



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 10-118

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Reference Bureau and the Legislative Council Staff, dated September 2008.]

2. Form, Style and Placement in Administrative Code

a. In s. NR 1.29 (1), a title should be added to this subsection. [See s. 1.05 (1), Manual.] The same problem occurs in subs. (6) (b) 1., (6) (b) 4., and (6) (b) 4. b. 3).

b. In s. NR 1.29 (2), the title should be changed to solid capital letters in accordance with the format under s. 1.05 (2), Manual. The titles throughout the rule should be checked and changed, if necessary, to conform to the Manual.

c. In s. NR 1.29 (3) (a), “defined in par. (3) (b),” should be deleted.

d. In s. NR 1.29 (3) (c), “is as defined in” should be changed to “has the meaning given in”. The same problem occurs in sub. (3) (d). Also, the terms that are defined should be in quotation marks. Paragraph (a) should be preceded by “In the section:” and the four defined terms should be alphabetized.

e. In s. NR 1.29 (6) (a) and (b) 3., “should be” should be changed to “shall be”.

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

a. The reference in s. NR 1.29 (3) (c) to “ch. NR 44” should be to the specific subunit in that chapter.

b. In s. NR 1.29 (6) (b) 1., “par. (2) (a)” should be changed to “sub. (2) (a)”. Similar changes are needed in ss. NR 1.29 (6) (b) 2. a. and e. and 45.10 (1) (m) and (n).

c. In s. NR 1.29 (6) (b) 2. a., “paragraphs (6) (b) 2. b. through e.” should be changed to “subd. b. to e.”.

d. In s. NR 45.10 (1) (a) 5., “s. NR 1.29 (2)” should be changed to “s. NR 1.29 (3)”.

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

a. In the statutes interpreted and explanation section and the statutory authority and explanation of agency authority section of the rule analysis prepared by the department, “s. 27.01 (2) (c) (j)” should be changed to “s. 27.01 (2) (c) and (j)”. In the statutory authority and explanation of agency authority section of the rule analysis, “This section grants” should be changed to “These statutes grant”.

b. In s. NR 1.29 (1), it appears that the colon should be replaced by “, including”; however, if it is the department’s intent to limit the pedestrian uses on these trails to the types listed in the rule, then “the following types of” should be inserted before “pedestrian use”.

c. In s. NR 1.29 (5) (a), “Secretary of the Department of the Interior” should be changed to the lower case. [See s. 1.01 (4), Manual.]

d. In s. NR 1.29 (6) (b) 1., “Ice Age Trail objectives, as defined in” should be changed to “The purpose of the Ice Age Trail as provided in”. In addition, “objectives and purpose” should be changed to “purpose”.

e. In s. NR 1.29 (6) (b) 2. b., “horse” should be changed to “horseback”. In sub. (6) (b) 2. c., the comma should be deleted and “that use is” should be inserted before “more than ¼ mile”.

f. In s. NR 1.29 (6) (b) 2. e., no mention is made of the secondary uses authorized under sub. (1) of the rule. Those secondary uses may need to be added to this rule subsection in accordance with the department’s intent.