



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 06-126

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 material in SECTION 1 should be deleted; repealing and recreating the chapter title is not necessary because the proposed title is identical to the current title.

b. In s. NR 328.31 (5), “i.e.” should be changed to “such as” or “including.”

c. In s. NR 328.32, the second note contains substantive material that should be moved into the text of the rule. This problem also occurs in subs. (12) and (15). In sub. (16), the parentheses should be deleted and “, including” should be added before “slabs.” In the note to sub. (18), “the” should be inserted before “waterfront.” In addition, the parenthesis before “AG” should be deleted and replaced with a comma.

d. In s. NR 328.34, “existing” should be deleted and replaced with a reference to a specific date or the effective date of the rule. [See 1.01 (9) (b) Manual.] The same problem occurs in s. NR 328.35 (6).

e. In s. NR 328.35 (3) (c), “structure” should be deleted and replaced with the defined term “bank erosion control structure.” The same problem occurs in sub. (3) (d). In sub. (3) (e) (intro.), “any of” should be inserted before “the following.” In sub. (5) (g), the parentheses should be deleted and “, or” should be added after “stream.”

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

a. In s. NR 328.32 (1), it appears that “(3) (a)” should be added before “3r.”

- b. In s. NR 328.35 (5) (b), “s. NR” should be added before “328.38.”

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

a. In s. NR 328.35 (3) (o), a note should be added explaining that Driftless and Prairie Pothole Ecoregions can be found in s. NR 328.38, Figure 1. Similar problems also occur in subs. (4) (b) and (5) (a). In sub.(7) (a), “and” should be inserted before “shall.”

b. In s. NR 328.36 (2) (intro.), “applicant” should be changed to “applicants.” Also in this subsection, it would be helpful to note the types of projects for which individual permit applications are required. In sub. (2) (a), “i.e.” should be deleted and replaced with “such as.”

c. In s. NR 328.38 (2), Table 1, Note 3, the link to the BEPI calculator on the department’s website should be included. In Table 1, Note 6, “etc.” should be deleted and “an object such as a” should be inserted before “orange.”