



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 01-113

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 SECTION 1 of the rule, because the treatment clause notes that s. Comm 108.01 (1) is being renumbered, the “(1)” need not be underscored. In addition, it is not clear why s. Comm 108.01 (1) is being amended to spell out the term Community Development Block Grant since “CDBG funds” is already a defined term.

b. The material in the last note created in SECTION 6 of the rule appears to contain substantive material which should not be contained in the note. It should be placed in a substantive provision of the rule.

c. SECTIONS 8 and 9 of the rule can be combined, and the combined treatment clause could read as follows: “Comm 108.03 (6) to (24) are renumbered as Comm 108.03 (5) to (23) and, as renumbered, 108.03 (5), (6), (11) and (17) are amended to read:”.

d. In SECTION 22 of the rule, the treatment clause should end with the phrase “to read:” rather than “as, 109.08 (1) and (2).”

e. The treatment clause of SECTION 24 of the rule should note that the titles are being amended.

f. Rather than repealing and creating the various parts of s. Comm 108.12 in SECTIONS 24a, 25 and 26 of the rule, it would be cleaner if current s. Comm 108.12 were simply repealed and recreated as is desired.

g. In SECTION 29 of the rule, the treatment clause should indicate that the titles are being amended.

h. In s. Comm 108.24 (1), the introductory material is not truly introductory. That is, it does not grammatically lead into pars. (a) to (c). Thus, what is currently the introductory material should be identified as par. (a) and the remaining paragraphs renumbered pars. (b) to (d). [See also s. Comm 108.13.]

i. In s. Comm 108.24 (2), the introductory material is confusing and does not appear to adequately describe what needs to be contained in the application. It would seem that the introductory material could be rewritten substantially as follows: “An application for a planning grant under this section shall contain sufficient information to identify how the following requirements are satisfied:”.

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

In s. Comm 108.03 (4), the cross-reference to s. 66.1331 (2m) (bm), Stats., appears to be incorrect. That section does not exist. It appears that the correct cross-reference would be to s. 66.1333 (2m) (bm). This comment also applies to the note created for s. Comm 108.03 (4) in SECTION 6 of the rule.

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

a. In the second to the last sentence in the analysis for the proposed rules, it appears that the word “amended” should be inserted after the word “being.” The remainder of the sentence is unclear.

b. In s. Comm 108.01 (2), the term “CDBG program” is used but is not defined. What is the CDBG program? Can an appropriate cross-reference be provided?

c. Although s. Comm 108.03 (2) purports to define “blight” as defined in the statutes, the statutory cross-reference provided actually defines “blighted area.” Was this intended?

d. Section Comm 108.08 deletes the word “effect” and substitutes the term “affect.” It appears that this change is unnecessary.

e. Section Comm 108.09 (1) (a) 3. uses the term “inter-related.” Could the term “related” be substituted here?

f. In s. Comm 108.12 (2), the phrase “under sub. (1)” should be inserted after the word “Scores” and the word “their” should be replaced by the word “this.”

g. It appears that the added phrase in s. Comm 108.19 (1) (f) is awkward and could be rewritten substantially as follows: “or other use or uses which will result in the site having a taxable value.”

h. In ss. Comm 108.19 (2) (f) and 108.24 (3) (e), it appears that the term “taxbase” should be two words.

i. Section Comm 108.24 (2) (k) 2. should be rewritten to read: “An analysis of alternative means of correcting the deficiencies described in subd. 1.”