



Wisconsin Legislative Council

RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 23-075

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Council Staff and the Legislative Reference Bureau, dated November 2020.]

1. Statutory Authority

Under the Analysis heading in both the Statutory Authority and Explanation of Agency Authority sections, the agency cites s. 452.05 (2) (c) and (d), Stats., as its authority for promulgating these rules. However, the quoted language that does provide rulemaking authority to Board is found in s. 452.05 (1) (c) and (d), Stats. The agency should ensure the referenced and quoted statutory authority are consistent.

2. Form, Style and Placement in Administrative Code

a. The introductory clause for the proposed rule should be corrected to specifically list each provision treated in the rule; in particular, s. REEB 25.038 (intro.), (1) (c) 5. to 7. and 9. to 12., and (4) (b) and (d), are missing and should be added.

b. In SECTION 3, the citation added in s. REEB 12.017 (3) (d) should be “s. 452.05 (3), Stats.,” to be consistent with citation standards in s. 1.15 of the Manual.

c. In SECTION 6, should “agreement” also be pluralized in s. REEB 25.023 (2) (c) 10.? The same comment applies in ss. REEB 25.028 (2) (a) 3. L., 25.033 (8) (f) 11. and 25.038 (1) (c) 12. Additionally, the added cross-reference to “s. 452.133., Stats.,” in s. REEB 25.023 (7) (d) (intro.) should be changed to “s. 452.133, Stats.,” in order to be consistent with s. 1.15 (2) (b) of the Manual.

d. In the SECTION 8 title, “And” should be changed to be lowercase in order to be consistent with s. 1.06 (2) of the Manual.

e. In SECTION 12, the cross-reference in s. REEB 25.028 (1) (g), should instead be “s. 452.132, Stats.” and the cross-reference in s. REEB 25.028 (2) (d) 2. should instead be “s. 452.136, Stats.” in order to be consistent with s. 1.15 of the Manual.