



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 03-013

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 October 2002.]

2. Form, Style and Placement in Administrative Code

- a. The treatment clause in SECTION 15 should include “NR 190.15” after both uses of the term “renumbered.”
- b. In s. NR 190.15 (2) (intro.), the phrase “all of” should be inserted after the word “contain.”

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

- a. In the analysis accompanying the rule, the reference to the statutes providing the authority for this rule-making should include s. 281.68 (3m) (b), Stats.
- b. In the analysis accompanying the rule, the reference to the statutes being interpreted by the rule-making should include s. 281.69 (6), Stats. In addition, the provisions in s. 281.68, Stats., that are interpreted by the rule include other provisions besides the cited s. 281.68 (3), Stats., and thus the reference to s. 281.68 (3) should be either expanded to include other relevant provisions, such as s. 281.68 (3m) (c), Stats., or to all of s. 281.68, Stats.
- c. In s. NR 190.002, the cross-reference to s. 66.299 (1) (a), Stats., is incorrect and should be amended.

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

a. The analysis accompanying the rule states that “Since rules are not needed to administer a contract, NR 192 is proposed for repeal.” This statement is too broad. While the legislative history of the treatment of s. 281.69 (6), Stats., by 1999 Wisconsin Act 9, which converted the lake classification technical assistant grants to contracts, suggests that the Legislature intended that rules are not needed to administer these contracts, there may be other programs administered through contracts in which the standards for issuing the contracts meet the definition of “rule” in s. 227.01 (13), Stats., and thus should be promulgated as a rule.

b. In the text inserted in s. NR 190.002, “fees” is misspelled.

c. In s. NR 190.003 (4), the word “districts” should be replaced by the word “district.”

d. The amendment to s. NR 190.004 (8) results in nonsensical text, as a lake does not receive a planning grant; a person does.

e. In s. NR 190.005 (1) (e) 2., the word “shall” should be replaced by the word “is.”

f. The references in ss. NR 190.04 (1) and 190.05 (3) to the “department’s expanded self-help citizen lake monitoring program” is vague. What is this program? Also, the latter provision contains typographical errors.