



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 05-036

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 January 2005.]

2. Form, Style and Placement in Administrative Code

a. In s. Opt 5.16, the word “and” following the stricken-through language should also be stricken-through, as it is in the note following s. Opt 5.10 (3).

b. In s. Opt 6.02 (3), the extent of the applicability of the definition, and the other definitions under s. Opt 6.02, should be clearly stated; for example, the definitions might be preceded by the phrase “In this chapter:”. [See s. 1.01 (7) (a), Manual.]

c. On page 2, the plain language analysis repeats exactly the same paragraph for SECTION 12 of the rule that it used for SECTION 10. Above on the same page, the plain language analysis uses one paragraph to describe both SECTIONS 5 and 11, and it is not clear why it does not similarly use just one paragraph to describe SECTIONS 10 and 12 of the rule.

Also, the detailed analysis does not include a description of SECTION 7. In addition, the description of SECTION 13 should describe what the repealed subsection does.

d. On page 5, the “Effect on small business” section of the rule summary states that the rule is still being reviewed to determine the economic impact on a “substantial” number of small businesses. However, if the rule will have any effect on small business, that should be stated in this section. Also on page 5, the caption “Determination of significant fiscal effect on the private sector” (in which the determination appears premature given that the rule is still being reviewed for its effect on small business) should have the following caption: “Analysis and supporting

documents used to determine effect on small business or in preparation of economic impact report.” [See s. 1.02 (2), Manual.]

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

On page 5, the first sentence under “Effect on small business” refers to “s. 227.114 (1) (a), Stats.” The “(a)” should be deleted, since there is no par. (a) in sub. (1) of s. 227.114, Stats.

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

a. On page 3, it appears that the first sentence of the first paragraph under Minnesota should read: “The rules specify that ... an optometrist or physician must provide ...”, but apparently the insertion of the rule citation into the sentence broke up the sentence and made the first part incomplete. This can be avoided by placing the rule citation in parentheses at the end of the sentence. Similarly, on page 4, the first paragraph under Illinois is difficult to read and could be made clearer by separating the rule citation from the rest of the paragraph rather than incorporating it into the first sentence.

b. In the comparison with rules in adjacent states, some of the subjects and verbs do not correspond grammatically. For example, on page 3 in the second sentence of the third paragraph on Minnesota, it appears that there should be a comma after “limitations”; “are” and “allows” in the fourth line should be deleted; “received” in the fourth line and “may be taken” in the fifth line should both be replaced with “allowed”; “accept” in the sixth line should be deleted; and “accepted” should be inserted after “Cope.” The same comment applies similarly to lines 3 to 5 on page 4, and “Cope” should be capitalized (to correspond to the first mention of “COPE”) throughout the rule summary.

c. The last three words on page 3 should be replaced with “the release of contact lens prescriptions.”

d. On the second line of page 4, “alternating” should be replaced with “alternative.”

e. On page 4, in the next-to-last sentence of the Illinois comparison, “Hardship” should not be capitalized.

f. In the first sentence of s. Opt 6.05 (6) Note, the comma after “Inc.” should be deleted.