



Wisconsin Legislative Council

RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 21-070

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Council Staff and the Legislative Reference Bureau, dated November 2020.]

2. Form, Style and Placement in Administrative Code

a. In the caption for the proposed rule, in the list of provisions amended, the “NR” designation in front of “812.46 (1) (a) 5.” is not necessary and should be removed. [s. 1.01 (1) (Example), Manual.]

b. Also in the caption for the proposed rule, in the list of provisions created, the word “and” should be inserted both before “812.14 (3) (e)” and before “(5) (c) 3.”.

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

In SECTION 11 of the proposed rule, the note for s. NR 812.14 (3) (e) should be revised to include a cross-reference to identify the source of the described definition.

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

a. In SECTION 3 of the proposed rule, the first sentence of s. NR 812.10 (12) (b) refers to a well that “continues to be bacteria-positive after multiple attempts to correct the issue”. This provision should be revised to either specify how many attempts constitute “multiple attempts” or otherwise provide guidance as to when that threshold is crossed.

b. In SECTION 10 of the proposed rule, the department should review the first sentence of s. NR 812.14 (3) (a) for clarity. As amended by the proposed rule, this provision would address steel and thermoplastic well casing pipe rather than only steel well casing pipe as in the current administrative code. The intent appears to be for the provision to apply to well casing pipe made of either material. However, it could be interpreted as applying to well casing pipe only if made of both materials. It might be clearer to change the inserted language from “Steel and thermoplastic” to something like “Either steel or thermoplastic”. If that change is made, a corresponding change in the cross-reference from “and (7)” to “or (7)” may be warranted.