



---

---

## WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

---

---

**Ronald Sklansky**  
*Clearinghouse Director*

**Richard Sweet**  
*Clearinghouse Assistant Director*

**Terry C. Anderson**  
*Legislative Council Director*

**Laura D. Rose**  
*Legislative Council Deputy Director*

### CLEARINGHOUSE RULE 04-070

#### Comments

**[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated October 2002.]**

#### 1. Statutory Authority

The first sentence of the definition of “administrative expenses” does not appear to define the term beyond what is already in the statutes. The statutes allow expenditure from the appropriation for “administrative expenses under ss. 101.14, 101.141 and 101.573.” The rule states that the term includes “all expenses related to the department’s operations under ss. 101.14, 101.141 and 101.573, Stats.” The rule does not define what expenses constitute administrative expenses as is required by s. 101.573 (5), Stats. It does not state how indirect an expense might be and still be considered an administrative expense (e.g., utilities, rent, salaries of persons who do not work directly with the program).

In addition, the second sentence does not appear to be statutorily authorized. By use of the phrase “In addition,” it seems to treat as administrative expenses those expenses incurred for purposes other than administration of the three statutes cited in the first sentence. However, s. 20.143 (3) (La), Stats., only allows payment for administration of those three statutes.

#### 2. Form, Style and Placement in Administrative Code

a. The rule’s analysis should have the uniform headings contained in the attached memorandum.

b. It appears that the subsection identified as (2) should really be (11).

c. It appears that the understanding of the rule is in no way enhanced by the inclusion of the text of ss. 101.575 (6) and 101.14 (2), Stats., in the note to s. Comm 14.02 (2). Because these provisions tend to clutter up the Administrative Code, it is recommended that they be deleted.

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

a. Because “substantial compliance” appears to be defined for the limited purposes of s. 101.575 (4) (a) 1. and 2., it seems the definition ought to specify that it is “for the purposes” of those statutory provisions. The rule should be modified accordingly.

b. 2003 Wisconsin Act 219 provides that the “substantial compliance” component of the fire dues program takes effect on the first day of the eighth month after publication of the act. It appears this would make the provision’s effective date December of 2004. However, the rule, including the definition of “substantial compliance,” takes effect on the first day of the month following publication in the Wisconsin Administrative Register. It appears that the effective date of the “substantial compliance” portion of the rule should coincide with the effective date of the triggering provisions of Act 219.