



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Scott Grosz and Jessica Karls-Ruplinger
Clearinghouse Co-Directors

Terry C. Anderson
Legislative Council Director

Laura D. Rose
Legislative Council Deputy Director

CLEARINGHOUSE RULE 13-001

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 November 2011.]

2. Form, Style and Placement in Administrative Code

a. In the introductory clause of the proposed rule, the enumeration of the rules provisions treated by the rule should be revised to conform to the style specified in the example provided in s. 1.02 (1), Manual. In particular, it is unnecessary to repeat section references as part of references to smaller administrative code subunits. For example, “to repeal NR 20.20 (2) (c) 2., 20.20 (7) (d), 20.20 (9) (c), ...” should be written, “to repeal NR 20.20 (2) (c) 2., (7) (d), (9) (c), ...”.

b. Throughout the rule analysis, the department should revise its characterization of the proposed rule as consisting solely of “housekeeping changes.” In general, use of the term “housekeeping changes” is colloquial, and could be replaced by reference to a proposed rule that “brings an existing rule into conformity with a statute that has been changed or enacted,” as referenced in s. 227.16 (2) (b), Stats. However, based on the department’s description of the rule in the plain language analysis, the rule also includes provisions that are not related to bringing existing rules into conformity with recent statutory changes. Therefore, reference solely to “housekeeping changes” inaccurately limits the scope of this particular proposed rule. The rule analysis, as well as the relating clause of the proposed rule, should be revised to more accurately reflect the scope of the rule. [In its analysis, the department uses the phrase “relating to the regulation of fishing and harvest of turtles.”] Similarly, the department should reconsider its statement that the proposed rule contains “no new policy.” By definition, changes to the administrative code, however small or inconsequential a department may consider those changes, constitute revisions to the policy of a department. [See the definition of “Rule” in s. 227.01 (13),

Stats.] While items such as fish refuge revisions, changes to season dates, and changes to boundary water regulations may align with broad departmental policies or state interests, it is inaccurate to characterize changes to these and other items as “non-substantive,” since the existing law on the subjects will be modified by the proposed rule.

c. Throughout the proposed rule, the department should use strikes and underscores in the order and manner specified in s. 1.06, Manual. [See, e.g., SECTIONS 51, 54, 65-67, and 69.]

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

In SECTION 56 of the proposed rule, “all” should be changed to “any”.