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## WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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### CLEARINGHOUSE RULE 14-043

#### 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. It is unnecessary to use two SECTIONS to indicate repeal and recreation of rule text. The treatment may be indicated in a single SECTION, “NR 162 is repealed and recreated to read.”.

b. In s. NR 162.03 (1) (d) 2. Note, “Environmental Protection Agency’s” should be changed to the lowercase. In sub. (5) (b), a period should be inserted after “s. 281.58 (8) (a) (2)”.

c. In s. NR 162.04 (3) (e), “can” should be changed to “may”.

d. In s. NR 162.06 (5), “must” should be changed to “shall”. This comment also applies to s. NR 162.51 (2).

e. In s. NR 162.09 (6) (a), “shall not” should be changed to “may not”. This comment also applies to s. NR 162.44 (2) (b) and s. NR 162.47 (3) (b).

f. In s. NR 162.15 (3) (c) 1., “should” should be changed to “shall”.

g. In s. NR 162.24 (4) (a) 2. b., “par. (1)” should be changed to “sub. (1)”. In sub. (7), “par. (2)” should be changed to “sub. (2)”.

h. In s. NR 162.39, the first notation of “(1)” before “ELIGIBLE PROJECTS” should be deleted. In sub. (4) (a) 5., “chapter” should be changed to “subchapter”. The notation “(3)” before “INELIGIBLE PROJECTS” should be changed to “(5)”. In sub. (3) (c), a period should be added after “2”.

i. In s. NR 162.50 (3) (a) (intro.), “will” should be changed to “shall”.

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

a. In s. NR 162.003 (3), since municipalities, as defined in s. NR 162.003 (57) appear to be the entities that apply under the programs in the rule, it appears that “local governmental unit” should be changed to “municipality”. In sub. (50) (a), the last comma should be changed to a period.

b. In s. NR 162.03 (5) (b), a period should be inserted after “s. 281.58 (8) (a) (2)”.

c. In s. NR 162.04 (1) (b) 7., “an storm water project” should be changed to “a storm water project”. In sub. (2) (t), it appears that “local government” should be changed to “municipality”.

d. In s. NR 162.06 (2) (intro.), the period should be changed to a comma.

e. In s. NR 162.07 (1) (d) 3., it appears that “low responsible” should be changed to “lowest”.

f. In s. NR 162.10 (1), a period should be added in between “intro” and the last parentheses.

g. In s. NR 162.29 (2) (a) 2. b. (intro.), it appears that “department determines” should be changed to “department shall determine”.

h. In s. NR 162.42 (10), a period should be added at the end of the sentence.

i. In s. NR 162.43 (2), a comma should be inserted between “WBEs” and “for”.

j. In s. NR 162.50 (1) (intro.), a colon should be added at the end of the sentence. In sub. (1) (b) 1. f., a period should be added at the end of the sentence. This comment also applies to sub. (2) (intro.). In sub. (2) (b) 5., the second sentence is confusing because in other parts of the rule it appears that if applicants satisfy a criterion in the rule, the applicant receives all the points for that particular criterion, not a number of points up to a maximum number for a criterion. For example, under s. NR 162.50 (1) (a) 1., the rule states that “The following points shall be awarded to each sewage collection system project...1. Fifty points for a project that the department determines is necessary...”. Does the department intend that an applicant receive all the points available or up to the number of points available per criterion?