



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 04-046

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 2002.]

2. Form, Style and Placement in Administrative Code

a. 2003 Wisconsin Act 118 imposed new rule-making requirements on certain agencies, including the Department of Natural Resources. In order to facilitate uniform rule-making and rule review processes, the Clearinghouse is recommending that uniform headings be used in the analysis of rules submitted by those agencies. The attached memorandum identifies the uniform headings the Clearinghouse is recommending.

b. In s. NR 10.001 (1p), it appears that the term “aggregate daily limit” should be changed to the term used in federal law, “aggregate daily bag limit.” Is there a reason the department is not using the federal term in the rule?

c. In the SECTION 5 treatment clause, the phrase “and (note) are” should replace “is.” In the text of the note, the word “Section” should be inserted at the beginning of the sentence.

d. In SECTION 14, in s. NR 10.01 (3) (ez) 1. a., “(3)” should be placed before “par.” and should be stricken through.

e. In s. NR 10.106 (3) (intro.), “do all of the following” should be inserted before the colon. Also, in par. (a), “and” should be replaced by a period.

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

a. In s. NR 10.001 (10s), the word “skins” should be changed to the singular “skin” and verbs should be changed accordingly.

b. In s. NR 10.001 (25c), it appears that a comma should be inserted after “deer.”

c. Section NR 10.05 (1) (note) would be clearer if it were changed to clarify that the exception under s. 167.31 (4) (e), Stats., allows any person who is legally hunting small game with a muzzle-loading firearm or shotgun loaded with shotshells containing shot size BB or smaller, to hunt within 50 feet of the roadways center, if the roadway is surfaced with anything other than concrete or blacktop. Also, “that” should be changed to “who.”

d. In s. NR 10.09 (1) (a) 2., it appears that the citation “s. NR 10.01 (1) (d)” does not exist in the current administrative code. Is this citation correct? Subsection (1) (c) 1. d., would be clearer if the word “by” were inserted between the words “and” and “resident.”

e. In s. NR 10.12 (5) (note), the text of the note should be rewritten to clarify that the cited statutes apply to resident disabled senior citizens who have the appropriate department permits.

f. In s. NR 10.13 (1) (b) 6., the hyphen in the word “steel-jawed” should be deleted in order to be consistent with the term used in s. NR 10.001 (25k). In the alternative, a hyphen could be inserted in the definition.