



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 14-027

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 analysis of the proposed rule, the agency should include information on the place where comments may be submitted. [s. 1.02 (2) (a) 13., Manual.]

b. It appears that s. NR 201.02 (12) (h) should be numbered s. NR 201.02 (13) and the word “section” in that provision should be changed to “sub. (12)”.

c. All introductory clauses should include a phrase such as “all of the following” or “any of the following”, depending on the intended effect of the provision.

d. Throughout the proposed rule, each reference to “Stats.” should be followed by a comma unless the reference forms the end of a sentence.

e. With respect to s. NR 203.136 (3) (a), all items in a series should end with a period, not a semicolon.

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

a. In s. NR 200.11 (2), the agency should replace “If the department’s final decision is that the tentative decision to deny the permit application was incorrect,” with something to the effect of “If the department’s final decision is to issue the permit,”. The rule proposal contains multiple examples of the use of passive voice or unnecessarily vague direction to the regulated entity. The agency should edit the entire proposal for clarity and appropriate drafting style. [See Part 1 of the Manual.]

b. There appears to be a conjunction missing between “draft permit” and “fact sheet” in s. NR 200.11 (5) and elsewhere in the rule where this phrase is used.

c. Throughout the proposed rule, uses of the phrase “on request” should be replaced by “upon request”.

d. In s. NR 201.02 (6) (e), what is intended by “subject to limitation”?

e. In s. NR 201.02 (7) (a), the agency should remove the phrase “shall also be included”.

f. In s. NR 201.02 (10) (b), the agency should remove “of”.

g. In s. NR 201.02 (10) (e), the agency should insert “from whom” after “person”.

h. In s. NR 203.05 (1) (e), what is meant by a “small group”?

i. In s. NR 203.05 (2) (c), the proposed rule should specify how the department will determine if there is a significant degree of public interest.

j. In s. NR 203.135 (1), whose request is referenced in the first sentence? The phrase “based on any information” is superfluous. [See, also, the first clause under sub. (2).] In the second sentence, it appears that the word “caused” should be replaced by “causes”.

k. In s. NR 203.135 (5) (a), the word “of” in the last sentence should be replaced by “with respect to”.

l. In s. NR 203.135 (5) (c), the last clause needs clarification.

m. In s. NR 203.135 (6) (a), to whom is the notice provided? The agency should replace “is a type of draft permit which follows” with “is subject to” and “any” with “a”.

n. In s. NR 203.135 (7) (b), the agency should replace “that must follow” with “subject to”.

o. In s. NR 203.136 (1) (e), what is intended by the phrase “fundamentally different factors”?

p. In s. NR 203.136 (1) (m), to when does “subsequent” refer?

q. The use of the phrase “in accordance with” in reference to a specific statute or rule should be replaced by “under” throughout the proposed rule.

r. In s. NR 205.07 (1) (q) 2., the agency should insert the word “requirement” prior to “applies”.