



Wisconsin Legislative Council

RULES CLEARINGHOUSE

Scott Grosz
Clearinghouse Director

Anne Sappenfield
Legislative Council Director

Margit Kelley
Clearinghouse Assistant Director

CLEARINGHOUSE RULE 23-028

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 the analysis for the proposed rule, the agency compares the approach taken by Illinois, but does not identify the other neighboring states’ approaches. If the other states do not address unclaimed property, a statement should be added to that effect. If the other states do address unclaimed property, the analysis should describe their approaches.

b. The analysis for the proposed rule should include a section summarizing comments received during a preliminary comment period or public hearing on the statement of scope, if held. [s. 1.01 (2) (a) 7., Manual.]

c. Following the analysis for the proposed rule, a heading for “Text of Rule” should be inserted.

d. SECTIONS 2 and 3 of the proposed rule could be combined to simply create s. Tax 10.01. The title and text of the rule would be shown together. Alternatively, SECTIONS 1, 2, and 3 could be combined under a single treatment to create ch. Tax 10. Compare, for example, the creation of ch. ATCP 163 in CHR 22-065.

e. In the text of the proposed rule, each instance of the abbreviation “stats.” should be revised to “Stats.”.

f. The rule caption’s enumeration of treated provisions should be updated to accurately reflect the treatment actions taken in the proposed rule.

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

In s. Tax 10.01 (1), it may assist the reader’s understanding if references are made to the statutes that require the report referenced in the section [s. 177.0401, Stats.] and the November 1 due date of the report [s. 177.0403, Stats.]. For example, consider ending the sentence with “the report required under s. 177.0401, Stats.”.

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

In the analysis for the proposed rule, consider elaborating on the anticipated effect on small business, as to whether the rule may or may not have an effect on small business, or if the effect is expected to be minimal. The proposed rule says only that the effect is “unknown”.