



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 01-054

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 September 1998.]

2. Form, Style and Placement in Administrative Code

In the treatment clause for SECTION 2, “(11)” should replace “11”.

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

In s. NR 326.08 (1), the department states that “. . . the use of swim rafts in excess of 100 square feet in surface area may interfere with public rights as used in s. 30.13 (1m), Stats., and thereby require a permit under s. 30.12, Stats.”

Section 30.13 (1m), Stats., allows a swim raft to be placed in a navigable waterway without a permit if three conditions are met. One of those conditions is that the raft does not interfere with public rights in navigable waters. Section 30.12, Stats., allows the department to grant a permit if, among other criteria, the structure “. . . is not detrimental to the public interest.”

It is not clear how a raft that has been found by the department to require a permit because it may interfere with public rights could then receive a permit as being not detrimental to the public interest. The department should clarify this.