



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Ronald Sklansky
Clearinghouse Director

Richard Sweet
Clearinghouse Assistant Director

Terry C. Anderson
Legislative Council Director

Laura D. Rose
Legislative Council Deputy Director

CLEARINGHOUSE RULE 09-049

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 September 2008.]

2. Form, Style and Placement in Administrative Code

a. In s. Trans 510.08 (1) (intro.), the statutory cross-reference should read “ch. 442, Stats.,”. [See also s. Trans 512.06 (2).]

b. Sections Trans 510.08 (3) (intro.) and 512.06 (3) (intro.) state that the “department is permitted to do any of the following.” The preferred drafting style for specifying a discretionary authority of an agency is to state “the department may do any of the following.”

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

In the analysis accompanying the rule, the list of statutes interpreted by the rule and a list of statutes providing authority for the rule should include s. 84.01 (6m) (b) 3., Stats., as the rule requires each recipient of a grant or loan under ch. Trans 510 to submit a report to the department and each contract with one of these recipients to specify the frequency and format of the report to be submitted to the department and the performance measures to be included in the report. [See s. Trans 510.08 (1) (a).]

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

a. Sections Trans 510.08 (1) (b) and 512.06 (2) require the submission of a verified statement from the recipient of the applicable grant or loan to the department but do not specify

the content of those statements. The department should clarify these provisions by specifying the expected content of the statements.

b. Under ss. Trans 510.08 (3) (c) and 512.06 (3) (c), the department may impose a forfeiture but the rule does not provide any guidance on the imposition of these forfeitures. At a minimum, the department should clarify these provisions by specifying the procedures that it will use to impose these forfeitures and the range of the amounts of a forfeiture that may be imposed under these provisions.