



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 19-026

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 rule summary’s listing of statutory authority and the explanation of agency authority, is the reference to par. (b) of s. 227.11 (2), Stats., intended to be to par. (a)? Paragraph (a) is more commonly cited as granting general rulemaking authority when necessary to effectuate the purpose of a statute. [s. 1.02 (2m) (a), Manual.]

b. An entry should be inserted for the rule summary’s description of the analysis and supporting documents used to determine the effect on small business.

c. It appears that the proposed note to s. Opt 4.02 (1) (d) should actually be placed under par. (e) of that provision.

d. In s. Opt 4.02 (3), the word “subsection” should be revised to the abbreviation “sub.”. [s. 1.07 (2) (Table), Manual.]

e. Would it be helpful to add an initial applicability provision to identify the applications to which the rule first applies? [s. 1.02 (3m), Manual.]

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

In s. Opt 4.02 (3), why is the reference to sub. (1) limited to verification of the other state’s licensure under par. (e) of that subsection? Should all the application materials under sub. (1) be

required? Consider revising this reference to include “the requisite application materials under sub. (1),” rather than only the verification of licensure under sub. (1) (e).

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

In the rule summary’s plain language analysis, it would be helpful to identify the subject matter of 2017 Wisconsin Act 278, rather than only citing the act number. For example, a phrase such as the following could be inserted after the citation to the act: “, which made various changes to the circumstances under which a licensing agency may base its decisions on an individual’s criminal history.”.