



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 09-033

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Reference Bureau and the Legislative Council Staff, dated September 2008.]

2. Form, Style and Placement in Administrative Code

a. The department’s analysis may give the impression that the application of the defined terms treated by the rule is confined to ch. A-E 8, Professional Conduct. See, for example, the citations to “Statutes Interpreted” in the analysis and the statement in the “Plain Language Analysis”: “The current rules of professional conduct define the terms in the negative, specifying what duties are not included in the definition.” However, the defined terms treated by the rule are contained in, and apply to, several A-E chapters. The department may wish to provide a more comprehensive discussion of where the defined terms are used and what “changes in the profession” (see “Summary of Factual Data and Analytical Methodologies”) have prompted the proposed rule change. Providing that information will convey a better sense of what the proposed changes are intended to accomplish and who may be affected by the changes.

b. It is suggested that consideration be given to simply repealing and recreating s. A-E 8.03 (5). Further, it is unnecessary to include “but are not limited to” in s. A-E 8.03 (5) (a) (intro.). See s. 1.01 (7) (c), Manual. Finally, if three subunits are created in s. A-E 8.03 (5), they should be numbered as pars. (a) to (c). The internal cross-reference would be to “par. (a).”