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RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 00-030

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 September 1998.]

2. Form, Style and Placement in Administrative Code

- a. In s. NR 195.02 (1), “as defined in this chapter, and” should be deleted.
- b. In s. NR 195.02 (2), the qualifications for river management organizations contains unnecessary material. A river management organization is required to be a nonprofit organization. The introduction should read: “A river management organization qualified to receive grants under this chapter shall be a nonprofit organization under ch. 181, Stats., that meets all of the following conditions:”. It is also suggested that pars. (a) through (c) each begin with “Its” or “It”, i.e., “Its articles of incorporation or bylaws specify . . . ,” “It does not limit membership . . .” and “It requires payment”
- c. In s. NR 195.03 (intro.), “terms used in” should be deleted.
- d. In s. NR 195.03 (1), ““Acquisition costs”” should replace “It” in the second sentence.
- e. In s. NR 195.04 (intro.), “under this section” should be deleted.
- f. In s. NR 195.04 (1) (d), “and be recognized under ch. 181, Stats.” appears to be unnecessary since it is one of the conditions necessary to be recognized as a qualified river management organization. Further, “be recognized under” is vague. If it is necessary to include this provision, it should state “and be organized under ch. 181, Stats.”

g. In s. NR 195.04, sub. (4) does not follow from the (intro.). The (intro.) states that specified activities are eligible for funding; sub. (4) describes ineligible activities. The section needs to be restructured. [See s. NR 195.05.] Also, sub. (4) should not have a title since the other subsections do not have titles. This comment applies also to s. NR 195.09 (3) and (4).

4. Adequacy of References to Related Statutes, Rules and Forms

Section NR 195.12 (5) refers to “part II of an approved application.” This reference is not clear.

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

a. Section NR 195.04 (4) states that “Activities not eligible for funding under this section include any capital improvement project.” What is the department’s definition of “capital improvement project”? Also, if the term is to be retained, it is suggested that the provision state “Capital improvement projects are not eligible for funding under this chapter.”

b. In s. NR 195.05 (1), “protection grants” appears to be the wrong term. This provision of the rule relates to “management grants.”

c. Section NR 195.07 (3) requires that project applications be received by the department by March 15, 2000 for funding in fiscal year 1999-2000. This rule cannot be promulgated until after that date has passed.

d. Section NR 195.08 (4) states that “The department shall state the basis for determination of ineligibility in writing to the affected sponsor.” The provision should be rewritten to state “the department shall notify the sponsor in writing of the basis for a determination of ineligibility.”

e. Section NR 195.10 (2) (c) refers to “autos.” Should “motor vehicles” be substituted?

f. In s. NR 195.12 (1) (e), the provision is vague for two reasons. First, it refers to a “difficult appraisal problem” and whether the first appraisal is unacceptable under “department established criteria.” What is a “difficult appraisal problem”? What are the “department established criteria” and where may they be obtained?

g. Section NR 195.13 (2) (h) refers to “any essential provision” of a grant or grant contract. Can this be clarified?