



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Ronald Sklansky
Clearinghouse Director

Richard Sweet
Clearinghouse Assistant Director

Terry C. Anderson
Legislative Council Director

Laura D. Rose
Legislative Council Deputy Director

CLEARINGHOUSE RULE 09-123

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Reference Bureau and the Legislative Council Staff, dated September 2008.]

2. Form, Style and Placement in Administrative Code

a. In the explanation of agency authority in the rule analysis, the department’s authority to promulgate the specific rule changes included in this proposal should be explained.

b. The following categories should be added to the rule summary: “Comparison with rules in adjacent states,” “Summary of factual data and analytical methodologies,” and “Analysis and supporting documents used to determine effect on small business or in preparation of economic impact report.” [s. 1.02 (2), Manual.]

c. In the second paragraph of the plain language analysis, the notation “(ORW)” should follow the phrase “outstanding or exceptional resource waters.”

d. In the plain language analysis of ch. NR 299, the reference “s 281.36” should be replaced by the reference “s. 281.36, Stats.”

e. In s. NR 102.10 (1) (b) 5., the phrase “(as described below)” should be replaced by the phrase “as described in the following table.”

f. In s. NR 102.10 (1) (f) 1d., the underscored material should follow the stricken-through material. [See also ss. NR 110.13 (5) (g) 6. and 210.08 (1) (a).]

g. In s. NR 110.05 (4) (a) (intro.), the phrase “any of the following” should be inserted before the colon. In sub. (4) (b), the phrase “In the event that” should be replaced by the word “If” and the first comma should be deleted.

h. In s. NR 110.14 (3) (b) 3. (intro.), the phrase “all of” should be inserted before the phrase “the following.” [See also sub. (3) (d) (intro.) and ss. NR 110.14 (10) (b) (intro.) and 205.07 (1) (e) (intro.) and (2) (d) 3. (intro.).]

i. In s. NR 110.14 (3) (e) 2., the word “Wells” should be replaced by the word “wells.”

j. In s. NR 110.14 (3) (j) 4., the material following the first sentence is not substantive and should be contained in a note to the rule.

k. In s. NR 110.14 (9), it appears that the word “pump” should be replaced by the notation “~~pump~~. Pump.”

l. In s. NR 110.14 (12) (b), all of the subdivisions should conclude with a period. [See also s. NR 205.07 (2) (d).]

m. In s. NR 110.14 (10) (b), the titles to the subdivisions should be placed within single quotation marks.

n. In s. NR 200.06 (2), the word “Department’s” should be replaced by the word “department’s.” [See also s. NR 205.07 (1) (n) and (2) (d).]

o. In s. NR 328.35 (3) (p) 1., the notation “etc.” should be replaced by a phrase such as “and similar materials.” Also, in sub. (3) (p) 2., the note is substantive and should be placed in the text of the Administrative Code. Finally, because the introductory material in par. (p) does not grammatically lead into the following subunits, the introductory material should be renumbered as subd. 1.; the remaining subdivisions and internal cross-references should be renumbered accordingly; and the subdivisions should not be written in the imperative form.

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

a. In the plain language analysis of ch. NR 110, a semicolon should replace the comma following the word “substantial” in the fifth sentence of the first paragraph. In the third paragraph, the word “amend” should be inserted before the reference to “s. NR 110.05.”

b. In s. NR 214.16 (6), what is the meaning of the phrase “certain types of wastewater and site conditions”?