

# WISCONSIN LEGISLATIVE COUNCIL STAFF

## RULES CLEARINGHOUSE

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## CLEARINGHOUSE RULE 99-023

### Comments

**[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated September 1998.]**

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

a. In the analysis, reference is made to SEC. 5 of the draft placing Webb Lake in Burnett County in the southern bass zone. No mention is made of the fact that it also appears to remove lower Clam Lake from that zone.

b. In SEC. 43, s. NR 20.26 is created to designate outlying trout and salmon waters. Section 29.191 (5) (a), Stats., contains a definition of “outlying trout and salmon waters” which includes any “outlying waters” and: (1) any river or stream tributary of Lake Michigan or Green Bay from its mouth upstream to the first dam or lake; and (2) any other river or stream tributary of Lake Michigan or Green Bay that is designated by the department. “Outlying waters” is defined by s. 29.001 (63), Stats., as Lake Superior, Lake Michigan, Green Bay, Sturgeon Bay, Sawyer’s Harbor and the Fox River from its mouth up to the dam at DePere.

Under the definition created by the rule, the following are designated as outlying trout and salmon waters: Lake Michigan, Green Bay, Lake Michigan tributaries, Little River from its confluence with the Oconto River upstream to the Highway 141 bridge, all other tributary streams, rivers and ditches to Green Bay upstream to the first dam or lake and Lake Superior. Because of the inclusion in the designation of outlying trout and salmon waters of Lake Michigan and Lake Superior and Green Bay but not Sturgeon Bay, Sawyer’s Harbor and Fox River, the definition is confusing. It is suggested that s. NR 20.26 be amended to include all the waters that are defined, by statute, as “outlying waters” which under s. 29.191 (5) (a), Stats., should be included in the definition of “outlying trout and salmon waters.”

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

In the analysis, the statutory authority and statutes interpreted provisions include ss. 29.191 and 29.192, Stats. It appears that the operative provisions of those statutes are ss. 29.191 (5) and 29.192 (3) and (4), Stats. It is suggested that these provisions be listed in the statutory authority and statutes interpreted provisions of the rule.