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# WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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## CLEARINGHOUSE RULE 02-024

### 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 September 1998.]**

#### **2. Form, Style and Placement in Administrative Code**

This rule contains numerous formatting errors. To cite just three examples: first, the introductory clause to the rule should recite all of the types of treatments that occur in the rule, such as renumbering or renumbering and amending certain provisions and repealing others. Instead, it states only that ch. HA 1 is amended.

Second, the numerous changes made in the rule are incorrectly contained in a single SECTION. Following the requirements in s. 1.04, Manual, with regard to arrangement of SECTIONS, there would be a number of sequentially numbered SECTIONS containing the changes in various provisions of the current rule. For example, the treatment of s. HA 1.01 should be divided into three SECTIONS -- one that amends s. HA 1.01 (title), one that renumbers s. HA 1.01 as s. HA 1.01 (2) and amends the renumbered provision, and one that creates s. HA 1.01 (1) and (3).

Third, the rule unnecessarily sets forth the text of current rule subsections which are not modified in any way in the proposed rule, such as ss. HA 1.03 (1) and 1.08 (1) and (2). These should be eliminated.

As an alternative to correcting these and other formatting problems, the department could simply repeal and recreate the rule, as permitted in s. 1.06 (5), Manual, when major changes are being made to an existing rule. As the Manual notes, a repealed and recreated rule is shown *as it will appear after promulgation*, without strike-throughs and underscores. The entire text would

then appropriately be placed in SECTION 1 with the following treatment clause: “HA 1 is repealed and recreated to read:”.

However, if the department chooses not to repeal and recreate the rule, it should carefully consult the Manual to correct the numerous formatting problems. These comments do not detail all such errors. Note, in particular, the proper way to amend rules, specifically by striking and underscoring material, amending a single word or changing the beginning of a sentence, pursuant to s. 1.06 (1), (2) and (3), Manual. It is not appropriate to strike or underscore a single digit or letter of a larger number or word. Also note the proper way to revise titles in s. 1.05 (3), Manual.

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

- a. In s. HA 1.02 (7), the word “Agency” should not be capitalized.
- b. The amended fax number in the Note following s. HA 1.03 should be clarified.
- c. The text of s. HA 1.04 (2) (b) does not show all of the current text that is being deleted with strike-throughs.
- d. In s. HA 1.05 (2) (d), the word “per” should be changed to “in accordance with.”
- e. In s. HA 1.12 (3) (b), the underscored phrase could be clarified to read: “other than a proceeding under par. (a)”.