



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 13-022

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Reference Bureau and the Legislative Council Staff, dated November 2011.]

2. Form, Style and Placement in Administrative Code

a. In SECTION 4, the treatment clause should read: “NR 2.157 (1) (intro.) and (a) is amended to read:”. The introductory clause should also be modified to reflect this change.

b. In SECTION 9, the treatment clause should read: “NR 110.09 (3) (intro.) is amended to read:”. The introductory clause should also be modified to reflect this change.

c. In s. NR 110.10 (1) (L), “analysis” in the title should be underscored because it is new text. [s. 1.06 (1), Manual.]

d. In s. NR 134.09 (2), “(1)” should not be underscored because it is not new text. [s. 1.06 (1), Manual.]

e. In SECTION 27, the treatment clause should read: “NR 512.16 (intro.) is amended to read:”. The introductory clause should also be modified to reflect this change.

f. In ss. NR 820.30 (4) (c), 820.31 (4) (c), and 820.32 (3), “ch. NR 150” should instead be inserted at the end of the sentence, following the last set of stricken-through text, and preceding the period. The period should not be stricken-through or underscored. [s. 1.06 (1) and (4), Manual.]

g. In SECTION 36, the treatment clause should read: “Chapter NR 150 is repealed and recreated to read:”. [s. 1.065, Manual.] The introductory clause should also be modified to reflect this change. The contents of SECTION 36 should be inserted after SECTION 13. [s. 1.04 (1), Manual.]

- h. In s. NR 150.03, the numbering of sub. (10) is used twice.
- i. In s. NR 150.10 (4) (c), it appears that the number “3.” should be added before the sentence that begins “If a hearing is held under par. (d)...”.
- j. In s. NR 150.35, the section title should follow the format outlined in s. 1.05 (2) (b), Manual.
- k. The proposed rule should include an effective date section. [s. 1.02 (4), Manual.]

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

- a. Throughout the rule summary, the agency should follow the format for references in s. 1.07 (2), Manual. For example, references to “NR 150” should be preceded by “ch.” and “, Stats.” should follow references to statutes.
- b. In s. NR 820.30 (3) (a), “subds. 1. to 5.” should replace “subd. 1. to 5.”. [s. 1.07 (2), Manual.]
- c. In s. NR 150.01 (Note), “Section” should replace “S.”.
- d. In s. NR 150.04 (2) (intro.), “above” should be replaced with “under sub. (1)”. [s. 1.07 (2), Manual.]
- e. In s. NR 150.20 (2) (a) 11., “, Stats.” should be added after “s. 30.19”. [s. 1.07 (2), Manual.]
- f. In s. NR 150.20 (4) (a) 1., “sub.” should replace “subs.”. [s. 1.07 (2), Manual.]
- g. In s. NR 150.30 (1) (e) (Note), “P.L. 91-190” should replace “P.L. 91-191”.
- h. In s. NR 150.30 (2) (intro.), “, Stats.” should be inserted after “s. 1.11 (2) (c)”. [s. 1.07 (2), Manual.]
- i. In s. NR 150.30 (3) (d) (Note), “, Stats” should be inserted after “s. 1.11 (2) (d)”. [s. 1.07 (2), Manual.]
- j. In s. NR 150.35 (1), “s.” should replace “ss.” [s. 1.07 (2), Manual.]

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

- a. Throughout the rule summary, “Department” should be changed to the lowercase. In the plain language analysis section, instead of the slashed alternatives, the agency should determine whether the terms used require “and” or “or” and use the appropriate word. [s. 1.01 (4) and (9) (a), Manual.]
- b. In s. NR 126.07 (2) (j), the parentheses should be deleted. [s. 1.01 (6), Manual.]
- c. In s. NR 150.03, it appears that the following phrases, although defined for purposes of ch. NR 150, may not be used in ch. NR 150: “cumulative impacts”, “prime farm land”, and “secondary effects”. If a phrase is not used in ch. NR 150, it should not be defined.

d. In s. NR 150.03 (17), the phrase “the national environmental policy act under” should be inserted after “means” and the Note should be removed.

e. In s. NR 150.03 (20), the period after “Service” should be removed. In addition, the phrase “as accessed 08/24/2012)” should be removed.

f. In s. NR 150.03 (27), the phrase “the Wisconsin environmental policy act under” should be inserted after “means” and the Note should be removed.

g. In s. NR 150.04 (2) (a), “must” should be replaced with “shall”. [s. 1.01 (2), Manual.]

h. In s. NR 150.05 (intro.), “Coordinator” should be changed to the lowercase. [s. 1.01 (4), Manual.]

i. In s. NR 150.10 (intro.), in order to be consistent with s. 1.11 (2) (e), Stats., “may” should be changed to “shall”. In sub. (1) (b) 2., because the names of legislative standing committees often change over time, the agency may wish to use the phrase “the standing committee in the state assembly with jurisdiction over matters related to the environment or natural resources” instead of “the committee on natural resources of the state assembly”. The agency could make a similar change in sub. (1) (b) 3. In sub. (4) (e), “timely received” is vague and should be changed to “received within the public comment period”, and “will” should be changed to “shall”. [s. 1.01 (2), Manual.]

j. In s. NR 150.20 (2) (a) 3. “Area wide” should be changed to “Areawide”.

k. In s. NR 150.20 (2) (a) 7., the acronym “PCB” should be replaced with its full phrase. This same comment applies to the acronym “WPDES” in s. NR 150.20 (3) (a) 7. [s. 1.01 (8), Manual.]

l. In s. NR 150.35 (2), “may” should replace “shall”. [s. 1.01 (2), Manual.]