



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Ronald Sklansky
Clearinghouse Director

Richard Sweet
Clearinghouse Assistant Director

Terry C. Anderson
Legislative Council Director

Laura D. Rose
Legislative Council Deputy Director

CLEARINGHOUSE RULE 04-078

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 10.001 (1r), “animal by-product” is hyphenated; however, in s. 29.336, Stats., this term is not hyphenated. Therefore, it appears that the hyphen should be removed from “animal by-product” throughout the rule in order to be consistent with the statute.

b. In s. NR 10.001 (7e), in the second sentence, “purpose” should be changed to “purposes” in order to be consistent with the rest of the rule and ch. NR 10.

3. Conflict With or Duplication of Existing Rules

The proposed rule repeals s. NR 10.07 (1) (g). However, there are cross-references to that paragraph in ss. NR 13.30 (2) (g) 5. and 13.42 (1). Those cross-references should be corrected.

4. Adequacy of References to Related Statutes, Rules and Forms

In the analysis prepared by the department, it appears that s. 29.336, Stats., should be included in both the “statutory authority and explanation” and the “statutes interpreted and explanation” sections.

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

a. In s. NR 10.001 (12), the definition of “hunt over” is confusing; perhaps the definition would be clearer if it were changed to the following: ““Hunt over” means hunting

within 100 yards of any feeding site in an area where the person knows or reasonably should know that one or more feeding sites exist.” In sub. (21m), “those lands that are” should be changed to “land that is.”

b. In both notes to s. NR 10.07 (2) (a) 1., the notation “s.” should be changed to “Section.” In sub. (2) (a) 2., “(n)o person may hunt or train dogs over bait or a feeding site...unless the area is completely free of bait or feed material for at least 10 consecutive days prior to hunting, pursuing animals or dog training.”; however, it is unclear exactly what “the area” refers to. Could the department specify that “the area” is “an area comprising 40 acres or less” or change “the area” to “the feeding site”? Also, in the note to sub. (2) (a) 2., “s.” should be changed to “Section” and the notation “Stats.,” should be added after sub. “(4).”

c. In s. NR 10.07 (2) (b) 3., a comma should be inserted between “and” and “except,” and the phrase “that it is” should be changed to “in which it is.”

d. In s. NR 10.07 (2m) (c) 2., can the department specify whether “an order” is either a “department order” or “an order issued by the secretary of the department”? This problem also occurs in s. NR 19.60 (2) (c) 2.

e. In s. NR 10.07 (2m) (e) 3., it appears that the phrase “less than 40 acres” should be changed to “40 acres or less” in order to be consistent with s. 29.336 (4) (d), Stats. Also, it is unclear why the prohibition in sub. (2m) (e) 5. is necessary; is this situation not covered by the conditions in sub. (2m) (e) 2. and 4.?

f. In the note to sub. (2m) (f) 2., the notation “s.” should be changed to “Section.” This problem also occurs in the notes to s. NR 19.60 (1) (a).

g. In s. NR 19.001 (12e), the definition of “owner-occupied residence” would be clearer if the word “when” and the first instance of the phrase “while feeding deer” were removed.

h. In s. NR 19.60 (1) (c), the second comma should be removed. In sub. (1) (d), “feeders” should be changed to “feeder.” In sub. (2) (b) (intro.), “ant” should be changed to “any.” In sub. (2) (d) 2. “owner occupied” should be hyphenated. In sub. (3) (a) 2. (intro.), the phrase “any of the following apply” should be added between “if” and the colon.