

# WISCONSIN LEGISLATIVE COUNCIL STAFF

## ***RULES CLEARINGHOUSE***

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## **CLEARINGHOUSE RULE 94-209**

### **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 October 1994.]**

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

- a. In the amendment of s. NR 555.10 (1) (c), the final comma should be stricken.
- b. In s. NR 555.11 (1) (b), the words “this order” should be used instead of the words “the rule.”
- c. In s. NR 555.11 (3) (b) 1, the phrase “as defined in s. NR 555.03” should be deleted. It is not necessary to refer to definitions if the definition applies to the Administrative Code section in which the defined term is used.

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

SECTION 1 of the rule-making order updates a cross-reference contained in s. NR 555.01 to reflect statutory changes made by 1989 Wisconsin Act 335. The same updating of cross-references is needed in ss. NR 555.03 (7) and 555.07 (2) and may be needed in other sections of ch. NR 555.

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

- a. The analysis of the rule refers to the “reimbursement grant program” and the “rebate program,” both apparently in reference to the waste tire reimbursement grant program under subch. III of ch. NR 555. To eliminate confusion and to be consistent with the language used in

the rule itself, it is suggested that references to rebates be replaced by references to reimbursement grants.

b. Section 555.03 (6) refers to “shred tire chips.” Should this provision refer to “shredded tire chips”? Also, the term “tire chips” is used elsewhere in ch. NR 555. Should it be defined to distinguish it from “crumb,” which is defined?

c. The last piece of inserted language in s. NR 555.04 (1) (c) should read “approximately \$0.5 million shall be used to provide grants for.”

d. Section NR 555.08 (2) should specify the amount of reimbursement for that portion of the waste tires used for those eligible uses identified in s. NR 555.10 (1) (e). If that is to be determined on a case-by-case basis, this should be stated in the rule and some indication of how the determination will be made should be included as well.

e. Many of the specific word changes in the rule consist simply of extending a rule provision to the processors of waste tires, in addition to the users of waste tires. This change is not made for s. NR 555.11 (2) (b) and (3) (b) 2 and 3. Is this an oversight?

f. Section NR 555.16 (2) would be clearer if the underscored language referred to “a waste tire recovery project” and was inserted following the phrase “a grant award.” Similar wording is suggested for s. NR 555.16 (3). Also, in the latter section, commas should be placed before and after the phrase “including amendments.”