is amended rather than repealed. Either the treatment clause or the text of that SECTION should be adjusted so that the treatment clause accurately identifies the treatment given to the existing rule text.

d. In the treatment clause of SECTION 4 of the rule-making order, the notation “(title)” should be inserted after “(1)”. [See s. 1.05 (3) (a), Manual.]

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

a. The analysis to the rule should discuss the effect that the amendment to the Note following s. NR 46.15 (9) may have on land that was or will be converted from the forest crop law to the managed forest law between January 1, 2001 and the date the rule takes effect. Most importantly, will the change retroactively affect the eligibility status of any land?

b. The rule should indicate where the forms referred to in s. NR 46.18 (1) (b) and (c) may be obtained.

c. Should the rule explain what is meant by “reconnaissance data” in s. NR 46.18 (1) (c)? Also, it is unclear how a management plan, which by its nature is a document setting forth action to be taken in the future, can be required to contain “a record of ... scheduled practices by stand ...”, as required in that provision.