



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 20-087

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 November 2020.]

2. Form, Style and Placement in Administrative Code

a. Throughout the enumeration of provisions treated by rule-making order, the agency need not include “NR” before every provision that is affected; “NR” should appear after “repeal”, “renumber”, “renumber and amend”, “amend”, and “create”. It also appears that some commas are misplaced and some are missing.

b. In the agency’s rule analysis, the descriptions of item 9, which discusses how data supports the regulatory approach taken, and item 10, which discusses the effect on small business and the economy, are identical. Based on the content, it appears that revisions to item 9 may be necessary.

c. In SECTIONS 5, 8, 13, and 14 of the proposed rule, each paragraph should be in parentheses, rather than followed by a period. [s. 1.10 (1) (b) 4., Manual.]

d. In SECTION 14 of the proposed rule, “Otter” and “Certification violations” should be written in small caps because they are the titles of their respective subsections. [s. 1.10 (2) (b) 3., Manual.]

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

a. In the plain language analysis, the provisions that describe SECTIONS 1, 9, and 11 of the proposed rule should be clarified.

b. The agency should consider clarifying the treatment of otters in SECTION 5 of the proposed rule. Under SECTION 14 of the proposed rule, any person who has killed an otter must immediately attach a certification seal to the pelt upon receiving the seal from the department. This requirement appears to make moot the prohibition in SECTION 5 on possessing a raw otter pelt without a certification seal after the seventh day of the month after the open season closes. Also, the agency should clarify what a person may not do “in the case of otter” in proposed s. NR 10.087 (4) f.

c. The agency should consider whether it would be appropriate to include “certification seal” in the list of defined terms in s. NR 10.001. Generally, the agency should more clearly explain the purpose of the certification seal and its relationship to a registration tag.