



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 04-137

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.]

1. Statutory Authority

Section 26.30 (6m), Stats., requires that the eligible area for aerial insecticide treatment under the program must be at least 20 “compact and contiguous” acres in size. The proposed rule, in s. NR 47.913 (2) (a), requires the treated acreage to be contiguous and compact, but also adds the requirement that the treated area must be of a “regular shape.” Is it clear what is meant by “regular shape,” and could an area designated for treatment meet the statutory requirement of being contiguous and compact, but not be eligible for treatment because it is not a regular shape? Also, the terms “contiguous,” “compact,” and “regular shape” do not have a precise meaning. Would additional definition of these terms be appropriate?

2. Form, Style and Placement in Administrative Code

The reference to the legal notice in s. NR 47.913 (1) (b) 7. should be changed to the proper format. The format in s. 26.30 (6m) (ag) 1., Stats., should be used.

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

- a. In the last sentence of the second paragraph of the plain language analysis, a hyphen should be inserted between the words “department” and “organized.”
- b. In s. NR 47.912 (3m), the underscored comma should be replaced by the word “and.”
- c. In s. NR 47.913 (1) (b) (intro.), the last two sentences should be replaced by the following: “A county coordinator, or his or her designee, shall complete all of the following

tasks;”. Also, in sub. (1) (b) 7., the final sentence should read: “The county coordinator, or his or her designee, shall conduct the public meeting.”

d. Current s. NR 47.915 (2) provides that if full funding from the forest service is not available, the federal funds available for cost-sharing must be applied to treatment and administrative costs on a pro-rata basis based on acreage per applicant. Clearinghouse Rule 04-137 proposes to amend this provision to state that the funds will be provided on a pro-rata basis based on a fair and equitable determination by the Department of Natural Resources. The new language is vague. If the department is aware of what other pro-rata basis may be used, it should include that information in the text of the rule. At the very least, an explanation of why the current language is not satisfactory should be provided in the plain language analysis of the rule.