



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 10-114

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.]

4. Adequacy of References to Related Statutes, Rules and Forms

a. The order does not mention s. ATCP 30.19 (2), which provides for the issuance of permits authorizing emergency use of pesticides on bat colonies in specified circumstances.

b. The comparison with rules in adjacent states discusses relevant rules in Minnesota, but not in Michigan, Illinois, or Iowa.

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

a. “Wis.” should be deleted from SECTION 2 of the proposed rule. Also, the reference should be to the first day of the month after publication in the Wisconsin Administrative Register. [See s. 1.02 (4), Manual.]

b. The department should consider removing the italicized font format, which does not appear in other, similar provisions in s. NR 27.03.

6. Potential Conflicts With, and Comparability to, Related Federal Regulations

a. The department should consider making explicit that the federal threatened and endangered species lists do not currently include any of the four species of bats proposed to be protected under the emergency rule.

b. It may be appropriate to mention actions taken this month by the U.S. Fish and Wildlife Service to address the spread of white-nose syndrome in bats. [See http://www.fws.gov/whitenosesyndrome/pdf/NWRS_WNS_Guidance_Final1.pdf.]