

WISCONSIN LEGISLATIVE COUNCIL STAFF

RULES CLEARINGHOUSE

Ronald Sklansky
Director
(608) 266-1946

Richard Sweet
Assistant Director
(608) 266-2982



David J. Stute, Director
Legislative Council Staff
(608) 266-1304

One E. Main St., Ste. 401
P.O. Box 2536
Madison, WI 53701-2536
FAX: (608) 266-3830

CLEARINGHOUSE RULE 99-086

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated September 1998.]

2. Form, Style and Placement in Administrative Code

a. The treatment clause should list the specific sections, subsections and paragraphs that are amended, rather than “amending” an entire section, as in the amendment to s. Comm 5.315. This is not an acceptable drafting practice because the treatment clause does not accurately describe the effect of the amendment. If an entire existing subunit is not affected, it should not be shown. For example, in SECTION 21, the treatment clause should state: “SECTION 21. Comm 5.315 (1) (a) 1. and (b), (3), (4) and (6) (b) 2., as created by Clearinghouse Rule 98-126, are amended to read:”. Only those particular subunits should be shown. This change should be made throughout the rule.

b. Entire rule subunits should not be created by use of underscoring and entire rule subunits should not be repealed by use of striking. [See s. 1.06 (1), Manual.] Therefore, SECTION 6 should be divided into two SECTIONS--one that amends s. Comm 5.01 (1) and (2) and one that creates s. Comm 5.01 (3). Also see s. Comm 5.10 (1) (a) 9. to 11. In s. Comm 5.62 (7) and elsewhere in the rule, par. (b) should be repealed and par. (c) should be renumbered and amended in separate SECTIONS.

c. The slash mark in s. Comm 82.40 (3) (f) should be eliminated. [See s. 1.01 (9), Manual.] Can it be replaced by “and”?

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

In several provisions, the rule changes references to ch. ILHR 10 to be references to ch. Comm 10. It appears that similar changes should be made in ss. Comm 5.87 (1) and 5.88 (3) (a) and (b) and (4) (a).

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

Section Comm 5.51 (2m) (b) refers to graduation from a four-year “engineering university or college.” Does the department intend to restrict this only to a university or college in which the entire program is engineering, or should this be redrafted to allow a degree in engineering from a university or college that has an engineering program?