



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 09-031

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Reference Bureau and the Legislative Council Staff, dated September 2008.]

2. Form, Style and Placement in Administrative Code

- a. The rule preface should follow the format found in s. 1.02 (2) (a), Manual.
- b. The pages of the rule should be individually numbered.
- c. In the text of SECTION 1, the notation “NR 16.16 (5)” should be replaced by the notation “NR 46.16 (5).”
- d. When material is deleted and material is added in the same location, the new underscored material always immediately follows the stricken material. For example, in s. NR 46.18 (5) (a) 1., the material “August 15 ~~July 1~~” should be replaced by “~~July 1~~ August 15.” The entire rule should be reviewed for this problem.
- e. In s. NR 46.18 (5) (a) 1., reference is made to meeting “department standards.” If these standards are in rule form, a cross-reference should be provided. If these standards are not in rule form, and if they meet the definition of the term “rule,” in s. 227.01 (13), Stats., they should be promulgated and placed in the Administrative Code. Also, subs. 1. to 4. should be renumbered as subpars. a. to d.
- f. The treatment clause of SECTION 5 should read: “NR 46.30 (2) (a) to (d) are repealed and recreated to read:”. A new SECTION 6 should be created and the treatment clause for that SECTION should read: “NR 46.30 (2) (f) is created to read:”. The new par. (f) should be shown in SECTION 6 of the rule.

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

a. In the statement of statutory authority in the rule preface, a comma should be inserted after the second occurrence of the word “Stats.”

b. In the 5th paragraph of the “Analysis of proposed rules,” the word “landowners” is misspelled.

c. The last sentence of s. NR 46.16 (5) (intro.) is not clear. If the intent of the department is to say that, notwithstanding the first sentence of the introduction, the same order of designation will apply to property that consists of at least 10 contiguous acres, that crosses a municipal boundary, and that meets any statutory and rule requirements for designation as managed forest land, then this should be so stated in the rule. Also, if the last sentence is retained, it appears that the phrase “a adjacent” should be replaced by “adjacent.” It also appears that a comma should be inserted after the word “year” and after the word “requirements.”