

Report From Agency

REPORT TO LEGISLATURE

NR 20 to 26, Wis. Adm. Code

Board Order No. FH-23-18
Clearinghouse Rule No. CR 19-091

Basis and Purpose of the Proposed Rule

The proposed rule addresses minor changes to administrative code relating to the regulation of fishing. The rule is being pursued to ensure the rule language that governs fishing in inland, outlying, and boundary waters is accurate and properly reflects the desired management of Wisconsin waters. The objectives are to:

- remove sections of code that are outdated or have been replaced by other statute or code changes,
- correct errors that occurred during the drafting of rules, and
- add or repeal language to clarify intent of original rules.

These rule changes are being pursued primarily at the request of fish biologists, conservation wardens, or others who discover mistakes or unclear language in administrative code.

Summary of Public Comments

The department did not receive any written comment submissions, and no one attended the public hearing.

Modifications Made

Aside from minor organizational and remedial changes outlined in the Legislative Council Rules Clearinghouse report, changes to the rule included allowing a DNR customer ID to be used as an alternative to name and address for labeling minnow traps, correcting a word usage error, ensuring consistent language for Lulu and Eagle Springs lakes between Waukesha and Walworth counties, and clarifying that the season for taking bullheads with a bow and arrow or crossbow is concurrent with the season for spearing rough fish rather than continuous in all cases.

Appearances at the Public Hearing

No one attended the public hearing.

Changes to Rule Analysis and Fiscal Estimate

The plain language analysis was revised for specific sections of the rule that changed as described above. No changes were made to the fiscal estimate.

Response to Legislative Council Rules Clearinghouse Report

The Legislative Council Rules Clearinghouse submitted comments on form, style and placement in administrative code and clarity, grammar, punctuation and use of plain language.

Changes to the proposed rule were made to address all recommendations by the Legislative Council Rules Clearinghouse, except for those discussed below.

The recommendation in 5. c. was not implemented, as the language as written in s. NR 20.20 (64) (a) 2. is consistent with how it is written elsewhere in s. NR 20.20.

Final Regulatory Flexibility Analysis

The proposed rule would not impose any reporting requirements on small businesses, nor are any design or operational standards contained in the rule. The rule would not allow for the potential to establish a reduced fine for small businesses, nor would it establish “alternative enforcement mechanisms” for “minor violations” of administrative rules made by small businesses.