



Wisconsin Legislative Council

RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 23-009

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.]

2. Form, Style and Placement in Administrative Code

a. SECTION 19 proposes to amend s. NR 20.20 (21) (c) 1. “as affected by FH-15-20”. While a treatment may consider the potential impacts of another rulemaking order, the treatment should reference a clearinghouse rule number, rather than an NRB order number. As the given NRB order has not yet yielded a clearinghouse rule, it is not possible to evaluate the potential impacts of the order on the ch. NR 20, as currently promulgated. An alternative approach would be for the rule resulting from FH-15-20 to reference the potential effects of CR 23-009, rather than the reverse.

The same consideration should be made with respect to SECTIONS 23, 24, 25, 29, 37, 45, 46, 47, and 59.

b. The introductory clause of the proposed rulemaking order (the text enumerating each of the provisions treated) omits the order’s proposed amendment of s. NR 20.20 (25) (d) 1., as contained within SECTION 22 of the order.

c. The introductory clause indicates that the rulemaking order creates s. NR 21.04 (3) (a). This should instead indicate the creation of s. NR 21.04 (3) (am). This provision is created under SECTION 76 of the order.

d. The introductory clause of the rulemaking order indicates that the order includes an amendment to s. NR 21.04 (5) (a). This should be modified to indicate an amendment to s. NR 21.04 (5) (a) (intro.), as provided in SECTION 78 of the proposed order.

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

SECTION 43 of the order proposes, in part, to amend the open season for muskellunge for Squaw Lake in Oneida County. However, it appears that the department has renamed this waterbody as Amber Lake. The table could be amended to reflect the new name, or both the historic name and current name could be provided. Additionally, the department’s fishing rules could be reviewed universally to address waterbodies that may have been renamed (e.g., Squaw Lake in St. Croix County has been renamed Apple Lake).