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## WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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### CLEARINGHOUSE RULE 19-016

#### 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.]**

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

a. In the introductory clause’s enumeration of provisions treated in the proposed rule, the following technical changes should be made:

- (1) Insert the citation “NR” following the phrase “to amend” and before “20.18 (2) (a)”, and again following the phrase “to create” and before “20.10 (7)”.
- (2) In the “to amend” list, remove the reference to s. NR 20.20 (13) (g) 1.
- (3) In the “to create” list, for s. NR 20.20, remove the references to subs. (2) (a) 1. and (19) (i).
- (4) Move the reference to sub. (4) of s. NR 21.04 from the “to amend” list to the “to create” list.
- (5) In the “to amend” list, for s. NR 26.01, reverse the listings of subs. (5) (a) and (16) (c) to be shown in ascending numeric order.

b. The rule summary’s listing of the deadline to submit comments should specify how a reader could determine the deadline, rather than referring only generally to a deadline that is “to be determined”.

c. In s. NR 20.10 (7), it appears as though the department is trying to restrict the types of spears that may be used in the spearing of lake sturgeon but not other types of fish. If that is correct, sub. (7) should mention lake sturgeon. The department could consider a formulation along the

following lines: “Fish for lake sturgeon with a spear having a spearhead width greater than 18 inches measured between the outside edges of the tines or a spear having tines arranged in any formation other than a single straight line, or possess either such spear while fishing for lake sturgeon.”. If instead this is meant to be a general spearing regulation, the department should consider moving sub. (7) to s. NR 20.09.

d. In SECTION 4 of the proposed rule, the treatment clause should read “created” instead of “amended”. The introductory clause should also be changed accordingly.

e. In s. NR 20.20 (13) (g) 1., in the “waters” column, the comma after “South Valley road” should be shown with a strike-through.

f. In s. NR 20.20 (16) (d) 1., in the “daily bag limit” column, the current rule uses “1” instead of “1 in total”. Is the change to “1 in total” intentional? If so, it should be underscored. Note, however, that this would be the only instance in the s. NR 20.20 table where “in total” is used for muskellunge.

g. In s. NR 20.20 (24) (f) 1., in the “county and species” column, the current rule addresses “walleye, sauger and hybrids” instead of “walleye and sauger”. Is the change intentional? If so, the amendment should be displayed with appropriate striking-through and underscoring. The phrasing in par. (f) 2. should also be reviewed for consistency.

h. In the text of SECTION 57 of the proposed rule, in the “county and species” column, par. (a) should be par. (b).

i. In the text of SECTION 66 of the proposed rule, in the “county and species” column, par. (a) should be par. (e).

j. In s. NR 20.20 (53) (e) 3., in the “daily bag limit” column, the “3” should not be underscored.

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

a. Throughout the rule, in sections creating a catch-and-release-only season for both kinds of bass (e.g., SECTION 3 of the proposed rule), the department could consider whether to use “0” instead of “0 for largemouth and smallmouth bass” in the “daily bag limit” column. This would be both simpler and more consistent with similar existing provisions in the s. NR 20.20 table where both kinds of bass have a catch-and-release-only season, such as subs. (20) (a) 1. a. and (64) (c) 1. a.

b. In s. NR 20.20 (1) (b) 3., in the “minimum length or other size restrictions” column, using “possession of fish” instead of “possession of bass” would achieve consistency with par. (b) 2., and with the s. NR 20.20 table in general.

c. In s. NR 20.20 (2) (c) 1., the text in the “open season” column should use “on open water” instead of “on open water only” to achieve consistency with the rest of the amendments made by the proposed rule.

d. Throughout the proposed rule, where the muskellunge season is extended from November 30 to December 31 in the “open season” column, the limitation “on open water” is usually included. It is not included, however, in four locations. Is that intentional or should that

phrase be added in each instance? The four locations are s. NR 20.20 (3) (b), (9) (f) 1., (50) (c) 1., and (55) (g) 1.

e. In s. NR 20.20 (7) (b) 2. a. (and elsewhere in the proposed rule), in the “open season” column, the department could consider using “to Friday” instead of “to the Friday” to achieve consistency with similar usage throughout the s. NR 20.20 table.

f. In three locations in the rule, in the “daily bag limit” column, the department is proposing a limit of “10” for panfish. Should these instead be “10 in total”? Panfish in the current s. NR 20.20 table are *almost* uniformly given a total daily bag limit rather than a per-species daily bag limit (Lilly lake in sub. (5) and Cedar lake in sub. (49) appear to be the only exceptions). The three locations are s. NR 20.20 (56) (i), (69) (c) 4., and (70) (c) 5.

g. In s. NR 20.20 (58) (f) 2., in the “daily bag limit” column, the department is proposing a limit of “3” for walleye, sauger, and hybrids. Should this instead be “3 in total”? Walleye, sauger, and hybrids in the current s. NR 20.20 table are uniformly given a total daily bag limit rather than a per-species daily bag limit.