



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 05-018

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 January 2005.]

2. Form, Style and Placement in Administrative Code

a. The provision in that rule that creates the definition of “regulated refrigerant” is misplaced. It should be in s. NR 488.02 (4m) rather than s. NR 488.02 (2m).

b. The reference to a “marking which uniquely identifies each piece of refrigeration equipment” in the note following s. NR 488.06 (1) (c) appears to provide a means of identifying refrigeration equipment that is salvaged or dismantled in addition to the methods specified in s. NR 488.06 (1) (c) based on an identification number. As such, the note contains substantive material, contrary to s. 1.09 (1), Manual.

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

a. Item 3. in the analysis accompanying the rule indicates that s. 285.59 (5) (a), Stats., “provides the Department authority to promulgate rules” to administer s. 285.59, Stats. The use of the phrase in this sentence “provides the Department authority” implies that this is a grant of discretionary power to the department. Section 285.59 (5) (a), Stats., directs the department to promulgate the specified rules through the use of the verb “shall ... promulgate” Thus, the statute prescribes a duty of the department whereas the analysis describes a power of the department.

b. The sixth sentence in the description of Iowa’s comparable program in item 7. in the analysis begins with the phrase: “[E]ach facility must have at least on owner or full-time

employee....” The reference in this phrase to “on” owner appears to be a typographical error. Should it be “one owner”?