



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 19-005

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 December 2014.]

1. Statutory Authority

Proposed s. NR 10.01 (3) (ev) should be revised to reflect the changes to s. 29.592, Stats., made by 2017 Wisconsin Act 62.

2. Form, Style and Placement in Administrative Code

a. Throughout SECTION 7, it appears that the proposed rule retains significantly more of the current rule text than it modifies. Consider treating the affected sections of the table by amending rather than repealing and recreating them. [See s. 1.065, Manual.]

b. In SECTION 8, the text of the proposed rule should be reviewed for proper use of strike-throughs and underscored text. [See s. 1.06 (1), Manual.] Also in that SECTION, the references to subdivision paragraphs should be followed by periods rather than enclosed in parentheses. [See s. 1.03 (4), Manual.]

c. In SECTION 9, the treatment of s. NR 10.08 (6m) should be reflected in a treatment clause. Because that section of the current rule does not contain a sub. (6m), it appears that sub. (6m) is being created. If so, that treatment should be effected in a separate section of the proposed rule and reflected in the introductory clause. Also, the numbering in that subsection should be adjusted so that paragraphs have letters and subdivision paragraphs have numbers. [See s. 1.03, Manual.]

d. In SECTION 20, the creation of the Note should be treated in a separate section, and the introductory clause should reflect that s. NR 10.106 (Note) is created. [See s. 1.09 (2), Manual.]

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

a. In SECTION 1, the phrase “subject to ... other restrictions conditioned upon the authorization” could be clarified. Is the intent to refer to conditions on the authorization? If so, “conditioned upon the authorization” could be stricken-through.

b. In SECTION 4, will the meaning of “at-large” be clear to hunters? If not, consider using a different term or otherwise clarifying what type of possession counts toward a possession limit.

c. In SECTION 6, the third column of the repealed and recreated table provides a different title (“Daily Bag Limit”) than currently appears in Table (2) (“Limit”). Presumably, the original title (“Limit”) will continue to apply in the third column under s. NR 10.01 Table (2) (g). Also, in SECTION 6, the phrase “be in compliance” could be replaced with “comply” in s. NR 10.01 Table (2) (f) 4. a., and in s. NR 10.01 Table (2) (f) 4. b., the treated language does not need to be underscored.

d. In SECTION 9:

- (1) Section NR 10.08 (2) (a) 2. and 3. could be clarified. How does subd. 3. reconcile with the first sentence in subd. 2.? What if registration and gifting are both completed while a person is afield? In addition, in subd. 2., it is arguably awkward to specify how gifted game will be counted after providing that no game may be gifted. The second sentence in that provision could be revised to refer to “game attempted to be gifted” or a similar phrase rather than “gifted game”.
- (2) In s. NR 10.08 (3) (a) 5., “unless providing” should be replaced with “unless the person provides”.
- (3) A period is missing in s. NR 10.08 (6m) (3) a.