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## WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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### CLEARINGHOUSE RULE 07-026

#### 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 introductory clause should be organized so that the sections affected by this rule proposal are listed in the order provided in s. 1.02 (1), Manual.

b. Reference in the introductory clause and the text of the proposal to s. NR 45.03 (1) (f) should be changed to s. NR 45.05 (1) (f). Consider re-wording this section to clarify that operation of a motor vehicle while under the influence of an intoxicant or a controlled substance is prohibited both on and off highways and parking lots.

c. Section NR 1.29 (2) (b) is incorrectly drafted as introductory material. [See s. 1.03 (8), Manual.]

d. The subdivision titles in s. NR 1.29 (2) (b) should be in single quotation marks. [See s. 1.05 (2) (e), Manual.]

e. In s. NR 45.03 (23m) and (27), “as defined in this section” should be deleted.

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

a. Under NR 45.05 (5), the rules regarding off-road motorcycles are changed, including a reduction in allowable decibel levels (previously contained in the definition of “off-road motorcycle”), a helmet requirement, and other rules. These changes should be noted in the plain language analysis.

b. In s. NR 45.05 (5) (b) 3., “their” should be changed to “his or her.”

c. The department should consider changing the order of the listed properties under s. NR 45.10 (1) (m) so that “Turtle Flambeau scenic waters area” is the last listed, followed by the campsite exceptions.

d. The following issues should be considered with respect to the drafting of s. NR 45.10 (3) (a) 1.:

- The minimum required stay for Labor and Memorial Day is measured by camping nights, but the minimum required stay for certain Fourth of July weekends is determined by the days of stay. Is there a difference between these two ways of identifying campsite occupancy?
- Phrases such as “shall be comprised of” should be avoided in favor of plain language like “shall include.”
- The inclusion of “Fourth of July” in the first sentence is confusing. This seems to imply that a 3-day stay is also required if the Fourth falls on a Saturday or Sunday, but does not prescribe which days must be included in the stay. Could someone stay Wednesday night through Friday night or Saturday night through Monday night to meet this requirement?

Consider revising this paragraph as follows:

Family sites: 2 days, except a minimum stay of 3 days for any of the following:

- a. On Labor Day and Memorial Day weekends. The stay shall include Friday, Saturday, and Sunday nights.
  - b. When the Fourth of July falls on a Saturday or Sunday. The stay shall include at least 3 consecutive nights from Thursday night through Sunday night of that weekend.
  - c. When the Fourth of July is on a Friday. The stay shall include Thursday, Friday, and Saturday nights of that weekend.
  - d. When the Fourth of July is on a Monday. The stay shall include Friday, Saturday, and Sunday nights of that weekend.
- e. In s. 45.13 (8g), the first “lake” should have an initial capital letter.