



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Ronald Sklansky
Clearinghouse Director

Richard Sweet
Clearinghouse Assistant Director

Terry C. Anderson
Legislative Council Director

Laura D. Rose
Legislative Council Deputy Director

CLEARINGHOUSE RULE 04-015

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 2002.]

2. Form, Style and Placement in Administrative Code

Since the department revised the Note to s. NR 168.03 (3) to reflect the change in the cross-referenced statutory definition of “eligible site or facility,” the department should consider also changing the Note following the definition of “local governmental unit” in s. NR 168.03 (7), as the cross-referenced definition of “local governmental unit” in s. 292.75 (1) (b), Stats., was changed by 2001 Wisconsin Act 16.

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

In the analysis accompanying the rule, the reference to the provision in ch. 292, Stats., providing statutory authority for the rule should be more specific. In particular, s. 292.75 (2) (d), Stats., provides the authority to the department to promulgate the rules to administer the brownfield site assessment grant program.

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

a. The Legislative Reference Bureau recently instituted a change in preferred punctuation in bill drafts in which a comma is placed before the conjunction in a list of items. As such, the department should review the entire rule and insert commas as necessary to conform to this preferred punctuation. An example of this punctuation is to place a comma after “land” in s. NR 168.03 (3m).

b. The amendment to s. NR 168.11 (2) (c) requires a resolution adopted by the governing body of the applicant to be signed but does not indicate who is an acceptable signer of the resolution. Can the department be more specific? Also, should the phrase “within 30 days of the application due date” be replaced by the phrase “during the period beginning 30 days before the application due date and ending on that date”?

c. In s. NR 168.13 (2) (a), a comma should be placed after “area” and “ground water” should be spelled as a single word “groundwater.”

d. As drafted, the cost to conduct a site investigation would be an ineligible cost for a brownfield site assessment grant under s. NR 168.19 (8) if the site or facility would qualify for reimbursement from the Petroleum Environmental Clean Up Fund, even if the site or facility did not actually receive that reimbursement from the Petroleum Environmental Clean Up Fund. If that is not the department’s intent, the department should revise this provision accordingly.