



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Scott Grosz
Clearinghouse Director

Anne Sappenfield
Legislative Council Director

Margit Kelley
Clearinghouse Assistant Director

CLEARINGHOUSE RULE 20-029

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

In its explanation of statutory authority, the agency’s citation to s. 440.9915, Stats., could refer more precisely to sub. (1) of that section. Also, the citation to s. 227.11 (2) (a), Stats., could be removed, as the other cited sections provide specific authority to promulgate the rule. [s. 1.02 (2m) (a), Manual.]

2. Form, Style and Placement in Administrative Code

a. In the rules caption, the agency should insert a relating clause concisely stating the subject matter of the proposed order. [s. 1.02 (1) (a), Manual.] For example, “relating to athlete agent registrations”.

b. SECTIONS 3 and 4 of the proposed rule may be included together in a single section because the sections are consecutive and create s. SPS 151.02. [s. 1.04 (2) (Table), Manual.]

c. In SECTION 6, the proposed rule discusses “...the materials required in s. SPS 151.04 (1)...”. Because the citation is to a provision in the same section, the agency should revise this sentence to read: “...the materials required in sub. (1)...”. [s. 1.07 (2) (Table), Manual.]

d. The agency should consider including an initial applicability provision to make clear how the proposed rule will apply to applicants with pending applications. For example, the rule could specify that the provisions apply to applications submitted on or after the effective date of the rule. [s. 1.02 (3m), Manual.]

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

a. In SECTION 8 of the proposed rule, the agency lists two requirements under s. SPS 151.06 (2). The agency should clarify that the department will issue a certificate of registration if the applicant meets all of the requirements, as follows:

(2) The department shall issue a certificate of registration to a service member, former service member, or spouse of a service member of former service member if all of the following are true....

b. In SECTION 8 of the proposed rule, the agency should consider clarifying which party has the duty of demonstrating that the applicant complied with the requirements found in s. SPS 151.06 (2) (a). How will the agency know if an applicant holds a certification from another state?

c. In SECTION 8 of the proposed rule, the agency may wish to consider including a note with a link to the relevant application forms, similar to the note in SECTION 4.

d. The agency should revise SECTION 10 of the proposed rule for clarity. The agency should consider using active voice or revising the grammatical structure of the section so that it is clear that s. SPS 154.01 (4r) (intro.) applies to situations where the applicant is the subject of the determination.

e. Also in SECTION 10 of the proposed rule, the agency should revise s. SPS 154.01 (4r) (a) to (c) for clarity. Who must make the determination that the athlete agent engaged in misconduct?

f. Also in SECTION 10 of the proposed rule, s. SPS 154.01 (4r) (b) should match the structure of sub. (a), as follows: "A determination has been made..."