



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 09-015

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Reference Bureau and the Legislative Council Staff, dated September 2008.]

2. Form, Style and Placement in Administrative Code

a. Section NR 10.001 (20) should be restructured in the following way:

NR 10.001 (2) “Open water” means any portion of a navigable water body that does not contain a naturally occurring growth of emergent vegetation rooted to the bottom and that provides all of the following:

1. The vegetation is....
2. The vegetation that provides 50% concealment extends....

(b) In this subsection, “naturally occurring growth of emergent vegetation” does not include naturally occurring dead stumps or trees or include vegetation placed in the bottom by a person.

b. In s. NR 10.001 (20) (b), “must” should be changed to “shall.” This problem also occurs in the Note following sub. (20) (b).

c. In the treatment clause of SECTION 7, the phrase “to read” should be inserted after the word “amended.” The entire rule should be reviewed for the inclusion of this phrase in treatment clauses that purport to amend, repeal and recreate, or create rule provisions.

d. Section NR 10.06 (9) should be structured in the following way:

NR 10.06 (9) DAILY MIGRATORY BIRD REST PERIOD. (a) Migratory bird hunting hours...on the following dates:

1. George W. Mead Wildlife Area....
2. Lake Mills Wildlife Area....

(b) This subsection does not apply after December 31, 2012.

Also, in this subsection, the two occurrences of the notation “subd.” should be replaced by the notation “s.”

e. In SECTION 18, the notation “(intro.)” should be inserted before the phrase “is amended” and after the word “REGISTRATION.”

f. In s. NR 10.26 (2), the notation “(title)” should be inserted before the word “TAGGING.”

g. In s. NR 10.40 (5) (b), the citation to “s. 29.193, Stats.,” is in the current text of the rule and, therefore, the number “29.193” should not be underscored.

h. In the treatment clause of SECTION 27, “(title) (1)” should be deleted and “(1)” in the rule text should be deleted. Also in this section, “Early waterfowl hunting season closed area” should be in bold print.

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

a. In the statutes interpreted and explanation of agency authority section of the rule analysis, the semi-colon should be changed to a colon. This problem also occurs in the statutory authority and explanation of agency authority section.

b. In the rule preface discussion of a related rule or statute, the phrase “currently under promulgation” should be deleted. This section of the rule preface is meant to discuss related rules or statutes currently in force.

c. In the plain language analysis section of the rule analysis, in the first paragraph, “chapter” should be “chapters” and “do the following” should be added after “Specifically, these proposals.” In the sentence beginning with “Section 2,” “of” should be inserted after “harvest.” In the sentence beginning with “Section 6,” “allow” should be changed to “allows.” In the sentence beginning with “Section 7,” “through” should be changed to “to” and “is” should be changed to “are.” In the sentence beginning with “Section 23,” “of” should be inserted after “holders.” In the sentence beginning with “Sections 26 and 28,” a period should be added at the end of the sentence.

d. In the rule preface comparison of rules in adjacent states, in the last paragraph, the word “a” should be inserted before the phrase “given time.”

e. In the summary of factual data section of the rule analysis, in the first full paragraph on page 3, “bobcat” should be inserted between “one” and “season.” On page 3 in the third

paragraph, "1 through 5" should be changed to "1 to 5." On page 3 in the sixth paragraph, "Class A and C disable" should be changed to "Class A and C disabled." Also in this paragraph, "Long" should be changed to the lowercase. On page 3 in the third sentence of the last paragraph, "a" should be inserted between "provide" and "hunting." On page 4, in the last paragraph of the summary of factual data section, "Waterfowl closed areas area" should be changed to "Waterfowl closed areas are a." Also in this paragraph, "Those are a portion" should be changed to "The closed areas are a portion."

f. In s. NR 10.01 (3) (e) 2. h., a period should be added after "s. NR 10.104."

g. In s. NR 10.40 (4) (a), the word "permit" should be added after "Class A." This problem also occurs in subs. (4) (b) 2. and (5) (a) 2. c. and (b).