



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 06-135

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

The reference to s. 110.06, Stats., as statutory authority in the rule summary does not appear to be correct. Section 110.06 relates to school bus design, construction, inspection, and operation, not a motor vehicle dealer’s place of business.

2. Form, Style and Placement in Administrative Code

a. In the rule summary, the format of the headings is inconsistent. In particular, the heading “Comparison with Rules in Adjacent States” is underlined, unlike the other headings.

b. The fiscal estimate does not satisfy the requirements of s. 1.02 (7), Manual, in terms of referring to the state fiscal effect and assumptions used in preparing the estimate.

c. The rule preface notes that non-Minnesota dealers are ineligible to participate in face-to-face sales at temporary locations in Minnesota. Why is this topic not addressed in the summaries of Michigan, Illinois, and Iowa law?

d. The rule summary contains inconsistent information. In “Summary of factual data and analytical methodologies used and how the related findings support the regulatory approach chosen,” the following information is presented: “There is currently one out-of-state dealer with Wisconsin dealer license that is exempt from Wisconsin’s business facility requirement.” In contrast, in “Effect on small business,” the following information is presented: “This proposed rule will affect businesses that hold a Wisconsin dealer license, are not located in Wisconsin, and are currently exempt from the Wisconsin business facility requirement. There are currently no

businesses in this situation.” [See also the last sentence of the rule preface describing the analysis and supporting documentation used to determine the effect on small business.]

e. The rule preface description of the analysis and supporting documentation used to determine the rule’s effect on small business is a good discussion of the rule’s impact, the substance of which should be included in the plain language analysis.

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

In s. Trans 138.03 (6), “herein” should be replaced with “in this section.” [See s. 1.01 (9), Manual.]