



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 13-029

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.]

2. Form, Style and Placement in Administrative Code

a. In the enumeration of rule provisions treated by the proposed rule, the department should revise the enumeration in accordance with s. 1.02 (1), Manual. In particular, the department should ensure that all rule sub-units treated by the proposed rule are included in the enumeration, and should provide more specific references to the sub-units of affected rules instead of general references to rules by section.

b. The plain language analysis description of s. ETF 52.02 (4m) should be renumbered s. ETF 52.02 (1) (m).

c. The department should delete the word “section” as found after “created” and before “to” in the portion of the plain language analysis describing s. ETF 52.06 (7) (bm).

d. In SECTION 4, the department should refer to the amendment of s. ETF 52.06 (7) (a) 2. and (b). Section ETF 52.06 (7) (a) 1. does not appear to include any amended language, thus, it is unnecessary to refer to s. ETF 52.06 (7) (a) 1.

e. In SECTION 5, underlining the entire paragraph that is created does not conform to administrative rules drafting standards. Underlining is appropriate when adding to portions of existing language. [s. 1.055 (b), Manual.]

f. In SECTION 7, the rule text should begin with reference to “ETF 52.07 (3) (b)” rather than “(b)”.

g. Throughout the proposed rule, the department's use of introductory material and lists should use periods rather than semicolons and "and" or "or". [s. 1.03 (4), Manual.]

h. The title for s. ETF 52.15 should end with a period and conform to the style prescribed by s. 1.05 (b), Manual. Other titles, as indicated throughout the proposed rule, should be revised for conformity with s. 1.05, Manual. For example, see ss. ETF 52.06 (5) (a) and 52.16 (4) (a) and (c).

i. In s. ETF 52.15 (2), the reference to "ETF" should be replaced by a reference to "the department".

j. The effective date of the proposed rule should be included as a numbered section of the rule. [s. 1.02 (4), Manual.]

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

a. In SECTION 1, it may be helpful to the reader to include a note with the definition of "protective occupation participant" as defined in s. 40.02 (48) (b) 2., Stats.

b. Similarly to the note above, there are several other references to statutory definitions in the draft language that would benefit from the inclusion of notes describing the definition in order to assist the reader.

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

a. In SECTION 4, insert the word "that" between "but" and "one" under s. ETF 52.06 (7) (b) 3.

b. In SECTION 6, insert a comma between "891.45" and "891.453".

c. In SECTIONS 7 and 9, use of "this includes" should be avoided and replaced by more definitive references. Generally, material in these sections should be revised for clarity. In particular, s. ETF 52.07 (3) (c), as amended, is confusing. Additionally, the phrase, "Excluded from...are:", in s. ETF 52.12 (1), could be written to avoid use of passive voice.

d. In SECTION 11, under s. ETF 52.16 (4) (c), insert the word "as" between "or" and "reimbursement".