



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 13-051

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 the enumeration of sections treated by the proposed rule, “NR 115.01 (c) 2. d.” should be written as “NR 115.05 (1) (c) 2. d.”. Similarly, the enumeration of sections treated by the rule should refer to “NR 115.05 (1) (e) (intro.), 1., and 2.”.

b. In the analysis prepared by the department, in the “Revision Rationale” section, the slashed alternative “and/or” should be deleted and replaced with the word or phrase that reflects the department’s intent. [See s. 1.01 (9) (a) Manual.]

c. The rule analysis should specify the place where comments may be submitted and a deadline for submission. [See s. 1.02 (2) (a) 13., Manual.]

d. Generally, the department may wish to revise SECTION 2 of the proposed rule to better reflect the substance of the department’s amendments. For example, the underscored material appears to relate to two definitions of “highly developed shoreline” as well as two impervious surface standards (one general standard, one standard for highly developed shoreline). The substance of these amendments may be better communicated by repealing and recreating the entire par. (e). [See s. 1.02 (3), Manual.]

e. Throughout the proposed rule, cross-references should conform to the styles prescribed by s. 1.07 (2), Manual. If a sentence ends with a cross-reference that includes a period, a second period is unnecessary.

f. When a rule provision is repealed and recreated, or created, the treated material should not be underscored.

g. SECTION 6 of the proposed rule includes many rule provisions that are not subject to treatment. It appears that more specific treatments may be appropriate. For example, it appears SECTION 6 could be replaced by sections of the proposed rule that amend s. NR 115.05 (1) (g) 4. (Note), 5. (intro.), a., and c., and 6. a.; and repeal s. NR 115.05 (1) (g) 6. f. and 7. It appears unnecessary to renumber s. NR 115.05 (1) (g) 6. g.

h. In SECTION 8, material to be removed from the code should be indicated and stricken-through.

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

a. In the analysis prepared by the department, in the “Major provisions and new requirements” section, “current” should be changed to “currently”.

b. In s. 115.05 (1) (e) 2. b., it appears that “over 30% of the lot” should be changed to “over 30% of the lots”.

c. In s. 115.05 (1) (e) 3m. title, “Impervious Surfaces” should be changed to the lowercase.