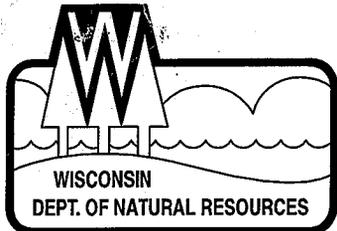


98-096

Clearinghouse Rule 98-096

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES



Tommy G. Thompson, Governor
George E. Meyer, Secretary

Box 7921
101 South Webster Street
Madison, Wisconsin 53707-7921
TELEPHONE 608-266-2621
FAX 608-267-3579
TDD 608-267-6897

STATE OF WISCONSIN)
) ss
DEPARTMENT OF NATURAL RESOURCES)

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, George E. Meyer, Secretary of the Department of Natural Resources and custodian of the official records of said Department, do hereby certify that the annexed copy of Natural Resources Board Order No. FR-16-98 was duly approved and adopted by this Department on September 23, 1998. I further certify that said copy has been compared by me with the original on file in this Department and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department at the Natural Resources Building in the City of Madison, this 6th day of November, 1998



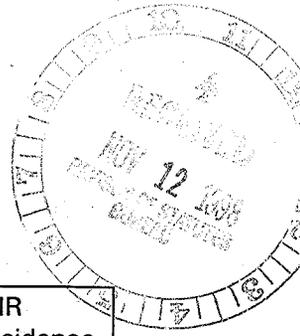
George E. Meyer
George E. Meyer, Secretary

(SEAL)

1-2-99



ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD
REPEALING AND RECREATING, AND CREATING RULES



The State of Wisconsin Natural Resources Board proposes an order to repeal and recreate NR 46.15(9) and to create NR 46.16(8) and 46.17(3)note relating to the definition of human residence at it pertains to the forest tax law landowners.

FR-16-98

Statutory authority: ss. 77.82(1)(bn) as created by 1997 Wis. Act 27 and 227.11(2)(a), Stats.
Statutes interpreted: s. 77.82(1)(b)3. as created by 1997 Wis. Act 27

The Legislature has directed the department in 1997 Wis. Act 27 to define "human residence" to include primary and secondary residences of forest tax law landowners. The present definition states the building must be a domicile or permanent residence. With the new definition, a landowner will be required to file a statement on the attributes of any buildings on the tax law lands. Once a building exceeds the minimum specifications for a "human residence", the land would be subject to withdrawal and assessed a penalty.

SECTION 1. NR 46.15(9) is repealed and recreated to read:

NR 46.15(9) "Developed for human residence" means land that contains a building for habitation that is constructed or used as a domicile or that has a minimum of 5 of the following 8 characteristics:

- (a) 800 sq. ft. or more in total area, using exterior dimensions of living space, including each level and not including porches, decks or uninsulated screen porches.
- (b) Indoor plumbing including water and sewer, piped to either municipal or septic system.
- (c) Central heating or cooling, including electric heat, a furnace or heat with a circulation system.
- (d) Full or partial basement, excluding crawl spaces and frostwalls.
- (e) Electrical service by connection to the lines of a power company.
- (f) Attached or separate garage, not to include buildings for vehicles used primarily for work or recreation on the property.
- (g) Telephone service based locally.
- (h) Insulated using common insulation products.

Note: "Developed for human residence" is not meant to include storage or workshop buildings. If there is living space as part of such buildings, the living space will be compared against the 8 characteristics. This definition does not apply to entries in effect January 1, 1999 except that those entries must adhere to the domicile definition.

SECTION 2. NR 46.16(8) is created to read:

NR 46.16(8) BUILDINGS. An owner who petitions the department to designate land containing a building with any characteristic listed in s. NR 46.15(9) shall include all of the following in the petition:

(a) A list of all s. NR 46.15(9) characteristics that the building possesses when the petition is submitted.

(b) The following statement signed: "I understand that using or improving a building on managed forest law land so that the land is developed for human residence as defined in s. NR 46.15(9) may cause the department to withdraw all or any part of the parcel from managed forest law designation under s. 77.88(1), Stats.

SECTION 3. A note following NR 46.17(3) is created to read:

Note: Additional clarification of buildings ineligible for designation is covered in s. 77.82(1)(b)3., Stats., and s. NR 46.15(9).

The foregoing rule was approved and adopted by the State of Wisconsin Natural Resources Board on September 23, 1998.

The rule shall take effect on January 2, 1999 after publication in the Wisconsin administrative register as provided in s. 227.22(2)(intro.), Stats.

Dated at Madison, Wisconsin

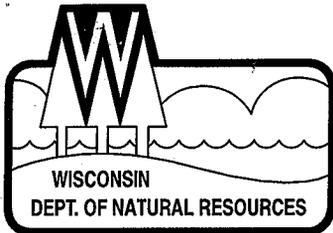
November 6, 1998

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By

George E. Meyer
George E. Meyer, Secretary

(SEAL)



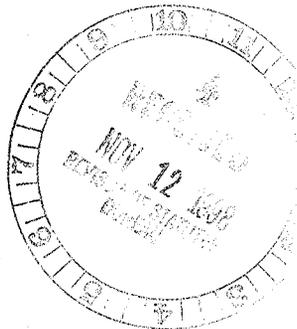
State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

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November 6, 1998

Mr. Gary L. Poulson
Assistant Revisor of Statutes
131 West Wilson Street - Suite 800
Madison, WI



Gary
Dear Mr. Poulson:

Enclosed are two copies, including one certified copy, of State of Wisconsin Natural Resources Board Order No. FR-16-98. These rules were reviewed by the Assembly Committee on Natural Resources and the Senate Committee on Environment and Energy pursuant to s. 227.19, Stats. Summaries of the final regulatory flexibility analysis and comments of the legislative review committees are also enclosed.

You will note that this order takes effect following publication. Kindly publish it in the Administrative Code accordingly.

Sincerely,

George
George E. Meyer
Secretary

Enc.