



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 08-010

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

SECTION 8 should reflect that NR 20.20 (3) (am) is created, not amended.

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

Sections 29.426 and 29.428, Stats., should be added to the lists of Statutes Interpreted, Statutory Authority, and Explanation of Agency Authority in the analysis.

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

a. In the plain language analysis, the descriptions of SECTIONS 1 and 2 of the proposal are switched.

b. SECTIONS 4 and 5: Sections 29.426 and 29.428, Stats., as created by 2007 Act 20, could be read to only allow the use of baits with a single barbless hook, or could be read to allow the use of baits with multiple barbed hooks as long as one hook was barbless. The rule uses similar language for ss. NR 20.165 and NR 20.175 (2) (b). It is suggested that the department clarify this in the rule if it interprets ss. 29.426 and 29.428, Stats., to only allow the use of one or more barbless hooks, as is stated in the plain language analysis and appears to be consistent with legislative intent.

c. SECTION 5: Proposed s. NR 20.175 (2) (b) refers to “a catch and release muskellunge fishing season” but the provisions creating the season call it an “open season” with a bag limit of zero. These provisions could be made consistent by explicitly creating a catch and release

season. Otherwise, there may be confusion about whether the barbless hook requirement also applies to other times of year in places where the muskellunge bag limit is also zero (see, for example, Yellowstone Lake in Lafayette Co.).

d. SECTION 18: In the plain language analysis, this section should also be included in the list of sections that “simplify muskellunge regulations on the Black river” in various counties.

e. SECTION 20: In the plain language analysis, this section should be included in the list of sections extending the open muskellunge season south of Highway 10 until December 31 but should not be included in the list of sections that “simplify muskellunge regulations on the Black river” in various counties.

f. SECTIONS 30 and 39: In the plain language analysis, these sections should be included in the list of sections extending the open muskellunge season south of Highway 10 until December 31.

g. SECTION 53: It is suggested that the department note in the part of the plain language analysis that describes SECTIONS 37 and 47 that these two sections of the proposal will go into effect on the first day of the month following publication in the Administrative Register, instead of with the rest of the rule on April 1, 2009.