



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 16-040

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.]

2. Form, Style and Placement in Administrative Code

a. In the introductory clause for the proposed rule, the phrase “of the Wisconsin Administrative Code ch. Trans 102” should be deleted. Also, a comma should be inserted after “and (6m)”, before the relating clause. [s. 1.02 (1) (Example), Manual.]

b. A date should be given for the deadline to submit comments on the proposed rule. [s. 1.02 (2) (a) 13., Manual.]

c. SECTIONS 6 and 7 and the amended portion of SECTION 8 of the proposed rule could be combined. When two or more subunits of the same rule section are affected by the same treatment, without any intervening subunit affected by a different treatment, they may be included in the same SECTION of the proposed rule. [s. 1.04 (2) (a) 4., Manual.]

d. The treatment clause in SECTION 8 of the proposed rule states that the SECTION amends s. Trans 102.15 (5m) (b) 3. However, within this SECTION, the department both amends s. Trans 102.15 (5m) (b) 3. and creates s. Trans 102.15 (5m) (b) 3g. Because s. Trans 102.15 (5m) (b) 3. and s. Trans 102.15 (5m) (b) 3g. are affected by different treatments, they must be treated in separate SECTIONS of the rule-making order. [s. 1.04 (2) (b), Manual.] The introductory clause should also be updated to reflect this correction.

e. Proposed s. Trans 102.15 (5m) (b) 3., which is treated in SECTION 8 of the rule, contains a number of different substantive requirements. This SECTION might be easier to understand if the

department were to break some of the different substantive requirements into separate subunits. [s. 1.03 (1), Manual.]

f. In SECTION 11 of the proposed rule, the words “publication in the Wisconsin Administrative” should be inserted after the word “following” and the extra “the” should be removed. [s. 1.02 (4) (a) (Example), Manual.]

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

The proposed change to s. Trans 102.15 (5) (a) provides that an applicant who is requesting an identification card without charge for purposes of voting may be issued an identification card receipt without a Social Security number as provided in s. Trans 102.15 (5) (b), (bm), and (c). Section Trans 102.15 (5) (c) applies to the issuance of certain instruction permits, so it is unclear how it would apply to the issuance of an identification card without charge for the purposes of voting. The proposed rule should explain how s. 102.15 (5) (c) would apply to the issuance of an identification card without charge for the purposes of voting.

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

a. In SECTION 4 of the proposed rule, the word “that” should be deleted from the underscored material. In other words, the phrase “and that an applicant...” should be “and an applicant”.

b. In SECTIONS 6 and 8 of the proposed rule, the department has changed certain references to “person” to “applicant”. However, these terminology changes have not been applied uniformly throughout the proposed rule. In SECTION 6 of the rule, proposed s. Trans 102.15 (5m) (b) 1. uses both terms. Consider using one consistent term throughout the rule.

c. In SECTION 8 of the proposed rule, the department could consider changing “when he or she concludes...” in the sentence describing when the administrator shall grant a petition, to “if he or she concludes...”. In that same sentence, the department could consider inserting “the secondary documentation or other corroborating information establish the applicant’s” before “the name, date of birth or U.S. citizenship”, and deleting “provided by the applicant is correct”.

d. The proposed rule inserts “U.S.” before “citizenship” in a variety of places but does not make this change uniformly. See, for example, SECTION 6 of the proposed rule. Consider reviewing and revising the proposed rule for consistent usage of this term.