



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Scott Grosz
Clearinghouse Director

Anne Sappenfield
Legislative Council Director

Margit Kelley
Clearinghouse Assistant Director

Jessica Karls-Ruplinger
Legislative Council Deputy Director

CLEARINGHOUSE RULE 19-146

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. The rule caption’s listing of affected provisions should be revised to more accurately reflect affected provisions and to remove duplicate designations, using the format shown in s. 1.02 (1) (Example), of the Manual. Specifically, based on the text of the proposed rule, it appears the introductory clause should read as follows: “The Wisconsin Natural Resources Board proposes an order to **repeal** NR 10.001 (4), (6), (10n) and (Note), (17), (18), (23c), (23s), and (28), 10.01 (2) (a) 4., (c) 1. b., (e) 2., and (g), and (3) (bt), (c) 1. and 2. b., and (f) 2., 10.085 (1) (d), 10.125 (3), 10.23, 10.25 (1) (g) 3. and (Note) and (3) (a), 12.34 (1) and (2), and 17.01 (2) (b) and (c); to **amend** NR 8.045 (1) (a), (d) and (Note), (3) (intro.), and (4), 8.52 (2) (b) 2., 10.001 (5t), (9c), and (25L), 10.01 (2) (c) a., (e) 1., and (g) 1., and (3) (c) 1. b., 10.06 (5), 10.105 (4) (intro.) and (j), 10.13 (1) (b) 2., 10.40 (3) (c) and (5) (c), 12.15 (2) and (11) (b), 12.31 (3m), 12.41 (5) (a) 2., 17.04 (3) (c) (intro.) and 3., and 19.73 (1) (e) 1., (2) (b) 1., and (3) (b) 2.; to **repeal and recreate** NR 10.01 (2) (f) and (3) (h) 1., 10.09, 10.11 (1), 10.12 (5), and 16.18 (8); and to **create** NR 10.06 (10) and 12.15 (11) (e), relating to the 2019 Bureau of Wildlife Management housekeeping rule.”.

b. The listing of the deadline to submit comments on the proposed rule should specify the date of the public hearing or how a reader could determine that date, rather than referring only generally to dates “to be determined”.

c. Certain SECTIONS of the rule could be combined because they affect two or more subunits of the same rule section with the same treatment, without a different intervening treatment

of other subunits. For example, SECTIONS 1 to 4 could be combined, as could SECTIONS 7 and 8, 34 and 35, and 37 and 38, respectively.

d. Conversely, the subunits treated in SECTION 6 should be divided into separate SECTIONS, because of the different intervening treatment in SECTIONS 7 and 8 for subs. (5t) and (9c). Specifically, the treatment of sub. (10n) and the subsequent units currently in SECTION 6 should be moved to a new SECTION following the treatment of subs. (5t) and (9c). [s. 1.04 (1) (a) and (2) (a) 4., Manual.]

e. In the treatment clause for SECTION 1 of the proposed rule, the designation “(intro.)” should be inserted. The rule caption’s listing of affected provisions should also be updated to reflect the specific designation.

f. In the treatment clauses for SECTIONS 2, 6, and 34 of the proposed rule, “note” should be replaced with “(Note)”. [s. 1.09 (2) (b), Manual.]

g. In s. NR 8.045 (4), the underscoring should be removed from the word “tag”.

h. In s. NR 10.01 (2) (e) 1., it appears that the “2.” after “subd.” should also be shown with a strike-through. The same comment also applies to sub. (2) (g) 1.

i. In the treatment clause for SECTION 15 of the proposed rule, a period should be inserted for the designation of subd. 2. [s. 1.03 (2) (e), Manual.]

j. SECTION 17 of the proposed rule amends s. NR 10.01 (2) (g) 1., but SECTION 18 repeals sub. (2) (g). Is the intent in SECTION 18 to repeal only sub. (2) (g) 2.? If so, the treatment clause in SECTION 18 and the rule caption’s listing of affected provisions should be modified accordingly.

k. In s. NR 10.01 (3) (c) 1. b., it appears that the designation “1.” (that is shown with a strike-through) should be removed, and instead “b.” should be shown, without a strike-through.

l. The treatment clauses in SECTIONS 19 and 21 of the proposed rule are identical. It appears that the intent in SECTION 21 may instead be to amend s. NR 10.01 (3) (f) 1. If so, the treatment clause for SECTION 21, as well as the rule caption’s listing of affected provisions, should be modified.

m. In the treatment clause for SECTION 22 of the proposed rule, the comma between “(f)” and “2.” should be removed.

