



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 20-067

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 November 2020.]

1. Statutory Authority

It would be helpful to the reader if it were made clear which statutory authority provisions track with which provisions under the plain language analysis, similar to what is done in SS 083-19.

2. Form, Style and Placement in Administrative Code

a. Throughout the rule-making order, the agency need not include “DHS” before every provision that is affected; “DHS” should appear after “repeal”, “amend”, and “create”.

b. In SECTION 17 of the proposed rule, the agency should modify the treatment clause to include additional detail, shown for emphasis with underscored text, below:

SECTION 17. DHS 125.05 (1), (3) (a) 1. and (c), (5) (a), and (6) (intro.)
are amended....

[s. 1.03 (2), Manual.]

c. To avoid complication, the agency should consider dividing SECTION 27 as follows: SECTION 27, for changes to s. DHS 199.04; SECTION 28, for changes to s. DHS 199.05; SECTION 29, for changes to s. DHS 199.06; and SECTION 30, for changes to s. DHS 199.06. Additionally, whether divided or not, the agency should modify the content of the treatment clause to include further detail, as follows:

SECTION 27. DHS 199.04 (1) (intro.), (d) 2., and (e), and (2), 199.05 (2) (a) and (b), (3) (a) 3. and (b) 1. and 3., (5) (a) 1. and 2. (intro.) and (b) (intro.), and (6) (a) 1. to 3. and (b) 1. to 3., 199.06 (1) (a) (intro.) and 1. to 3., (b), and (c), (2) to (4), and (5) (a) to (c), and 199.07 (1) (intro.), (2), and (3) (b) to (d), are amended....

[s. 1.03 (2), Manual.]

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

a. The agency should repeal s. DHS 13.03 (16) (Note) because it is made irrelevant by SECTION 5 of the proposed rule. It appears that the agency may have intended to do so, as the proposed rule also omits a SECTION 6. [s. 1.12 (2), Manual.]

b. In SECTION 7 of the proposed rule, does the agency intend to define “elder” as a person who is age 60, or as a person who is age 60 or older?

c. Also in SECTION 7 of the proposed rule, the agency removes from the definition of “elder” the phrase “infirmities of aging”. That phrase also appears in the following chapters, and the agency should consider whether removal would be appropriate: chs. DHS 10, 13, 61, 63, 101, 132, and 134.

d. The agency should repeal s. DHS 92.04 (11) (a) (Note), because it is made irrelevant by SECTION 10 of the proposed rule. [s. 1.12 (2), Manual.]

e. In SECTIONS 14 and 17 of the proposed rule, the agency should group language that is created and deleted contiguously. [s. 1.04 (4), Manual.] For example:

Expressing to an ~~emergency medical technician, first responder, emergency~~
~~medical services practitioner, emergency medical responder,~~ or emergency
health care facility staff members....

f. In SECTION 17 of the proposed rule, the agency removes the defined term “emergency medical technician”. That term also appears in the following chapters, and the agency should consider whether removal would be appropriate: chs. DHS 83, 105, 110, 118, and 124.

g. In SECTION 17 of the proposed rule, the agency removes the defined term “first responder”. The agency should consider whether removal would also be appropriate in chs. DHS 110 and 118, where the term also appears.

h. Also in SECTION 17 of the proposed rule, it appears that “responder” should follow “emergency medical” in s. DHS 125.05 (3) (c) and (6).

i. The agency should repeal s. DHS 157.96 (8) (Note), because it is made irrelevant by SECTION 21 of the proposed rule. [s. 1.12 (2), Manual.]

j. Because of the changes in SECTION 27 of the proposed rule, “department” should be defined in s. DHS 199.03.