



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Ronald Sklansky
Clearinghouse Director

Richard Sweet
Clearinghouse Assistant Director

Terry C. Anderson
Legislative Council Director

Laura D. Rose
Legislative Council Deputy Director

CLEARINGHOUSE RULE 06-012

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 January 2005.]

2. Form, Style and Placement in Administrative Code

a. The definition of “pheasant management zone” seems to be unnecessary. The rule could omit this definition and simply amend s. NR 10.01 (2) (c) 8. to read: “No person may hunt pheasants without a valid state pheasant stamp....” If the department is concerned that readers will be unsure of the geographic applicability of that language, it could be written: “No person may hunt pheasants in this state without....”

b. The treatment clause of SECTION 10 should read: “NR 10.01 (3) (em) 4. c. as created by....”

c. Section NR 10.102 (4m) (c) (intro.) should read: “... if issued to a person to whom any of the following applies:”. Subdivisions 1. and 2. should both begin with “The person...” Also, in subd. 1., the second occurrence of the word “a” should be deleted.

d. In the treatment clause of SECTION 19, “and (intro.)” should be inserted before “are amended.”

3. Conflict With or Duplication of Existing Rules

Current s. NR 16.01 (18) contains a cross-reference to s. NR 10.34. Since s. NR 10.34 is repealed by this rule, s. NR 16.01 (18) should be amended or repealed.

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

a. In s. NR 10.13 (1) (b) 8. b. and 12. (intro.), in the phrase “greater than or equal to 60 square inches or less than or equal to 75 square inches,” the second “or” should be changed to “and.” Also, in par. (b) 8. b., the last item of inserted language should be “or an” and, in par. (b) 12. (intro.), the last occurrence of the word “and” should be changed to “or.”

b. In s. NR 10.13 (1) (b) 8. b., it appears that the first semicolon (which is in the current rule) should be a colon, as the material before it describes a type of trap and the material following it is a list of prohibited uses of that type of trap, set off from each other by semicolons.

c. In s. NR 10.13 (1) (b) 11., the phrase (in the current rule) “no person may” should be stricken, as it duplicates s. NR 10.13 (1) (intro.). This error occurs several times in s. NR 10.13 (1).

d. Section NR 10.13 (1) (b) 11. is confusing. At the very least, the word “and” should be changed to “or.” However, for greater clarity, the following format is suggested:

NR 10.13 (1) (b) 12. ‘Trap placement.’ Except during the muskrat or mink season, set, place, or operate any waterset trap of the steel jaw type with a jaw spread less than 5 ½ inches or of the body gripping type less than or equal to 60 square inches....

e. The cross reference in s. NR 10.25 (1) (e) should be to par. (f) 2., as the following SECTION of the rule repeals s. NR 10.25 (1) (f) 2. b.

f. In s. NR 10.25 (1) (g) 1., the phrase “but not the time period” is very uninformative. For what time period are carcass tags used during the youth turkey hunt valid?