



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 06-133

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 first treatment section should be restructured as follows:

SECTION 1. NR 5.001 (7m) is renumbered NR 5.001 (7g).

SECTION 2. NR 5.001 (7r) is created to read:

SECTION 3. NR 5.001 (11m) is renumbered NR 5.001 (11g).

SECTION 4. NR 5.001 (11r) and (12m) are created to read:

- b. In s. NR 5.001 (12m), the definition of the term “safe carrying capacity” should not make use of the phrase “refers to.” The definition could be written as follows:

“Safe carrying capacity,” for the purposes of s. 30.68 (9), Stats., means all of the following:

(a) The maximum number of persons allowed and the maximum allowed total weight of persons, motor, gear, and other articles placed aboard as displayed on a boat’s capacity plate, under normal conditions.

(b) Less than the maximum number of persons or the maximum allowed total weight of persons, motor, gear, and other articles placed aboard as displayed on a boat’s capacity plate when taking into

consideration abnormal weather or other existing operating conditions.

c. In s. NR 5.01 (5), the introduction should be numbered as par. (a) and the remaining paragraphs should be renumbered accordingly.

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

Section NR 5.01 (5) (a) refers to a form provided by the department. The requirements of s. 227.14 (3), Stats., should be met.

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

a. In the definition of “lifeboat,” the word “which” should be replaced with “that.” The same applies to the first occurrence of “which” in s. NR 5.01 (5) (a).

b. The definition of “recommended number of persons” is unclear. The following alternative, using notes for explanatory purposes, is suggested:

“Recommended number of persons” means the maximum number of persons that may occupy a boat, as indicated on the boat’s capacity plate.

NOTE: “Recommended number of persons” is independent of any weight limits that apply to the boat; the term is applied regardless of whether the weight limits are exceeded.

c. The first comma in s. NR 5.01 (5) (intro.) should be omitted. Section NR 5.01 (5) (a) should begin with the phrase “A person” and, in par. (b) (intro.), the phrase “all of” should be inserted after the word “contained.” A comma should be inserted following “boat” in s. NR 5.01 (5) (c). Also in s. NR 5.01 (5) (c), “will” should be replaced with “shall.”