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## WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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### CLEARINGHOUSE RULE 09-052

#### 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. SECTION 2 of the rule should be broken into two SECTIONS: the first SECTION would amend s. NR 16.11 (1); the second SECTION would create s. NR 16.11 (3) to (5). The text of s. NR 16.11 (2), which is not affected by the rule, should not be shown. Similarly, SECTION 4 of the rule should treat only s. NR 16.15 (2) (e) 1. and 2., not all of par. (e); SECTION 10 should be two SECTIONS, one to amend s. NR 16.30 (9) (b) (intro.) and one to create s. NR 16.30 (9) (b) 3.; and SECTION 12 should be two SECTIONS, one to amend s. NR 16.50 (1) (c) 2. a. and one to create s. NR 16.50 (1) (c) 2. e. and f.

b. In s. NR 16.11 (1), “~~knows known~~” should replace “knows~~n~~”.

c. Because the rule designates all swine as harmful wild animals, s. NR 16.11 (3) should read, simply:

(3) SUIDAE. Members of the family suidae.

All of the remaining language in that provision is explanatory or illustrative, and should be moved to a note.

d. Section NR 16.11 (5) goes beyond designation of wolf-dog hybrids as harmful wild animals. While the information regarding what is a wolf-dog hybrid is pertinent to the designation, the procedural provisions regarding determination by the department that an animal

is a wolf-dog hybrid and a challenge to such a determination by the animal's owner more properly belong in a separate provision.

e. In s. NR 16.15 (4) (a) and (b), the word "must" should be replaced with the word "shall." Also, those provisions should be written in the active voice, i.e., "A person that owns a wolf-dog hybrid shall ...". Finally, the term "wolf dog" should be hyphenated.

f. In s. NR 16.15 (3) (a), the notation "... (LRB inserts date)" should be inserted after "the effective date of this subsection".

g. Section NR 16.50 (1) (d) and (e) should be numbered s. NR 16.50 (1) (d) 1. and 2.

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

a. Because s. NR 16.11 (3) designates all swine as harmful wild animals, domestic swine in captivity are included in that designation. Is this intentional, and does it create any problems for the administration or enforcement of s. 169.11, Stats., and s. NR 16.11?

b. Section NR 16.50 (1) (c) 2. f. seems to suggest that mute swans are the only wild animals of the family anatidae ("...any captive wild animals of the [following] families:"), which of course is not the case. If the intent is to require the specified reporting only for captive mute swans, this provision should be reworded to say that specifically. Otherwise, "mute swans" should be replaced with something more comprehensive, such as "ducks, geese, and swans" or simply "waterfowl". Similarly, though not affected by this rule, note that there are more types of mustelids in Wisconsin than identified in s. NR 16.50 (1) (c) 2. c. If the intent is to require reporting only for the types listed, that provision should be reworded also.