



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 16-045

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. An introductory clause for the proposed rule should be added to specifically enumerate the rule provisions affected by the proposed rule and to state the nature of the treatment of each rule provision. [s. 1.02 (1), Manual.]

b. Throughout the rule, improper and inconsistent citation of state statutes is used, including improper usage of the section symbol and numerous omissions of “, Stats.” following a reference to a statute. For proper citation form, see s. 1.07 (2), Manual.

c. The Note included in SECTION 1 of the rule text is not part of the existing Administrative Code. If necessary, the Note should be added as a new section with a treatment clause indicating the Note is created by the rule. However, the substance of the Note raises the question of whether “interstate” should be included in s. Trans 201.23 (2). If interstates are not eligible for the scenic byway program, why is the term used in the rule text? Should “interstate” be deleted from the rule text, rendering the presence of the Note unnecessary?

d. The administrative code citation for the Note included in SECTION 1 incorrectly uses “(2016)”.

e. SECTIONS 3 and 4 are consecutively numbered rule sections affected in their entirety by the same treatment and may be included in a single section. [s. 1.04 (2) (a) 1., Manual.]

- f. The treatment clauses for SECTIONS 9, 10, 11, and 12 are incorrect. The proper treatment clause is “repealed and recreated”, rather than “repealed and created”. [s. 1.04 (1) (b), Manual.]
- g. The introductory material in SECTION 9 should use the phrase “any of the following” or “all of the following” instead of “the following”. [s. 1.03 (3), Manual.]
- h. Should the phrase “may not” be used instead of “shall not” in SECTION 10? [s. 1.01 (2), Manual.]
- i. The incorrect rule subunits are used for the enumerated list in SECTION 11. [s. 1.03 (2), Manual.]
- j. In SECTION 12, s. Trans 202.10 (1) (intro.) should end in a semicolon.

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

- a. In the “Plain Language Analysis” section, there is reference to “any other facility not intended for use by motor vehicles” as a type of facility not eligible for inclusion as a scenic byway, but this phrase is not included in the enumerated list in SECTION 9 of the rule text. Is this correct?
- b. In SECTION 2, “that” should replace “which”.
- c. In SECTION 5, what entity or entities will be responsible for authorship of the corridor management plan following elimination of the reference to the local government sponsor?