



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 09-078

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. The defined terms in SECTIONS 1 and 2 should be in quotation marks. Also, the SECTIONS should create s. NR 10.001 (23a) and (23b) so that the defined terms are in alphabetical order with the remainder of the terms defined in s. NR 10.001.

b. The treatment clause in SECTION 3 of the rule-making order should be changed to signify that the relevant rule provisions are amended, not repealed and recreated. In addition, “amended by” should be changed to “affected by.”

c. In s. NR 10.01 (3) (e) 1., in the first entry in the column entitled “Limit,” the phrase “or, beginning on December 26, as authorized under 10.01 (3) (ed) 1. d.” is new material and therefore should be underscored. Also, “s. NR” should precede the number of the cited rule.

d. In s. NR 10.01 (3) (e) 1. g., “s.” should be inserted after “under”.

e. In s. NR 10.01 (3) (e) 2. d., in the second column, the existing rule text is inaccurately reproduced. Specifically, “9” should be changed to “19.”

f. The provisions set forth as new material in s. NR 10.01 (3) (em) 2. should be placed in a newly added subdivision of the rule. Section NR 10.01 (3) (em) 2. already exists and is entitled “Federal properties.”

g. The phrase “to read” should be added to the end of the treatment clause in SECTION 8 of the rule.

h. In s. NR 10.01 (3) (et) 1. c. 2. and d. 2., “second” is newly added to the rule and therefore should be underscored. In addition, in the last entry in the second column in s. NR 10.01 (3) (et) 1. d. 5., the third instance of “the” should be stricken through to indicate the material is to be deleted.

i. The note following s. NR 10.104 (8) (a) is not affected by the rule-making order and therefore should not be included in the order.

3. Conflict With or Duplication of Existing Rules

The treatment clause in SECTION 10 of the rule-making order incorrectly identifies the rule section that it affects and also inaccurately portrays the rule as affected by Clearinghouse Rule 09-024. This entire SECTION should be reviewed and rewritten.

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

In several instances in the rule, the phrase “beginning on the second Saturday preceding the Thanksgiving holiday” is used to refer to the day that a hunting season begins. The meaning of this phrase is somewhat unclear. The rule analysis refers to this same day as “beginning two Saturdays prior to the Thanksgiving holiday.” The phrase used in the analysis seems easier to understand. Could it or the phrase “beginning two Saturdays before Thanksgiving” be used in the rule text instead of the phrase that is currently used?