



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 04-118

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.]

2. Form, Style and Placement in Administrative Code

The attached April 13, 2004 memorandum from the Director of the Legislative Council Rules Clearinghouse regarding new rule-making requirements imposed by 2003 Wisconsin Acts 118 and 145 suggests, on page 2, a format for an analysis that prefaces a rule. The format lists 13 statutorily required items. The analysis in this rule does not follow that format and several of the items listed in the memorandum appear to be missing. While several may not be applicable, given the nature of this rule, the items should still be listed and their nonapplicability should be indicated.

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

a. It appears that the next-to-last line of the analysis is meant to fulfill the requirement under s. 227.14 (2) (a) 4., Stats., that the analysis include “[a] comparison of similar rules in adjacent *states*” [emphasis added]. Therefore, “adjacent rules” in that line should be changed to “adjacent states.”

b. The analysis refers to a Clearinghouse report comment for a previous rule (CR 02-090) by stating: “A comment in the Clearinghouse Report suggested the name [of the examination at issue] be changed to the ‘principles and practice examination’ because ‘state jurisdictional examination’ was not used elsewhere in the rule.” However, the Clearinghouse report comment did not suggest changing the name of the examination to “principles and practice examination.” Instead, the comment stated that the term “state jurisdictional examination” did

not appear to be used elsewhere in ch. A-E 6, and therefore suggested giving consideration “to using different terminology, cross-referencing the appropriate current rule, or defining the term.”

c. The analysis cites sub. (3) of s. 443.06, Stats., for “Statutes interpreted,” but sub. (3) is limited to temporary permits during the time an application is pending for a person who is not registered in this state. Because s. AE 6.05 changes the name of the examination required for all registration applicants, not just for persons not registered in this state under sub. (3), the analysis should cite the entire s. 443.06, Stats.

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

In the last sentence of s. A-E 6.05 (1), the rule changes the name of the “principles and practice examination” to “state jurisdictional examination.” This change would make the two examination sections referred to in that sentence (the “national” and the “state” sections, which are scored separately), both part of the “state jurisdictional examination.” Would it be better to refer to just the “state” section as the “state jurisdictional examination?”