

**2013 DRAFTING REQUEST**

**Bill**

Received: 9/3/2013 Received By: mglass  
Wanted: As time permits Same as LRB: -4032  
For: Richard Gudex (608) 266-5300 By/Representing: Lance Burris  
May Contact: Drafter: eshea  
Subject: Nat. Res. - parks and forestry Addl. Drafters:  
Extra Copies:

Submit via email: YES  
Requester's email: Sen.Gudex@legis.wisconsin.gov  
Carbon copy (CC) to: elisabeth.shea@legis.wisconsin.gov

---

**Pre Topic:**

No specific pre topic given

---

**Topic:**

Use of state trails at nighttime

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**Instructions:**

See attached

---

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	eshea 9/25/2013			_____			
/P1	eshea 1/28/2014	scalvin 10/11/2013	jmurphy 10/11/2013	_____	mbarman 10/11/2013		
/1		scalvin 1/28/2014	jfrantze 1/29/2014	_____	sbasford 1/29/2014	sbasford 2/3/2014	

FE Sent For:

None  
Needed

<END>

**2013 DRAFTING REQUEST**

**Bill**

Received: 9/3/2013 Received By: mglass  
Wanted: As time permits Same as LRB: -4032  
For: Dave Hansen (608) 266-5670 By/Representing: John Wagnitz  
May Contact: Drafter: eshea  
Subject: Nat. Res. - parks and forestry Addl. Drafters:  
Extra Copies:

Submit via email: YES  
Requester's email: Sen.Hansen@legis.wisconsin.gov  
Carbon copy (CC) to:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Use of state trails at nighttime

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**Instructions:**

See attached

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/P1	eshea 1/28/2014	scalvin 10/11/2013	jmurphy 10/11/2013	_____	mbarman 10/11/2013		
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FE Sent For:

<END>

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### Bill

Received: 9/3/2013 Received By: mglass  
Wanted: As time permits Same as LRB:  
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Subject: Nat. Res. - parks and forestry Addl. Drafters:  
Extra Copies:

Submit via email: YES  
Requester's email: Sen.Hansen@legis.wisconsin.gov  
Carbon copy (CC) to:

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### Pre Topic:

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### Topic:

Use of state trails at nighttime ✓


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### Instructions:

See attached

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/P1		scalvin 10/11/2013	jmurphy 10/11/2013	_____	mbarman 10/11/2013		
FE Sent For:		1 sac 01/28/2014	1 sac 01/28/2014		1/29		

<END>

## 2013 DRAFTING REQUEST

### Bill

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Subject: Nat. Res. - parks and forestry Addl. Drafters:  
Extra Copies:

Submit via email: YES  
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/?	eshea	/PI sac 10/11/13	jm 10/11	self			

FE Sent For:

<END>

**Shea, Elisabeth**

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**From:** Lis Shea  
**Sent:** Wednesday, September 11, 2013 12:45 PM  
**To:** Shea, Elisabeth  
**Subject:** Fwd: FW: use of state trails between 11 p.m. and 6 a.m.

----- Forwarded message -----

**From:** **Gibson-Glass, Mary** <[Mary.Gibson-Glass@legis.wisconsin.gov](mailto:Mary.Gibson-Glass@legis.wisconsin.gov)>  
**Date:** Wed, Sep 11, 2013 at 11:43 AM  
**Subject:** FW: use of state trails between 11 p.m. and 6 a.m.  
**To:** "Lis Shea"

Sorry I did not get this sent. Be sure I entered the request correctly. Thanks, Mary.

---

**From:** Wagnitz, John  
**Sent:** Tuesday, September 03, 2013 2:33 PM  
**To:** Gibson-Glass, Mary  
**Cc:** Kite, Robin  
**Subject:** use of state trails between 11 p.m. and 6 a.m.

Dear Mary and Robin

Please see the link below. Senator Hansen would like to draft legislation to allow individuals to use state trails at any time of day.

<http://www.thedailypage.com/daily/article.php?article=40720>

Thank you,

John Wagnitz  
Office of State Senator Dave Hansen  
106 South, State Capitol  
phone: [\(608\) 266-5670](tel:6082665670)

NR 45.04 (2)(a)

"state recreation area" not defined  
- ~~state parks~~ include state trails

27.01 (8)(g)?

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

9/13/13 Tel. conf. w/ John Wagnitz from Sen. Hansen's office  
Hansen should be lead requester on this unless hear otherwise  
from him (he'll check w/ Grenich's office to make sure).

Gave him 2 options - change statutes or rules. Wants change  
in rules. I explained we'll have to add changes to ch 227  
to allow legislature to change rules.

Noted "unless otherwise posted" language from DNR proposal.  
He's not sure why DNR wants this discretion, said to talk  
to Bridget Brown at DNR about this.

## Shea, Elisabeth

---

**From:** Wagnitz, John  
**Sent:** Wednesday, September 18, 2013 10:00 AM  
**To:** Shea, Elisabeth  
**Subject:** RE: Trails language

Hi Lis,  
I think we should just draft the bill without the trapping language. We can always put that in later if need be.

Thanks,

John Wagnitz  
Office of State Senator Dave Hansen  
106 South, State Capitol  
phone: (608) 266-5670

---

**From:** Shea, Elisabeth  
**Sent:** Friday, September 13, 2013 1:56 PM  
**To:** Wagnitz, John; Peters, Steve  
**Subject:** RE: Trails language

John and Steve,

Another question on this draft. DNR's proposed rule changes below include changes unrelated to the state trails issue that incorporate a statute change from last session allowing trapping in state parks. Do you want to include these changes in this draft?

Lis

---

**From:** Wagnitz, John  
**Sent:** Thursday, September 12, 2013 10:45 AM  
**To:** Shea, Elisabeth  
**Subject:** FW: Trails language

Hi Liz,

Just wanted to keep you in the loop on this. We will be working with Rep. Genrich on this bill.

