



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 06-127

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 January 2005.]

2. Form, Style and Placement in Administrative Code

a. The treatments in SECTIONS 3 and 4 should be reversed. Although somewhat counter-intuitive, the treatment of provisions should take place in chronological order. [See also the treatment clauses in SECTIONS 20, 21, 24, 25, 35, 36, 38, and 39.]

b. In s. Comm 5.07 (2) (b) 3. a. and b., the correct cross-reference is “s. Comm 5.68 or ss. Comm 5.82 to 5.88. In pars. (c) and (d), the correct cross-reference is “s. Comm 5.68, 5.84, or 5.85.” Finally, in par. (d), what is the purpose of the hyphen?

c. In SECTIONS 12, 13, 33, and 34, new provisions can be inserted without renumbering existing provisions. [See s. 1.03 (7), Manual.] Although the method chosen creates a “cleaner” document in the Administrative Code, using new insertions makes it easier to understand the rule proposal.

d. SECTION 37 should describe the treatment of this provision as an amendment and include the full current provision, or the text of the rule should not include the passage that is stricken.

e. In s. Comm 5.87 (7) (intro.), the phrase “any of” should be inserted before the phrase “the following tanks.”

f. In ss. Comm 5.85 (5) (e) and 5.89 the notes should indicate whether the department might add additional types of certifications to these lists without a rule change. Also, the

department should consider indicating what process will be used to identify the additional certifications, how the public will be involved, and what standards will be used.

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

a. In s. Comm 5.82 (1) (b), if the reference to the \$1,000,000 annual aggregate is to be a minimum, the paragraph should read: “Contractor liability coverage, including pollution impairment liability, of no less than \$1,000,000 per claim and \$1,000,000 annual aggregate and with a deductible of no more than \$100,000 per claim.”

b. Section Comm 5.89 (2) (c) refers to “pertinent formal education.” The required education should be specified either by a cross-reference to another rule provision or by a written description.