



Wisconsin Legislative Council

RULES CLEARINGHOUSE

Scott Grosz
Clearinghouse Director

Anne Sappenfield
Legislative Council Director

Margit Kelley
Clearinghouse Assistant Director

CLEARINGHOUSE RULE 24-025

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.]

2. Form, Style and Placement in Administrative Code

In SECTION 3 of the proposed rule, the amendments to pars. (e) and (i) appear to switch the order of certain currently listed conditions. It is unclear why the agency is proposing an amendment of this nature. For example, if the goal is general reorganization of s. DHS 115.04 (15), the effort appears incomplete. Alternatively, if the goal is to revise each reference (consider “hydroxybutyric” in existing par. (i) compared to “hydroxybutyric” in par. (e) as amended), is the switch of order unintentional?

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

Generally, an agency may promulgate administrative rules to implement or interpret statutes that are enforced or administered by the agency, and as such, an entry should be inserted in this section of the rule analysis, rather than stating “not applicable”. Based on the explanation of agency authority, it appears s. 253.13, Stats., would be an appropriate entry.

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

Throughout the proposed rule, it appears that some conditions listed in s. DHS 115.04 include an identifying phrase in parentheses following the more technical term. For example, SECTION 5 of the proposed rule refers to “X-Linked Adrenoleukodystrophy (X-ALD)”, and s. DHS 115.04 (1) (a), unaffected by the proposed rule, refers to “Phenylketonuria (PKU)”. If the parenthetical acronym is not part of the technical term but another reference to it, then consider either adding or removing these parenthetical descriptions throughout the rule for consistency. For example, the rule analysis refers to Mucopolysaccharidosis type I as “MPS I” but the acronym is not carried over to the proposed rule text in the same manner as X-ALD.