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## WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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### CLEARINGHOUSE RULE 03-036

#### 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.]**

#### **1. Statutory Authority**

The analysis prepared by the department cites s. 283.31, Stats., as a part of the statutory authority for the proposed rule. Section 283.11 (2), Stats., requires rules of the department to “comply with and not exceed” certain federal standards. Are some or all of the provisions in the rule subject to s. 283.11 (2) and, if so, does the proposed rule comply with the statutory requirement?

#### **2. Form, Style and Placement in Administrative Code**

The following comments relate to the form and drafting style of s. NR 204.07 (9). However, in many cases, the comments apply to similarly drafted provisions elsewhere in the rule.

a. Introductory material should always end with a colon and lead into the subunits that follow. [See s. 1.03 (8), Manual.]

For example, in s. NR 204.07 (9) (intro.), (9) (c) (intro.), (9) (c) 1. (intro.), and (9) (d) 3. (intro.) the final period should be a colon. In s. NR 204.07 (9) (a) (intro.), “the following” should precede the colon and “; and” should be replaced by a period in subd. 1. In s. NR 204.07 (9) (d) (intro.), “as follows:” should replace the final period.

b. Parenthetical material should be avoided in rules. In s. NR 204.07 (9) (a) 2., the parentheses should be deleted and the phrase should be preceded by a comma.

c. The subdivision titles in s. NR 204.07 (9) (c) should be enclosed in single quotation marks. [See s. 1.05 (2) (e), Manual.]

d. The department should ensure that it has complied with s. 2.08 Manual, regarding incorporation of standards by reference.