



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 20-007

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.]

2. Form, Style and Placement in Administrative Code

a. In the caption for the proposed rule, the enumeration of treated provisions should appear as follows: “proposes an order to amend UWS 17.11 (2), (3), and (4) (a) (intro.), 3. and 4. and 17.12 (1), (2), (3) and (4) (g); and to create UWS 17.10 (4) and 17.11 (1g) and (4) (c) 3.”. [s. 1.02 (1) (Example), Manual.]

b. In the board’s analysis for the proposed rule, in order to conform to current conventions for the order of entries, the board could consider moving the “statutes interpreted” heading to appear first in the board’s analysis. Also, the entry of “no information” under that heading should be removed, and any citations for statutes that are interpreted by the rule should be listed.

c. The board’s analysis for the proposed rule should be revised to include a “statutory authority” heading, with an entry to list the statutes that provide rulemaking authority for the proposed rule. Under current drafting conventions, this is a separate heading from the explanation of agency authority, appearing before that explanation, to simply list the identified statutes. [s. 1.02 (2) (a) 1. and 2., Manual.]

d. In the board’s analysis for the proposed rule, the description of the factual data and analytical methodologies used in preparing the rule should be revised to provide an overview of the board’s process in developing the proposed rule and the entry of “no information” under that heading should be removed. For example, the entry could state if a review and comparison was made among the current text of the rule and the statutory directives on the issue. Any other aspects of the analytical process used in developing the proposed rule should also be briefly identified.

e. In the board's analysis for the proposed rule, the board could consider revising the format of the citations for the statutes and administrative rules. For example, the proper format for citations to the statutes would appear as "s. 36.09 (1), Stats.," and the proper format for citations to the administrative code would appear as "ss. UWS 17.10, 17.11, and 17.12".

f. Cross-references within the same administrative code section should only refer to the subunit affected. It is not necessary to include the chapter and section citations. For example, in SECTION 3 of the proposed rule, the phrase "or proceedings are required under s. UWS 17.11 (1g)", should read "or proceedings are required under sub. (1g)". This change should be uniform throughout SECTIONS 3 and 4 of the proposed rule where cross-references within the same section are made. [s. 1.07 (2), Manual.]