John Wagnitz  
Office of State Senator Dave Hansen  
106 South, State Capitol  
phone: (608) 266-5670

---

**From:** Rep.Genrich  
**Sent:** Wednesday, September 11, 2013 5:48 PM  
**To:** Gibson-Glass, Mary  
**Cc:** Wagnitz, John; Peters, Steve; Brown, Brigit E - DNR; [dave.schlabowske@wisconsinbikedef.org](mailto:dave.schlabowske@wisconsinbikedef.org); Bruhn, Michael L - DNR  
**Subject:** FW: Trails language

Hi Mary –



Can you take a look at the language below and draft a bill to incorporate the rule changes Brigit has identified?

Thanks!

*Eric Genrich*  
State Representative  
90<sup>th</sup> Assembly District  
608-266-0616

---

**From:** Brown, Brigit E - DNR [mailto:Brigit.Brown@wisconsin.gov]  
**Sent:** Wednesday, September 11, 2013 5:30 PM  
**To:** Rep.Genrich  
**Cc:** Wagnitz, John; Peters, Steve; Bruhn, Michael L - DNR  
**Subject:** RE: Trails language

Nice to meet you as well!

Here is suggested language that would address the "trail hours" issue. (~~Strikeouts~~ are used for deletions and underlines for additions.) The trapping language included in sub. 2 would address recent statutory changes to make the admin. code in-line with current statute. It would certainly not have to be included with a bill to address the trail hours issue, but will need to be done at some point and might be appealing to potential supporters.

**NR 45.04 (2) CLOSING HOURS.** (a) No person may enter or be within the boundaries of any state park, state recreation area, forest campground, picnic area, beach, headquarters site, amphitheater, ice age center, posted parking areas, Point Beach state forest and specifically designated areas within the Lower Wisconsin state riverway between the hours of 11:00 p.m. and the following 6:00 a.m. except:

1. Registered campers in or enroute to their designated campsites.
2. Hunters and trappers entering department lands with established hunting and trapping seasons, provided the entry is no earlier than one hour prior to the opening of hunting hours established in s. NR 10.24. If there are no established hunting hours, hunters and trappers may enter the park one hour prior to sunrise.
3. ~~Sugar River state trail.~~ State trails, which shall be open unless otherwise posted.

-Brigit

Brigit E. Brown  
State Trails Coordinator  
101 S. Webster Street, Box 7921  
Madison, WI 53707-7921  
608-266-2183

-----Original Message-----

**From:** Rep.Genrich [mailto:Rep.Genrich@legis.wisconsin.gov]  
**Sent:** Wednesday, September 11, 2013 5:01 PM  
**To:** Brown, Brigit E - DNR  
**Cc:** Wagnitz, John - LEGIS; Peters, Steve - LEGIS  
**Subject:** Trails language

Hi Brigit -

It was great meeting you today. Can you pass along that language we discussed related to the hours of operation for state trails?

Thanks!

Eric Genrich  
State Representative  
90th Assembly District

## Shea, Elisabeth

---

**From:** Wagnitz, John  
**Sent:** Wednesday, September 18, 2013 2:31 PM  
**To:** Shea, Elisabeth; Peters, Steve  
**Subject:** RE: Trails language

Lis,  
Yes, go ahead and draft to give DNR authority to close trails at night. give them broad discretion.  
Thanks,

John Wagnitz  
Office of State Senator Dave Hansen  
106 South, State Capitol  
phone: (608) 266-5670

---

**From:** Shea, Elisabeth  
**Sent:** Wednesday, September 18, 2013 1:30 PM  
**To:** Wagnitz, John; Peters, Steve  
**Subject:** FW: Trails language

Another question on this draft. As I noted to John the other day, DNR's proposed rule language would give it broad discretion to close any state trail at night. (The exception to closing hours reads: "State trails, which shall be open unless posted otherwise.") I contacted Brigit at DNR to ask under what circumstances DNR would close trails at night, and below is her response.

Would you like the draft to give DNR authority to close trails at night, and if so, how broad should this discretion be? Let me know and I'll draft accordingly.

Lis

---

**From:** Brown, Brigit E - DNR [<mailto:Brigit.Brown@wisconsin.gov>]  
**Sent:** Wednesday, September 18, 2013 1:21 PM  
**To:** Shea, Elisabeth  
**Subject:** RE: Trails language

Hi Lis. There are some circumstances where the state has partnered with a local unit of government to develop, manage, and operate the trail (including setting the rules for that trail), where the trail passes through local parks or other properties where there are existing closed hours, or where there have been safety issues associated with overnight use of a trail, where we believe there needs to be local authority to close a trail (could be temporarily) for those types of reasons.

-Brigit

---

**From:** Shea, Elisabeth [<mailto:Elisabeth.Shea@legis.wisconsin.gov>]  
**Sent:** Tuesday, September 17, 2013 11:34 AM  
**To:** Brown, Brigit E - DNR  
**Subject:** RE: Trails language

Hi again, Brigit,

In what types of circumstances would these trails be closed at night?

Lis

---

**From:** Brown, Brigit E - DNR [<mailto:Brigit.Brown@wisconsin.gov>]  
**Sent:** Friday, September 13, 2013 3:12 PM  
**To:** Shea, Elisabeth  
**Subject:** RE: Trails language

Yes, that's correct.  
-Brigit

Brigit E. Brown  
State Trails Coordinator  
101 S. Webster Street, Box 7921  
Madison, WI 53707-7921  
608-266-2183

---

**From:** Shea, Elisabeth [<mailto:Elisabeth.Shea@legis.wisconsin.gov>]  
**Sent:** Friday, September 13, 2013 3:01 PM  
**To:** Brown, Brigit E - DNR  
**Subject:** FW: Trails language

Hi Brigit,

I'm working with Sen. Hansen and Rep. Genrich to draft a bill that amends NR 45.04 regarding closing times on state trails. Your proposed language below includes an exception for "State trails, which shall be open unless posted otherwise." I just want to clarify whether the intent of this language is to allow DNR to establish evening closing hours on a state trail at its discretion. Is that right?

