



Wisconsin Legislative Council

RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 23-047

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Council Staff and the Legislative Reference Bureau, dated November 2020.]

1. Statutory Authority

Section NR 10.14 (4) (intro.) provides that “The secretary of the department may close a portion or all of any wolf season established in s. NR 10.01, upon a finding by the department that doing so is necessary to effectively manage the state’s wolf population”. Under s. 29.185 (5) (c), Stats., the department is authorized to close a wolf harvesting zone if it determines that closure is necessary to effectively manage the state’s wolf hunting population. The department recognized the distinction between closing a zone and a season in the first section of the rule analysis, where it states “Department authority to close the season in a harvest zone is established in s. 29.185 (5) (c), Wis. Stats.”. The department should rephrase s. NR 10.14 (4) to clarify that it may close a zone to hunting and trapping wolves, not a portion or all of the wolf harvest season.

2. Form, Style and Placement in Administrative Code

a. In the statutes interpreted, statutory authority and explanation of agency authority section of the rule analysis, “s. 29.185, Wis. Stats. Subsection (1m)” should be changed to “s. 29.185 (1m), Stats.”. Throughout the rule analysis and the rule text, “Wis. Stats.” should be changed to “Stats.”. [See s. 1.15 (2) (b) 1., Manual.]

b. In SECTION 6 of the proposed rule, the treatment clause says “NR 10.02 (1) (b) and NR 10.02 (12) as amended by CR 23-013 are repealed”. The notation “NR 10.12” before “(12)” should be deleted. In addition, it does not appear that those rule subsections were amended by Clearinghouse Rule 23-013.

c. In s. NR 10.07 (3) (a), the paragraph title, “Hunting at night.”, should be italicized. [See s. 1.10 (2) (b) 4., Manual.] In sub. (3) (a) (intro.), the semi-colon should be changed to a colon.

d. In s. NR 10.085 (4) (a), “par. (1)(a) through (e)”, should be changed to “pars. (1) (a) to (e)”.

e. In s. NR 10.13 (1) (b) 16., the addition of “and 15m.” should be inserted after the stricken-through “a.”.

f. In SECTION 23 of the proposed rule, the treatment clause should also include “and (Note)” between “NR 10.13 (1) (b) 19.”, and “is created to read”.

g. In the treatment clause in SECTION 28 of the proposed rule, “(4)” should be changed to “4.”, and “(2)” should be changed to “2.”.

h. In SECTION 30 of the proposed rule, the treatment of s. NR 12.15 (13) should be placed in a separate SECTION. [See s. 1.03 (2) (c) 1., Manual.] Similarly, in SECTION 31, the treatment of s. NR 12.54 (4) should be placed in a separate SECTION.

i. In SECTION 31 of the proposed rule, the subchapter title should be centered and written in solid capital letters. [See s. 1.10 (2) (b) 1., Manual.]

j. In s. NR 12.63 (3), “must” should be changed to “shall”. In sub. (3) (Note), “thethe” should be changed to “the” and “Department” should be changed to the lowercase.

k. In s. NR 12.64 (1) (b) 2., “must” should be changed to “shall”. In sub. (1) (b) 3., the uses of the slashed alternative “and/or” should be deleted. [See s. 1.08 (1) (d) of the Manual for suggested alternatives.] In sub. (2) (a), the additional period after “that animal type” should be deleted. In addition, “Department of Agriculture, Trade and Consumer Protection” should be changed to the lowercase. In sub. (2) (a) (Note), “Bureau of Wildlife Management” should be changed to the lowercase and it may be helpful to the reader if “department” or “DNR” were added before that.

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

In s. NR 10.14 (3) (d), the phrase “any statutorily established preference system” should be replaced with the more specific “preference system established in s. 29.185 (3), Stats.”.

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

a. In the plain language analysis section of the rule analysis, in the fourth paragraph, “privisons” should be changed to “provisions”. In the section of the rule analysis titled, “If Held, Summary of Comments Received During Preliminary Comment Period”, in the first paragraph, it appears that “housekeep regulations” should be “housekeeping regulations”. In the last paragraph, the word “issuing” between “included” and “limiting” should be deleted. It also appears that the word “using” between “of” and “motor vehicles” should be deleted.

b. In s. NR 10.001 (21q), it appears that “in which” should be inserted between “such as a tree” and “a hound has treed an animal”. Also in this subsection, a period should be added at the end of the last sentence.

c. In s. NR 10.001 (33), a period should be added after “harvest”.

d. In s. NR 10.01 (3) (j), “29.1185 (7) (a) Stats..” should be changed to “s. 29.185 (7) (a), Stats.”.

e. In s. NR 10.07 (2m) (em), the paragraph title would be more consistent with the language in existing rule paragraph titles, such as in s. 10.07 (2m) (d), “Bear hunting and bear dog training”, if it were rephrased in a similar fashion. In sub. (2m) (em) 1. a., “closed” should be changed to “close”. In sub. (2m) (em) 1. e., “County, Town and property owners name” should be changed to “county, town, and property owner’s name”.

f. In s. NR 10.07 (3) (a) 1., “when hunting” should be changed to “hunts” to make the verb tense consistent throughout this subsection. In sub. (3) (b), the second instance of the word “trailing” should be changed to “trail”. In sub. (3) (c), a period should be added at the end of the sentence.

g. Section NR 10.07 (3) (b) should also be reviewed for internal consistency as well as consistency with s. 29.185 (5) (c), Stats. Currently, the last sentence of the provision prohibits use of dogs within a zone after the zone is closed, while the prior sentence more ambiguously prohibits use of dogs upon closure of a season. [Regarding consistency with s. 29.185 (5) (c), Stats., see the statutory authority comment, above.]

h. In the treatment clause of SECTION 18 of the proposed rule, “is” should be added between “(2)” and “renumbered”.

i. In the treatment clause of SECTION 20 of the proposed rule, a period should be added after “15”. In s. NR 10.13 (1) (b) 15., it appears that “Set set” was mistakenly included.

j. In s. NR 10.13 (1) (b) 15m. d., the semi-colon should be deleted. In sub. (1) (b) 15m. e., because “-inch” is included, the inch abbreviation symbol after “1/2” is not necessary.

k. In s. NR 10.14 (3) (c), since this section only addresses application and issuance procedures for wolf hunting, the phrase “in each species” should be deleted and the sentence should be restructured accordingly. In addition, “1” should be changed to “one”. Also, in this subsection and in sub. (3) (f), should “permit” be changed to “license”?

l. In s. NR 12.63 (1), “it’s” should be changed to “its”. In sub. (1) (Note), “Department” and “Department of Agriculture-APHIS-Wildlife Services” should be changed to the lowercase, and “currently” should be deleted.