



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Ronald Sklansky
Clearinghouse Director

Richard Sweet
Clearinghouse Assistant Director

Terry C. Anderson
Legislative Council Director

Laura D. Rose
Legislative Council Deputy Director

CLEARINGHOUSE RULE 06-029

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 January 2005.]

2. Form, Style and Placement in Administrative Code

a. The preface of the rule should be compared to s. 1.02 (2), Manual, for the sequence and the substance of the subjects to be addressed in the preface.

b. The rules does not contain an effective date provision. [See s. 1.02 (4), Manual.]

c. Section KB 1.09 (8) is amended to provide that the camping party may not exceed posted capacity limits rather than the six-person limit contained in current s. KB 1.09 (8). The difficulty with the posted capacity limit is that it allows the board to set capacity standards for various areas without using the rule-making process in ch. 227, Stats. Any such standards will meet the definition of the term “rule” in s. 227.01 (13), Stats. The rule-making process is designed to give both the public and the Legislature input into the final policy adopted by an agency. If the board can alter capacity limits simply through the posting of limits, this input is avoided. A possible solution to this problem is the creation of a table in the rule that sets capacity limits for areas in the Kickapoo Valley Reserve depending on the size of the area. Including a table in the rule will alert interested parties of the nature of the proposed change to s. KB 1.09 (8) and will alert persons who refer to the rule of the capacity limits before making a trip to the Kickapoo Valley Reserve.

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

The board's analysis of the current policy indicates that individuals who are parked on the reserve to go canoeing are not required to pay a fee. This is inconsistent with current s. KB 1.10 (1) which states that canoeists who are neither camping *nor parking* are exempt from fees.