Lis

**Elisabeth H. Shea**  
Legislative Attorney  
Wisconsin Legislative Reference Bureau  
P.O. Box 2037  
Madison, WI 53701-2037  
(608) 266 - 5446  
[elisabeth.shea@legis.wisconsin.gov](mailto:elisabeth.shea@legis.wisconsin.gov)

---

**From:** Wagnitz, John  
**Sent:** Thursday, September 12, 2013 10:45 AM  
**To:** Shea, Elisabeth  
**Subject:** FW: Trails language

Hi Liz,

Just wanted to keep you in the loop on this. We will be working with Rep. Genrich on this bill.

John Wagnitz  
Office of State Senator Dave Hansen  
106 South, State Capitol  
phone: (608) 266-5670

---

**From:** Rep.Genrich  
**Sent:** Wednesday, September 11, 2013 5:48 PM  
**To:** Gibson-Glass, Mary  
**Cc:** Wagnitz, John; Peters, Steve; Brown, Brigit E - DNR; [dave.schlabowske@wisconsinbikefed.org](mailto:dave.schlabowske@wisconsinbikefed.org);  
Bruhn, Michael L - DNR  
**Subject:** FW: Trails language

Hi Mary –

Can you take a look at the language below and draft a bill to incorporate the rule changes Brigit has identified?

Thanks!

*Eric Genrich*  
State Representative  
90<sup>th</sup> Assembly District  
608-266-0616

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**Sent:** Wednesday, September 11, 2013 5:30 PM  
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**Cc:** Wagnitz, John; Peters, Steve; Bruhn, Michael L - DNR  
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Nice to meet you as well!

Here is suggested language that would address the "trail hours" issue. (~~Strikeouts~~ are used for deletions and underlines for additions.) The trapping language included in sub. 2 would address recent statutory changes to make the admin. code in-line with current statute. It would certainly not have to be included with a bill to address the trail hours issue, but will need to be done at some point and might be appealing to potential supporters.

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3. ~~Sugar River state trail.~~ State trails, which shall be open unless otherwise posted.

*users of state trails on which the department has not posted closing hours.*

-Brigit

Brigit E. Brown  
State Trails Coordinator  
101 S. Webster Street, Box 7921  
Madison, WI 53707-7921  
608-266-2183

-----Original Message-----

From: Rep.Genrich [<mailto:Rep.Genrich@legis.wisconsin.gov>]

Sent: Wednesday, September 11, 2013 5:01 PM

To: Brown, Brigit E - DNR

Cc: Wagnitz, John - LEGIS; Peters, Steve - LEGIS

Subject: Trails language

Hi Brigit -

It was great meeting you today. Can you pass along that language we discussed related to the hours of operation for state trails?

Thanks!

Eric Genrich  
State Representative  
90th Assembly District

**Shea, Elisabeth**

---

**From:** Wagnitz, John  
**Sent:** Wednesday, September 18, 2013 4:38 PM  
**To:** Shea, Elisabeth; Peters, Steve  
**Subject:** RE: Trails language

Hi Lis,

Sorry for this late change but, after meeting with the DNR, we've decided to go with the language relating to hunters and trappers. Could you please put that language back in the draft?

Thanks,

John Wagnitz  
Office of State Senator Dave Hansen  
106 South, State Capitol  
phone: (608) 266-5670

---

**From:** Shea, Elisabeth  
**Sent:** Friday, September 13, 2013 1:56 PM  
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State Trails Coordinator  
101 S. Webster Street, Box 7921  
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608-266-2183

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Thanks!



Eric Genrich  
State Representative  
90th Assembly District

## Shea, Elisabeth

---

**From:** Brown, Brigit E - DNR <Brigit.Brown@wisconsin.gov>  
**Sent:** Tuesday, September 24, 2013 5:45 PM  
**To:** Shea, Elisabeth  
**Subject:** RE: Trails language

So, I think the language below reflects where things currently stand...let me know if I'm mistaken.

Unlike hunting, which can vary by property and species, trapping hours are set statewide at 4a – 8p. So, I don't think we need to add a provision for trapping in the proposed second sentence of NR 45.04 (2) (a) 2. The alternative would be to specifically site NR 10.13 (3) for trapping, and have a separate hunting hours reference general to ch. NR 10.

Thanks!

-Brigit

NR 45.04 (2) CLOSING HOURS. (a) No person may enter or be within the boundaries of any state park, state recreation area, forest campground, picnic area, beach, headquarters site, amphitheater, ice age center, posted parking areas, Point Beach state forest and specifically designated areas within the Lower Wisconsin state riverway between the hours of 11:00 p.m. and the following 6:00 a.m. except:

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3. ~~Sugar River state trail.~~ State trails, which shall be open unless otherwise posted.

---

**From:** Shea, Elisabeth [mailto:Elisabeth.Shea@legis.wisconsin.gov]  
**Sent:** Friday, September 20, 2013 9:17 AM  
**To:** Brown, Brigit E - DNR  
**Subject:** RE: Trails language

Actually, a better way to do this might be to say, "provided the entry is no earlier than one hour prior to the opening of hunting or trapping hours established in ch. NR 10." This would capture any unusual hunting or trapping hours that differ from the general hours in 10.06 or 10.13.

---

**From:** Shea, Elisabeth  
**Sent:** Friday, September 20, 2013 9:06 AM  
**To:** Brown, Brigit E - DNR  
**Subject:** RE: Trails language

Hi Brigit,

NR 45.04 (2) (a) 2. mentions hunting hours established in NR 10.24. However, this section is about the Bong state recreation area hunting zone. Is this reference correct? NR 10.24(6) refers to seasons and hours for that hunting zone. NR 10.06, on the other hand, governs hunting hours generally. Should NR 45.04 (2) (a) 2. refer to NR 10.06 (general hunting hours) instead of 10.24 (Bong state rec area hunting hours)?

