



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 05-073

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 January 2005.]

2. Form, Style and Placement in Administrative Code

a. Newly created s. NR 20.10 (1s) to (1x) are not appropriately placed into the existing rule. The introductory language in s. NR 20.10, which applies to the newly-created subsections, reads “No person may do any of the following:”. Proposed subsections (1s) to (1x), however, do not set forth activities that are prohibited but rather set forth license application and administration procedures. Either the new material should be placed in a new section of the rule, such as s. NR 20.105, or the existing material in s. NR 20.10 should be renumbered so that the new material may be placed in a subsection that is independent of the existing introductory material.

b. In s. NR 20.10 (1r), the phrase “as defined in s. NR 20.03 (42m)” is unnecessary and should be deleted.

c. In s. NR 20.33 (5) (a), the introduction should be numbered subd. 1. and the remaining subunits and cross references should be renumbered accordingly.

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

a. The plain language analysis to the rule should explain what is meant by the terms “upriver lakes” and “season closure trigger.”

b. In the sixth item of the preface to the rule, the second comma should be replaced by a period and the following word “regulation” should be capitalized to begin a new sentence.

c. In the second paragraph of item 8. of the preface to the rule, in the last sentence, the phrase “that the any” should be replaced by the phrase “that any.”

d. In s. NR 20.10 (1s) (a), “sooner” should be replaced with “earlier.” Also, the rule should indicate where applications are available and where the application deadline will be officially published or otherwise made available to the public.

e. The rule should set out in detail the preference system the department will use to award licenses for upriver lakes sturgeon spearing rather than simply stating, in s. NR 20.10 (1t) (a), that applicants “shall be selected according to the preference system established under s. 29.192, Stats.” Section 29.192 (4), Stats., directs the department to “issue the permits according to a cumulative preference system *established by the department* (emphasis added). Simply providing a cross-reference to that statutory provision does not fulfill the statutory directive to the department to establish a cumulative preference system.

f. Should the rule require the department to specify, in either license application materials or when issuing a license, where notice of season closure will be available?