



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 12-041

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 November 2011.]

1. Statutory Authority

Absent express rule-making authority, the statutory authority in s. 227.11(2) (a), Stats., should be cited. [s. 1.02 (2m) (a), Manual.]

2. Form, Style and Placement in Administrative Code

a. The relating clause mentions handicapped parking signs, which are addressed in s. Trans 200.07, rather than s. Trans 200.06. Therefore, it appears that the reference to handicapped parking signs should be omitted from this proposed rule.

b. The fiscal estimate to the proposed rule refers to an effect on small business. If the agency has not done so, it should review the following requirements that apply to proposed rules that affect small business and determine which, if any, are applicable to the proposed rule:

(1) Section 227.114, Stats., requires an agency to take certain action if a proposed rule may have an effect on small business. If the proposed rule may have an effect on small business, the agency should insert the phrase “and affecting small business” at the end of the relating clause and explain in the analysis the effect on small business and the analysis and supporting documents used to determine the effect on small business under s. 227.114, Stats. The agency should also comply with any other requirements in s. 227.114, Stats. [s. 1.02 (1) (c) and (2) (a) 9. and 10., Manual.]

(2) If the proposed rule will have an effect on small business, the agency must prepare an initial regulatory flexibility analysis. [s. 1.02 (6), Manual, and s. 227.17 (3) (f), Stats.]

(3) If the proposed rule may have an economic impact on small business, the agency must submit the proposed rule to the Small Business Regulatory Review Board on the same day that the rule is submitted to the Rules Clearinghouse. [s. 1.02 (6), Manual, and s. 227.14 (2g), Stats.]

c. In SECTION 1 of the proposed rule, underscored material should follow material that is stricken-through, even if the stricken material consists of more than one sentence. [s. 1.06 (1) (a), Manual.]

d. The effective date of the proposed rule should be set forth as a numbered SECTION at the end of the rule. [s. 1.02 (4) (d), Manual.]

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

In the comparison to Michigan law in the rule summary, “Pharmacy’s” should be spelled “Pharmacies”.