



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Ronald Sklansky
Clearinghouse Director

Richard Sweet
Clearinghouse Assistant Director

Terry C. Anderson
Legislative Council Director

Laura D. Rose
Legislative Council Deputy Director

CLEARINGHOUSE RULE 05-112

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 January 2005.]

1. Statutory Authority

The statute, in s. 38.50 (10) (c) (intro.), Stats., requires that the board “...shall promulgate rules to establish the fees paid to the board.” Further, s. 38.50 (10) (c) 4., Stats., requires the board to specify a student protection fee. However, the rule, though continuing the current student protection fee, authorizes the board to set a fee without the promulgation of a rule under certain circumstances. A close reading of the statutory authority of the board supports the conclusion that any such fee should be set by rule, not just by action of the board.

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

a. It is not clear when the appropriation balance will be measured for the purposes of establishing a revised student protection fee. Is it intended that if at any point the appropriation is less than \$500,000, a new fee structure will be implemented? Also, is the board required to revise the fees or merely authorized to do so? These aspects of the rule should be clarified.

b. It is not clear whether the \$10,000 per school limit in the final clause of the rule applies only to the new fee determined by the board or also acts as a limit on the current fee of \$.50 per \$1,000 revenue.