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## WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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### CLEARINGHOUSE RULE 15-030

#### 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 December 2014.]**

#### 2. Form, Style and Placement in Administrative Code

a. In the Statutory Authority section of the rule summary, s. 102.61 (1m) (f), Stats., should be included in the list of cited statutes because that section is cited in the Explanation of Agency Authority section of the rule summary.

b. In the identification of the affected rule that is listed with the text under SECTION 1, the reference to “DWD 80.02 (e) (intro.)” should be replaced with “DWD 80.02 (2) (e) (intro.)”.

c. In the treatment clause for SECTION 3, the reference to “DWD 80.02 (k) (Note)” should be replaced with “DWD 80.02 (2) (k) (Note)”.

d. In s. DWD 80.49 (6) (b) 4. (Note), the period after “Illinois 60631” should not be underscored. [s. 1.06 (4), Manual.]

e. In ss. DWD 80.49 (7) (e) (Note), 80.61 (2) (b) (Note) and (3) (c) 1. (Note) and 2. d. (Note) and (d) 1. (Note), and 80.73 (6) (f) (Note), the website address should not be underscored. The text of a newly created rule provision should be shown without strike-throughs and underscores. [s. 1.055 (2), Manual.]

f. In s. DWD 80.61 (3) (c) 2. d., the text of the subdivision paragraph should be revised to correctly show the current text of the rule. Accordingly, the section should read: “The submission of each contractor’s and subcontractor’s application ~~form WKC A-19.4 W U~~, on a form provided by the department, to the ~~bureau~~ department prior to the time the contractor or subcontractor ~~first starts~~ begins work on the wrap-up project.”. [s. 1.06 (1) (a), Manual.]

g. In the subunits to ss. DWD 80.61 (3) (c) 2. and 80.73 (3) (a) of the current rule that are not amended in the proposed rule, the agency could consider amending the semicolons at the end of the subunits to periods, in order to use a consistent grammatical structure. Compare, for example, the amendments to ss. DWD 80.61 (3) (c) 2. d. and 80.73 (3) (a) 5., in SECTIONS 12 and 18, respectively, of the proposed rule. All subunits of a rule section should end with a period, rather than a comma or semicolon. [s. 1.03 (4), Manual.]

h. In the title to SECTION 20, the phrase “and initial applicability” should be removed, as the SECTION does not include an initial applicability provision.

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

a. In s. DWD 80.65, to include the correct cross-references, the following changes should be made:

(1) The reference to “~~ss. 102.31 (1) (a) and 102.315 (10)~~” should be replaced with “~~s. 102.31 (1) (a)~~ ss. 102.31 (2) (a) and 102.315 (10)”.

(2) The reference to “s. 626.02 (2)” should be replaced with “~~s. 626.02 (2)~~ s. 626.02 (1)”.

b. In SECTION 20, a source notation to “, Stats.” should be inserted after the reference to “s. 227.22 (2) (intro.)”. [s. 1.07 (2) (Table), Manual.]

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

a. In s. DWD 80.02 (2) (e) 5., the proposed rule should be revised to be in the active voice, specifying who submits form WKC-13 to the new claims handling office and who files a paper copy of the form with the department. In addition, the following changes should be made in the subdivision:

(1) In the second sentence, the phrase “or third party administrator” should be inserted after the phrase “new claims handling office”.

(2) In the third sentence, a comma should be inserted after the word “department”.

(3) In the last sentence, the word “paid” should be inserted after the phrase “temporary disability”.

b. In the text for the treatment of s. DWD 80.02 (2) (j) (Note), an underscored comma should be inserted after the word “subsection”. Also, consider revising the Note to align its verb usage. For example, the phrase “access forms” could be inserted before the word “online”.

c. In s. DWD 80.02 (2) (k), the agency should rewrite the paragraph to more clearly articulate the required contents of the report and the deadline for submitting the report.

d. In s. DWD 80.49 (4) (intro.), an underscored comma should be inserted after the reference to sub. “(11)”.

e. In ss. DWD 80.49 (7) (e) (Note), 80.61 (2) (b) (Note) and (3) (c) 1. (Note) and 2. d. (Note) and (d) 1. (Note), 80.62 (3) (a) (Note), and 80.73 (6) (f) (Note), consider revising each Note

to align its verb usage. For example, the phrase “access forms” or “access the form”, as applicable, could be inserted before the word “online”.

f. In s. DWD 80.65, the proposed rule states that notice may be given to the Wisconsin Compensation Rating Bureau “in a medium approved by the department”. If a person must give notice to the bureau, how will the person know whether a particular medium is approved by the department? The agency should consider specifying, in the proposed rule, which mediums are approved by the department.