



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Scott Grosz
Clearinghouse Director

Anne Sappenfield
Legislative Council Director

Margit Kelley
Clearinghouse Assistant Director

Jessica Karls-Ruplinger
Legislative Council Deputy Director

CLEARINGHOUSE RULE 19-090

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 December 2014.]

1. Statutory Authority

In the rule summary, the explanation of statutory authority could be slightly expanded to more fully explain the department’s authority for restricting any entry, rather than only hunting and fishing, in certain areas. Although s. 23.11, Stats., arguably provides such authority, the department could more fully describe the reasons why restricting any access is sometimes necessary for protecting lands owned by the state or exercising other department functions. That explanation may be particularly useful with respect to restricted areas of surface waters.

2. Form, Style and Placement in Administrative Code

a. In the rule caption’s listing of treated provisions, the abbreviation “ch.” should be inserted before both “NR 15” and “NR 11”.

b. In the rule summary, an entry should be inserted after the heading for the effect on small business.

c. The rule summary’s listing of the deadline to submit comments should specify the date or how a reader could determine that date, rather than referring only generally to a date “to be determined”.

d. In the treatment clause for SECTION 1 of the proposed rule, the abbreviation “ch.” should be inserted before “NR 11”, and the word “is” should be inserted before the word “repealed”.

e. In ss. NR 11.02 to 11.15, consider revising the numbering to remove solitary subunits. For example, the text of s. NR 11.02 (1) could be revised to “(1) Fond du Lac County, Mauthe Lake.”, and par. (a) could be removed, as there is no par. (b) that follows. Also, a period should be inserted at the end of each subunit.

f. In s. NR 11.16, each subsection title should be shown in small capital letters.

g. In s. NR 11.16 (1), the numbering for par. (a) should be removed and the material should be merged with the introduction, if there are no other definitions.

h. Section NR 11.16 (3) should be revised to be more consistent with the formatting guidelines outlined in the Manual. For example, in sub. (3) (intro.), the capitalizations should be removed; in pars. (a) and (c) (Note), the provisions should end with periods; in pars. (a) to (d), the types of traps should be phrased in the singular, rather than the plural; in pars. (b) and (c), the abbreviation “s.” should be inserted before the cross-references; and in par. (c), the abbreviation “&” should be revised to “and”.

i. In the treatment clause for SECTION 2 of the proposed rule, the abbreviation “ch.” should be inserted before “NR 15”, and the colon should be revised to a period.

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

a. In s. NR 11.01, the word “him” should be revised to “the officer”. [s. 1.01 (3), Manual.]

b. In s. NR 11.02 (intro.), the phrase “same are” could be revised to “gun or rifle is” and the phrase “The loaded uncase firearm restriction of this section” could be revised to “This restriction” for greater clarity.

c. Section NR 11.02 (intro.) references both “gun” and “firearm”. Are those terms intended to be interchangeable for purposes of that section? If so, what is a “gun” in this context?

d. In s. NR 11.09, a period should be inserted at the end of the title for the section.

e. In s. NR 11.10, a period should be inserted at the end of the final sentence.

f. In s. NR 11.16 (3) (title) and (intro.), it appears that both instances of the word “closed” should be removed. That word is not included in the title to s. NR 11.16 or in the map keys. Also, in the introduction, a phrase such as “identified in sub. (2)” should be inserted after the word “area”.

g. In s. NR 11.16 (3) (d), the purpose of the note could be clarified. Does it mean that if a pan tension is modified through any of those means, that the pan tension still must be no less than four pounds? Consider revising the phrasing to make the intent of the note more clear.