In addition, if the trapping language is added, it seems we should also refer to the general trapping hours in NR 10.13 (3). In other words, hunters may enter no earlier than one hour before hunting hours open, and trappers may enter no earlier than one hour before trapping hours open.

Let me know what you think.

Lis

---

**From:** Brown, Brigit E - DNR [<mailto:Brigit.Brown@wisconsin.gov>]  
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**Subject:** RE: Trails language

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**Subject:** RE: Trails language

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In what types of circumstances would these trails be closed at night?

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**Sent:** Friday, September 13, 2013 3:12 PM  
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Yes, that's correct.

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Brigit E. Brown  
State Trails Coordinator  
101 S. Webster Street, Box 7921  
Madison, WI 53707-7921  
608-266-2183

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**Sent:** Friday, September 13, 2013 3:01 PM  
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**Subject:** FW: Trails language

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**Elisabeth H. Shea**  
Legislative Attorney  
Wisconsin Legislative Reference Bureau  
P.O. Box 2037  
Madison, WI 53701-2037  
(608) 266 - 5446  
[elisabeth.shea@legis.wisconsin.gov](mailto:elisabeth.shea@legis.wisconsin.gov)

**From:** Wagnitz, John  
**Sent:** Thursday, September 12, 2013 10:45 AM  
**To:** Shea, Elisabeth  
**Subject:** FW: Trails language

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**Cc:** Wagnitz, John; Peters, Steve; Brown, Brigit E - DNR;  
[dave.schlabowske@wisconsinbikefed.org](mailto:dave.schlabowske@wisconsinbikefed.org); Bruhn, Michael L - DNR  
**Subject:** FW: Trails language

Hi Mary –

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*Eric Genrich*  
State Representative  
90<sup>th</sup> Assembly District  
608-266-0616

**From:** Brown, Brigit E - DNR [<mailto:Brigit.Brown@wisconsin.gov>]  
**Sent:** Wednesday, September 11, 2013 5:30 PM  
**To:** Rep.Genrich  
**Cc:** Wagnitz, John; Peters, Steve; Bruhn, Michael L - DNR  
**Subject:** RE: Trails language

Nice to meet you as well!

Here is suggested language that would address the "trail hours" issue. (~~Strikeouts~~ are used for deletions and underlines for additions.) The trapping language included in sub. 2 would address recent statutory changes to make the admin. code in-line with current statute. It would certainly not have to be included with a bill to address the trail hours issue, but will need to be done at some point and might be appealing to potential supporters.

NR 45.04 (2) CLOSING HOURS. (a) No person may enter or be within the boundaries of any state park, state recreation area, forest campground, picnic area, beach, headquarters site, amphitheater, ice age center, posted parking areas, Point Beach state forest and specifically designated areas within the Lower Wisconsin state riverway between the hours of 11:00 p.m. and the following 6:00 a.m. except:

1. Registered campers in or enroute to their designated campsites.
2. Hunters and trappers entering department lands with established hunting and trapping seasons, provided the entry is no earlier than one hour prior to the opening of hunting hours established in s. NR 10.24. If there are no established hunting hours, hunters and trappers may enter the park one hour prior to sunrise.
3. ~~Sugar River state trail.~~ State trails, which shall be open unless otherwise posted.

-Brigit

Brigit E. Brown  
State Trails Coordinator  
101 S. Webster Street, Box 7921  
Madison, WI 53707-7921  
608-266-2183

-----Original Message-----

**From:** Rep.Genrich [<mailto:Rep.Genrich@legis.wisconsin.gov>]  
**Sent:** Wednesday, September 11, 2013 5:01 PM  
**To:** Brown, Brigit E - DNR  
**Cc:** Wagnitz, John - LEGIS; Peters, Steve - LEGIS  
**Subject:** Trails language

Hi Brigit -

It was great meeting you today. Can you pass along that language we discussed related to the hours of operation for state trails?

Thanks!

Eric Genrich  
State Representative  
90th Assembly District



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-3055/P1

EHS:0:...

In 9/25/13

Fri (cont)

SAC [Signature]

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

1 AN ACT <sup>gen cat</sup>; relating to: rulemaking procedures and modifying and repealing  
 2 various rules promulgated by the Department of Natural Resources.

*Analysis by the Legislative Reference Bureau*

**Closing hours**

Under current law, the Department of Natural Resources (DNR) designates a system of state trails as part of the state park system. Under DNR's current rules, with certain exceptions, no person may enter or be within the boundaries of any state park between the hours of 11:00 p.m. and the following 6:00 a.m. The bill amends DNR rules to exempt users of state trails from these nighttime closing hours, but allows DNR discretion to close a state trail or portion of a state trail at night by posting notice of closing hours.

Current law requires, with certain exceptions, that state parks be open to hunting, fishing, and trapping by persons who hold the appropriate hunting, fishing, or trapping license, permit, or other approval. Under current DNR rules, one exception to state park closing hours is for hunters who enter the land no earlier than one hour before the opening of hunting hours on that land. This bill amends DNR rules to add a similar exception for trappers entering land no earlier than one hour prior to the opening of trapping hours on the land. If there are no established hunting hours on the land, the bill amends DNR rules to allow hunters to enter no earlier than one hour prior to sunrise.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

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1 SECTION 1. NR 45.04 (2) (a) 2. of the administrative code is amended to read:

2 NR 45.04 (2) (a) 2. Hunters or trappers entering department lands with

3 established during an open hunting seasons or trapping season on the land, provided

4 the entry is no earlier than one hour prior to the opening of hunting or trapping hours

5 established in ~~s. NR 10.24~~ ch. NR 10. If the department has not established hunting

6 hours on the land, hunters may enter the land no earlier than one hour prior to

7 sunrise.

8 SECTION 2. NR 45.04 (2) (a) 3. of the administrative code is repealed.

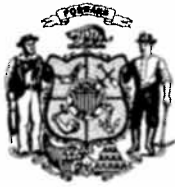
9 SECTION 3. NR 45.04 (2) (a) 5. of the administrative code is created to read:

10 NR 45.04 (2) (a) 5. Users of state trails, except during hours of closure as posted

11 by the department.

