



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Ronald Sklansky
Clearinghouse Director

Richard Sweet
Clearinghouse Assistant Director

Terry C. Anderson
Legislative Council Director

Laura D. Rose
Legislative Council Deputy Director

CLEARINGHOUSE RULE 08-013

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 department should reconsider the repeal of the introductory material in s. NR 10.07 (1) (a) 2. This repeal leaves four subdivision paragraphs that lack an introduction.

b. The current title to s. NR 10.41 (3) is “CWD Eradication Zone.” This title should be amended together with the amendments to the remainder of that subsection.

c. The proposed rule does not clearly indicate that the chart following s. NR 10.41 (3) (b) is being created as part of the rule. It would be a more appropriate drafting style to treat s. NR 10.41 (3) as follows:

- Amend s. NR 10.41 (3) (a) and (b) including the title to s. NR 10.41 (3).
- Create s. NR 10.41 (3) (b) (chart).
- Amend s. NR 10.41 (3) (c) to (e).
- Create s. NR 10.41 (3) (f).

d. The cross-reference to s. NR 10.001 (6p) as found in s. NR 12.06 (1), should not be changed to a cross-reference to s. NR 10.001 (6h).

e. The definition in s. NR 10.001 (6p) should refer to the “chronic wasting disease control zone” in s. 29.063 (5), Stats., and to the “chronic wasting disease eradication zone” in s. 167.31 (4) (bg), Stats. Also, the statutory cross-reference, because two statutes are referenced, should read “ss. 29.063 and 167.31 (4) (bg), Stats.”

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

a. In the rule preface description of statutory authority and explanation, the word “authorizes” should be replaced by the word “authorize.”

b. The plain language analysis states that the rule prohibits the importation of carcasses from a CWD zone in Wisconsin to areas that are not CWD zones. However, in the summary of factual data and analytical methodologies, the rule preface states that the rule also allows the transportation of whole carcasses into units which are adjacent to the CWD management zone as a convenience to hunters who live near the zone. While the rule text makes clear that the convenience is an exception to the general rule, the statements in the rule preface should be reconciled.

c. In the fifth paragraph of the summary of factual data and analytical methodologies, the word “regulations” should be replaced by the word “regulatory.”

d. In s. NR 10.01 (3) (et) 1., the description of the muzzleloader hunt should begin with the phrase “A muzzleloader hunt beginning.”