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RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 96-061

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 the last sentence of s. PI 32.03 (1) (intro.), should “requiring” be inserted after “consider”? Also, the phrase “is encouraged to” should be replaced by the word “may.”

b. In s. PI 32.06 (1) (intro.), the comma in the cite to s. 118.01 (2) (b) 2. c. should be eliminated and periods should be inserted where appropriate. [See s. 1.03 (5) and (6), Manual.] Also, following the amendment of this provision, the reference to s. 115.361, Stats., should read “115.361 (2), (3) and (5).”

c. The treatment clause of SECTION 15 states that sub. (9) is repealed and recreated. However, the rule does not actually recreate sub. (9).

d. Section PI 32.08 (4) is confusing. Specifically, the rule refers to a program that “provides comparable training as determined by DARE America.” To what must the training be comparable? The rule appears to require that a program provide training comparable to that provided through the sheriff’s department of a county having a population of 500,000 or more. However, the rule sets up no requirements for the training provided in such a county. Thus, the requirement that a different program provide comparable training is problematic. In addition, how does DARE America determine what type of training is comparable to the training provided through a sheriff’s department of a county having a population of 500,000 or more? Finally, the reference to s. PI 32.08 (4) contained in s. PI 32.08 (2) (a) 4. is unclear because the “training program under s. PI 32.08 (4)” does not specify any number of lessons that must be provided.

e. In s. PI 32.09 (2) (c), it appears that the requirement that the budget “ensures that the provisions under sub. (3) are met” is a requirement to provide proof of district membership. If this is the intent of the rule, it should be stated more clearly.

f. In s. PI 32.09 (3) (b), the phrase “over 10,000” should be replaced by the phrase “of 10,000 or more.”

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

In s. PI 32.03 (2) (b), to what type of license does the rule refer? Could a cross-reference to the rule or statutory provision under which such licenses are issued be added?