



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 16-050

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 December 2014.]

1. Statutory Authority

Section LIRC 1.04 (4) allows the commission to redact personally identifiable information and declare material to be confidential and closed to inspection. The agency should explain the authority under which the proposed rule allows the commission to redact information and keep certain material confidential.

2. Form, Style and Placement in Administrative Code

a. In the introductory clause, “LIRC” should be inserted after “to create”. [s. 1.02 (1), Manual.]

b. A date should be given for the deadline to submit comments on the proposed rule. [s. 1.02 (2) (a) 13., Manual.]

c. In ss. LIRC 1.01 and 1.015, the section titles should be in bold print. [s. 1.05 (2) (b), Manual.]

d. In s. LIRC 1.01, the comma after the underscored reference to “103.06 (6)” should be underscored. [s. 1.06 (1), Manual.]

e. In s. LIRC 1.025 (5) (a), an “s.” should be inserted before “LIRC 4.01”. [s. 1.07 (2), Manual.]

f. In the treatment clause for SECTION 14 of the proposed rule, the word “is” should replace the phrase “(intro.) and (1) to (7) are”, because the section is affected in its entirety. The introductory clause should be revised accordingly.

g. Throughout s. LIRC 2.015, the agency should ensure that when material is deleted and other material is inserted in the same location, the new underscored material follows the stricken material. For example, in s. LIRC 2.015 (1), “~~“received”~~ considered received” should replace “considered ~~“received”~~”. In addition, in s. LIRC 2.015 (intro.), “as follows” should be underscored because it is new material. [s. 1.06 (1), Manual.]

h. In s. LIRC 3.05, the last sentence in the existing text is omitted from the proposed rule. Thus, the following text should appear at the end of the section: “The appealing party shall arrange for preparation of the necessary legal documents.”. If the agency intends to delete the sentence, it should be stricken-through.

i. The title of ch. LIRC 5 should not be in bold print. [s. 1.05 (2) (a), Manual.]

j. In s. LIRC 5.01, a reference to “Stats.” should be inserted after “s. 103.06 (6) (b) 1.”. [s. 1.07 (2), Manual.]

k. In s. LIRC 5.02 (title), “petitions” should replace “Petitions”. [s. 1.05 (2) (b), Manual.]

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

a. In the statutes interpreted section of the rule summary, “1981 Stats.” should be inserted after “66.191.”. In addition, “106.56 (4)” should be inserted after “106.52 (4).”.

b. In s. LIRC 1.01, it appears that “s. 66.191, 1981 Stats., and ss. 40.65 (2), 66.191, 1981 Stats., ss.” should replace “ss. 40.65 (2), 66.191, 1981 Stats., ss.”. Similarly, in s. LIRC 1.015 (11), it appears that “ss. s. 66.191, 1981 Stats., or s. 40.65, 66.191, 1981 Stats., ss.” should replace “ss. 40.65, 66.191, 1981 Stats., ss.”.

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

a. In s. LIRC 1.015 (8), the comma after “108.09 (6)” should be omitted.

b. In s. LIRC 3.04, the phrase “the court shall remand the case to the commission” should replace “remand shall be to the commission”.

c. Section LIRC 5.02 (2) creates an exception for the dismissal of a petition that is not timely filed. The other chapters relating to LIRC procedure (chs. LIRC 1 to 4) do not appear to contain a similar exception. Why is the exception in ch. LIRC 5 but not the other chapters?