11  
INS 2-11  
12

(END)



**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

1 **AN ACT ...; relating to:** rulemaking procedures.

---

*Analysis by the Legislative Reference Bureau*

***Rule-making procedures***

Current law sets forth a procedure for the promulgation of administrative rules (rules). Generally, that procedure consists of the following steps:

1. The agency planning to promulgate the rule prepares a statement of the scope of the proposed rule, which the governor and the agency head must approve before any state employee or official may perform any activity in connection with the drafting of the proposed rule.

2. The agency drafts the proposed rule, together with an economic impact analysis, plain language analysis, and fiscal estimate for the proposed rule, and submits those materials to the Legislative Council Staff for review.

3. Subject to certain exceptions, a public hearing is held on the proposed rule.

4. The final draft of the proposed rule is submitted to the governor for approval.

5. The final draft of the proposed rule, together with an economic impact analysis, plain language analysis, and fiscal estimate for the proposed rule, are submitted to the legislature for review by one standing committee in each house and by the Joint Committee for Review of Administrative Rules.

6. The proposed rule is filed with the Legislative Reference Bureau (LRB) for publication in the Wisconsin Administrative Code (code) and the Wisconsin Administrative Register (register), and, subject to certain exceptions, the rule becomes effective on the first day of the first month beginning after publication.

Under this bill, if a bill that repeals or modifies a rule is enacted, the ordinary rule-making procedures under current law do not apply. Instead, the LRB must

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publish the repeal or modification, in the code and the register, and the repeal or modification, subject to certain exceptions, takes effect on the first day of the first month beginning after publication.

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

**SECTION 1.** 13.92 (4) (bm) of the statutes is created to read:

13.92 (4) (bm) If 2 or more rules filed under s. 227.20 or modified under s. 227.265 affect the same unit of the Wisconsin administrative code without taking cognizance of the effect thereon of the other rules and if the legislative reference bureau finds that there is no mutual inconsistency in the changes made by each such rule, the legislative reference bureau shall incorporate the changes made by each rule into the text of the unit and document the incorporation in a note to the unit. For each such incorporation, the legislative reference bureau shall include in a correction bill a provision formally validating the incorporation. Section 227.27 (2) is not affected by printing decisions made by the legislative reference bureau under this paragraph.

**SECTION 2.** 13.92 (4) (c) of the statutes is amended to read:

13.92 (4) (c) The legislative reference bureau may insert in the Wisconsin administrative code a note explaining any change made under par. (b) or (bm).

**SECTION 3.** 13.92 (4) (d) of the statutes is amended to read:

13.92 (4) (d) Sections 227.114, 227.116, 227.135, and 227.14 to 227.24 do not apply to any change made by the legislative reference bureau under par. (b) or (bm).

**SECTION 4.** 13.92 (4) (e) of the statutes is amended to read:

13.92 (4) (e) The legislative reference bureau shall prepare and keep on file a record of each change made under par. (b) or (bm).

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**SECTION 5.** 13.92 (4) (f) of the statutes is amended to read:

13.92 (4) (f) The legislative reference bureau shall notify the agency involved of each change made under par. (b) or (bm).

**SECTION 6.** 35.93 (2) (b) 4. of the statutes, as affected by 2013 Wisconsin Act 20, is amended to read:

35.93 (2) (b) 4. Copies of all rules filed with the legislative reference bureau under s. 227.20 (1) or modified under s. 227.265 since the compilation of the preceding register, including emergency rules filed under s. 227.24 (3).

**SECTION 7.** 35.93 (2) (c) 1. of the statutes, as affected by 2013 Wisconsin Act 20, is amended to read:

35.93 (2) (c) 1. Each chapter of the Wisconsin administrative code that has been affected by rules filed with legislative reference bureau under s. 227.20 (1) or modified under s. 227.265, in accordance with sub. (3) (e) 1.

**SECTION 8.** 35.93 (3) of the statutes is amended to read:

35.93 (3) The legislative reference bureau shall compile and deliver to the department for printing copy for a register which shall contain all the rules filed under s. 227.20 or modified under s. 227.265 since the compilation of rules for the preceding issue of the register was made and those executive orders which are to be in effect for more than 90 days or an informative summary thereof. The complete register shall be compiled and published before the first day of each month and a notice section of the register shall be compiled and published before the 15th day of each month. Each issue of the register shall contain a title page with the name "Wisconsin administrative register", the number and date of the register, and a table of contents. Each page of the register shall also contain the date and number of the register of which it is a part in addition to the other necessary code titles and page

1 numbers. The legislative reference bureau may include in the register such  
2 instructions or information as in the bureau's judgment will help the user to correctly  
3 make insertions and deletions in the code and to keep the code current.

4 **SECTION 9.** 35.93 (3) (e) (intro.) of the statutes, as affected by 2013 Wisconsin  
5 Act 20, is amended to read:

6 35.93 (3) (e) (intro.) The legislative reference bureau shall incorporate into the  
7 appropriate chapters of the Wisconsin administrative code each permanent rule filed  
8 with the legislative reference bureau under s. 227.20 (1) or modified under s. 227.265  
9 and, for each chapter of the administrative code affected by a rule, do all of the  
10 following:

11 **SECTION 10.** 35.93 (3) (e) 1. of the statutes, as affected by 2013 Wisconsin Act  
12 20, is amended to read:

13 35.93 (3) (e) 1. Publish the chapter in the appropriate end-of-month register  
14 in accordance with the filing deadline for publication established in the rules  
15 procedures manual published under s. 227.15 (7) ~~or~~, in an end-of-month register  
16 agreed to by the submitting agency and the legislative reference bureau, or, in the  
17 case of a rule modified under s. 227.265, in the end-of-month register for the month  
18 in which the bill modifying the rule is enacted.

