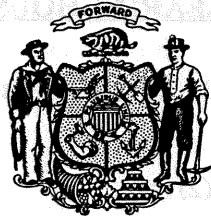


WISCONSIN LEGISLATIVE COUNCIL STAFF

RULES CLEARINGHOUSE

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CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

CLEARINGHOUSE RULE 00-139

AN ORDER to create GHSS 1.07, relating to a rules committee.

Submitted by **DEPARTMENT OF REGULATION AND LICENSING**

09-19-00 RECEIVED BY LEGISLATIVE COUNCIL.

10-05-00 REPORT SENT TO AGENCY.

RS:RW:jal;ksm

LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]

Comment Attached YES NO

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]

Comment Attached YES NO

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]

Comment Attached YES NO

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS [s. 227.15 (2) (e)]

Comment Attached YES NO

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]

Comment Attached YES NO

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL REGULATIONS [s. 227.15 (2) (g)]

Comment Attached YES NO

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]

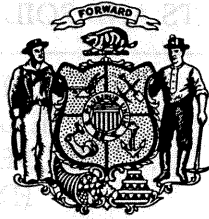
Comment Attached YES NO

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CLEARINGHOUSE RULE 00-139

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 September 1998.]

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

a. The rule is not clear as to who appoints the professional members of the rules committee or how they are selected. Presumably, the board will make the appointments of nonpublic members. If so, the rule should so state. Also, s. GHSS 1.07 (2) (a) should begin as follows: "A rules committee is created and shall be comprised of . . ."

b. Is there a need for an initial applicability section to indicate which rules will be subject to the rules committee procedure?

c. Since the full board retains its authority to approve and adopt rules, would it be more accurate in s. GHSS 1.07 (2) (b) to provide that the "rules committee *may* act for the board" instead of stating that the "rules committee *shall* act for the board"?

STATE OF WISCONSIN
EXAMINING BOARD OF PROFESSIONAL GEOLOGISTS,
HYDROLOGISTS AND SOIL SCIENTISTS

IN THE MATTER OF RULE-MAKING : PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE : EXAMINING BOARD OF
EXAMINING BOARD OF : PROFESSIONAL GEOLOGISTS,
PROFESSIONAL GEOLOGISTS, : HYDROLOGISTS AND
HYDROLOGISTS AND SOIL : SOIL SCIENTISTS ADOPTING RULES
SCIENTISTS : (CLEARINGHOUSE RULE 00-)

PROPOSED ORDER

An order of the Examining Board of Professional Geologists, Hydrologists and Soil Scientists to create GHSS 1.07, relating to a rules committee.

Analysis prepared by the Department of Regulation and Licensing.

ANALYSIS

Statutes authorizing promulgation: ss. 15.08 (5) (b), 15.405 (2m) and 227.11 (2), Stats.

Statutes interpreted: s. 470.03, Stats.

Current rules for the Examining Board of Professional Geologists, Hydrologists and Soil Scientists do not permit the formation of a rules committee to act for the board in rule-making proceedings. The objective of the rule is to authorize the board to form a rules committee. The board may currently approve and adopt rules proposed by any section of the board. A rules committee would better enable the board to develop and refine rules proposed by the sections or the board. This would meet the objective of standardizing the rules development process between the sections of the board and provide for greater efficiency.

The proposed rule would consist of two sections. The first section would permit the board to approve and adopt rules proposed by any section of the board. The second section would define the composition of a rules committee and provide that the rules committee shall act for the board in rule-making proceedings except for final rule adoption.

TEXT OF RULE

SECTION 1. GHSS 1.07 is created to read:

GHSS 1.07 Rule-making. (1) PROCEDURE. The board may approve and adopt rules proposed by any section of the board.

(2) RULES COMMITTEE. (a) The rules committee is comprised of one professional member from each section and 2 public members. The board chair shall appoint the 2 public members from any of the 3 sections of the board.

(b) The rules committee shall act for the board in rule-making proceedings except for final approval as specified in sub. (1).

The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin administrative register pursuant to s. 227.22 (2) (intro.), Stats.

Dated _____ Agency _____

Chairperson
Examining Board of Professional Geologists,
Hydrologists and Soil Scientists

FISCAL ESTIMATE

1. The anticipated fiscal effect on the fiscal liability and revenues of any local unit of government of the proposed rule is: \$0.00.
2. The projected anticipated state fiscal effect during the current biennium of the proposed rule is: \$0.00.
3. The projected net annualized fiscal impact on state funds of the proposed rule is: \$0.00.

INITIAL REGULATORY FLEXIBILITY ANALYSIS

These proposed rules will be reviewed by the department through its Small Business Review Advisory Committee to determine whether there will be an economic impact on a substantial number of small businesses, as defined in s. 227.114 (1) (a), Stats.

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9/19/00