



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 05-082

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 January 2005.]

2. Form, Style and Placement in Administrative Code

a. In s. Trans 200.06 (7) (b) 3., the first new sentence indicates that at the specified interchanges, business signs **for 3 types of motorist services** may be displayed on the same specific information sign”. The second new sentence, however, indicates that not more than two business signs for each type of motorist service may be displayed in combination on a panel with **three or more types of motor services**. It appears that “or more” in the second sentence should be deleted since the full sign (“panel”) is limited, by the first sentence, to three types of motorist services. The “Plain language analysis” to the rule notes, among other things, that: (1) “The proposed rule would allow for three types of motorist services per specific information sign”; and (2) “The total number of business signs identifying the motorist service available remains limited to six for each specific information sign structure.” Also note that the second sentence in current sub. (7) (b) 3. (which sentence parallels the language in the second created sentence) ends with “shall be displayed in combination on a panel.” Also, the use of the term “panel” seems confusing. “Specific information sign” is defined in s. 86.195 (1) (d), Stats., to mean a “rectangular sign panel which displays....” It appears that “specific information sign” should be used instead of “panel.”

b. It appears that s. Trans 200.06 (7) (b) 3., with the new language, needs to be further subdivided (or otherwise redrafted) to avoid confusion. For example, the first two sentences in current subd. 3 could be subd. 3. a. (referring to interchanges where not more than three qualified facilities are available for each of two or more types of motorist services), the last two sentences (created in the rule) could be sub. 3. b. (referring to interchanges where not more than two

qualified facilities are available for each of three or more types of motorist services), and the third to sixth sentences in subd. 3. c. since those sentences appear to apply to both types of interchanges (i.e., to both subd. 3. a. and 3. b. in this redrafting example)

As it is drafted, the general language in the third to sixth sentences is located in the middle of the provision, as affected by the rule, and it is not clear how those sentences apply to the two newly created sentences. Note that the sixth sentence (“When it becomes necessary to display a fourth business sign..”) does refer (in the current rule and the draft) to the first two sentences in the current rule, but it appears that perhaps it should be in a general subd. 3. c. and be modified so it applies to both types of interchanges.

Whatever the approach, s. Trans 200.06 (7) (b) 3., as affected by the rule, needs to be redrafted to make it clear how sentences three to six apply to the two types of interchanges referred to in the amended par. (b) 3.

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

In the second sentence created in s. Trans 200.06 (7) (b) 3., “shall” should be “may.” This also applies to the second sentence in current par. (b) 3.