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## WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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### CLEARINGHOUSE RULE 13-050

#### 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 November 2011.]

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

a. The introductory clause should fully describe the amendments to and repeal of existing rules rather than generally referring to “TCS 5”. Following the term “to”, delete “amend TCS 5” and insert the following: “repeal TCS 5.04 (1) (b) and (e) 2., (2) (b), (d) 3., (j), and (k), (3) (b) and (d) 2., and (4) (b), (d) 2., and (j) and 5.05 (3); and to amend TCS 5.04 (1) (e) 4., (2) (d) 5., (3) (d) 4., and (4) (d) 4. and (i), 5.06, and 5.09 (1) and (2)”, [s. 1.02 (1), Manual.]

b. In ss. TCS 5.04 and 5.05, a provision that is stricken in its entirety should be repealed, rather than amended. [s. 1.057, Manual.] In those sections, the following provisions should be repealed: ss. TCS 5.04 (1) (b) and (e) 2., (2) (b), (d) 3., (j), and (k), (3) (b) and (d) 2., and (4) (b), (d) 2., and (j) and 5.05 (3). The remaining sections may be amended. The SECTION treatment clauses and the introductory clause should be modified to reflect these changes. [ss. 1.02 (1) and 1.04, Manual.] [See comment a., above, for the proper format for the introductory clause.] Lastly, any provision in s. TCS 5.04 or 5.05 that is not repealed or amended should not be shown in the proposed rule.

c. In ss. TCS 5.04 (1) (e) 4., (2) (d) 5., (3) (d) 4., and (4) (d) 4. and 5.09 (1) and (2), the proposed rule should follow the format for amending provisions in s. 1.06, Manual. For example, s. TCS 5.04 (1) (e) 4. should read as follows: “4. Enrollment Relevant enrollment trends for the district, ~~including placement data for all program areas and the program area to be expanded.~~”

d. An additional section describing the effective date of the rule modifications should be added to the rule following SECTION 4. [s. 1.02 (4), Manual.]

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

a. In the statutory authority section, the agency should also cite s. 227.11 (2) (a), Stats. Section 38.04 (10), Stats., provides specific rule-making authority relating to the exemption in s. 38.04 (10) (b), Stats., but the contents of the proposed rule include material not related to the exemption. Section 227.11 (2) (a), Stats., provides an agency with general rule-making authority to promulgate rules interpreting the provisions of any statute enforced or administered by the agency, if the agency considers it necessary to effectuate the purpose of the statute. [s. 1.02 (2m), Manual.]

b. In the treatment clause of SECTION 1, subdivisions should be written with a period following the subdivision number, rather than written in parentheses. [s. 1.07 (2), Manual.] For example, “(1) (e) (2)” should be replaced with “(1) (e) 2.” in the treatment clause.

c. The treatment clause of SECTION 4 describes the amendment of “TCS 5:09”. It should read “TCS 5.09”.

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

In s. TCS 5.09 (2), “three” should be replaced with “3”. [s. 1.01 (5), Manual.]