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## WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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### CLEARINGHOUSE RULE 12-049

#### 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 s. NR 10.001 (22q), if the department determines it is necessary to clarify the meaning of “point of kill” by including an example, the phrase “, such as a tree a hound has treed the animal in” should be moved to an Example following the rule text. [s. 1.09 (1), Manual.]

b. In SECTION 13, the par. (a) subunit is unnecessary. [s. 1.03 (1), Manual.]

c. In SECTION 15, the department should clarify where it intends the Note to be placed, and should update the treatment clause accordingly.

d. In the treatment clause for SECTION 18, it appears that the notation “NR 10.07 (2m) (intro.) and (e) (intro.)” should be changed to “NR 10.07 (2m) (title) and (e) (title) and (intro.)”.

e. Section NR 10.07 (2m) (em) (title) should be italicized. [s. 1.05 (2) (d), Manual.] In addition, the material included in the parentheses after the treatment clause should be moved to a Note.

f. In SECTION 22, the material included in the parentheses after the treatment clause should be moved to a Note. Titles in this SECTION should conform to s. 1.05 (2), Manual.

g. Section NR 10.09 (1) (d) and (e) should not be italicized, but pars. (a) (title), (c) (title), (d) (title), and (e) (title) should be italicized.

h. In SECTION 25, strikes and underscores should conform to s. 1.06 (3), Manual.

i. In SECTION 30, it appears that the treatment clause should be changed to “NR 10.145 (1g) and (1r) are created to read:”. [s. 1.03 (5) (b), Manual.]

j. In s. NR 10.145 (3) (g), “s. Ch.”, should be changed to “ss.”. In s. NR 10.145 (3) (h), the title should be italicized. In s. NR 10.145 (5) (a) to (d) and (7) (a) and (b), titles should be used consistently. [s. 1.05 (1) and (2), Manual.] Use of the par. (a) subunit in s. NR 10.145 (8) is unnecessary. [s. 1.03 (1), Manual.]

k. In SECTION 32, s. NR 10.16 (intro.) should also be amended in order to accomplish the department’s intent. In addition, in sub. (5), “Fish and Wildlife Service” should be changed to the lowercase.

l. Pursuant to s. 1.04 (2) (a), Manual, should the department create subch. IV of ch. NR 12, and ss. NR 12.60 to 12.65 in a single SECTION, combining material currently in SECTIONS 39 to 46? Titles used in these sections, and throughout the proposed rule, should conform to s. 1.05 (2), Manual.

m. In s. NR 12.63, it would be helpful to include a Note providing information about where a complainant may access forms to apply for reimbursement.

n. In s. NR 12.64 (2) (b), “will” should be changed to “shall”. The same problem occurs in s. NR 12.63 (3) 1.

o. In s. NR 12.64 (2) (d) (intro.), “when” should be changed to “if”.

p. In SECTION 45, the numbering in the text of the rule should be changed to “NR 12.64 (3) (a) to (c)”.

q. In SECTION 47, the material included in the parentheses after the treatment clause should be moved to a Note and “(note)” should be changed to “Notes”. The same problem occurs in SECTIONS 48 and 50.

r. In SECTION 51, the creation of par. (a) violates s. 1.03 (1), Manual. It should be deleted, or accompanied by a least one other paragraph subunit.

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

a. In s. NR 10.001 (33), “Harvesting Zone” should be changed to the lowercase.

b. In s. NR 10.01 (3) (h) 1. a., it appears that this subsection should specify that hunting is allowed statewide with the exception of areas listed under s. NR 10.01 (3) (h) 1. b. In sub. (3) (j) under “open season (all dates inclusive)”, “the” should be inserted before “department”.

c. In s. NR 10.07 (1) (m), “them” should be changed to “it”. In sub. (2m) (em) 1. e., “County, Town” should be changed to the lowercase.

d. In s. NR 10.09 (1) (c) 1. f., “persons” should be replaced by “person” and “them to” should be replaced by “the”.

e. In s. NR 10.13 (1) (b) 15m. (intro.), the period should be changed to a colon and “all of” should be inserted before “the following”. In s. NR 10.13 (1) (b) 15m. (title), a period should precede the end quotation mark.

f. In s. NR 12.61, instead of the slashed alternative “and/or”, this section should be changed to “the federal endangered species list and the state endangered species list”, in order to comply with s. 29.888 (1m), Stats. and s. 1.01 (9) (a) of the Manual.

g. In s. NR 12.63 (1), “it’s” should be changed to “its”.

h. In s. NR 12.64 (1) (b) 3., instead of the slashed alternative “and/or”, “hunting or trapping or both” should be inserted.

i. In s. NR 12.64 (1) (b) 4., is this subsection intended to apply only to farms?

j. In s. NR 12.64 (2) (a), “Department of Agriculture, Trade and Consumer Protection” should be changed to the lowercase and “federation’s” should be capitalized.

k. In s. NR 17.04 (3) (d) (intro.), “March” should be changed to “February” in accordance with s. 29.185 (6) (c), Stats.