



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Scott Grosz and Jessica Karls-Ruplinger
Clearinghouse Co-Directors

Terry C. Anderson
Legislative Council Director

Laura D. Rose
Legislative Council Deputy Director

CLEARINGHOUSE RULE 13-071

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 November 2011.]

2. Form, Style and Placement in Administrative Code

- a. In the introductory clause, the department should revise the enumeration of provisions treated to conform to the style described in s. 1.02 (1) (Example). Generally, it is unnecessary to repeat sections when multiple subdivisions of a section are treated. For example, the department should write, “repeal and recreate NR 10.01 (3) (e) and (em)” rather than “repeal and recreate NR 10.01 (3) (e) and 10.01 (3) (em)”.
- b. In the treatment clause of SECTION 7, “NR 10 (intro.)” should be changed to “NR 10 (title)”.
- c. In s. NR 10.01 (3) (em) 2. a., “~~Bow season~~” should be deleted. In sub. (3) (em) 2. b., the semicolon after “September 30” should be deleted. In sub. (3) (em) 4. (intro.), a period should be added after “subd. 1”.
- d. In s. NR 10.01 (3) (es), “Gun Buck Deer” should be changed to the lowercase.
- e. In SECTION 18, the treatment of s. NR 10.01 (2) (b) should come before the treatment of s. NR 10.01 (3) in SECTIONS 11 to 17, therefore these provisions should be reordered. Also, in s. NR 10.01 (2) (b) (Note) and (4) (dm) (Note), a period should be added at the end of each sentence.
- f. In the treatment clause and text of SECTION 22, “(1)” should be added before “(e)”.

g. In s. NR 10.104 (1) (a) to (d), semicolons should be changed to periods and the word “and” should be deleted. Section NR 10.104 (1) (intro.) should add the phrase “all of the following”.

h. Section NR 10.104 (2) (a) should include a title to match sub. (2) (b) and (c).

i. Regarding the deer management boundaries in s. NR 10.104 (2) (c) and the maps in s. NR 10.28 (1) and (2), the department should ensure that only one boundary option is included in the finalized rule. The department should note its ability to obtain public input on its policy decisions prior to submitting a rule to the Clearinghouse. [See, e.g., s. 227.13, Stats.]

j. In s. NR 10.104 (4) (a) (intro.), it appears that “Deer population objectives” should be changed to “A deer population objective”. Subsection (4) (a) (intro.) should end with a colon. In sub. (4) (a) 1. and 2., the semicolons should be changed to periods. One level of subdivision may be eliminated in s. NR 10.104 (4). The department should use “(intro.) and pars. (a) to (c)” rather than “(intro.), par. (a) and subs. 1. to 3.”.

k. In s. NR 10.104 (5) (a) (intro.), the semicolon should be changed to a period and “all of the following” should be added after “consider”. In sub. (5) (a) 1. to 4., the semicolons should be changed to periods, the word “and” should be deleted, and “Health”, “Natural Resources”, and “Society” should be changed to the lowercase. In sub. (5) (b) 2. to 6., periods should be added.

l. In s. NR 10.104 (6) (intro.), the period after “(5)” should be deleted and “In” should be changed to the lowercase. In addition, it appears that “populations objectives” should be changed to “population objectives”. In sub. (6) (b), “shall not” should be changed to “may not”.

m. In s. NR 10.104 (6) and (7), use of titles as substantive provisions should be reviewed.

n. When repealing and recreating s. NR 10.104, why does the department use subs. (9m) and (9r)? Since the entire section is repealed and recreated, the department could number those subsections using only numerals.

o. In s. NR 10.105 (2), “s.” should be added before “NR 10.104 (9r)”.

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

a. In the “plain language rule analysis” section of the rule prepared by the department, in the description of SECTION 10, it appears that the word “general” should be changed to “generally”.

b. In s. NR 10.104 (3), it appears that “objective” should be changed to the plural.

c. In s. NR 10.104 (8) (b), “must” should be changed to “shall” and the last comma should be deleted. In sub. (8) (c) (Note), “s.” should be added before “29.181 (3)” and “Stats.” should be added afterward.

d. In s. NR 10.104 (9), it would be helpful either in the text of the rule or in a Note to explain that s. 29.324, Stats., relates to group deer hunting. This also occurs in s. NR 10.106 (2) (intro.).

e. In s. NR 10.104 (9m), “Deer Management Assistance Program” should be changed to the lowercase. The entire rule should be reviewed for its use of capitalization. In addition, “Subchapter 2” should be changed to “subchapter II”.

f. In s. NR 10.104 (14) (intro.), it appears that “special permit” should be changed to “replacement permit”.

g. In s. NR 10.41 (3) (a), (d) and (f), it would be clearer to refer to “a CWD affected area” instead of “CWD affected areas”; the department should review this section in order to ensure these subsections achieve its intent. In addition, sub. (3) (a) to (f) should be renumbered in order to include a sub. (3) (b).

h. In s. NR 10.72 (1) (a) to (e), the semicolons should be changed to periods. In sub. (2) (b) 3., “(9ems)” should be changed to “(9m)”. In sub. (3) (b), it appears “par.” should be changed to “sub”.

i. In s. NR 13.38 (2) (b), it may be helpful to cite specific subsections of s. NR 10.104.