



Wisconsin Legislative Council

RULES CLEARINGHOUSE

Scott Grosz
Clearinghouse Director

Anne Sappenfield
Legislative Council Director

Margit Kelley
Clearinghouse Assistant Director

CLEARINGHOUSE RULE 22-086

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. The treatment SECTIONS in the proposed rule should be revised to use separate SECTIONS in the following sequence:

- (1) Amend s. DE 11.025 (3) (e).
- (2) Renumber and amend s. DE 11.035 (1) (q) as (1) (q) (intro.).
- (3) Create s. DE 11.035 (1) (q) 1. to 5.
- (4) Renumber and amend s. DE 11.035 (2) (s) as (2) (s) (intro.).
- (5) Create s. DE 11.035 (2) (s) 1. to 6.

b. The caption for the proposed rule should be updated to reflect the treatment of each provision in the previous comment.

c. The following comments apply to the revision of s. DE 11.035 (1) (q):

- (1) Insert the phrase “all of” before the phrase “the following”, or some other indicator as to whether all or any number of the subunit requirements must be met. [s. 1.11 (2), Manual.]
- (2) Revise the format of the amended text to accurately reflect the changes made to the existing text of the provision, and to show the stricken material before the new underscored material. [s. 1.04 (4) (a), Manual.] In particular, a period should be shown following the word “cases”, and the period should be shown with a strike-through. The comma following the word “cases” should be shown following the stricken period, and should be shown with underscoring that is contiguous with the underscoring for the rest of the inserted material.

d. Similarly, the following comments apply to the revision of s. DE 11.035 (2) (s):

- (1) Insert the phrase “all of” before the phrase “the following”, or some other indicator as to whether all or any number of the subunit requirements must be met. [s. 1.11 (2), Manual.]
 - (2) Revise the format of the amended text to accurately reflect the changes made to the existing text of the provision, and to show the stricken material before the new underscored material. [s. 1.04 (4) (a), Manual.] In particular, a period should be shown following the word “cases”, and the period should be shown with a strike-through. The comma following the word “cases” should be shown following the stricken period, and should be shown with underscoring that is contiguous with the underscoring for the rest of the inserted material.
- e. The following comments apply to the creation of both s. DE 11.035 (1) (q) 1. to 5. and (2) (s) 1. to 6.:
- (1) The agency should be consistent with phrasing so as to maintain parallel structure within each list. In particular, subunits in each list should consistently begin with either a noun or a verb. Also, each subunit should complete the idea and result in a complete sentence when read with the introductory statement that precedes each list of requirements. [ss. 1.05 (1) (e) and 1.11 (2), Manual.]
 - (2) Each subunit in both lists of requirements should end in a period, rather than a semicolon. [s. 1.11 (3), Manual.]

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

The rule summary’s plain language analysis for the proposed rule should be revised to provide a narrative summary of the actual changes made in the proposed rule. [s. 1.01 (2) (b), Manual.]