

WISCONSIN LEGISLATIVE COUNCIL STAFF

RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 95-006

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated October 1994.]

2. Form, Style and Placement in Administrative Code

a. Current rule units that are unaffected by a proposed rule should not be shown. For example, s. EAB 5.11 (1) (intro.) should not be shown.

b. Since s. EAB 5.11 (2) is almost entirely new and little remains of the existing subsection, it should be repealed and recreated rather than amended. Also, in par. (c), “par. (a)” should replace “(a).”

c. New units of a rule should not be created by underscoring and current rule units should not be repealed by striking. [See s. 1.06 (1), Manual.] The entire rule should be reviewed for occurrences of this error. For example, SECTION 3 should be broken down into the following two SECTIONS:

SECTION 3. EAB 5.11 (4) (a) 1 to 3 are amended to read:

...

SECTION 4. EAB 5.11 (4) (a) 4 and 5 are created to read:

...

d. In s. EAB 5.11 (4) (a) 3, the comma from the original text should be inserted after “\$2,300.”

In subd. 4 and 5, commas should be inserted after “\$2,800” and “\$3,800” for consistency with the other subdivisions.

e. In s. EAB 5.11 (5) (a) 3, the underscoring under “degree” should be deleted and “~~other than an associate~~” should precede “baccalaureate.” Subdivisions 4 and 5 should be created in a separate SECTION.

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

a. In s. EAB 5.11 (2) (d), the phrase “for a like program” seems ambiguous. Also in that paragraph, the sentence would be clearer if it ended with “if all of the following conditions are met” instead of “if the application meets all of the following conditions.” This same change could be made in s. EAB 5.11 (4) (c) (intro.) and (5) (c) (intro.).

b. Section EAB 5.11 (3) (i) would be clearer if “which is the greater” were deleted and, instead, the paragraph read “a fee of \$50 or 1.5% of any late first or second payment, whichever is greater.”

c. Section EAB 5.11 (10) (f) appears to require a fee of \$150 for amending a noncomplying application for approval after a change of ownership or control. If this is accurate, the paragraph would be clearer if it stated that the fee is \$150 instead of 25% of the fee specified in sub. (7) (c) (intro.).