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RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 96-021

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 October 1994.]

2. Form, Style and Placement in Administrative Code

a. In the analysis, both occurrences of the word “Chapter” should be replaced by the word “Section” and the first occurrence of the notation “s.” should be replaced by the word “Section.”

b. The treatment clauses for SECTIONS 1 and 2 do not conform with the drafting style set forth in the Manual. For example, the SECTION 1 treatment clause should read “NR 149.22 is amended to read:”. [See s. 1.04, Manual.]

c. The treatment of s. NR 149.22 does not conform with the drafting style set forth in the Manual. In particular, the citation to the section being amended should be given at the beginning of the text of the provision. See the examples specified in s. 1.04, Manual.

d. In s. NR 149.22, the notation “NR” should be inserted before the number “149.14” in order to conform to the current text of the rule.

e. The treatment clause for SECTION 2 should be divided to more clearly and concisely reflect the treatment of footnotes 8, 9 and 10. The repeal and recreation of footnote 8 should be placed in one section followed by another section that repeals footnote 9. It is not clear from the text of Table A, referenced in s. NR 219.04, whether the department also intends to repeal footnote 10, though this repeal is implied by the treatment of footnote 10 in the Table A Notes. If footnote 10 is to be repealed, then that treatment could be combined with the treatment of footnote 9.

f. The rule adds a new column to Table A entitled “WDNR.” The rule should indicate in both the treatment clause and the text of Table A that this is a new column. One way to accomplish this would be to treat the new column as titles are treated. [See s. 1.05, Manual.] This would result in the creation of the new column being noted in the treatment clause and the text “(column)” being inserted underneath the column heading in Table A.

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

a. The rule incorporates the department’s “Aquatic Life Toxicity Testing Methods Manual, First Edition,” by reference. Consent for incorporation of the standards in this manual must be obtained from the Revisor of Statutes and the Attorney General, pursuant to s. 227.21 (2) (a), Stats. The analysis accompanying the rule should, but does not, indicate that this consent has been given.

b. The citation to “Chapter NR 219.05” in the treatment clause of SECTION 2 is in error. The citation should refer to s. NR 219.04.

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

In Table A, what test methods should be used for determining the acute toxicity to fat-head minnows under parameter 9 and for determining the chronic toxicity for ceriodaphnia survival and reproduction under parameter 10? Does the construction of the table imply that the test methods are to be found in footnote 8?