



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Ronald Sklansky
Clearinghouse Director

Richard Sweet
Clearinghouse Assistant Director

Terry C. Anderson
Legislative Council Director

Laura D. Rose
Legislative Council Deputy Director

CLEARINGHOUSE RULE 07-040

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.]

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

a. The summary accompanying the rule cites s. 285.11 (6), Stats., as providing statutory authority for the rule. Since sub. (6) does not explicitly require or authorize rule-making, this subsection should not be included in the list of statutes providing statutory authority for the rule.

b. The reference to s. 285.69, Stats., as providing authority for the rule is overly broad, as this section contains nine subsections, many of which do not provide authority for rule-making. The department should specify in the list of statutes providing statutory authority for the rule the specific subsections in s. 285.69 that provide this authority.

c. The reference to “Section 285.96 (1) (5), Stats.,” in the last sentence in the explanation of agency authority in the summary accompanying the rule is in error, as this section does not exist in ch. 285, Stats. Should it read “Section 285.69 (1) and (5), Stats.?”

d. The text of the summary accompanying the rule on “Related Statute or Rule” is quite broad. Can the department improve the clarity of this section by being more specific?

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

The definition of “fugitive emissions” in s. NR 407.02 (3e) will apply to the use of that term not only in s. NR 407.02 (4) (b) (intro.) but also in s. NR 407.05 (4) (c) 1. If the department intends that the definition of “fugitive emissions” in s. NR 400.02 (71) continue to apply in s. NR 407.05 (4) (c) 1., then it should revise the rule accordingly.