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RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 95-177

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated October 1994.]

2. Form, Style and Placement in Administrative Code

a. In the introductory clause to the rule, the recitation of the sections treated are not in their proper order and should be redrafted. [See s. 1.02 (1), Manual.] Also, in the statement of statutes interpreted, the reference to s. 111.39 (12) (d) appears to be incorrect.

b. In the body of the rule, each SECTION, e.g., SECTION 1, SECTION 2, etc., should appear in solid capital letters and the treatment clause of each SECTION should be redrafted to reflect the proper drafting style and format for rules. [See s. 1.04 (1) and (2), Manual.] For example, the treatment clause to SECTION 3 should state: “SECTION 3. PC 1.02 (16) is amended to read:”.

c. The treatment clauses should not include the reasons for the changes; that information should be included in the plain language analysis prepared by the agency.

d. The various references in the rule to “notes” are not consistent. [See SECTIONS 1, 2, 8, 9, 11, 13, 14, 15 and 16.] A consistent reference is recommended.

e. The form used to create notes, such as in SECTIONS 9 and 11, is not correct. Created material should not be shown as underscored. [See s. 1.06 (1), Manual.]

f. There is no need to show the text of s. PC 1.14 since it is being repealed. The agency may wish to describe the provision in the analysis it prepares for the rule.

g. The rule contains different zip codes for the mailing address in SECTIONS 8 and 13. This should be corrected.

h. In SECTION 8, it should be noted that in the most recently published Administrative Code, the word is shown as correctly spelled, so there may not be a need to include the correction in the rule.

i. In SECTIONS 8, 11 and 14, the notation “s.” should be inserted prior to the reference to the Administrative Code. Also, in s. PC 2.02, the word “should” should be amended to “shall.”

j. In s. PC 5.05 (1), the paragraphs should be drafted as separate, indented paragraphs. Also, the agency may wish to insert “all of the following” prior to the listing of documents and eliminate the word “and” prior to s. PC 5.05 (1) (d). In addition, if titles are being used for s. PC 5.05 (2) and (3), a title should also be used in s. PC 5.05 (1).

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

a. In SECTION 15, which amends s. PC 4.05 (3) (b), it is not clear whether the amended language applies only to state civil service employes or to any civil service employe. This should be clarified.

b. An applicability section could help to clarify how pending cases will be treated with respect to the rule changes.