



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 05-092

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 SECTION 2 of the rule, the rule should just amend s. LIRC 1.02 (intro.). In that case, subs. (1) to (9) would not need to be reproduced in the text of the rule.

b. It appears that s. LIRC 1.025 (4) would be better placed before sub. (2) so that it precedes the exceptions to which it refers.

c. The phrase “as described in this section” in the last sentence of s. LIRC 1.04 (intro.) should be replaced by the phrase “determined as follows” and the period should be replaced with a colon.

d. The rule needs an effective date provision.

e. The rule needs a fiscal estimate.

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

a. It would be of assistance to readers and users of the rule to include notes after s. LIRC 1.025 (2) and (3) that would indicate the proper fax number and Internet Web site for the filings contemplated.

b. In s. LIRC 1.04 (3), the rule refers to a “Confirmation of Petition for Commission Review.” Is there an appropriate cross-reference to another portion of the administrative code that would help identify what this document is? If so, an appropriate cross-reference should be provided.

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

a. In the plain language analysis of the rule, the phrase “ch. LIRC 1 4” should be “chs. LIRC 1 to 4.”

b. Throughout the rule, the terms “commission” and “department” are used. These terms do not appear to be defined anywhere in the proposed rule or the current rule. A “definitions” provision should be created, probably in ch. LIRC 1, that defines these and similar terms used throughout the rule.

c. In s. LIRC 1.025 (1), the quotation marks around the terms “received” and “postmarked” are unneeded and should be deleted. Also, an “s.” should be inserted before the reference to “LIRC 2.015.” The entire rule should be reviewed to correct the omission of the “s.” before references to other portions of the rule.

d. In s. LIRC 1.04 (1), the last sentence should begin “In those cases,”. These changes should also be made in subs. (4) and (5). Also in subs. (4) and (5), the last phrase should be written in the active voice – “...the commission shall provide a copy of the transcript to each party without charge.”

e. In s. LIRC 1.04 (6), the hyphen should be replaced by the word “to.”

f. The treatments of ss. LIRC 2.01, 3.01, and 4.01 all suffer from the same deficiencies. Proper introductory material should be used, subunits should begin with capital letters and should, unless introductory in nature, end in periods. Thus, s. LIRC 2.01 (1) can be rewritten, in relevant part, substantially as follows:

“LIRC 2.01 **Petitions for review; where filed.** (1) Except as provided in a petition....shall be filed with any of the following:

(a) The division of unemployment insurance.....at any of the following locations:

1. A hearing office of the division.
2. The central administrative office.....

(b) The commission, at its office at.....”

Similar adjustments should be made to ss. LIRC 3.01 and 4.01.

g. In s. LIRC 2.01 (2), “subs.” should be “sub.”