



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 16-005

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Reference Bureau and the Legislative Council Staff, dated December 2014.]

1. Statutory Authority

The “Explanation of agency authority” takes language directly from s. 115.7915 (10), Stats., but leaves out a phrase between (a) and (b): “including timelines that maximize child and school participation” is found in the statute but not in the Explanation.

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

a. The department should consider whether all of the language in s. PI 49.03 (5) is needed, given that it repeats statutory language in s. 115.7915 (6) (b), Stats. [s. 1.08 (1), Manual.]

b. Section PI 49.09 (4) refers to ch. PI 48, a chapter that is currently under promulgation. In the rule analysis, the department may wish to note where the draft materials for ch. PI 48 may be accessed. Also, the department should be aware that s. PI 49.09 (4) will not operate as intended if it is not promulgated concurrently with ch. PI 48.

c. The reference in s. PI 49.11 (1) (e) 1. should be s. Accy 1.201 (e).

d. Section PI 49.13 (intro.) refers to s. PI 35.06 (6), a provision that is created in a separate rule-making order currently under promulgation. In the rule analysis, the department may wish to note where the draft materials that create s. PI 35.06 (6) may be accessed. Also, the department should be aware that s. PI 49.13 (intro.) will not operate as intended if it is not promulgated concurrently with the creation of s. PI 35.06 (6).

e. The department should consider adding a reference to the pupil records statute, s. 118.125, Stats., to s. PI 49.14 (3).

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

a. The department may wish to consider improving clarity in s. PI 49.04 (1) by adding “in a school year” after “receive at least \$50,000 in scholarships”.

b. The department may wish to consider improving clarity in s. PI 49.04 (2) (i) by adding the word “by” before “written agreement”.

c. The department may wish to consider identifying by citation the open application period referenced in s. PI 49.05 (3) and similar provisions. The word “on” (“on the notice of intent to participate”) in this provision is also confusing.

d. For clarity, we recommend referring to “an” application rather than “the” application in s. PI 49.05 (7) (a) and (b).

e. For clarity, s. PI 49.06 (3) should be rewritten; the final phrase “and receive a scholarship” should move up in the sentence so that it reads: “A pupil participating in the special needs scholarship program may not receive a scholarship and be simultaneously enrolled...”.

f. In s. PI 49.07 (1), “enrollment reported” should be “enrollment report” in the second line.

g. In s. PI 49.08 (1) (c), “include” should come after “either”.

h. In s. PI 49.08 (2) (c), the verbs “exceeds” and “result” should agree.

i. In s. PI 49.10 (1) (b), “if other governmental agencies providing funds to the school require it” should be rewritten as “if other governmental agencies providing funds to the school so require”.

j. In ss. PI 49.10 (4) and 49.11 (3), to clarify that five years is the minimum retention time, the department should change “unless the department or a law enforcement agency requests that the auditor retain [item] for more than 5 years” to “or more if requested by the department or a law enforcement agency”.

k. The department should add words such as “to meet requirements under this chapter” after “engaged by a school” in s. PI 49.11 (1) (intro).

l. The department may wish to consider defining “working papers” as used in s. PI 49.11 (3).