



Wisconsin Legislative Council

RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 21-038

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

In the statutory authority section of the rule analysis prepared by the department, the department should consider also citing ss. 29.014 (1) and 29.041, Stats.

2. Form, Style and Placement in Administrative Code

a. In the statutes interpreted section of the rule analysis prepared by the department, the narrative explanation should be removed, as that is provided in the explanation of agency authority section of the rule analysis.

b. In s. NR 20.65 (2) (c) 1., “department of natural resources” should be changed to “department”. This also occurs in sub. (3) (d) 2.

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

a. In s. NR 20.65 (1) (c) 1., it appears that the reference to “waters defined in pars. (c), (d), and (e)” should be revised to “waters defined in pars. (d), (e), and (f)”.

b. In s. NR 20.65 (3) (d) 1., a reference to “in sub. (2) (c)” should be inserted between “the required information” and “one-half hour”.

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

a. In s. NR 20.65 (1) (c) 1., the word “accompanying” should be deleted.

b. In s. NR 20.65 (2) (a), it appears that “on-water” should be changed to “open water” to be consistent with sub. (1) (c) 1., unless the department intends for “on-water” to have a different meaning than “open water”. If the term “on-water” is retained, the department may wish to consider clarifying or defining this term.

c. In s. NR 20.65 (3) (d) 2., it is unclear how a guide will know which department “designated phone number” or “designated email address” to use to make the required notification.