



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 06-082

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 January 2005.]

1. Statutory Authority

What is the statutory authority for including the language “or on the following date” in the four provisions in SECTION 1 and in ss. Trans 102.16 (5) and (6) and 102.18 (2)? The statutes only refer to “the date on which the person’s legal presence in the United States expires” and not to “or on the following date.”

2. Form, Style and Placement in Administrative Code

a. If the language “or on the following date” (referred to in item 1., Statutory Authority, above) is retained, the provisions referred to are confusing and should be redrafted. The intent is obvious that “whichever occurs sooner” applies to the two phrases: (1) “on the expiration date of the existing license”; and (2) “on the date that the person’s legal presence in the United States is no longer authorized or on the following date.” It is confusing, though, to have “whichever comes sooner” placed directly after second phrase since the second phrase contains two alternative dates. The solution is to restructure the provision. For example:

2. The license shall expire on the earlier of the following:

a. On the expiration date of the existing license.

b. On the date that the person’s legal presence in the United States is no longer authorized or on the following date.

However, it is not clear that “or on the following date” is needed. It is not clear to what date it refers.

b. In s. Trans 102.15 (3m) (a) 3., the bracketed material should be replaced by: “; which shall include or be accompanied by federal form I-94, arrival and departure record.” In subds. 6. and 7., a comma should be inserted after the form number (e.g., “federal form I-551, resident alien...”). In subd. 8, there is mention of two forms. As written, it appears that the subject matter of federal form I-688B is “; federal form I-766 employment authorization card.” If necessary, this subdivision should be clarified. In subd. 11. “(TWIC)” should be deleted. In subd. 12., what does the parenthetical “(refugee)” mean? If a description of this program assurance form is necessary, it should be set forth after a comma. Otherwise, “(refugee)” should be deleted.

c. In s. Trans 102.16 (3m), in the created sentence, “beyond” should be substituted for “past.”