



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Scott Grosz
Clearinghouse Director

Anne Sappenfield
Legislative Council Director

Margit Kelley
Clearinghouse Assistant Director

CLEARINGHOUSE RULE 20-034

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.]

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

The board should consider amending the existing authority statement in s. CB 1.01 to include a cross-reference to s. 440.09, Stats., which provides the authority for creating s. CB 1.03.

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

a. In s. CB 1.02 (1) (a), the proposed underscored language is unnecessary, and the provision should be reviewed generally. Consider, for example:

- (1) In the existing rule, s. CB 1.02 is organized into two subunits with separate focuses. Subsection (1) simply lists information that is to be provided to the board, but the proposed underscored language adds substantive language about how that information will be considered. Subsection (2) of the existing rule is the more appropriate placement for that information, as that subunit specifies how the board will consider the provided information.
- (2) In the existing rule, sub. (2) specifies that a license may be denied for any of the bases under s. 440.93, Stats., which already references the employment discrimination statutes that are duplicated in the proposed underscored language.
- (3) The existing rule requires information about “any crimes committed” by the applicant, and the grammatical structure of the proposed underscored language does not limit that requirement only to crimes for which the person was “convicted” or for which charges are “pending”, as may have been intended.

- (4) The stricken language would remove the consideration of pending charges in their entirety, but 2017 Wisconsin Act 278 allows consideration of certain pending charges.

- b. In s. CB 1.03, the proposed rule does not contain information, except via a statutory cross-reference, that would apprise an applicant of the requirements for being granted a reciprocal license. The board should consider whether this information should be specified in the rule and what additional information would be necessary for an applicant to understand the process. For example, the board could identify the application form that is required and where it may be found, the number of days after receipt within which the board will review an application, and other relevant information about the steps in the process.