



Wisconsin Legislative Council

RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 21-056

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 s. SPS 71.03 (1), both cross-references to the statutory citations should be revised to include the source designation “, Stats.”.

b. In the treatment clauses for SECTIONS 2 and 7 of the proposed rule, the designation “(intro.)” should be revised to “(title)”, and the designation for the affected sections should be updated in the rule caption’s listing of affected provisions. In SECTION 7, the text should be revised to section title format.

c. In SECTION 11 of the proposed rule, creating s. SPS 192.135, the text of the section title should be revised to section title format.

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

The treatment of s. SPS 65.015 in SECTION 5 of the proposed rule and of s. SPS 141.065 in SECTION 8 of the proposed rule provide that the “board” shall make a determination whether an applicant meets all of the requirements in s. 440.09 (2), Stats. However, chs. SPS 65 and 141 and their corresponding statutes appear to generally require that the department, and not the board, receive applications and issue and renew credentials. Additionally, both sections provide that the department, and not a board, may request verification necessary to make a determination. Should the rule be modified so that the department, and not a board, makes the determination whether an applicant meets all of the requirements in s. 440.09 (2), Stats.?

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

In each provision creating a reciprocal license for service members, former service members, and spouses of service members or former service members, it appears that the semicolon after each reference to s. 440.09 (1), Stats., should be revised to a comma.