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RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 99-047

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.]

1. Statutory Authority

Section NR 6.11 provides that no person may operate and no owner may permit operation of a snowmobile not currently registered in Wisconsin without a snowmobile trail sticker. However, under s. 350.12 (3j), Stats., a snowmobile that is registered under s. 350.12, Stats., *or that is exempt* from registration under s. 350.12 (2) (a), Stats., need not carry a trail use sticker. Furthermore, under s. 350.12 (3j) (a) 2., Stats., no person who is the owner of a snowmobile may operate or give permission for another person to operate a snowmobile on a *public snowmobile corridor* in Wisconsin unless a trail sticker issued under this subsection is displayed on the snowmobile. A public snowmobile corridor is a snowmobile trail or other established snowmobile corridor that is open to the public but does not include a snowmobile route. Therefore, the requirement in s. NR 6.11 that all unregistered snowmobiles have a snowmobile trail sticker wherever operated appears to exceed the department’s statutory authority.

2. Form, Style and Placement in Administrative Code

a. The analysis states that SECTION 21 is repealed. The analysis should explain that SECTION 21 repeals a provision relating to the year-round maintenance rate.

b. In several places in the rule, reference is made to the Department of Natural Resource’s regional offices. In view of this change, the definition contained in s. NR 50.03 (7)

of “district” should be repealed. Also, a definition of “region” should be created in s. NR 50.03 to replace the definition of “district.”

c. In s. NR 50.09 (4) (c) 3. b., either the term “information signs” or “informational signs” should be used consistently.

d. In s. NR 50.09 (4) (f) 1. b., “DNR” should be replaced by “department.” The change can be made by showing “DNR” as stricken through and inserting “department” before “regional.” This same change should be made in s. NR 50.09 (4) (f) 4.

e. In s. NR 50.09 (4) (f) 3., “shall be” should be replaced by “are.”

f. In s. NR 50.10 (3) (a) 2., “department of transportation” should precede “division of highways.”

g. The introductory clause of SECTION 13 should state that “NR 50.12 (3) (e) is repealed and recreated to read:”.

h. In s. NR 50.12 (3) (e), the introductory sentence should not be underscored, since the provision is repeated and recreated.

i. In s. NR 50.12 (3) (e) 2., should “years” be shown as a possessive? See also s. NR 64.15 (3) (e) 4.

j. In s. NR 50.12 (3) (e) 4., “shall be met” should be replaced by “is required.”

k. In s. NR 50.12 (3) (e) 5., a comma should be inserted after “be” and the phrase “and are” should be replaced by “or.”

l. In s. NR 50.13 (4) (d) (intro.), the second sentence should be revised to state that “The appropriate official shall fill out all of the forms, retain one set for the municipality’s records and file two sets with the appropriate regional office as specified in s. 35.79, Stats., covering the patrol expense for the preceding year.” “Fills” should be shown as stricken and be replaced by “shall fill,” “retains” should be shown as stricken through and replaced by “retain” and “files” should be shown as stricken through and followed by “file.” In the third sentence, “cannot and” should be deleted.

m. In s. NR 64.03 (4), “it’s” should be replaced by “its.” The same change should be made in s. NR 64.04 (3).

n. In s. NR 64.085, the final part of the sentence refers to requirements “found in ss. 23.33, or Stats. (give cites).” References should be included to the additional statutory provisions.

o. In s. NR 64.14 (9) (a) 1., “up to” should be replaced by “for not more than.”

p. In s. NR 64.15 (3) (e) 1., following “patrol,” “will be” should be replaced by “is.”

q. In s. NR 64.15 (3) (e) 4., “shall be met” should be replaced by “is required.”

r. In s. NR 64.15 (3) (e) 5., “shall be eligible cost for officers only” should be replaced by “are eligible costs only for officers.” A comma should be inserted in the last line following “be” and “and are” should be replaced by “or.”