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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 04-068

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.]

3. Conflict With or Duplication of Existing Rules

The rule repeals s. Comm 87.60. Since ss. 81.01 (170) and 83.51 (2) (Note) both refer to the repealed section, those cross-references need to be amended.

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

a. In the analysis section, ss. 145.2045 and 145.245 (8) (e), Stats., are listed as statutes interpreted. These need to be checked for accuracy.

b. In s. Comm 87.03 (7m), "…ss. 81.03 (182) and…" should be "…s. Comm 81.03 (182) and…." However, it may be clearer for readers if just the statutory citation, s. 145.01 (12), Stats., is used in the rule.

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

a. Section Comm 87.02 (3) is confusing. How does it relate to subsections (1) and (2)? What happens if the application is received before January 31, 2005, but it concerns a POWTS installed before July 1, 1978?

b. The rule should also amend the current sub. (9) (intro.). It should be changed from "…either of the following…" to "…any of the following…." See the addition of par. (c) in SECTION 6.

c. In s. Comm 87.03 (9) (c) Note, the use of passive voice makes the note confusing.

d. In s. Comm 87.04 (1) (intro.), "as follows:" should replace the period.

e. In s. Comm 87.04 (2) (a), both instances of "which" should be changed to "that." In addition, the sentence should specify to whom enforcement authority is granted. Also, "par. (d)" should replace "sub. (d)."

f. In s. Comm 87.04 (2) (f), "which" should be "that."

g. Section 87.05 (1) seems to contain two separate concepts. It might be clearer if the first sentence were placed in a subsection separate from the last two sentences.