



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 05-100

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 January 2005.]

2. Form, Style and Placement in Administrative Code

a. In s. NR 192.02, “a monitor” should be changed to the defined term “citizen monitors.” This problem also occurs in s. NR 192.05 (intro.) and s. NR 192.07 (1) (a), (d), and (g). In s. NR 192.03 (8), it appears that “school districts” should be changed to “qualified school districts as defined in s. 281.68 (1) (c), Stats.”

b. In ss. NR 192.04 (3) (intro.) and 192.05 (intro.), “all of” should be added before “the following.”

c. The provision that is drafted as s. NR 192.06 (intro.) should be sub. (1) and the other subsections should be numbered (2) to (4).

d. In s. NR 192.07 (2), “will” should be changed to “shall.”

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

a. In s. NR 192.03 (1), the hyphen in the word “non-indigenous” should be removed. In sub. (4), the definition of “lake” should be changed to: “means a lake, reservoir, flowage, or millpond, or portion thereof, within the boundaries of this state that is listed by the department in the most current version of Wisconsin Lakes, Pub-FM-800.” In sub. (5), the web address should be moved to a note following this subsection. The note should also state that a copy of the Lake Monitoring Directory is available at the Web site. In addition, a period should be added after “Directory.” In sub. (8), the first comma should be deleted.

b. In the title of s. NR 192.04, a period should be added after “network.” In s. NR 192.04 (intro.), the phrase “achieve the purposes of this chapter as follows:” should be changed to “which shall do all of the following:”. In sub. (2), the phrase “Provide support to the network through contracts and other means as needed” is vague; can the department be more specific? In sub. (3) (a), a period should be added after “condition.” In sub. (3) (g), can the department clarify what “Ice on and off monitoring” is?

c. In s. NR 192.05 (intro.), the phrase “to the satisfaction of the department” is vague. Are there other criteria a person must satisfy other than the conditions listed under subs. (1) to (3)? In sub. (1), how may a person “demonstrate requisite skill in the lake monitoring protocol”? Also, the rule should specify that the department will provide training. In sub. (2), can the department clarify what “related activities” are?

d. In s. NR 192.06 (1), how are persons supposed to “request participation in the lake monitoring network”? For example, should a person put a request in writing? In sub. (3), “Network monitors” should be changed to “Persons accepted by the department as network monitors.” In the note, the telephone number and e-mail address of the lake monitoring coordinator should be provided. The note should also specify where form 3200-101 may be obtained.

e. In s. NR 192.07 (1), the term “others” is vague. It appears that the appropriate term would be “public groups or persons” as defined in s. NR 192.03 (7) and (8). In sub. (1) (b), “water” should be added before “samples.” In sub. (1) (e), “water quality” should be added before “results.”