



Wisconsin Legislative Council

RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 23-025

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Council Staff and the Legislative Reference Bureau, dated November 2020.]

2. Form, Style and Placement in Administrative Code

To adhere to the preferred approach outlined in the Manual, the “statutes interpreted,” “statutory authority,” and “explanation of agency authority” headings should be separated in the rule analysis. [See s. 1.01 (2), Manual.] Under the first two of those headings, the analysis should list statutes interpreted and statutes providing rule promulgation authority, respectively. Under the third heading, the analysis should discuss the agency’s rulemaking authority in somewhat more detail. In addition to the information currently provided under the merged heading, some of the discussion currently included under the “summary of factual data and analytical methodologies” heading may be relevant to include in the explanation of the agency’s authority.

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

a. In the discussion of statutes interpreted in the analysis, the second sentence may be missing some words, or could be revised to be clearer.

b. In SECTION 1, would referring to violations of s. 23.22, Stats., or ch. NR 40, provide greater clarity than adding the undefined phrase “invasive species violation”?

c. In SECTION 2, what does the cross-reference to s. NR 10.09 (1) add to the definition? It does not appear that s. NR 10.09 (1) describes weapons used for bear hunting. In addition, it does not appear that the prohibition regarding the use of weapons other than muzzleloading shotguns, rifles, and handguns during the muzzleloader-only deer hunt in s. NR 10.09 (1) adds a category other than the categories of “rifle muzzle-loader, shotgun or handgun” already included in the definition in s. NR 10.001 (10g). Would adding a definition of “muzzleloader” in ch. NR 10 be a more straightforward approach to the changes made in both SECTIONS 2 and 6?