



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 15-096

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.]

1. Statutory Authority

a. Section HAS 6.08 (1) (a) requires an applicant to provide evidence that he or she does not have an *arrest or conviction record*, subject to ss. 111.321, 111.322, and 111.335, Stats. This requirement is added because, under s. 459.32 (1), Stats., an applicant for a limited permit must satisfy s. 459.24 (2) (c) and (d) or (3) (c) and (d), Stats. Section 459.24 (2) (c) and (3) (c), Stats., requires an applicant to submit evidence that he or she does not have a *conviction record*. The board should review, and explain if appropriate, its authority to require evidence that the applicant does not have an *arrest record*, as such evidence is not required by statute. A similar comment also applies in s. HAS 6.10 (1) (a) 2. and (2) (a) 2.

b. In s. HAS 6.10 (2) (a) 4., should the subdivision include the “substantially equivalent” option that is provided in s. 459.24 (3) (e), Stats.?

2. Form, Style and Placement in Administrative Code

a. Text should be inserted in the related statute or rule section of the rule summary. The same comment also applies to the section for the analysis and supporting documents used to determine the effect on small business. [s. 1.02 (2) (a) (intro.), Manual.]

b. In the comparison with rules in adjacent states section of the rule summary, the board should cite the appropriate statute, rule, or other guidance when describing the rules in adjacent states.

c. In the deadline for submission section of the rule summary, the “*” should be replaced with a date.

d. SECTIONS 2 and 3 of the proposed rule could be combined. When two or more subunits of the same rule section are affected by the same treatment, and any intervening subunits are unaffected, they may be included in the same SECTION of the proposed rule. The same comment applies to SECTIONS 5 and 6 and SECTIONS 8 and 9. [s. 1.04 (2) (a) 4., Manual.]

e. In s. HAS 6.03 (6) (intro.), the insertion of the word “Verification” should be shown after the strike-through of the complete phrase ending with “stating that”. [s. 1.06 (1), Manual.] The same comment also applies in s. HAS 6.04 (6) (intro.).

f. In s. HAS 6.04 (5) (intro.), the stricken-through space after the underscored word “and” should be omitted. [s. 1.06, Manual.]

g. In s. HAS 6.04 (5) (a), the phrase “approved by the board” should be inserted and shown with a strike-through after the phrase “college or university” to accurately reflect the text of the existing rule. In addition, the “in” after “college or university” should be underscored. [s. 1.06 (1), Manual.]

h. In s. HAS 6.04 (5) (b), the period after “par. (a)” should be replaced with a stricken-through comma to accurately reflect the text of the existing rule. In addition, the period at the end of the paragraph should not be stricken-through. [s. 1.06, Manual.]

i. In s. HAS 6.04 (6) (b), the underscored period should be placed after the strike-through of the word “following:”. [s. 1.06 (1), Manual.]

j. In s. HAS 6.07 (1) (intro.), (2) (intro.), and (3), the word “Board” should not be capitalized. [s. 1.01 (4), Manual.]

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

a. Throughout the proposed rule, all references to statutes should follow this format: “s. ____, Stats.”. [s. 1.07 (2) (Table), Manual.]

b. Throughout the proposed rule, all references to administrative rules should follow this format: “s. HAS __”. [s. 1.07 (2) (Table), Manual.]

c. In the introductory clause, “6.02 (1m) and (5), 6.04 (6) (b) 2.” should replace “6.04 (b) 2” on the first line and “6.02 (6) and (9),” should be inserted before “6.03 (6) (intro.)” on the third line. [s. 1.02 (1), Manual.]

d. In the statutes interpreted section of the rule summary, a subsection number should be inserted after “459.34”.

e. In SECTION 7, the listing of “6.04 (b)” in the treatment clause should be replaced with “6.04 (6) (b)”.

f. In s. HAS 6.08 (2), the reference to “s. 459.024 (2) or (3)” should be replaced with “s. 459.24 (2) or (3)”.

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

- a. In s. HAS 6.08 (2), the reference to “Unite States” should be replaced with “United States”.
- b. In s. HAS 6.10 (1) (a) 3. a., the subdivision paragraph should end with a period, not a comma.
- c. Should the requirement in s. HAS 6.10 (1) (d) also be included in sub. (2) of that section?
- d. In s. HAS 6.10 (2) (a) (intro.), the word “of” should be omitted.
- e. In s. HAS 7.03 (title), is “Late Renewal of License” a more appropriate title? In sub. (1), does “may not reapply ... using the initial application process” mean that the person must use the renewal process outlined in the section? In sub. (2), it appears that “within 5 years after expiration” should be inserted after “renewed”. In sub. (3), it appears that “after expiration” should be inserted after “5 years”. Lastly, in sub. (3) (b) 2. to 4., replace “previous 12 months of application for renewal” with “12 months prior to applying for renewal”.
- f. In s. HAS 7.06 (intro.), should “after expiration” be inserted after “5 years”?