



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Scott Grosz
Clearinghouse Director

Anne Sappenfield
Legislative Council Director

Margit Kelley
Clearinghouse Assistant Director

CLEARINGHOUSE RULE 20-044

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 December 2014.]

1. Statutory Authority

In the rule summary’s listing of statutes that provide statutory authority, the board should revise the citation of s. 440.09 (2), Stats., to s. 440.09 (5), Stats.

2. Form, Style and Placement in Administrative Code

In SECTION 2 of the proposed rule, the board’s amendment should be to s. FD 1.02 (6), not s. FD 1.06 (6). The board should also revise the listing for this citation in the rule caption.

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

a. In SECTION 2 of the proposed rule, the agency could consider specifying that the pending charge must be a criminal charge. While a reader may infer that “charge” refers to “criminal charge,” such a change would match the language found in 2017 Wisconsin Act 278 and elsewhere in the administrative code, such as s. SPS 85.230 (1) (d).

b. The board should consider including the definitions created in SECTION 1 of the proposed rule with either s. FD 1.013 or with s. FD 1.13 created in SECTION 4 of the proposed rule. Generally, if a definition only applies to a particular section, the definition should only appear in that section, not elsewhere in the chapter. Similarly, even if the board anticipates creating new sections that use the terms defined in SECTION 1, a reader may be confused by the inclusion of two separate alphabetically sorted lists in ch. FD 1. [s. 1.01 (7) (a), Manual.]