



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 17-062

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 December 2014.]

2. Form, Style and Placement in Administrative Code

- a. In the rule summary, a date should be given for the deadline to submit comments on the proposed rule. [s. 1.02 (2) (a) 13., Manual.]
- b. SECTIONS 1 to 12 of the proposed rule could be combined. When two or more subunits of the same rule section are affected by the same treatment, and any intervening subunits are unaffected, they may be included in the same SECTION of the proposed rule. [s. 1.04 (2) (a) 4., Manual.]
- c. In s. NR 151.015 (8g), the phrase “, but not limited to” should be removed. [s. 1.01 (9) (f), Manual.]
- d. In s. NR 151.015 (8l), the numbering should be changed to “(8L)” to distinguish the letter “P” from the numeral one.
- e. The numbering for s. NR 151.015 (8t) “long term no till” and sub. (8x) “mechanical application” should be changed because they should come after the definition of “livestock facility” in current s. NR 151.015 (9).
- f. In s. NR 151.015 (15w), the parentheses should be removed. [s. 1.01 (6), Manual.]
- g. In s. NR 151.015 (17), the acronym “WGNHS” should be spelled out. [s. 1.01 (8), Manual.]

h. In s. NR 151.075 (2), the phrase “shall not” should be changed to “may not”. [s. 1.01 (2), Manual.]

i. In s. NR 151.075 (3), the sentence should be rephrased to specify whether the activities listed are prohibited. For example, it could be rephrased as the following: “Manure may not be mechanically applied...”. A similar issue occurs in the first sentences of subs. (5), (6), and (15), where the directed or prohibited nature of the action should be specified using “shall” or “may not”. [s. 1.01 (2), Manual.]

j. In s. NR 151.075 (10) (a) (intro.), the phrase “all of” should be added before “the following”. In sub. (10) (b) (intro.), the phrase “all of the following apply” should be added before the colon. The same issue occurs in subs. (11) (intro.) and (12) (intro.). In sub. (13) (intro.), the phrase “any of the following” should be inserted before the colon. In addition, each subunit within those materials should end with a period, rather than a semicolon and the word “and”. [s. 1.03 (3) and (4), Manual.]

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

In s. NR 151.075 (13) (c), the phrase “as defined in s. NR 151.002 (11m)” should be added after “direct conduit to groundwater”.

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

a. Throughout the rule analysis, the word “shall” should be changed to “must”. In addition, the notation “Wis. Stats.” should be changed to “Stats.”.

b. In s. NR 151.015 (8t), it appears that “no till” should be hyphenated. This issue also occurs in s. NR 151.075 (10) (c), (11) (c), (12) (b), (14), and (15).

c. In s. NR 151.075 (2), in order to be consistent with the rest of this section, it appears that the word “mechanical” should be added before “manure application”.

d. In s. NR 151.075 (10) (a) 1., the phrase “Solid manure is” should be added before “Incorporated”. In sub. (10) (a) 2. a., it appears that “at the” should be added before “UW A2809”. This issue also occurs in sub. (11) (a) 2. a. and (b) (intro.). In sub. (10) (a) 2. a., b., and c., it appears that “Manure” should be changed to “Solid manure”.

e. In s. NR 151.075 (12) (b), the phrase “pre-tillage or incorporation is not required if cropland or pastures meet long term no till, or has perennial or established crops” is used; however, in other parts of the rule the phrase “pre-tillage or incorporation is not required if cropland or pastures meet long term no till, or has perennial or establish crop” is used. [See, for example, sub. (12) (a) 3. b.] The rule should use either “crops” or “crop” consistently, and the entire rule should be checked for this issue. In addition, it appears that “an” or “a” should be added before “perennial”.

f. In s. NR 151.075 (13) (b), it appears that the word “and” should be changed to “or”.

g. In s. NR 151.075 (13) (d), it is unclear what a “defined channel” means. In addition, it is unclear how the prohibition in sub. (13) (d) relates to other prohibitions listed in sub. (13). For example, reading sub. (13) (a) and (d) together, is the rule intended to mean that mechanical

manure application is prohibited within 100 feet of defined channels that lead to 1,000 feet of a community water system as defined in s. NR 811.02?

h. In s. NR 151.075 (14), what is a "rain event"?