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RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 99-130

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 September 1998.]

2. Form, Style and Placement in Administrative Code

a. The subsections of s. PI 37.02 should be reordered to place the definitions in alphabetical order. [See s. 1.01 (7) (a), Manual.]

b. To correspond to usual drafting practices, “given” should be substituted for “defined” in s. PI 37.02 (3).

c. Substantive provisions of law (such as the length of time a person must reside in the state at the time of applying for a grant) should not be incorporated into definitions. [See s. 1.01 (7) (b), Manual.] Therefore, ss. PI 37.02 (2) and 37.03 (1) (a) 3. should be rewritten, for example, as follows:

PI 37.02 (2) “Residence” has the meaning given in s. 6.10 (1), Stats.

PI 37.03 (1) (a) 3. The person has maintained a residence in the state for at least 10 days immediately prior to submitting an application under this section.

d. In the second sentence of s. PI 37.03 (2) (c), “The” should replace “Such.” Also, should “income” be inserted before “tax”?

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

The reference in s. PI 37.05 (1) to “PI 37.03” should be replaced by “s. PI 37.03 (1).” Also, s. PI 37.05 (1) should be renumbered s. PI 37.05.

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

a. It is not clear why the term “state license” is defined and used in the proposed rule, rather than “license.” The term “license” is defined in s. PI 3.01 (22) to have the same meaning as “state license” in the proposed rule. The definition in the proposed rule could be replaced by the following:

“License” has the meaning given in s. PI 3.01 (22).

b. In s. PI 37.03 (1) (a) (intro.) and (b) (intro.), “a person” should be substituted for “persons.”

c. Section PI 37.03 (2) (b) should clearly state that the public school district administrator, or his or her designee, or the private school administrator providing the letter shall be an administrator or designee from the school district or school that employs the teacher (assuming that is what is intended). Also, as drafted, a designee of a public school district administrator, but not a designee of a private school administrator, may sign in the letter. Is this what the department intends?

d. Precisely what is intended under s. PI 37.04 (1) (b) and (2) is not clear. Those provisions would be clearer if reworded as follows:

(1) (b) Upon receipt of the information under s. PI 37.03 (2), the state superintendent shall renew any existing state license held by the person to have the same effective date as the effective date of the national board certification.

(2) Subsection (1) (b) does not apply to a person who completes the process for national board certification but does not receive certification. However, the person shall receive a one-time exemption from the continuing professional education credit requirements of s. PI 3.03 (2) (b).

e. The form attached to the rule (PI-1669) appears to be incomplete. The material under the heading “CONTINUING EDUCATION REQUIREMENT EXEMPTIONS” ends with “Persons who apply and complete” Also, see the comment under d., above.

f. The fiscal estimate to the rule should include an estimate of the amount of grants expected to be awarded.