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## WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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### CLEARINGHOUSE RULE 12-028

#### 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 November 2011.]**

#### **2. Form, Style and Placement in Administrative Code**

a. In the introductory clause, “ATCP” should be inserted before “161.50” and “subch. IV” should be replaced with “subch. VI”.

b. The rule summary should contain all of the headings outlined in s. 1.02 (2) (a), Manual. If there is no information under a particular heading, the heading is included and the text should state that there is no information. For example, in the proposed rule, the headings in s. 1.02 (2) (a) 9. and 10., Manual, should be added to the rule summary.

c. Section ATCP 161.50 (3) (e) currently exists as the grazing lands conservation grant program. In SECTION 1 (and in the introductory clause), the “grow Wisconsin dairy producer” grant and loan program should be given a different paragraph letter in s. ATCP 161.50 (3).

d. In s. ATCP 161.62 (6), a title should be added to the subsection. Titles are used in the other subsections in s. ATCP 161.62, so titles should be used consistently in all subsections in that section. [s. 1.05 (1), Manual.]

e. The title of s. ATCP 161.63 should be written with an initial capital letter and not in solid capital letters. [s. 1.05 (2) (b), Manual.]

f. In s. ATCP 161.63 (1) (intro.) and (3) (intro.), “any of the following” should be inserted after “include”. [s. 1.03 (3), Manual.]

g. The sections numbered ss. ATCP 161.44 and 161.45 should be numbered as ss. ATCP 161.64 and 161.65.

h. The title of s. ATCP 161.45 (3) should not be in bold print. [s. 1.05 (2) (c), Manual.]

i. The notes following s. ATCP 161.66 (3) and (4) appear to include substantive requirements. Any substantive requirements should be included in the text of the proposed rule and not in notes. [s. 1.09 (1), Manual.]

j. In the effective date section, “AND DURATION” should be removed. [s. 1.02 (4), Manual.]

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

a. Throughout the rule summary, “ss.” should precede any reference to plural statutes. [s. 1.07 (2), Manual.] For example, in the “Statutes Interpreted” section, “s.” should be replaced with “ss.”

b. In the “Statutory Authority” section, the statutes should be cited in numerical order. [See s. 1.07, Manual.]

c. In s. ATCP 161.62 (6), “subch.” should be replaced with “subchapter”. [s. 1.07 (2), Manual.]

d. In s. ATCP 161.66 (3) Note, “s. ATCP 161.66” should be replaced with “this section”. [s. 1.07 (2), Manual.]

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

a. In the “Explanation of Statutory Authority” section, the last sentence should be removed because it appears to be content from the emergency rule.

b. In s. ATCP 161.61 (3), it appears that “entities” should be replaced with “entity”.

c. In s. ATCP 161.62 (1) (intro.), should the title and contents of the subsection also refer to loans made under the program? In addition, should the titles of ss. ATCP 161.62 and 161.66 also refer to loans made under the program? A similar comment applies to the following: (a) s. ATCP 161.62 (5), where it appears that “grant award” should be replaced with “grant or loan award”; (b) s. ATCP 161.44 (1) (intro.), where it appears that “grant proposals” should be replaced with “grant and loan proposals”; and (c) s. ATCP 161.66 (4), where it appears that “grant contract” should be replaced with “grant and loan contract”.

d. In s. ATCP 161.63 (2) (title), the duplicate period should be removed.

e. In s. ATCP 161.63 (4), “for” should be inserted before “repayment”.

f. In s. ATCP 161.45 (1), the “s.” before “this subchapter” should be removed.

g. In s. ATCP 161.45 (2) (f), the period should be moved to the end of the sentence.

h. In the fiscal estimate and economic impact analysis, “emergency” should be removed in the first full paragraph on the second page.