

# WISCONSIN LEGISLATIVE COUNCIL STAFF

## RULES CLEARINGHOUSE

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## CLEARINGHOUSE RULE 01-013

### 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. That part of the analysis describing SECTION 16m should end with a period.
- b. In the text of the rule, four SECTION numbers are missing: 20, 28, 50 and 53. Also, two SECTIONS are numbered incorrectly--16m and 29m. Section 1.04 (1), Manual, provides that the text of a rule should be divided into sequentially numbered SECTIONS, denoted as SECTION 1, SECTION 2 and so forth. Thus, the rule SECTIONS should be renumbered to include SECTIONS 20, 28, 50 and 53 and to eliminate SECTIONS 16m and 29m. The analysis should also be updated, since it explains each SECTION.
- c. In s. NR 20.03 (31), the first inserted comma on line 4 should follow, rather than precede, the stricken “and.” Section 1.06 (1), Manual, provides that when material is deleted and material is added in the same location, the new underscored material always immediately *follows* the stricken material.
- d. The material in SECTIONS 2 and 3 of the rule could be combined into a single SECTION, since the two SECTIONS contain subsections of the same rule section that are affected by the same treatment. See s. 1.04 (2) (a) 4., Manual. The same comment pertains to the material in SECTIONS 8 and 9, 29m and 30, 33 and 34, 40 and 41, 46 and 47 and 54 and 55.

e. In s. NR 20.12 (4) (c), the word “Lake” on line 2 should not be capitalized, since it is not capitalized in the current rule. Also, for readability, the stricken “and” on line 3 should not be stricken.

f. In the treatment clause to SECTION 17, a period should be inserted after the “2m.,” since subdivisions are designated by a number followed by a period, per s. 1.03 (5), Manual. The remainder of the rule should be reviewed for other occurrences of this problem.

g. In s. NR 20.20 (33) (b) 3., the “2.” in the second column of text should be a “3.”

h. In s. NR 20.20 (57) (f) 3., the “1.” in the second column of text should be a “3.” Also, for consistency with other provisions, the language should read: “Chetac lake, Birch lake.”

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

a. In s. NR 20.10 (3m), it is suggested that the word “from” on line 2 be replaced by the word “beginning.”

b. In s. NR 20.20 (26) (f) 2m., the daily bag limit for brook trout is listed in the fifth column as “none” until November 15, 2011. Thus, it appears that *on* November 15, 2011, some brook trout may be caught. However, the final column indicates that brook trout of eight inches may be taken *after* November 15, 2011. To reconcile the two provisions, it appears that the phrase “on or” should be inserted before the word “after” in the final column. The entire rule should be reviewed to ensure that the language clearly indicates the first and last days of specific periods of time.

c. In s. NR 20.20 (35) (g) 1., in the phrase “including sloughs, bayous and flowages,” a comma should be inserted and stricken through after the word “bayous” and the word “and” should be underscored. Also, compare this language to the language in s. NR 20.20 (37) (i) 1., where the phrase reads: “including *all* sloughs, bayous and flowages.” Is there a reason for the inconsistency. The entire rule should be reviewed for occurrences of this problem.

d. In the treatment clause to SECTION 56, the citation should read: “NR 26.01 (9) (a).” Also, in the text of this provision, the phrase “the old county highway Y bridge” is inserted. On the other hand, in SECTION 58, reference is made to “the old CTH Y bridge” and “the new CTH Y bridge.” These two provisions should use consistent terminology to refer to that bridge. Similarly, the town and range descriptions should be expressed in a consistent format.