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# Wisconsin Legislative Council

## RULES CLEARINGHOUSE

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### CLEARINGHOUSE RULE 23-008

#### Comments

**[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Council Staff and the Legislative Reference Bureau, dated November 2020.]**

#### 1. Statutory Authority

Because the department references the gill net markings required under s. 29.516 (2) (d) 1., Stats., in SECTION 70 of the proposed rule, amending s. NR 25.09 (1) (as), that statutory reference should be added to the list of statutes under the statutory authority section of the rule analysis.

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

a. In SECTIONS 1, 2, 63, and 86 of the proposed rule, the titles for the chapter and subchapters should be shown in solid capital letters. [s. 1.10 (2) (b) 1., Manual.]

b. In SECTION 68 of the proposed rule, amending s. NR 25.09 (1) (ah) 1. to 3., the department should review the sequence of strike-throughs and underscoring and revise as necessary to first show stricken text, followed by underscored text that will replace the stricken text. [s. 1.04 (4) (a) 2., Manual.] The same comment also applies to SECTION 73, amending s. NR 25.09 (2) (b) 2. b. The department should review the rule for any other instances of this issue.

c. In SECTION 70 of the proposed rule, amending s. NR 25.09 (1) (as), (av) (intro.), (b) 1. to 6., and (bm) 1., the new text to be inserted should be shown with underscoring. The same comment also applies to SECTION 71, amending s. NR 25.09 (2) (a) 4. to 10. The department should review the rule for any other instances of this issue.

d. In SECTION 72 of the proposed rule, creating s. NR 25.09 (2) (a) 10. am., the department could consider using a different alphabetic insertion than “am.”, that is not also a word, to reduce any potential confusion. Alternatives to “am” could include “ao.” or “aL.”. The treatment clause for this SECTION, and the rule caption’s listing of affected provisions, should be updated to reflect the change made in response to this comment.

e. In the treatment clause for SECTION 80 of the proposed rule, the identification of “2. a. and b.” should be revised to “2. (intro.), a., and b.”. The rule caption’s listing of affected provisions should also be updated to reflect this change.

f. Throughout the proposed rule, each instance of the plural “licensees” should be revised to the singular “licensee”. Singular use is the favored style and includes the plural. Also, when regulating classes of people, the obligation to comply with the regulation is on each individual member of the group, not the group as a whole. [s. 1.05 (1) (c), Manual.]

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

a. In s. NR 25.05 (1) (e) 1. a., the period at the end of the sentence should be removed. In subs. (1) (e) 1. d. and 2. b. and d., it may further reduce confusion regarding this subsection if “under this chapter” were inserted after “legal gear”.

b. In s. NR 25.09 (2) (a) 2., the word “only” should be added between “southern Green Bay” and the comma, in order to be consistent with the wording of subs. 1. and 3.