



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 08-060

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. In the analysis, “ch. 29, Stats.” should replace “this chapter” on the last line of paragraph 3 on page 2.

b. In the analysis, item 12 should contain the relevant information.

c. Several of the phrases defined in SECTION 1 are not used in ch. NR 25, as revised by the proposed rule. For example, the following phrases do not appear to be used in ch. NR 25: (1) the annual allowable commercial harvest [s. NR 25.02 (32)]; (2) illegal nets [s. NR 25.02 (35)]; (3) Riley’s Bay [s. NR 25.02 (55)]; (4) Southern Green Bay-Lake Michigan line [s. NR 25.02 (60)]; (5) standard fish box [s. NR 25.02 (62)]; and (6) trawl cast [s. NR 25.02 (68)]. The agency should either use all of the phrases defined in SECTION 1 or remove the phrases that are not used. [See s. 1.01 (7), Manual.]

d. Definitions should be arranged in alphabetical order. [s. 1.01 (7) (a), Manual.] For example, s. NR 25.02 (36) and (37) in SECTION 1 should be reversed.

e. The rule should avoid the use of parentheses. [See s. 1.01 (6), Manual.] For example, see ss. NR 25.02 (45) and 25.18.

f. If a provision that contains a title is amended, the title should be shown even if not amended. [s. 1.05 (3) (c), Manual.] For example, the titles in s. NR 25.05 (3) and 25.06 (3) should be shown in SECTIONS 5 and 6.

g. If a subsection contains a title, all subsections in the same section should contain a title. [s. 1.05 (1), Manual.] For example, titles are used inconsistently for the subsections in ss. NR 25.13 and 25.17. [See SECTIONS 17 to 26 and 36 and 37.]

h. If a paragraph contains a title, all paragraphs in the same subsection should contain a title. [s. 1.05 (1), Manual.] For example, titles are used inconsistently for the paragraphs in ss. NR 25.13 (5) and 25.16 (1). [See SECTIONS 20 and 29 to 32.] If titles are used for paragraphs, the titles should be written with an initial capital letter and italicized. [s. 1.05 (2) (d), Manual.]

i. In SECTION 5, s. NR 25.05 (3) should be structured as follows:

NR 25.05 (3) _____. Except as otherwise provided in this chapter, no person may do any of the following:

- (a) Possess species....
- (b) While on the water, possess....
- (c) Catch, take.... The harvest limit....
- (d) Fish for a species....
- (e) At the time of landing, possess fish eggs....
- (f) At the time of landing, possess fish viscera....
- (g) Take, catch...if the person is engaged in fleet reporting under s. NR 25.135.

j. In SECTION 17, a stricken-through comma should be shown after “records of harvest” in s. NR 25.13 (2) (a). [s. 1.06 (1), Manual.]

k. In SECTION 18, the comma after “s. 29.519 (1m)” in s. NR 25.13 (3) (intro.) should not be underscored. [s. 1.06 (1), Manual.]

l. In SECTION 23, “ss. 29.503 and 29.519, Stats., and this chapter” should replace “s. 29.503, Stats., and 29.519, Stats., and this chapter” in s. NR 25.13 (8).

m. In SECTION 29, the period after “s. 29.519 (1m), Stats” in s. NR 25.16 (1) (a) should not be underscored. [s. 1.06 (4), Manual.]

n. In the fiscal estimate, the acronyms “LE” and “DNR” should be spelled out in their first use, followed by the acronym in parentheses. In subsequent references to the phrase, the acronym should be used. [s. 1.01 (8), Manual.]

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

a. In the analysis, “29.9905” should replace “29.99” in item 4 on page 2.

b. In SECTION 1, the reference to s. 880.01 (4), Stats., in s. NR 25.02 (38) is incorrect; s. 880.01 (4), Stats., does not exist. The correct reference should be included.

c. In SECTION 24, “NR 25.13 (9)” should replace “NR 20.13 (9)” as the section number that is created.

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

- a. A period should be inserted at the end of the introductory clause to the rule.
- b. In the analysis, a period should be inserted at the end of paragraph 5 on page 5.
- c. The references to “but is not limited to” or “but are not limited to” should be removed in the following provisions: s. NR 25.02 (11) in SECTION 1; s. NR 25.13 (2) (a) in SECTION 17; s. NR 25.13 (3) (a) in SECTION 18; s. NR 25.13 (5) (c) 2. in SECTION 20; s. NR 25.13 (9) (a) in SECTION 24; and s. NR 25.17 (2) (a) in SECTION 37.
- d. In SECTION 1, the first “which” in s. NR 25.02 (23) should be removed. A comma should be inserted after “pin bones” in s. NR 25.02 (23).
- e. In SECTION 1, “for the purposes of this chapter” in s. NR 25.02 (26) should be removed. The language is repetitive of that in s. NR 25.02 (intro.).
- f. In SECTION 1, “under” should replace “as defined in” in the stricken-through definition of “incapacity” in s. NR 25.02 to be consistent with the actual language that is being stricken.
- g. In SECTION 3, s. NR 25.03 (2) (am) refers to both Lake Michigan and Green Bay, whereas the other provisions in s. NR 25.03 (2) refer only to Lake Michigan. The agency should clarify this apparent inconsistency.
- h. In SECTION 18, “the person’s” should replace “their” on line 4 of s. NR 25.13 (3) (intro.)
- i. In SECTION 22, “all of the following:” should be inserted after “includes” in s. NR 25.13 (7) (intro.), and a comma should be inserted after “utilized” in s. NR 25.13 (7) (d).
- j. In SECTION 24, “by address” should be removed in s. NR 25.13 (9) (a).
- k. In SECTION 26, “court ordered” should be hyphenated in s. NR 25.13 (11) (intro.).
- l. In SECTION 37, “an” should replace “and” on line 2 of s. NR 25.17 (2) (c).