



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 09-024

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Reference Bureau and the Legislative Council Staff, dated September 2008.]

2. Form, Style and Placement in Administrative Code

a. The proposed changes in SECTION 3 should list s. NR 10.01 (3) (et) 2. as the affected provision.

b. Individual letters in a word should not be stricken or underscored. Therefore, in SECTION 12, “will exceed” should be stricken and “exceeds” should follow all of the stricken material. In SECTION 18, “federally” should be stricken and “Federally” should follow it.

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

a. In SECTIONS 2 and 3, the added language could be interpreted to require a Class A or C permit holder to harvest an antlerless deer after harvesting an antlered deer. The department should consider replacing the added language with “A person holding a Class A or Class C disabled permit under s. 29.193, Stats., is not required to harvest or tag an antlerless deer in that unit or units before the person may tag a buck.”

b. In the plain language analysis of the rule proposal, SECTION 7 is described to clarify that possession of velvet antlers is allowed in a chronic wasting disease (CWD) zone and to clarify that antlers being transported out of a CWD zone must be free of brain tissue but that hair or hide does not need to be removed. However, the changes under SECTION 7 do not expressly allow possession of velvet antlers in a CWD zone. It might be inferred that possession of velvet antlers must be allowed if one can transport them from the deer management unit but, if so, the

proposed language is still ambiguous as to whether possession, without transportation, requires written Department of Natural Resources (DNR) permission. Also, the proposal does not expressly allow hair or hide to be attached to a transported skull. It might be implied by the prohibition against transporting skulls with “meat or brain tissue” attached, but there could be ambiguity about what constitutes “meat” versus “hide.” Lastly, it would be helpful if the rule included information about who to contact at DNR to seek written permission to transport velvet antlers.

c. In SECTION 15, the “limited capacity” under which volunteers may work on wildlife rehabilitation activities should be explained or reference should be made to the limits under s. NR 19.73 (3) (d), or this definition could be removed as it may be redundant as compared to s. NR 19.73 (3) (d).

d. The comma after the word “birds” in the second line of SECTION 18 should be removed.