



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 16-031

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 December 2014.]

1. Statutory Authority

Under s. KB 1.08, the proposed rule provides that firearms are permitted under a list of circumstances, or as provided under s. 175.60, Stats. Section 175.60, Stats., only refers to the carrying of concealed firearms by *concealed carry permit holders*. Other provisions in 2011 Act 35, the legislation that created the concealed carry law, also restrict the authority of units of government to prohibit possession of firearms in public areas, whether concealed or openly carried and including handguns and other firearm types, and in particular, prohibited such restrictions outside of publically-owned buildings. [See s. 943.13 (1m) (c), Stats.] This provision in the proposed rule should be modified for consistency with these laws. Note that the Department of Natural Resources is currently addressing the same issue with respect to its revision of ch. NR 45, Wis. Adm. Code, and it may be useful to collaborate with that agency on a common treatment.

2. Form, Style and Placement in Administrative Code

a. Generally, the plain language analysis of the proposed rule states that the purpose of the rule is to align the administrative code with current management practices. However, the rule text consists primarily of deleting material from the existing code provisions. If the substance of the management practices referenced in the plain language analysis meet the definition of a “rule”, they should be promulgated and included in the administrative code. For example, is there a minimum party size required to obtain a special event permit? Is there a limit on the number of vehicles per campsite? Under what conditions may multiple camping parties occupy a campsite? How do regulations differ when applied to a family camping party as compared to a party

consisting of unrelated members? How are “immediate” and “extended” family defined? As currently modified by the proposed rule, answers to such questions, and presumably, other substantive elements of current management practices, are not contained in the rule text. [See the definition of “rule” in s. 227.01 (13), Stats., as well as the requirement to promulgate rules under s. 227.10 (2m), Stats.]

b. In s. KB 1.02 (6), all new material should be indicated using underscored text, and all deleted material should be indicated with strike-through text.

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

a. Is the reference to “event permit” in s. KB 1.02 (12) the same as a “special event” under s. KB 1.03 (1) (c)? If so, the approving entity is in conflict as the proposed rule refers to the property manager in one instance and the board in another. If not, the board may wish to reconsider the use of “group” to refer to both the size limit for general campsites and a “group campsite” obtained by an event permit in order to avoid confusion.

b. In s. KB 1.09 (8), is it the board’s intent that a camping party that consists of immediate family members may exceed a posted occupancy limit? Additionally, in this provision, it is unnecessary to include an underscored period after “not”.