

# WISCONSIN LEGISLATIVE COUNCIL STAFF

## RULES CLEARINGHOUSE

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## CLEARINGHOUSE RULE 95-134

### 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. The correct drafting style is to present inserted material immediately after adjacent stricken material, rather than before the stricken material. [See s. 1.06 (1), Manual.] This format was not followed in ss. DOD 21.03 (1) and 21.04 (2) (a), (b) and (c).

b. Entire subunits of a rule should not be created by underscoring. [See s. 1.06 (1), Manual.] Therefore, a separate SECTION of the rule should create s. DOD 21.03 (3) (a) to (e).

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

a. As drafted, the two references to the phrase “outside of the local area” in the definition of “eligible advertising” in s. DOD 21.02 (2m) may refer to two distinct areas. For example, an advertising campaign may be designed to promote Milwaukee in Chicago. However, even though the medium that will be used in the project has not been used in Chicago, it may have been used in a Milwaukee advertising campaign in Minneapolis, thus precluding the Chicago campaign from being “eligible advertising.” Is this the department’s intent?

b. It appears that the department intends to limit the total grant amount that may be awarded to a project during a fiscal year based upon all of the factors specified in s. DOD 21.03 (3) (a) to (e). If this is the department’s intent, the text of s. DOD 21.03 (3) (intro.) would be clarified if “all of” were inserted before “the following”.

c. Since the first sentence in s. DOD 21.03 (4) is a compound sentence, a comma should follow “funding” in that sentence.

d. Section DOD 21.04 (2) (b) requires a description of the project. Section DOD 21.04 (2) (e) requires a “description...for the project.” If there is a distinction between these descriptions, the department should clarify it. If there is no distinction, the department should remove one of the description requirements from the text of s. DOD 21.04 (2).

e. In s. DOD 21.04 (2) (e), “timetable” should replace “time table”.

f. Under s. DOD 21.05 (3) (b), the department must determine that the “proposed project coordinates with the statewide marketing strategy.” The department should review the use of “coordinates” in this requirement to ensure that the provision conveys the plain meaning intended by the department. For example, does the department intend for a proposed project to “be consistent with” the statewide marketing strategy?

g. Under s. DOD 21.05 (3) (g), the department must determine that the project has the potential to be self-sufficient within three years. Does the department ever fund joint effort marketing programs under ch. DOD 21 that are of limited duration and not designed to be operated for three or more years? If so, the department should review s. DOD 21.05 (3) (g) to ensure that this provision will be appropriate for these limited-term projects.