



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 03-017

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

The analysis cites s. 29.033, Stats., as one of the statutes providing authority for the rule and one of the statutes being interpreted by the rule. However, it appears that this statute does not exist. Is the notation a typographical error?

2. Form, Style and Placement in Administrative Code

a. In s. NR 10.001 (7e), the word “may” should be replaced by the word “does.”

b. Section NR 10.07 (2) (b) and (c) need to be rewritten. First, titles are not substantive parts of rule text. The following introduction in par. (b) would make the provision more clear: “A person may hunt with the aid of bait or place or use bait in any of the following circumstances:”. Second, par. (b) subds. 4., 5., 8., and 9. should not be included in the paragraph. Subdivisions 4., 5., and 9. are more appropriately placed in a note and subd. 8. should be an additional exception stated in par. (a). Next, the introduction to sub. (2) (c) would be more clear as follows: “No person may engage in any of the following activities when bear hunting or bear dog training:”.

c. In s. NR 19.60 (1), the note is substantive and either should be placed in the rule text or a cross-reference should be placed in the note to indicate to the reader where the prohibition is contained in current rule text. [See also the note to sub. (2).]

d. In s. 19.60 (2), the introduction should read: “This section does not prohibit any of the following activities:”.

e. In s. NR 19.60 (2) (b) (intro.), the phrase “if any of the following apply” or “if all of the following apply” should be added after the word “allowed.”

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

a. In s. NR 10.07 (2) (c) 4., the rule should specify under which statute or rule section an unused bear harvest permit is issued.

b. Section NR 19.60 (1) (a) references s. NR 12.06 (11), which does not appear to exist in the current administrative rules. Where is this rule located?

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

a. In s. NR 10.001 (14), the comma should be deleted.

b. In s. NR 10.07 (2) (a), the word “or” should be added between the second comma and the word “place.” In sub. (2) (b) 1., the first comma should be removed, and the word “season’s” should be changed to “seasons.” Also, in sub. (2) (b) 1., the word “that,” should be inserted after the word “provided” and the word “that” before the phrase “the bait” should be deleted. In sub. (2) (b) 4., “section” should be changed to “subsection.” In sub. (2) (c) 3., the second comma should be deleted.

c. In the Initial Applicability section, “it’s” should be changed to “its.”