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RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 95-002

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 October 1994.]

2. Form, Style and Placement in Administrative Code

a. In s. PI 14.01 (1) (c) (intro.), “if either of the following occurs” should replace “as follows” to clarify that subs. 1 and 2 do not both need to occur.

b. In s. PI 14.01 (1) (c) 2, it appears that the phrase “is located” should be inserted following the reference to s. 70.11, Stats. Also, “from property taxation” should follow “exempt.”

c. Section PI 14.01 (1) (c) 2 would be more useful if the pertinent information set forth in s. 121.05 (4) were set forth in the rule or in a note to the rule, such as the requirement that the report shall indicate the full-time equivalent number of pupils residing in foster or group homes who were provided educational services by the school district, but were not counted in the membership count, the date by which the report must be filed and the requirement that the State Superintendent shall make proportional adjustments to the school district’s membership based upon the report.

d. How will a school district be notified of the requirement to submit an “amended report” under s. PI 14.01 (3)? In addition, to what type of report does that requirement refer? It appears that the type of information that the statute requires the State Superintendent to obtain relates to official enrollments, rather than group and foster membership reports. The use of the term “report” in sub. (3) to refer to these two different types of information may be confusing.

e. In the first sentence of the analysis to the rule, “requires” should be replaced with “provides.” The use of “requires” may confuse some people into thinking that school districts are required to submit the reports described in s. PI 14.01 (1) (c) 2.

f. The last clause of s. PI 14.01 (3) should be rewritten in the active voice. It should begin: “The school district in which the pupil was previously enrolled shall file....”

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

To avoid confusion, the analysis to the rule should explain that although the rule interprets s. 121.05 (4), Stats., 1993 Wisconsin Act 395, which created the statutory section interpreted, actually and inadvertently created s. 121.05 (3), a statutory section that already existed.