



Wisconsin Legislative Council

RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 21-010

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Council Staff and the Legislative Reference Bureau, dated November 2020.]

1. Statutory Authority

In its explanation of statutory authority for ch. PI 34, the agency lists the statutes that limit the state superintendent’s authority to make rules establishing standards of attainment and procedures for the examination and licensing of teachers. Absent from this list of statutes is s. 118.1915, Stats., which statutorily prescribes the licensure of Junior Reserve Officer Training Corps instructors. The agency should consider adding s. 118.1915, Stats., to the list of statutes limiting the state superintendent’s teacher licensing authority.

2. Form, Style and Placement in Administrative Code

a. In the rule summary’s listing of the deadline to submit comments, the agency notes that a public hearing is not needed for the proposed rule, as the rule is bringing an existing rule into conformity with a statute that has been changed. The public hearing exception, however, applies only to the public hearing requirement under s. 227.16, Stats., and does not apply to submission of comments on a proposed rule, for which the deadline must be identified under s. 227.14 (2) (a) 8., Stats. Accordingly, although the agency is not required to hold a public hearing, it could consider specifying a date through which comments may be submitted.

b. In s. PI 34.040 (1) (d) (intro.), the designation abbreviation “par.” should be revised to “sub.”. [s. 1.15 (2) (Table), Manual.]

c. In s. PI 34.040 (2) (j) 1., both instances of the designation abbreviation “subd.” should be revised to “sub.”.

d. In s. PI 34.108 (3) (o), the designation abbreviation “, Stats.,” should be inserted for the cross-reference to the statute.

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

a. Under the rule summary's listing of related statutes or rules, the agency could consider referring to s. 15.377 (8) (c), Stats., because the proposed rule creates s. PI 34.108 (3) (o) in order to eliminate conflict between the rule and that statute.

b. Additionally, under the rule summary's listing of related statute or rule, the agency could consider referring to s. 118.193, Stats., because the proposed rule amends s. PI 34.040 (1) (a) and creates s. PI 34.040 (1) (d) and (2) (j) in order to eliminate conflict between the rule and that statute.