



---

# Wisconsin Legislative Council

## RULES CLEARINGHOUSE

---

**Scott Grosz**  
Clearinghouse Director

**Anne Sappenfield**  
Legislative Council Director

**Margit Kelley**  
Clearinghouse Assistant Director

## CLEARINGHOUSE RULE 22-025

### Comments

**[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Council Staff and the Legislative Reference Bureau, dated November 2020.]**

#### 2. Form, Style and Placement in Administrative Code

a. In its enumeration of provisions treated, and the treatment clause of SECTION 1, the proposed rule should use the word “repeal” instead of “delete”. [s. 1.04 (3), Manual.]

b. It is unnecessary to renumber s. WEM 7.03 (1) (b) to (e) to eliminate a gap in numbering or to otherwise reuse a previously existing number that is eliminated by repeal. The reuse of numbers can cause confusion as to whether the current or previous provision is being referred to and may lead to erroneous cross-references. Rather, the result intended by this portion of the proposed rule can be accomplished solely by the repeal of s. WEM 7.03 (1) (b). [ss. 1.04 (3) (c) and 1.10 (3) (a), Manual.]

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

a. For consistency, include s. 227.11 (2) (a), Stats., in the statutory authority section of the rule analysis since that statute is included in the explanation of agency authority section of the rule analysis.

b. The comparison with similar rules in adjacent states section of the rule analysis includes discussion of a federal statute, which is more appropriately included in the summary of, and comparison with, existing or proposed federal statutes and regulations section of the rule analysis.

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

a. For readability, consider describing the explanation of agency authority using plain language rather than duplicating statutory text. [s. 1.01 (2) (b), Manual.]

b. For clarity, consider modifying other provisions in ch. WEM 7. For example, consider repealing s. WEM 7.02 (6), which defines the term, “disaster declaration”, as that term is used only in the material repealed by the rule. Additionally, s. WEM 7.02 (10) defines a term, “major catastrophe”, using a cross-reference to a statute that was repealed by the Legislature in the 2009-10 session. Also, that cross-referenced definition includes only disasters for which a federal

declaration is requested. As such, s. WEM 7.03 (1) appears to require such a request to be made as a condition precedent to a payment, through use of the term “major catastrophe” in pars. (a) to (c), but the text of pars. (d) and (e) suggests payment eligibility when that condition is not satisfied. This possible contradiction could be reconciled through additional modification of ch. WEM 7.