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RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 95-216

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. The treatment clause of the rule should be rewritten as follows: “SECTION 1. Chapter ERB 5 is created to read:”. The following should then be inserted before the table of contents:

CHAPTER ERB 5

COMPUTER GRANT

b. In s. ERB 5.01, the phrase “local emergency planning committees” should not be capitalized and the parenthetical material immediately following that phrase should be deleted. In addition, since s. ERB 5.02 defines “committee” as a local emergency planning committee, the phrase “county local emergency planning” is unnecessary and may be deleted.

c. A note should be added to s. ERB 5.03, indicating where applications should be sent.

d. Since s. ERB 5.03 (intro.) is improperly drafted as introductory material [see s. 1.03 (8), Manual], it should be numbered sub. (1) and the other subsections should be numbered subs. (2) and (3).

e. Section ERB 5.04 (1) provides that the board must establish grant procedures for implementing the computer grants. Will these be promulgated as an amendment to ch. ERB 5 at some time in the future? [See ss. 227.01 (13) and 227.10 (1), Stats.] It would seem to be more efficient to promulgate those procedures as a part of this rule.

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

What are the “other hazardous materials planning requirements” mentioned in s. ERB 5.05 (1)? Can a specific cite be included?

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

- a. In the sentence before the plain language summary, “an” should replace “and.”
- b. Section ERB 5.04 (2) should be clarified. As drafted, the subsection authorizes *procedures* for computer equipment grants to be combined with *other grants*. Is the rule’s intent to authorize the combination of the procedures for all grants administered by the board, or the combination of the actual grants, or something else?
- c. Because it appears that the intent of s. ERB 5.05 is to identify eligible costs under the computer grant program, it appears that the phrase “Computer equipment may be requested” in s. ERB 5.05 (1) should be replaced by the following, or a similar, phrase: “A committee may receive a computer grant under this chapter for [the purchase of] [reimbursement for] computer equipment to be used...” In addition, the “s.” before the statutory citations should be replaced by “ss.” Finally, the reference to Title III of the Superfund Amendments and Reauthorization Act should be replaced by an appropriate citation to the U.S. Code. [See s. 1.07 (3), Manual.] The reference to Title III of the Superfund Amendments and Reauthorization Act, if necessary or helpful to an understanding of the subsection, could be placed in a note to the subsection.
- d. In s. ERB 5.05 (2), it appears that the phrase “Matching costs for computer equipment” should be replaced by the phrase “Computer grants under this chapter.” Also, when does the “1996 grant year” begin? Does it begin on January 1, 1996, the day after publication of the rule or some other date? The rule should be clarified. Finally, should “the first year” replace “one year”?
- e. In s. ERB 5.05 (3), the word “that” should be replaced by the word “computer.” Also, what is the “grant period”? Is it the four-year cycle, or just one year of that cycle in which a grant was received, or something else? For example, since s. ERB 5.03 provides that computer grants may be applied for annually, may a committee apply each year of the four-year cycle to receive a grant to reimburse it for computer equipment purchased in the first year of the grant cycle? The rule should better define the “grant period.”