



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 03-035

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated October 2002.]

2. Form, Style and Placement in Administrative Code

- a. In s. NR 45.04 (2) (c), the word “paragraph” should be replaced by the word “subsection.”
- b. The preferred drafting style that inserted text should always follow stricken text was not followed in s. NR 45.09 (4). The inserted comma should follow “~~and~~.” [See s. 1.06 (1), Manual.]
- c. The use of slashes in s. NR 45.12 (2) (a) 1. and 2. does not conform to preferred drafting style. [See s. 1.01 (3), Manual.]

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

- a. The phrase “modern facilities” in s. NR 45.03 (2m) is vague. Can the department be more specific?
- b. The department should review the title in s. NR 45.04 (3) (f) to determine if “soliciting” adequately conveys the scope of par. (f). In sub. (3) (f) 1., the rule provides that no person may post unauthorized signs unless first authorized to do so. This somewhat contradictory language should be revised, possibly by devising some term other than “unauthorized signs.” Finally, in sub. (3) (f) 3., the comma after the word “in” should be deleted or a comma should be inserted after the word “on.”

c. As drafted, the regulation of the transporting, relocating, stocking, or releasing of any domestic or wild plant or animal under s. NR 45.04 (1) (f) applies in the entire state and is not limited clearly to land subject to ch. NR 45.

d. The department should review the use of the phrase “provide services for a fee that involves the provider’s physical presence in the state park ...” in s. NR 45.04 (3) (f) 2. to ensure that it conveys the department’s intent. For example, this phrase appears to include bicycle tour operators, commercial rock climbing guides, and fee-based photography classes sponsored by a school or university.

e. Section NR 45.04 (3) (f) 2. refers to an activity being authorized by a “department commercial use permit.” The only other reference to this permit in the rule is the fee for a commercial use permit set forth in s. NR 45.12 (4) (k). Chapter NR 45 does not currently contain any provision regarding a commercial use permit. If the department will be administering this permit through the use of a new or revised form, the rule should include a reference to the form in a Note to the rule. [See s. 1.09 (2), Manual.] If the granting of a permit will require the application of criteria by a department employee, other than a ministerial matter such as whether the permit fee has been paid, then the criteria should be specified in the rule.

f. Section NR 45.12 (2) (b) 4. authorizes additional camping fees for water view campsites “not to exceed \$5.00 per night.” Who determines what the additional camping fee will be for a particular campground?

g. In s. NR 45.12 (2) (d), the Note would be more helpful if a telephone number, an address, and a web site, if available, were listed.