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## WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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### CLEARINGHOUSE RULE 13-106

#### 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. In the introductory clause, replace “114” with “chapter DWD 114”.
- b. The notes following ss. DWD 113.025 (2) (a) and 114.30 (2) appear to contain substantive material. The agency should consider including the material in the text of the rule, rather than in notes. [s. 1.09, Manual.] In addition, in the note following s. DWD 114.30 (2), insert a comma after the word “pay” in the first paragraph.
- c. In SECTION 5, insert “CHAPTER DWD 114” before the title of ch. DWD 114. In addition, the title of ch. DWD 114 should not be in bold print. [s. 1.05 (2) (a), Manual.]
- d. In s. DWD 115.07 (2) (a), the underscoring of “(1) (d)” and “(b)” should be deleted. [s. 1.06, Manual.]
- e. In s. DWD 140.22 (1) (a) to (e), the agency should consider rewriting those paragraphs as definitions. [s. 1.01 (7), Manual.]

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

- a. In s. DWD 114.01 (2) (a), use the term “Nondelinquency certificate” to be consistent with the statutory definition that is cross-referenced in the paragraph. In addition, after making this change, the following changes should be made: (1) rearrange the order of the definitions in s. DWD 114.01 (2) so that the definitions are in alphabetical order; and (2) in s. DWD 114.20 (4), replace “certificate of nondelinquency” with “nondelinquency certificate”.

b. In s. DWD 114.10 (2), the reference to the statute should be “s. 108.223, Stats.”. [s. 1.07 (2), Manual.]

c. In s. DWD 114.50, the agency should consider referencing s. 108.223, Stats., perhaps after “conditions” in the fourth sentence.

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

a. In s. DWD 113.025 (1) (intro.), delete the phrase “in its discretion”. The use of “may” in the provision already denotes discretion. [s. 1.01 (2), Manual.] A similar comment applies to s. DWD 114.30 (2).

b. In s. DWD 113.025 (1) (a), in the second sentence, include the phrase “and assessment” after the word “taxes”.

c. In s. DWD 113.025 (1) (a) and (b), replace “shall” with “may”. [s. 1.01 (2), Manual.]

d. In s. DWD 113.025 (1) (e), delete the word “of” after the word “successor”.

e. Section DWD 114.01 (1) and (2) (intro.) state that definitions apply “unless the context clearly indicates a different meaning”. It would be clearer to the reader if these instances were specified clearly in the rule, rather than leaving it to the reader to determine if the context indicates a different meaning.

f. In s. DWD 114.01 (1) (g), the agency should consider using a term other than “license holder” for a license applicant.

g. Section DWD 114.01 (1) (h) should be deleted because the phrase “license revocation” is not used in the rule text.

h. In ss. DWD 114.20 and 114.30, the terms “debtor” and “license holder” are both used. If certain provisions apply only to license holders, and others apply only to debtors, this should be clarified. If the provisions apply to both license holders and debtors, this should be clarified.

i. In s. DWD 114.20 (intro.), insert a comma after the word “exhausted”. In addition, insert “do any of the following” or “do all of the following”, whichever is appropriate, after “the department may”. [s. 1.03 (3), Manual.]

j. In s. DWD 114.20 (3), it appears that “entered into and complied” should be replaced with “to enter into and comply”.

k. In the note following s. DWD 140.22 (1) (f), it would be helpful to include the hearing office mailing address. In addition, it appears that the website address is incorrect.

l. In s. DWD 140.22 (2) (a) 4., clarify that the person authorized by law must be authorized to verify sworn statements.