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CLEARINGHOUSE RULE 97-077

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. In general, when updating cross-references, the rule should delete and replace only the number. For example, in the Note after s. NR 110.01, “ch.” and “s.” should not be deleted and then replaced.

b. When amending several paragraphs within a subsection of the current rules, the subsection number should not be repeated. For example, see the amendment to s. NR 110.05 (2) (g). The same comment applies to subdivisions amended within the same paragraph, as in s. NR 110.09 (2) (j).

c. A series of cross-references should be indicated by “to” rather than a hyphen. See s. NR 110.15 (2) (a).

d. In s. NR 110.03 (38), both occurrences of the word “could” should be replaced by the word “may.” Also, the phrase “a large tract of land” is ambiguous.

e. Section NR 110.14 (3) (c) 4., as well as many other provisions of Clearinghouse Rule 97-077, refer to National Electrical Code criteria. When possible, appropriate cross-references to these criteria should be included in the text of the rule or in a note to the rule.

f. In s. NR 110.14 (3) (i) 4., the word “above” should be replaced by an appropriate phrase such as “in this paragraph.”

g. In s. NR 110.14 (3) (j) 4., the second-to-last sentence either should be contained in a note or should be amended by replacing the word “should” by the word “shall.”

h. In s. NR 110.14 (3) (b) 9., the reference to the Department of Industry, Labor and Human Relations should be replaced by a reference to the Department of Workforce Development or the Department of Commerce, as appropriate.

i. In s. NR 110.14 (12) (b), the introduction should conclude with a colon and each subdivision should conclude with a period.

j. In s. NR 110.14 (10) (b) (intro.), the phrase “all of” should be inserted before the phrase “the following requirements.”

k. In s. 110.15 (3) (d), the chart of required distances appears to be a substantive requirement. If so, the chart and its introduction should be numbered as subd. 2. and subds. 2. and 3. should be renumbered as subds. 3. and 4.

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

a. In s. NR 110.14 (1) (b), the use of the phrase “all new” would be made clearer if the first sentence were rewritten to read: “A design report shall be submitted with plans and specifications for sewage lift stations constructed after _____, 1997 as well as the major rehabilitation of existing lift stations.” Note that the use of the phrase “major rehabilitation” is ambiguous and could be defined in terms of money allocated for rehabilitation or the amount of a sewage lift station affected by the rehabilitation.

b. In s. NR 110.14 (3) (h) 4., the word “a” should be inserted before the last occurrence of the phrase “valve fault.”

c. In s. NR 110.14 (3) (b) 3., the word “possible” should be deleted.

d. In s. NR 110.14 (3) (b) 10., should the word “protected” be replaced by the word “protection”?

e. In s. NR 110.14 (5) (c) 2., the phrase “also be provided to” should be deleted.

f. In s. NR 110.14 (10) (a) 2., the phrase “shall be” should be replaced by the word “is.”

g. In s. NR 110.14 (10) (b) 11., it appears that the word “Audible” should be replaced by the phrase “An audible.”

h. Section NR 110.15 (3) (d) 1. requires sewage treatment facility sites to be isolated from certain commercial structures. The Note gives examples of commercial “uses,” rather than “structures,” that must be separated from sewage treatment facility sites. The rule does not indicate how it will be determined which commercial structures must be isolated from sewage treatment facility sites.

i. Section NR 110.15 (3) (d) 3. is very unclear. Does the first use of the phrase “December 31, 1997” modify the phrase “existing facility sites” or the phrase “new sites with

new facilities”? If the date modifies both sites, then there is no reason to differentiate between the sites. What happens if a contract is awarded on December 31, 1997? What is a “significant upgrade”?

j. The acronym “MLSS” is used in s. NR 110.18 (2) (d) 1., but does not appear to be defined in the rule.