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RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 00-101

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 the treatment clause and text of SECTION 7, several of the newly created subsections in s. NR 422.02 do not follow the drafting format of the Legislative Reference Bureau. Subsection (7k) should be (7e), sub. (7o) should be (7s), sub. (40m) should be (39m) and sub. (105h) should be (105g). Also, in the subsection currently lettered (7k), the last sentence contains substantive material which should not be included in the definition, pursuant to s. 1.01 (7) (b), Manual.

b. The material in SECTIONS 8 and 9 of the rule could be combined, with a treatment clause that reads: “NR 422.095 (title) and (3) (b) and Note are amended to read:”. The word “(title)” should also be inserted before the stricken material. See s. 1.05 (3) (a), Manual.

c. In SECTION 13, s. NR 422.095 (6) (a) and (b) are repealed. Paragraphs (c) to (f) could be relettered (a) to (d), unless it is contemplated that new provisions will eventually replace the material currently contained in pars. (a) and (b).

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

In s. NR 422.02 (67) (in SECTION 6), it is suggested that the citation to s. NR 484.10 be rewritten to read: “s. NR 484.10 (25m).” Similarly, in s. NR 422.02 (49m) (in SECTION 7), the reference to s. NR 484.10 should be rewritten “s. 484.10 (9).”

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

a. The treatment clause to SECTION 2 contains a typographical error. The citation should read: “NR 406.04 (7).” Also, in that provision, a left parenthesis should replace the right parenthesis preceding “cm)” on line 12.

b. In s. NR 407.03 (1) (gm), should “associated quality assurance laboratories” be mentioned, as well as “associated cleaning operations,” as is done in s. NR 407.03 (1) (g) with regard to painting or coating operations? Also, for consistency with other occurrences in the current rules, a comma should be inserted after the one in the number “1666” on line 2.

c. In s. NR 407.03 (4) (intro.), the comma following the “(w)” on line 2 should be deleted, as it does not appear in the current rule. Also, on line 12, the right parenthesis preceding “w)” should be changed to a left parenthesis.

d. In SECTION 6, the definition in s. NR 422.02 (67) is changed from “pretreatment coat” to “pretreatment wash primer.” However, current s. NR 422.02 (68) still refers to a “pretreatment coat,” which is now not the defined term in sub. (67). All of the rule chapters to which these definitions pertain should be reviewed for other occurrences of the phrase “pretreatment coat” which should be changed to “pretreatment wash primer.” Also, in SECTION 6, the defined term in s. NR 422.02 (89) should be “speciality coatings” in order to reflect the current rule.

e. In SECTION 7 and elsewhere in this rule, there are inconsistent references to “automobile refinish” and “automobile refinishing.” Since the term “refinishing” is defined in s. NR 422.02 (75), it is suggested that that form of the word be used throughout the rule when a noun is required. The entire rule should be reviewed for other occurrences of this problem.

f. In SECTION 7, in the definition in s. NR 422.02 (45m), the comma following the word “evaporation” on line 2 could be deleted. The same comment pertains to the comma following “performed” in sub. (110m).

g. Section NR 422.095 (4) (b) refers to “the most restrictive VOC limitation in Table 1.” Since Table 1 appears to include a single maximum volatile organic compound (VOC) content for different types of coating, it is unclear to what “the most restrictive” limitation pertains. Also, does the most restrictive limitation (or whatever term is used) apply when either the condition in par. (b) 1. or the condition in par. (b) 2. is met? This should be clarified in the introduction by the appropriate use of phrases such as “all of the following” or “any of the following.” Also, in par. (b), would subd. 1. be clearer if the phrase “than any of the systems listed” were inserted after the word “which”?

h. In s. NR 422.095 (4) (c), it is unclear which emission limitations are being referred to in the phrase “these emission limitations” on line 2. Are they the emission limitations in Table 1? If so, that should be stated. Also, in par. (d), what is the item for which the VOC content must be calculated using the formula set forth? Note that in par. (e), it is clarified that the formula in that provision pertains to the VOC content for a multi-stage topcoat.

i. In s. NR 484.10 (9), in the second item in the right-hand column, the date 1998 appears. The current rule refers to 1988; which is correct? If the date is being changed from 1988 to 1998, the change should be made as is the date change in the left-hand column.