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CLEARINGHOUSE RULE 99-154

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.]

1. Statutory Authority

a. Projects for which grants may be used are specified in s. 16.967 (7) (a), Stats. The training and education of county land information office personnel, as set forth in s. Adm 47.03 (5), is not listed as an eligible project under s. 16.967 (7) (a), Stats. It is suggested that a tighter link be made between s. Adm 47.03 (5) and the projects listed in subs. (1) to (4) of s. Adm 47.03.

b. In s. Adm 47.04 (1), second sentence, there is no standard to guide the board in determining whether to grant more than \$300.

c. In s. Adm 47.04 (2), last sentence, there is no standard to guide the board in making a determination on a greater amount for the minimum threshold of retained fees.

d. Section Adm 47.05, first sentence, specifies that applications shall be submitted on the authority of the county board “on its own behalf” or on behalf of a local governmental unit. Section 16.967 (7) (a) (intro.), Stats., specifies that a county board may apply to the land information board “on behalf of any local governmental unit” for a grant. There is nothing in the statute referring to a county board making an application on its own behalf. However, it appears that the definition of “local governmental unit” in s. 59.72 (1) (c), Stats., covers a county land information office. The department should consider substituting “on behalf of an eligible applicant” for “on its own behalf or on behalf of a local governmental unit located wholly or partially within the county.”

2. Form, Style and Placement in Administrative Code

a. It is suggested that s. Adm 47.02 (3) be revised to read as follows: ““County-wide plan for land records modernization” means the plan under s. 59.72 (3) (b), Stats., approved by the board under s. 16.967 (3) (e), Stats.” With the revised definition, reference to “that has been approved by the board under s. 16.967 (3) (e), Stats.,” or variations thereof, can be deleted from ss. Adm 47.02 (5), 47.04 (3) and 47.07 (3). Note, also, that the suggested revised definition eliminates reference to s. 59.72 (5) (b), Stats., as unnecessary.

b. In s. Adm 47.04 (intro.), it is suggested that the second sentence be divided into two sentences by adding a period after \$100,000, eliminating “however,” and capitalizing “the” as it appears before “board.”

c. In s. Adm 47.04 (1), second sentence, “a greater amount” should replace “greater.”

d. In s. Adm 47.04 (2), second sentence, “shall be” should replace “would have to be.” It appears that “state,” as it modifies “fiscal year” can be eliminated in this subsection and in sub. (3). (See the definition of “fiscal year.”)

e. It is suggested that s. Adm 47.04 (4) read as follows: “Strategic initiative grants for expediting and fostering statewide and regional strategic initiatives, consistent with specific statutory requirements and standards established by the board.” [See also the comment under category 4, below.]

f. It is suggested that s. Adm 47.07 be reorganized by changing the (intro.) clause to sub. (1) (intro.) and changing subs. (1) to (5) to pars. (a) to (e) of sub. (1). Subsections (6), (7) and (8) would then become subs. (2), (3) and (4), and not follow the (intro.) clause of sub. (1). Section Adm 47.06 could be combined with what becomes sub. (1) (intro.). Also, in s. Adm 47.07 (intro.), it is suggested that “requirements” replace “evaluation criteria.”

It is suggested that if it is determined that s. Adm 47.07 (6) is necessary, it be incorporated into s. Adm 47.04 (2). The same comment applies to subs. (7) and (8), i.e., if retained, they should be incorporated into subs. (3) and (4), respectively, of s. Adm 47.04.

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

In s. Adm 47.04 (4), can the reference to “specific statutory requirements and standards established by the board” be more specific?

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

a. In s. Adm 47.04 (intro.), what is meant by the authority granted to the board to “designate” grant categories?

b. In s. Adm 47.04 (1), is the \$300 level intended to be a minimum? If so, reference should be made to “at least \$300.”

c. In general, a tighter link should be made in subs. (1) to (4) of s. Adm 47.04 to eligible projects under s. Adm 47.03.

d. Section Adm 47.05 authorizes county boards to delegate their authority to apply for grants. To whom may the authority be delegated? If delegated, may the application be executed by the delegated authority? If so, the next-to-last sentence of this section should be revised.

e. The fiscal estimate, dated October 20, 1999, indicates that “the current budget bill proposes to extend the sunset “for this program.” The fiscal estimate should be revised to reflect final action in 1999 Wisconsin Act 9 (the 1999-2001 Biennial Budget Act).