



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 14-036

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 explanation of agency authority section of the rule summary, the agency cites s. 227.11 (2) (a), Stats., as providing rule-making authority for the proposed rule. That statute should also be cited in the statutory authority section of the rule summary.

b. In s. NR 47.65 (2), “28.11 (4)” should not be underscored. [s. 1.055, Manual.] This comment also applies to similar underscoring throughout the proposed rule.

c. In s. NR 47.65 (4) (intro.), the introductory material should contain “all of the following” or “any of the following”, whichever is applicable. [s. 1.03 (3), Manual.]

d. In s. NR 47.65 (5) (a) (intro.), the introductory material should be changed to “Projects that are not eligible for a time standards grant include all of the following:”. [s. 1.03 (3), Manual.] In addition, par. (a) (intro.) should be sub. (5) (intro.) and the subparts should be numbered as paragraphs, rather than subdivisions. [s. 1.03 (1), Manual.]

e. In s. NR 47.65 (6) (c) 1., “Current” should be deleted. The second period in subd. 2. should be removed. In sub. (6) (d), “four” should be replaced with “4”. Also in that paragraph, the parentheses around “two state budgets” should be deleted, a comma should be inserted before “two”, and “two” should be changed to “2”. In sub. (6) (g), it appears that “(e.g. department vacancies)” is unnecessary and should be deleted. [s. 1.01 (5), (6), and (9), Manual.]

f. In s. NR 47.65 (7) (a), “four” should be changed to “4”, and “two” should be changed to “2”. [s. 1.01 (5), Manual.]

g. In s. NR 47.65 (7) (d) (intro.), the introductory material should follow the format in s. 1.03 (3), Manual. Also in the introduction, “will” should be changed to “shall” or “may”, depending on the agency’s intent. The same issue occurs in sub. (7) (d) 1. Also in sub. (7) (d) 1., “under” should be inserted between “needs” and “s. 28.11 (5r), Stats.” and between “needs” and “s. 28.11 (5m), Stats.”. In sub. (7) (e), the parentheses should be deleted and replaced with commas.

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

a. The text of the proposed rule should more clearly delineate how s. NR 47.65 interacts with s. 28.11 (5r), Stats., and s. NR 47.75, perhaps by referencing those provisions in the rule’s text. For example, in s. NR 47.65 (1), the proposed rule should reference s. 28.11 (5r), Stats., when referring to the grant program.

b. In s. NR 47.65 (6) (a) 3., the notation “par.” should be deleted and the second period should be removed. [s. 1.07 (2), Manual.]

c. In s. NR 47.65 (6) (c) 2., “this grant program” should be changed to “the grant program under this section”. [s. 1.07 (2), Manual.]

d. In s. NR 47.65 (7) (d) 1., “Wis. Stats. s. 20.370 (5) (bw)” should be changed to “s. 20.370 (5) (bw), Stats.”. [s. 1.07 (2), Manual.]

e. In s. NR 47.65 (7) (d) 2., “par. (d) (1)” should be changed to “subd. 1.”. [s. 1.07 (2), Manual.]

f. In s. NR 47.65 (8) (d), the notation “par.” before “(c)” should be deleted. [s. 1.07 (2), Manual.]

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

a. In s. NR 47.65 (3) (a), “under” should be inserted before “s. 28.11 (5), Stats.”. In sub. (3) (b), “in” should be inserted before “ss. 28.10 and 28.11, Stats.”. In sub. (3) (c), “refers to” should be deleted and replaced with “means”. In sub. (3) (d), “at” should be changed to “on”. In sub. (3) (e), “Non-profit” should be changed to “Nonprofit”, and “means the same as” should be changed to “has the same meaning as”.

b. In s. NR 47.65 (4) (intro.), the phrase “time standards grant adjustment to technical forestry assistance” is used, but in sub. (6) (a) (intro.), the phrase “time standards grant” is used. If these terms are intended to refer to the same grant program, one term should be used consistently throughout the rule. If these terms are intended to refer to different programs or grants, then more clarification in the rule is needed to differentiate between the two.

c. In s. NR 47.65 (4), it appears that the text of par. (c) should be deleted because it repeats the contents of s. NR 47.65 (7) (b).

d. In s. NR 47.65 (6) (a) (intro.), it appears that “purposes described in sub. (4)” should be changed to “projects under sub. (4)”. In addition, the phrase “shall include, but is not limited to,” should be changed to “shall include”. [s. 1.01 (7) (d), Manual.]

e. The agency should consider rewriting s. NR 47.65 (7) (d) 1. to make it easier to read.

f. In s. NR 47.65 (8) (c), “normal” should be replaced with a more specific term, such as “annual”.