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RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 98-080

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. In s. Ins 4.10 (3) (b), “mean” should be shown as deleted (stricken-through) and be replaced by “means.” Also, as a general rule, it is desirable to draft definitions in the singular rather than plural. It should be noted that under s. 990.001 (1), Stats., “the singular includes the plural, and the plural includes the singular.” Also under s. 227.14 (1), Stats., in preparing a rule, an agency shall “adhere substantially to the form and style used by the legislative reference bureau in the preparation of bill drafts” The Legislative Reference Bureau uses the singular rather than the plural.

b. In s. Ins 4.10 (3) (b), a period should be inserted following each of subds. 1. to 3. Those periods should also be underscored.

c. In s. Ins 4.10 (11) (e), in two places, the underscored material should be placed after the adjacent stricken material. Also, “~~(a)~~” should be deleted since “(a)” does not appear in the current rule.

d. In two places, “may not” should replace “shall not” in stating a prohibition. [See s. 1.01 (2), Manual.] See s. Ins 4.10 (13) (d) and (19) (b). Also, in s. Ins 4.10 (19) (c) (intro.), “may not do any of the following” should replace “shall not have authority” and “To” should be deleted from subds. 1. to 4.

e. In s. Ins 4.10 (14) (a) 6., new language is inserted without being underscored--“, unless there are known to be extenuating circumstances.” Also note that “extenuating” is misspelled. In addition, to whom must the extenuating circumstances be known?

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

In s. Ins 4.10 (19) (d), “sub. (9)” should replace “subch. (9).”

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

a. In s. Ins 4.10 (3) (b), the definition of “Farm risks” includes buildings and contents located on or used in connection with land devoted to any one or more of the specified purposes “where gross annual receipts are in excess of \$5,000.” It would be clearer to provide that the land is devoted to one or more of the following purposes and where the gross annual receipts “from those purposes” are in excess of \$5,000.

b. Section Ins 4.10 (7) (a) permits voting by proxy. However, there is no statement of how the proxy voting is to be conducted. The provision would be clearer if it required the person appointing a proxy to exercise his or her voting rights to give a written proxy to that person, which would then be filed with the governing committee, thus ensuring the validity of the proxy’s actions as the governing committee performs its duties.

c. In s. Ins 4.10 (12) (b), is it a requirement that monthly progress be made? If so, “is making” should replace “should make.”