19 **SECTION 11.** 227.01 (13) (intro.) of the statutes is amended to read:

20 227.01 (13) (intro.) "Rule" means a regulation, standard, statement of policy,  
21 or general order of general application which has the effect of law and which is issued  
22 by an agency to implement, interpret, or make specific legislation enforced or  
23 administered by the agency or to govern the organization or procedure of the agency.  
24 "Rule" includes a modification of a rule under s. 227.265. "Rule" does not include, and

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s. 227.10 does not apply to, any action or inaction of an agency, whether it would otherwise meet the definition under this subsection, which:

**SECTION 12.** 227.11 (2) (intro.) of the statutes is amended to read:

227.11 (2) (intro.) Rule-making authority is expressly conferred on an agency as follows:

**SECTION 13.** 227.265 of the statutes is created to read:

**227.265 Repeal or modification of rules.** If a bill to repeal or modify a rule is enacted, the procedures under ss. 227.114 to 227.21 and 227.26 do not apply. Instead, the legislative reference bureau shall publish the repeal or modification in the Wisconsin administrative code and register as required under s. 35.93, and the repeal or modification shall take effect as provided in s. 227.22.

**SECTION 14.** 227.27 (2) of the statutes is amended to read:

227.27 (2) The code shall be prima facie evidence in all courts and proceedings as provided by s. 889.01, but this does not preclude reference to or, in case of a discrepancy, control over a rule filed with the legislative reference bureau ~~or the secretary of state~~ under s. 227.20 or modified under s. 227.265, and the certified copy of a rule shall also and in the same degree be prima facie evidence in all courts and proceedings.

**SECTION 15. Effective dates.** This act takes effect on the day after publication, except as follows:

(1) The treatment of section 35.93 (2) (b) 4. and (c) 1. and (3) (e) (intro.) and 1. of the statutes takes effect on January 1, 2015.

(END)

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## Shea, Elisabeth

---

**From:** Wagnitz, John  
**Sent:** Friday, January 24, 2014 10:50 AM  
**To:** Shea, Elisabeth  
**Subject:** FW: Updated Trails Bill  
**Attachments:** 13-4032\_1.pdf

Hi Elisabeth,

Can your redraft our Senate bill to make the same changes as those in this bill?

Thank you,

John Wagnitz  
Office of State Senator Dave Hansen  
106 South, State Capitol  
phone: (608) 266-5670

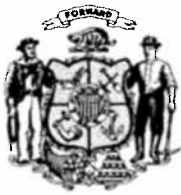
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**From:** Peters, Steve  
**Sent:** Wednesday, January 22, 2014 3:49 PM  
**To:** Wagnitz, John  
**Subject:** Updated Trails Bill

John,

Here is the trails bill with a few minor tweaks as requested by DNR. Do you want to get 3055 edited to be the same so we can get a cosponsor out?

Steven Peters  
Office of Representative Eric Genrich  
304W State Capitol  
608-266-0617



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-3055/P1 1

EHS:sac

In 1/28/14

RMR

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

SOON

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1 **AN ACT to amend** 13.92 (4) (c), 13.92 (4) (d), 13.92 (4) (e), 13.92 (4) (f), 35.93 (2)  
 2 (b) 4., 35.93 (2) (c) 1., 35.93 (3), 35.93 (3) (e) (intro.), 35.93 (3) (e) 1., 227.01 (13)  
 3 (intro.), 227.11 (2) (intro.) and 227.27 (2); and **to create** 13.92 (4) (bm) and  
 4 227.265 of the statutes; **relating to:** rule-making procedures and modifying  
 5 and repealing various rules promulgated by the Department of Natural  
 6 Resources.

***Analysis by the Legislative Reference Bureau***

***Rule-making procedures***

Current law sets forth a procedure for the promulgation of administrative rules (rules). Generally, that procedure consists of the following steps:

1. The agency planning to promulgate the rule prepares a statement of the scope of the proposed rule, which the governor and the agency head must approve before any state employee or official may perform any activity in connection with the drafting of the proposed rule.
2. The agency drafts the proposed rule, together with an economic impact analysis, plain language analysis, and fiscal estimate for the proposed rule, and submits those materials to the Legislative Council Staff for review.
3. Subject to certain exceptions, a public hearing is held on the proposed rule.
4. The final draft of the proposed rule is submitted to the governor for approval.
5. The final draft of the proposed rule, together with an economic impact analysis, plain language analysis, and fiscal estimate for the proposed rule, are

submitted to the legislature for review by one standing committee in each house and by the Joint Committee for Review of Administrative Rules.

6. The proposed rule is filed with the Legislative Reference Bureau (LRB) for publication in the Wisconsin Administrative Code (code) and the Wisconsin Administrative Register (register), and, subject to certain exceptions, the rule becomes effective on the first day of the first month beginning after publication.

Under this bill, if a bill that repeals or modifies a rule is enacted, the ordinary rule-making procedures under current law do not apply. Instead, the LRB must publish the repeal or modification, in the code and the register, and the repeal or modification, subject to certain exceptions, takes effect on the first day of the first month beginning after publication.

### ***Closing hours***

Under current law, the Department of Natural Resources (DNR) designates a system of state trails as part of the state park system. Under DNR's current rules, with certain exceptions, no person may enter or be within the boundaries of any state park between the hours of 11:00 p.m. and the following 6:00 a.m. The bill amends DNR rules to exempt users of state trails from these nighttime closing hours, but allows DNR discretion to close a state trail or portion of a state trail at night by posting notice of closing hours.

Current law requires, with certain exceptions, that state parks be open to hunting, fishing, and trapping by persons who hold the appropriate hunting, fishing, or trapping license, permit, or other approval. Under current DNR rules, one exception to state park closing hours is for hunters who enter the land no earlier than one hour before the opening of hunting hours on that land. This bill amends DNR rules to add a similar exception for trappers entering land no earlier than one hour prior to the opening of trapping hours on the land. If there are no established hunting hours on the land, the bill amends DNR rules to allow hunters to enter no earlier than one hour prior to sunrise.

