



Wisconsin Legislative Council

RULES CLEARINGHOUSE

Scott Grosz
Clearinghouse Director

Anne Sappenfield
Legislative Council Director

Margit Kelley
Clearinghouse Assistant Director

CLEARINGHOUSE RULE 24-034

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 introductory clause for the proposed rule, in the enumeration of provisions treated, make the following changes in the list of amended provisions:

- (1) In the recitation of “93.440 (4) (a) Intro.”, the word “Intro.” should appear as “(intro.)”. Make this change also in the treatment clause for SECTION 14 of the proposed rule.
- (2) Reverse the order in which “93.615 (3) (b) 3.” and “93.610 (4)” appear.

b. Throughout the proposed rule, treat a hyphenated number as a single number for purposes of displaying an amendment; that is, strike-through the existing hyphenated number in its entirety and underscore the new hyphenated number immediately after the strike-through. [See s. 1.04 (4) (b) and (Examples), Manual.] For example, in SECTION 10 of the proposed rule, in s. ATCP Table 93.200-2, strike “575-14” and insert “575-20” in the first column of row 3. Make similar changes in the following locations:

- (1) In SECTION 10 of the proposed rule, Tables 93.200-2 (row 3.), 93.200-5 (rows 5. and 7.), and 93.200-7 (all rows).
- (2) In SECTION 19 of the proposed rule, Table 93.615-A (all rows).
- (3) In SECTION 20 of the proposed rule, Table 93.615-B (first three rows).

c. SECTION 8 of the proposed rule should be separated into two SECTIONS. The first SECTION should renumber s. ATCP 93.140 (1) (a) (intro.) as s. ATCP 93.140 (1) (a) and amend it. The current text of s. ATCP 93.140 (1) (intro.) should not be shown, as it is not affected. The second SECTION should repeal s. ATCP 93.140 (1) (a) 1., 2., (Note), 3., (Note), and 4., (b) and (d). The text of the repealed and unaffected provisions should not be shown. [See the example following s. 1.04 (7), Manual, for guidance (disregarding the consolidation shown there).] The introductory clause for the proposed rule should be updated to reflect the revised treatment.

d. The treatment clause for SECTION 10 of the proposed rule should be revised to identify the affected tables, rather than the entire rule section. The current text for s. ATCP 93.200 (intro.) and (Note), and Tables 93.200-3j, -3r, -4, -8, and -11 are unaffected and should not be shown. The introductory clause for the proposed rule should be updated to reflect the specific treatment.

e. In SECTION 20 of the proposed rule, in s. ATCP Table 93.615-B, insert the “less than or equal to” symbol before both “12,000” and “20,000” in the second column of the last row. Those symbols appear in the current administrative code.

f. In SECTION 22 of the proposed rule, the treatment clause should reflect that the title and introduction for s. ATCP 93.630 (4) are amended. The recitation should appear as “ATCP 93.630 (4) (title) and (intro.)”. Make a corresponding change in the introductory clause of the proposed rule.

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

The first paragraph of the agency’s analysis for the proposed rule states that the agency is responsible for administering and enforcing subch. II of ch. 168, Stats., per s. 168.21 (2), Stats. That provision of the statutes is the definition of “department”. It might be preferable to replace “s. 168.21 (2)” with a substantive provision, such as “s. 168.25 (1) and (2)”.

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

In the agency’s analysis for the proposed rule, consider providing more specific information about the deadline for the public comment period. For example, consider specifying where a reader would determine the date of a public hearing, how a reader would determine whether the hearing is the “final” hearing, and whether “two weeks” means 14 calendar days or 10 business days.