



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 04-005

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 2002.]

2. Form, Style and Placement in Administrative Code

a. SECTION 4 of the rule corrects the format of s. ATCP 12.01 (17) (intro.). In addition, a grammatical correction could be made to s. ATCP 12.01 (17) (a) to (c) by replacing the word “Hauling” with the phrase “A person who hauls” at the beginning of each paragraph.

b. On page 4, line 21, the stricken language should read “~~1996~~ [1998].”

c. On page 5, line 15, there is a stray “of” before “32°F.” Also, because of the introduction used in s. ATCP 60.11 (2) (c), the introduction should be numbered as subd. 1., subds. 1. and 2. should be renumbered as subpars. a. and b., and the final two sentences should be placed in a new subd. 2.

d. In SECTION 13 of the rule, the semicolon should be underlined in the first line of the title, rather than the “s”, and the entire second line should be underlined.

e. The treatment clause of SECTION 18 should read: “ATCP 80.50 (2) (e) and (f) and (3) (d) are amended to read:”. Similarly, the “(2)” on line 21 should be omitted.

f. On page 8, on both lines 4 and 5, the notation “(intro.)” should be inserted following “80.62 (1) (a).”

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

Section ATCP 162.04 (2) refers to a form mediation agreement provided by the department. Either a separate note, or a combined reference in the note to sub. (1), should refer to this form.

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

a. Just as s. ATCP 162.03 (7) (b) clearly states *to* whom a mediator or arbitrator may not provide services related to the proceeding, s. ATCP 162.03 (7) (c) should state *from* whom a mediator or arbitrator may not solicit anything of value.

b. From s. ATCP 162.04 (1), it appears that either party to a dispute may request mediation. If this is the department's intent, then s. ATCP 162.04 (2) should begin: "If the parties to a proposed mediation agree to mediate, they shall sign ...". If this is not the intent, then sub. (1) should be modified to make clear that all parties are required to make the request.