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CLEARINGHOUSE RULE 98-045

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. NR 113.07 (1) (b) (intro.), the first two sentences are not substantive in nature and should be placed in a note to this provision. The same comment applies to the first sentence of s. NR 113.07 (1) (c) (intro.). In s. NR 113.07 (1) (b) 1., first sentence, how does one obtain “special permission” from the department? In subd. 1. b., and elsewhere in the rule, “gal./acre” should be “gallons per acre.” In subd. 3., delete the phrase “and therefore function more like a holding tank” since it does not appear to be substantive in nature. If it is important to convey this point, it can be placed in a note to this provision.

b. In s. NR 113.11 (3) (a) (intro.), the actual form number (and where to obtain that form) belongs in a note to this provision and not in the text of the rule. Also, if this is a new or revised form, a copy of the form must be attached to the rule or a statement must be included in the note indicating where a copy of the form may be obtained at no charge. [See s. 1.09 (2), Manual.] The same comments apply to s. NR 113.11 (3) (b) (intro.). Also, in sub. (3) (b) (intro.), the second occurrence of the word “Department” should not be capitalized.

c. In SECTIONS 12 and 13, the word “to” should be deleted.

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

In s. NR 113.07 (1) (c) 1., it appears that the phrase “between 2% and 6%” includes slopes of 2% and 6%. If so, this should be clarified, perhaps by replacing the phrase “between 2% and 6%” with the phrase “2% to 6%.”