



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 14-050

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

- a. The statutory authority should specifically cite to s. 100.52 (3), Stats.
- b. The agency amends s. ATCP 127.83 (2) (c) to replace notification “by mail” with notification “in writing”. However, the parallel statutory text in s. 100.52 (4) (a) 3., Stats., prohibits a telephone solicitor from making a telephone solicitation to a nonresidential customer if the customer provides notice “by mail” to the telephone solicitor that the customer does not wish to receive telephone solicitations. Under what authority does the agency deviate from the parallel statutory text by replacing “by mail” with “in writing”?

2. Form, Style and Placement in Administrative Code

- a. In the introductory clause, the treated provisions should appear in the following order: to repeal, to amend, to repeal and recreate, and to create. [s. 1.02 (1) (b), Manual.]
- b. The rule analysis should include a deadline for submission of comments. [s. 1.02 (2) (a) 13., Manual.]
- c. In SECTION 1, “**State Do-Not-Call Registry**” should be underscored because it is new material. [s. 1.06 (1), Manual.]
- d. In s. ATCP 127.83 (2) (b), the first underscored period should not be underscored. Also in that paragraph, to accurately reflect the existing text, “s. ATCP 127.80 (10) (a), (b) or (d)” should be replaced with “s. ATCP 127.80 (10) (a) or (b)”. If the agency intends to amend that reference, it should use striking and underscoring. [s. 1.06 (1) and (4), Manual.]

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

a. Section ATCP 127.80 (10) (a) 1. requires compliance with subch. IV of ch. 440, Stats. However, there is no subch. IV of ch. 440, Stats.

b. Section ATCP 127.84 (1) (b) references written agreements provided pursuant to s. ATCP 127.90 (10) (c). However, there is no s. ATCP 127.90.

c. In s. ATCP 127.84 (1) (b), “s.” should precede “ATCP 127.83 (2) (b)”. [s. 1.07 (2), Manual.]

d. In s. ATCP 127.84 (1) (c), “s.” should precede “ATCP 127.18 (1)”. [s. 1.07 (2), Manual.]