

WISCONSIN LEGISLATIVE COUNCIL STAFF

RULES CLEARINGHOUSE

Ronald Sklansky
Director
(608) 266-1946

Richard Sweet
Assistant Director
(608) 266-2982



David J. Stute, Director
Legislative Council Staff
(608) 266-1304

One E. Main St., Ste. 401
P.O. Box 2536
Madison, WI 53701-2536
FAX: (608) 266-3830

CLEARINGHOUSE RULE 97-117

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 s. Comm 1.02 (1) and (2), the phrases “Environmental Protection Act” and “Council on Environmental Quality” should be shown all in lower case.

b. In s. Comm 1.02 (2), the Department of Commerce is required to substantially follow guidelines issued as rules by the U.S. Council on Environmental Quality at 40 C.F.R. Parts 1500 through 1508 (1987), as amended July 1, 1990. This requirement is imposed by s. 1.11 (2) (c) (intro.), Stats. However, the statutory requirement is not limited by a particular date. Consequently, the department should ensure that the rules it follows are the rules most recently promulgated by the U.S. Council on Environmental Quality.

c. In s. Comm 1.05 (1) (a), substitute “specified” for “as described”; and in par. (1) (c), substitute “specified” for “described.”

d. In s. Comm 1.05 (1) (b), the phrase “shall not be required to be prepared” should be replaced by the phrase “is not required.”

e. In s. Comm 1.10 (intro.), substitute “shall undertake” for “undertakes or initiates.”

f. In s. Comm 1.11 (1) (a), substitute “specifies” for “shall delineate.”

g. In s. Comm 1.11 (1) (b) 1., 2. and 3. (intro.), delete “normally.” The use of the word “normally” is vague and gives no guidance.

- h. In s. Comm 1.11 (2) (intro.), the word “shall” should be replaced by the word “may.”
- i. In s. Comm 1.21 (2) (b) 5., delete “or not”; and in sub. (3) (b) 3., after “or” insert “his or her.”
- j. In s. Comm 1.22 (5) (intro.), the phrase “all of” should be inserted before the phrase “the following.”
- k. In s. Comm 1.22 (9), delete “a portion of or the entire” and substitute “all or part of the.”

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

- a. In s. Comm 1.02 (2), insert a comma after “(1987).”
- b. In s. Comm 1.05 (1) (c), delete the comma after “s. Comm 1.11” and insert a comma after “s. Comm 1.10 (2) to (10).”
- c. In s. Comm 1.10 (intro.), it would appear that the “following actions” enumerated in subs. (1) to (9) are not, in fact, “delineated” in Table 1.11. Therefore, some other language should be substituted for the term “as delineated.” For example, the words “in connection with the activities specified” could be substituted.
- d. In s. Comm 1.10 (8), the meaning of the words “object” and “objects” is unclear and should be clarified. Perhaps these words could be defined in s. Comm 1.04 or would the words “goal” and “goals” be more accurate?
- e. Section Comm 1.11 (1) (b) 1. should conclude with a period.
- f. In s. Comm 1.11 (1) (b) 3. c., delete “Result in” and substitute “Require.”
- g. Section Comm 1.11 (2) (c) does not adequately describe the types of “ancillary activities” that do not require an environmental analysis. The rule should include some examples of these types of departmental actions.
- h. In s. Comm 1.22 (1) (b) and (2), the meaning of the term “scoping process” is unclear and should not be used without further clarification. Perhaps the term could be defined in s. Comm 1.04, or some other term, such as “investigation and fact finding process,” could be substituted.