---

### ***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

- 1           **SECTION 1.** 13.92 (4) (bm) of the statutes is created to read:
- 2           13.92 (4) (bm) If 2 or more rules filed under s. 227.20 or modified under s.
- 3           227.265 affect the same unit of the Wisconsin administrative code without taking
- 4           cognizance of the effect thereon of the other rules and if the legislative reference
- 5           bureau finds that there is no mutual inconsistency in the changes made by each such
- 6           rule, the legislative reference bureau shall incorporate the changes made by each
- 7           rule into the text of the unit and document the incorporation in a note to the unit.

1 For each such incorporation, the legislative reference bureau shall include in a  
2 correction bill a provision formally validating the incorporation. Section 227.27 (2)  
3 is not affected by printing decisions made by the legislative reference bureau under  
4 this paragraph.

5 **SECTION 2.** 13.92 (4) (c) of the statutes is amended to read:

6 13.92 (4) (c) The legislative reference bureau may insert in the Wisconsin  
7 administrative code a note explaining any change made under par. (b) or (bm).

8 **SECTION 3.** 13.92 (4) (d) of the statutes is amended to read:

9 13.92 (4) (d) Sections 227.114, 227.116, 227.135, and 227.14 to 227.24 do not  
10 apply to any change made by the legislative reference bureau under par. (b) or (bm).

11 **SECTION 4.** 13.92 (4) (e) of the statutes is amended to read:

12 13.92 (4) (e) The legislative reference bureau shall prepare and keep on file a  
13 record of each change made under par. (b) or (bm).

14 **SECTION 5.** 13.92 (4) (f) of the statutes is amended to read:

15 13.92 (4) (f) The legislative reference bureau shall notify the agency involved  
16 of each change made under par. (b) or (bm).

17 **SECTION 6.** 35.93 (2) (b) 4. of the statutes, as affected by 2013 Wisconsin Act 20,  
18 is amended to read:

19 35.93 (2) (b) 4. Copies of all rules filed with the legislative reference bureau  
20 under s. 227.20 (1) or modified under s. 227.265 since the compilation of the  
21 preceding register, including emergency rules filed under s. 227.24 (3).

22 **SECTION 7.** 35.93 (2) (c) 1. of the statutes, as affected by 2013 Wisconsin Act 20,  
23 is amended to read:



1           35.93 (2) (c) 1. Each chapter of the Wisconsin administrative code that has been  
2 affected by rules filed with legislative reference bureau under s. 227.20 (1) or  
3 modified under s. 227.265, in accordance with sub. (3) (e) 1.

4           **SECTION 8.** 35.93 (3) of the statutes is amended to read:

5           35.93 (3) The legislative reference bureau shall compile and deliver to the  
6 department for printing copy for a register which shall contain all the rules filed  
7 under s. 227.20 or modified under s. 227.265 since the compilation of rules for the  
8 preceding issue of the register was made and those executive orders which are to be  
9 in effect for more than 90 days or an informative summary thereof. The complete  
10 register shall be compiled and published before the first day of each month and a  
11 notice section of the register shall be compiled and published before the 15th day of  
12 each month. Each issue of the register shall contain a title page with the name  
13 “Wisconsin administrative register”, the number and date of the register, and a table  
14 of contents. Each page of the register shall also contain the date and number of the  
15 register of which it is a part in addition to the other necessary code titles and page  
16 numbers. The legislative reference bureau may include in the register such  
17 instructions or information as in the bureau’s judgment will help the user to correctly  
18 make insertions and deletions in the code and to keep the code current.

19           **SECTION 9.** 35.93 (3) (e) (intro.) of the statutes, as affected by 2013 Wisconsin  
20 Act 20, is amended to read:

21           35.93 (3) (e) (intro.) The legislative reference bureau shall incorporate into the  
22 appropriate chapters of the Wisconsin administrative code each permanent rule filed  
23 with the legislative reference bureau under s. 227.20 (1) or modified under s. 227.265  
24 and, for each chapter of the administrative code affected by a rule, do all of the  
25 following:

1           **SECTION 10.** 35.93 (3) (e) 1. of the statutes, as affected by 2013 Wisconsin Act  
2 20, is amended to read:

3           35.93 (3) (e) 1. Publish the chapter in the appropriate end-of-month register  
4 in accordance with the filing deadline for publication established in the rules  
5 procedures manual published under s. 227.15 (7) ~~or~~, in an end-of-month register  
6 agreed to by the submitting agency and the legislative reference bureau, or, in the  
7 case of a rule modified under s. 227.265, in the end-of-month register for the month  
8 in which the bill modifying the rule is enacted.

9           **SECTION 11.** 227.01 (13) (intro.) of the statutes is amended to read:

10           227.01 (13) (intro.) “Rule” means a regulation, standard, statement of policy,  
11 or general order of general application which has the effect of law and which is issued  
12 by an agency to implement, interpret, or make specific legislation enforced or  
13 administered by the agency or to govern the organization or procedure of the agency.  
14 “Rule” includes a modification of a rule under s. 227.265. “Rule” does not include, and  
15 s. 227.10 does not apply to, any action or inaction of an agency, whether it would  
16 otherwise meet the definition under this subsection, which:

17           **SECTION 12.** 227.11 (2) (intro.) of the statutes is amended to read:

18           227.11 (2) (intro.) Rule-making authority is expressly conferred on an agency  
19 as follows:

20           **SECTION 13.** 227.265 of the statutes is created to read:

21           **227.265 Repeal or modification of rules.** If a bill to repeal or modify a rule  
22 is enacted, the procedures under ss. 227.114 to 227.21 and 227.26 do not apply.  
23 Instead, the legislative reference bureau shall publish the repeal or modification in  
24 the Wisconsin administrative code and register as required under s. 35.93, and the  
25 repeal or modification shall take effect as provided in s. 227.22.

