



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 05-086

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. Sections and subunits of the Administrative Code should be treated in sequential order, as numbered in the existing code. The treatment of s. NR 10.01 (3) (e) should be as follows:

SECTION 2. NR 10.01 (3) (e) 1. (intro.) is amended to read:

SECTION 3. NR 10.01 (3) (e) 1. a. is amended to read:

SECTION 4. NR 10.01 (3) (e) 1. b. is repealed.

SECTION 5. NR 10.01 (3) (e) 1. c. is repealed and recreated to read:

SECTION 6. NR 10.01 (3) (e) 1. e. is renumbered NR 10.01 (3) (e) 1. b. and amended to read: (Note the use of full citations. This change should be made throughout the rule.)

SECTION 7. NR 10.01 (3) (e) 2. is repealed and recreated to read:

SECTION 8. NR 10.01 (3) (e) 3. is repealed and recreated to read:

SECTION 9. NR 10.01 (3) (e) 4. is repealed. (Note that this provision is lacking from the rule.)

SECTION 10. NR 10.01 (3) (e) 5. and 6. are renumbered NR 10.01 (3) (e) 4. and 5. and amended to read:

The creation of s. NR 10.01 (3) (ed) and (ef) should be SECTIONS 11 and 12 and the treatment of s. NR 10.01 (3) (em) should start with SECTION 13.

The treatment of s. NR 10.104 (8) requires similar corrections.

b. Section NR 10.01 (3) (ed) 4. should begin with the phrase: “This paragraph does not apply to”

c. The rule creates a note after s. NR 10.01 (3) (em) 2. that is almost identical to the note after NR 10.01 (3) (em) 3. Should the latter note be repealed? Also, since this paragraph makes no reference to the Apostle Islands National Lakeshore, should the reference to it in the note be deleted?

d. Sections NR 10.104 (11) (intro.) and 10.105 (2), as shown in the rule, are very different from those provisions as shown in the published code, without showing the necessary striking and underscoring of text to create the differences. These should be redrafted.

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

It appears that s. NR 10.01 (3) (ef) 1. should refer to “the antlerless:antlered ratio identified in subd. 1.b.”

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

a. In numerous provisions, the rule adds “and antlerless deer” as authorized. In some contexts it is clear that “deer” is plural (e.g., NR 1.01 (3) (em) 1.), but this is not clear in others. For example, the entry under “limit” for s. NR 10.01 (3) (e) 1. a. would be more clear if it said either “and *one* antlerless deer” or “and *additional* (or *one or more*) antlerless deer.”

b. Does the entry under “kind of animal and locality” s. for NR 10.01 (3) (e) 1. b., as renumbered, refer to all parts of the state other than those identified in subd. 1.a. or those identified in subds. 1.a. and 1.d.? This should be clarified.

c. The text of s. NR 10.01 (3) (ef) 1. and 2. should include the concept of biannual and annual measures, rather than relying on the titles to suggest this. Also, when and how are the measures made?

d. Section NR 10.01 (3) (e) 2. inappropriately uses the term “gun deer hunt” as a verb. Much more appropriate would be “hunt deer with a firearm,” the wording used in s. NR 10.01 (3) (ev). Similarly, “archery deer hunt,” as used in s. NR 10.01 (3) (em) 4., should instead be “hunt deer with a bow or crossbow.”

e. In the entry under “open season” for s. NR 10.01 (3) (es) 2., as renumbered, some qualification to “a permit issued by the department” should be provided, at least to specify that it is a deer hunting permit, if not something more specific.