



# Wisconsin Legislative Council

## RULES CLEARINGHOUSE

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## CLEARINGHOUSE RULE 21-041

### Comments

**[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Council Staff and the Legislative Reference Bureau, dated November 2020.]**

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

- a. In the introductory clause in the caption for the proposed rule:
  - (1) Insert the designation “NR” after “to **amend**”.
  - (2) Insert the designation “ch.” before “530 relating”.
- b. In the rule summary, in the plain language analysis, in paragraph A. under the heading “Creation of ch. NR 530, Wis. Adm. Code, specific to the E-Cycle Wisconsin program”, the quotation of the definition in s. 287.17 (1) (m), Stats., needs a closing quotation mark.
- c. Throughout the proposed rule, the department should use the singular form of a word where possible. [s. 1.05 (1) (c), Manual.] For example, in SECTION 1, “major appliances” in s. NR 500.03 (71g) should be changed to “major appliance”. In addition to following the preferred style, that usage would also align that term with the cross-referenced definition of “major appliance” in sub. (136).
- d. In SECTION 1 of the proposed rule, in s. NR 500.03 (71m) (a) (intro.), should “means processing” be changed to “means preparing” in order to achieve consistency with the definition of “recycling” in s. 287.17 (1) (m), Stats.?
- e. In s. NR 530.03, the department should examine the treatment of definitions as follows:
  - (1) The definition of “collection” in sub. (2) could be removed because that term is already incorporated by the reference to s. 287.17, Stats., in s. NR 530.03 (intro.).
  - (2) The department should consider whether it is necessary to create the definition “covered school” in sub. (3). The term “school” is defined in s. 287.17 (1) (np), Stats., and therefore incorporated by reference in s. NR 530.03 (intro.). If the department removes the definition “covered school”, the remainder of SECTION 20 of the proposed rule should be modified by changing “covered school” to “school” in each instance. Conversely, if the department retains the definition “covered

school’, the department should examine whether the use of the unadorned term “school” elsewhere in the proposed rule should be changed to “covered school” [e.g., ss. NR 530.03 (4) and NR 530.05 (2)].

- (3) The term “registered recycler” appears in two defined terms in s. NR 530.03. Should a definition for “registered recycler” be added?
- (4) Will the term “smart home device”, as used in s. NR 530.04 (1) (b), be understood by relevant stakeholders without a definition?

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

In the rule summary, s. 287.17, Stats., could be removed from the listing of related statutes because it is already listed as statutory authority and as a statute interpreted.

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

- a. Throughout the proposed rule, the term “Internet” should be capitalized consistently.
- b. In s. NR 530.02 (2), the phrase “facility that are” should be corrected.
- c. In s. NR 530.09 (2) (a) 4., what is “long-term” storage?