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## WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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### CLEARINGHOUSE RULE 10-053

#### Comments

**[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Reference Bureau and the Legislative Council Staff, dated September 2008.]**

#### **2. Form, Style and Placement in Administrative Code**

- a. The rule preface does not make a comparison of similar rules in Illinois.
- b. The rule preface should provide a deadline for submission of comments about the rule. [See s. 1.02 (2) (a) 12., Manual.]
- c. Throughout the rule draft, it is not necessary to place the treatment clauses of SECTIONS in bold font. However, the titles to rule sections should be in bold font. [See ss. 1.04 (2) and 1.05 (2) (b), Manual.]
- d. In s. NR 21.02, the introduction should read: “Except as otherwise specifically defined in the statutes, in this chapter:”. [See also s. NR 22.02 (intro.).]
- e. In general, the definitions in ss. NR 21.02 and 22.02 should be reviewed to ensure that, to the extent possible, identical terms have identical definitions. Also, the definitions should be reviewed to ensure that words such as “are” and “is” are replaced by the word “means” in, for example, s. NR 21.02 (24), (27), (32), and (33). Finally, given the introductory language in s. NR 21.02, the phrase “, as used in this chapter,” in sub. (36) is unnecessary and should be deleted.
- f. In s. NR 21.11 (1), the current notation “s.” should be replaced by the notation “ss.”
- g. In s. NR 22.02 (2), the first occurrence of the word “pole” should be shown in lowercase.

h. In the last sentence of s. NR 22.02 (18), the phrase “Hoop nets include” should be replaced by the phrase ““Hoop net” includes.” Similarly, in sub. (23), the second occurrence of the phrase “possession limit” should be placed within quotation marks. Finally, in sub. (34), the defined term should be inserted before the second occurrence of the word “means.”

i. In s. NR 22.05 (1), the underscored material should follow the stricken-through material.

j. In s. NR 22.10, the reference to the definition in s. NR 22.02 (34) is unnecessary and should be deleted.

k. In s. NR 22.11, (2) the notation “s.” should be replaced by the notation “ss.”

l. In s. NR 22.12 (3) (a) 1. c., the phrase “subdivision paragraph” should be replaced by the phrase “subdivision subparagraph.”

m. Section NR 21.02 (29) contains substantive provisions that should be separate from the definitions.

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

a. In the rule preface discussion of SECTIONS 14 and 29 of the rule, it appears that the first occurrence of the word “of” should be deleted.

b. In the rule preface discussion of Iowa law, it appears that the final occurrence of the word “two” in the first sentence should be deleted.

c. In the third line of s. NR 21.02 (4), the phrase “12 inches or longer dressed” should be replaced by the phrase “dressed catfish at least 12 inches long.”

d. In s. NR 21.02 (10), the phrase “but not limited to” should be deleted.

e. In s. NR 21.02 (24), spell out the number 4 so the sentence reads ““Minnows” means all species defined as such in s. 29.001 (54), Stats., and bullheads not exceeding four inches in length.”

f. In s. NR 21.02 (25), and throughout the rule, capitalize “river” when referencing specific rivers such as the Mississippi River, Black River, and St. Croix River.

g. In s. NR 21.02 (27), place quotations around the word “rough fish” so the sentence reads ““Rough fish” means all species defined as such in s. 29.001, Stats., and detrimental fish including amur carp which is also known as grass carp.”

h. Section NR 21.02 (30) should be reworded to read ““Setline” or “trotline” has the meaning given in s. NR 20.01 (36).”

i. Section NR 21.02 (33) should be reworded to read ““Stretch measure” means the extension measure of net mesh size whenever the size of the mesh of a net is specified and is the distance between the extreme angles of any single mesh with the mesh fully stretched.”

j. In s. NR 21.02 (35), and throughout the rule, capitalize “bay” when referencing specific bays such as St. Louis Bay.

k. Section NR 21.13 (3) (a) should clarify what constitutes valid approval that authorizes the hunting of small game or authorizes fishing.

l. Section NR 22.02 (1) should be concluded with a period.

m. In s. NR 22.02 (15), delete the period after the term “two leads.”

n. In s. NR 22.02 (16), the cross-reference should read “s. 29.522 (2) (b), Stats.” [See also s. NR 21.02 (16).]

o. In s. NR 22.02 (18), the numbers “8” and “4” should be spelled out to read “eight” and “four.”

p. In s. NR 22.02 (19), the number “2” should be spelled out to read “two.”

q. Section NR 22.05 (1) should be modified to make clear who will have control or possession of the rough fish.

r. Section s. NR 22.11 (2) (note) should contain a cross-reference to the monthly catch report required by s. NR 22.11 (10).

s. In s. NR 22.11 (22), spell out the numbers “10” and “3.”

t. In s. NR 22.12, the title should be amended to make it clear that the provisions contain use and haul limits in addition to commercial gear requirements.

u. In SECTION 27, s. NR 22.12 (3) (a) 1. e., it is unclear how the time requirement works with the general net requirements in s. NR 22.11 (7).