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## WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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**Ronald Sklansky**  
*Clearinghouse Director*

**Richard Sweet**  
*Clearinghouse Assistant Director*

**Terry C. Anderson**  
*Legislative Council Director*

**Laura D. Rose**  
*Legislative Council Deputy Director*

### CLEARINGHOUSE RULE 06-013

#### 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 January 2005.]**

#### **2. Form, Style and Placement in Administrative Code**

a. The reference in s. NR 10.01 (3) (et) 3. (intro.) to “unit or units” is unnecessary since a general rule of construing statutes and rules is that the singular includes the plural, and the plural includes the singular. See ss. 227.27 (1) and 990.001 (1), Stats. A reference to “unit” throughout this introduction is sufficient.

b. The reference in s. NR 10.01 (3) (et) 3. (intro.) to “subds. a. to d.” should be to subpars. a. to d. See s. 1.03 (6), Manual.

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

a. In the statement of statutory authority, the word “provide” should be inserted before the phrase “that all rules promulgated.”

b. In item 4. of the plain language analysis, the acronym “(EAB)” should be inserted after the term “*Earn-a-buck*.” In the second bullet under item 5., the phrase “you may recall that” should be replaced by the word “the.”

c. In the statement of anticipated private sector costs, the first sentence should be rewritten to read: “Neither these rules, nor the legislation which grants the department rule-making authority, have a significant fiscal effect on the private sector.”

d. The word “following” is not needed in the first sentence in s. NR 10.01 (3) (et) 3. (intro.) because this sentence does not end in a colon followed by the criteria identified in the sentence.

e. In s. NR 10.01 (3) (et) 3. (intro.), the relation between the CWD eradication or herd reduction zone identified in the first sentence and the unit for which the department makes a determination under the first sentence is not clear. If the department establishes more than one eradication or herd reduction zone, does the unit have to be within the zone to be subject to the earn-a-buck control measure?

f. “Unit” is not defined for purposes of s. NR 10.01 (3) (et) 3. (intro.). If the department intends a “unit” to be a “deer management unit,” then that should be stated in the text of this provision or the definition of “deer management unit” in s. NR 10.001 (7m) should be modified accordingly.

g. The first “the” in s. NR 10.01 (3) (et) 3. b. should be capitalized.

h. Section NR 10.01 (3) (et) 3. c. is not clear. Over what timeframe is the change in CWD prevalence in tested adult deer measured under this criterion? Also, what is the relation between the zone identified in this criterion and the unit for which the department has made a determination under s. NR 10.01 (3) (et) 3. (intro.)?

i. Section NR 10.01 (3) (et) 4. is not clear. This subdivision refers to the department making “the findings in subd. 3.,” whereas subd. 3. refers to the department making a determination that a unit meets any of the specified criteria. For subd. 4. to apply, does the department have to make all of the findings in subd. 3. a. to d. or in any of those subparagraphs?

j. The treatment of s. NR 10.106 (2) (g) is potentially confusing. It is not apparent why the department did not treat that paragraph in a manner comparable to the treatment of s. NR 10.105 (2). Under this treatment, “(et) 3.” would be substituted for the phrase “during the early earn-a-buck archery and firearm hunts in a CWD eradication or herd reduction zone identified in s. NR 10.28 (3).”