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CLEARINGHOUSE RULE 95–149

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 1994.]

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

a. In s. NR 116.03 (1e), is there any difference between "parcel" and "tract"? Would this phrase be better written as "parcel or portion of a parcel" of land? Also, in the phrase "which is advertised or represented as a campground," does the word "campground" refer to the preceding definition of land with sites for nonpermanent overnight use by four or more camping units? Or, does the word "campground" merely refer to an advertisement claiming that land is a "campground"? This should be clarified.

b. "Mobile recreational vehicle" is defined in s. NR 116.03 (30m) as a type of recreational vehicle, but the term "recreational vehicle" is not defined. It appears that a "mobile recreational vehicle" might be defined as a type of "camping unit," which is a defined term in the proposed rule. For example, s. NR 116.12 (2m) (a) clearly indicates that a mobile recreational vehicle is a type of camping unit. Also, in the definition of "mobile recreational vehicle," one of the requirements is that the vehicle be "fully self-contained." It is not clear what this means. If a mobile recreational vehicle is connected to electrical service by an extension cord, or to water service by a hose, is it fully self-contained? Finally, for purposes of consistency, the final comma in sub. (30m) should be replaced by a semicolon.

[NOTE: All of the following comments relate both to s. NR 116.12 (2m) and (3m). These subsections easily could be combined into one subsection.]

c. In s. NR 116.12 (2m), there is ambiguity regarding whether the camping unit must be occupied. The rule authorizes "camping" in a floodway outside an approved campground, but

imposes restrictions on when the "camping unit" may occupy the site. "Camping" would appear to require actual use of the camping unit. This leaves a question as to whether a camping unit may be stored in a floodway for a substantial period of time (such as the period from December 1 to April 15), whether a camping unit may be left unoccupied for a few days or weeks or whether the rule applies at all to a camping unit that is not actually being used for camping purposes.

d. The phrase "nothing more" in s. NR 116.12 (2m) (intro.) is superfluous and should be deleted.

e. Section NR 116.12 (2m) refers to an "easily removed" tent. Section NR 116.12 (2) (b) 5. refers to "easily removable" tents. Should this terminology be made consistent? Are there any tents that are not easily removable and, if so, should these be described in the rule?

f. Should s. NR 116.12 (2m) (b) refer to the location of the camping unit rather than prohibit camping? Is this provision necessary, as it appears to state merely that the camping must occur outside of an approved campground, which has already been stated in the introductory paragraph?

g. Section NR 116.12 (2m) (c) introduces the concept of a "site." If possible, this should be rewritten to refer to the area in a floodway outside of an approved campground, rather than introducing a new term and possibly creating ambiguity.