1 SECTION 14. 227.27 (2) of the statutes is amended to read:

2 227.27 (2) The code shall be prima facie evidence in all courts and proceedings  
3 as provided by s. 889.01, but this does not preclude reference to or, in case of a  
4 discrepancy, control over a rule filed with the legislative reference bureau ~~or the~~  
5 ~~secretary of state under s. 227.20 or modified under s. 227.265~~, and the certified copy  
6 of a rule shall also and in the same degree be prima facie evidence in all courts and  
7 proceedings.

8 SECTION 15. NR 45.04 (2) (a) 2. of the administrative code is amended to read:

9 NR 45.04 (2) (a) 2. Hunters or trappers entering department lands with  
10 established during an open hunting seasons or trapping season on the land, provided  
11 the entry is no earlier than one hour prior to the opening of hunting or trapping hours  
12 established in ~~s. NR 10.24~~ ch. NR 10. If the department has not established hunting  
13 hours on the land, hunters may enter the land no earlier than one hour prior to  
14 sunrise.

15 SECTION 16. NR 45.04 (2) (a) 3. of the administrative code is repealed.

16 SECTION 17. NR 45.04 (2) (a) 5. of the administrative code is created to read:

17 NR 45.04 (2) (a) 5. Users of state trails, except during hours of closure as posted  
18 by the department, *or by an entity operating a state trail under a written*  
*agreement with the department*

19 SECTION 18. **Effective dates.** This act takes effect on the day after publication,  
20 except as follows:

21 (1) The treatment of section 35.93 (2) (b) 4. and (c) 1. and (3) (e) (intro.) and 1.  
22 of the statutes takes effect on January 1, 2015.

23 (END)

## Shea, Elisabeth

---

**From:** Burri, Lance  
**Sent:** Friday, January 31, 2014 11:22 AM  
**To:** Shea, Elisabeth  
**Subject:** Senate version of Irb 4032 *3055-Senate version*

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Elisabeth, you should be getting an email from the Genrich office, giving us permission to get a Senate version of this drafted. Let me know if you don't, please.

Lance Burri  
Office of Sen. Rick Gudex  
608-266-5300

**Shea, Elisabeth**

---

**From:** Wagnitz, John  
**Sent:** Friday, January 31, 2014 2:50 PM  
**To:** Shea, Elisabeth  
**Cc:** Peters, Steve  
**Subject:** LRB -3055/1 Topic: Use of state trails at nighttime  
**Attachments:** 13-3055\_1.pdf; 13-4032\_1.pdf

Hi Lis,

*3055 senate version*

The office of Senator Gudex will be contacting you to draft this bill in their name.

I just wanted to let you know that we are OK with that.

Thanks,

John Wagnitz  
Office of State Senator Dave Hansen  
106 South, State Capitol  
phone: (608) 266-5670

---

**From:** Shea, Elisabeth  
**Sent:** Friday, January 24, 2014 12:50 PM  
**To:** Wagnitz, John  
**Subject:** RE: Updated Trails Bill

Sure, no problem.

Lis

---

**From:** Wagnitz, John  
**Sent:** Friday, January 24, 2014 10:50 AM  
**To:** Shea, Elisabeth  
**Subject:** FW: Updated Trails Bill

Hi Elisabeth,

Can your redraft our Senate bill to make the same changes as those in this bill?

Thank you,

John Wagnitz  
Office of State Senator Dave Hansen  
106 South, State Capitol  
phone: (608) 266-5670

---

**From:** Peters, Steve  
**Sent:** Wednesday, January 22, 2014 3:49 PM  
**To:** Wagnitz, John  
**Subject:** Updated Trails Bill

John,

Here is the trails bill with a few minor tweaks as requested by DNR. Do you want to get 3055 edited to be the same so we can get a cosponsor out?

Steven Peters  
Office of Representative Eric Genrich  
304W State Capitol  
608-266-0617

## Basford, Sarah

---

**From:** Shea, Elisabeth  
**Sent:** Monday, February 03, 2014 9:18 AM  
**To:** Basford, Sarah  
**Subject:** Jacket LRB-3055

Hi Sarah,

Could you jacket LRB-3055 for the senate?

Lis

**From:** Burri, Lance  
**Sent:** Monday, February 03, 2014 9:17 AM  
**To:** Shea, Elisabeth  
**Subject:** RE: Senate version of lrb 4032

Yes please.

Lance Burri  
Office of Sen. Rick Gudex  
608-266-5300

**From:** Shea, Elisabeth  
**Sent:** Monday, February 03, 2014 9:16 AM  
**To:** Burri, Lance  
**Subject:** RE: Senate version of lrb 4032

It hasn't been jacketed yet – would you like me to send a request to do that now?

Lis

**From:** Burri, Lance  
**Sent:** Monday, February 03, 2014 9:14 AM  
**To:** Shea, Elisabeth  
**Subject:** RE: Senate version of lrb 4032

Lis, do you know who's got the stripes?

Lance Burri  
Office of Sen. Rick Gudex  
608-266-5300

**From:** Shea, Elisabeth  
**Sent:** Friday, January 31, 2014 4:17 PM  
**To:** Burri, Lance  
**Subject:** RE: Senate version of lrb 4032

Hi Lance,

LRB-3055/1 has been switched to Sen. Gudex's name. Let me know if you need anything further.

Lis

**Elisabeth H. Shea**

Legislative Attorney  
Wisconsin Legislative Reference Bureau  
P.O. Box 2037  
Madison, WI 53701-2037  
(608) 266 - 5446  
[elisabeth.shea@legis.wisconsin.gov](mailto:elisabeth.shea@legis.wisconsin.gov)

**From:** Burri, Lance  
**Sent:** Friday, January 31, 2014 11:22 AM  
**To:** Shea, Elisabeth  
**Subject:** Senate version of lrb 4032

Elisabeth, you should be getting an email from the Genrich office, giving us permission to get a Senate version of this drafted. Let me know if you don't, please.

Lance Burri  
Office of Sen. Rick Gudex  
608-266-5300