

# WISCONSIN LEGISLATIVE COUNCIL STAFF

## RULES CLEARINGHOUSE

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## CLEARINGHOUSE RULE 99-042

### 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 September 1998.]**

### 2. Form, Style and Placement in Administrative Code

a. SECTION 4 of the rule should be drafted as a definition. For example, it could be redrafted as follows: “Lawfully placed,” as used in s. 29.331 (5) (a), Stats., means the initial placement of a trap by the owner or operator of the trap. Also, does the placement have to be pursuant to a license or permit? It appears that the definition is incomplete without a sense of the placement’s lawfulness. For example, could the above definition end with the phrase “in accordance with ch. 29, Stats., and this chapter”?

b. In s. NR 10.24 (8), the subunits being amended are paragraphs and therefore should be identified as pars. (a) and (b), not “a.” and “b.” The term “(title)” is not required in either paragraph because the titles are not being amended. The word “blinds” in the first sentence of par. (a) should not be underscored because it appears in the current rule and is not being amended. Finally, the analysis in the report to the Legislative Council Rules Clearinghouse indicates that the blinds will be replaced by poles and that individuals may hunt within 20 feet of the poles. These provisions do not appear in the text of the rule. Should they?

c. Technically, SECTIONS 7 and 8 of the rule could be combined. However, rather than create an “intro.” that is not introductory, it may be more appropriate to place the definition of “shooting preserve” in a new subsection at the end of the section. In addition, the added material in the title in SECTION 7 should be underscored and the title should be in solid capital letters. In SECTION 8, “shooting preserve” should be set off in quotation marks and the word “a” should be

inserted after “means.” Also, because all of the material in SECTION 8 is being newly created, it need not be underscored.

d. In SECTION 9 of the rule, the comma should not be underscored because it appears in the current rule.

e. The phrase “in the Wisconsin administrative register” should be added after the word “publication” in the effective date provision of the rule.

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

In the analysis in the report to the Legislative Council Rules Clearinghouse, the description of SECTION 4 of the rule refers to s. 29.13 (5) (a), Stats. That provision does not exist. It appears that the correct reference should be to s. 29.331 (5) (a), Stats.

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

In the analysis in the report to the Legislative Council Rules Clearinghouse, the description of SECTION 3 of the rule refers to “220’s”. What are these? The rule does not refer to them. The analysis should be clarified.