n. In SECTION 24 of the proposed rule, the designation “(intro.)” should be inserted in the treatment clause, and, in the text, the zone adjustment table that follows the colon should be removed. The rule caption’s listing of affected provisions should also be updated to reflect the specific designation. Lastly, the period that is shown with a strike-through should be removed.

o. In s. NR 10.13 (1) (b) 2., the abbreviation “s.” should be inserted before the reference to “NR 10.001”. Also, consider specifying the subsections within s. NR 10.001 for the applicable defined terms.

p. In the treatment clause for SECTION 35 of the proposed rule, a closing parentheses should be added following “(3”.

q. In s. NR 12.15 (11) (e), the final period at the end of the provision should not be underscored.

r. As the proposed rule is repealing s. NR 12.34 (1) and (2), the department could consider also amending either sub. (3) or (4), for consistent use or non-use of subsection titles. [s. 1.05 (1), Manual.]

s. The following comments apply to s. NR 16.18 (8):

(1) The text of the subsection title and the introductory statement should be shown without bold font.

(2) The titles for pars. (a) and (b) should be shown without bold font, and the second word in each title should be shown with a lowercase letter.

(3) Paragraph (a) should not be subdivided into a further single subunit. Instead, the text in subd. 1. should be included in par. (a), without creating a subdivision in that paragraph. [s. 1.03 (1), Manual.]

(4) In par. (b) 3., a final period should be inserted.

t. In the treatment clause for SECTION 44 of the proposed rule, the “&” symbol should be revised to the word “and”.

u. In s. NR 19.73 (1) (e) 1., the final period that is in the current text should be shown.

4. Adequacy of References to Related Statutes, Rules and Forms

In s. NR 10.001 (5t), the referenced statute uses the term “visually handicapped”, but the proposed rule is defining the term “visually disabled”. Also, for formatting, the source designation “Stats.” should be inserted after the referenced statute. To make the reference consistent with the statute, and incorporating comment 5. b., below, consider revising the provision to appear as follows: “‘Class C permit’ means a permit issued to ~~the a visually handicapped as disabled person.~~ ‘Visually disabled’ has the same meaning as the term ‘visually handicapped’ defined in s. 29.193 (2) (a) 5., Stats.’.”

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

a. In the agency’s analysis for the proposed rule, the plain language summary of the changes made in SECTIONS 6, 9, 27, 29, and 35 could be expanded to provide somewhat more detail. For example, the summary could more fully describe why restrictions applicable to elk hunting under current s. NR 10.11 (1) are no longer necessary.

b. In s. NR 10.001 (5t), consider replacing the phrase “to the visually disabled” with the phrase “to a visually disabled person”.

c. In s. NR 10.01 (3) (h) 1., the repealed and recreated text no longer specifies a location for coyote hunting under the table header “Kind of animal and locality”. For greater clarity, consider inserting the word “, statewide” after “Hunting”.

d. In the underscored language in s. NR 10.06 (5) (intro.), the word “begins” should be revised to “begin”.

- e. In s. NR 10.06 (10), it appears that the first instance of the word “animals” should be removed.
- f. The following comments apply to s. NR 10.09:
 - (1) In sub. (2) (a) (intro.), the phrase “while hunting” should be revised to “of any of the following while hunting:”. [s. 1.03 (3), Manual.]
 - (2) In sub. (2) (a) 1. to 3., each sentence should begin with a capital letter. The same comment also applies to par. (d) 1. and 2., and sub. (3) (a) to (f).
 - (3) In sub. (2) (d) (intro.), the word “While” should be revised to “Do any of the following while”, and the comma following “department” should be revised to a colon.
 - (4) In sub. (2) (d) 1., the word “and” should be revised to “or”.
 - (5) In sub. (3), the paragraph designations “a.” to “f.” should be shown with parentheses as “(a)” to “(f)” and the periods should be removed. [s. 1.03 (2) (d), Manual.] Also, in pars. (e) and (f), periods should be added at the end of the text.
- g. In the treatment clause for SECTION 28 of the proposed rule, the word “is” should be revised to “are”. Also, in the text of s. NR 10.105 (4) (intro.), the “(7)” should be shown without underscoring.
- h. In s. NR 10.11 (1), the text of the current subsection title should be shown, or a new title should be inserted. The title for sub. (1) should not be removed unless the title to sub. (2) is also repealed.
- i. In s. NR 12.31 (3m), the phrase “Enrollees must be an” should be replaced with “An enrollee must be an”.