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## WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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### CLEARINGHOUSE RULE 07-084

#### 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.]**

#### **2. Form, Style and Placement in Administrative Code**

a. In SECTION 7, the note should be underlined to indicate that s. Trans 129.10 (1) is amended to add the note. [s. 1.06 (1), Manual.]

In addition, since the application described in this note appears to be available on the Internet, it would be helpful to include the Web site for the application in the note. (Also, the form on the Internet, MV 3574, refers to P.O. Box 7920, while the note refers to P.O. Box 7936.)

b. In SECTION 12, s. Trans 129.11 (3) and (4) do not follow the introduction in s. Trans 129.11 (i.e., “may include any of the following:”). The introduction in s. Trans 129.11 should be renumbered s. Trans 129.11 (1), s. Trans 129.11 (1) should be renumbered s. Trans 129.11 (1) (a), and s. Trans 129.11 (2) should be renumbered s. Trans 129.11 (1) (b).

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

a. In SECTION 16, the description of s. 948.095, Stats., in s. Trans 129.20 (2) only refers to the conduct described in s. 948.095 (2). Should the statutory reference be narrowed to s. 948.095 (2), or should the description also include the conduct described in s. 948.095 (3)?

b. In SECTION 16, the description of s. 948.21, Stats., in s. Trans 129.20 (3) refers to both the abandonment of a child and neglect of a child. However, s. 948.21, Stats., only covers the neglect of a child. Should s. 948.20, Stats., the section that covers the abandonment of a child, be added to the list?

c. In SECTION 16, “use” should replace “us” in the description of s. 940.25 (1), Stats., in s. Trans 129.20 (4).

d. In SECTION 16, “943.10” should replace “944.10” in s. Trans 129.20 (4).

e. In SECTION 16, “piperidine” should replace “piperdine” in the description of s. 961.41 (1n), Stats., in s. Trans 129.20 (4).

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

a. In the introductory clause, “to” should be inserted before “amend,” “repeal and create,” and “create.” In addition, “repeal and recreate” should replace “repeal and create.” [s. 1.02 (1), Manual.]

b. In the rule summary, “MSF” is designated as the acronym for “Motorcycle Safety Foundation.” All references to “Motorcycle Safety Foundation” in the rule summary should be changed to “MSF.”

c. In the plain language analysis of the rule summary, a comma should be inserted after “105” on the last line, and the comma after “checks” on the last line should be removed.

d. In the summary of existing or proposed federal regulations in the rule summary, “636.28 (h)” should replace “536.28 (h).” In addition, “at” should replace “on” on line 2, and a comma should be inserted after “Stewart” and after “Georgia.”

e. In the Michigan section of the rule summary, “to 1727, Mich. Adm. Code.” should replace “-7727, Michigan Administrative rules.” In addition, a comma should be inserted after “similar” on line 2, the comma after “entitled” on line 3 should be removed, and the quotation mark after “Course,” should be removed.

f. In the Illinois section of the rule summary, a comma should be inserted after “to” on line 3 and after the first “than” on line 4.

g. In the Iowa section of the rule summary, “761” should replace “76.” In addition, a comma should be inserted after “rules” on line 2, and a comma should be inserted after “courses” on the last line.

h. In the summary of factual data and analytical methodologies in the rule summary, “of” should replace the second “as” on the last line.

i. In SECTION 9, “course” should replace “class” in s. Trans 129.10 (2) (c).

j. In SECTION 9, the second sentence in s. Trans 129.10 (2) (c) should be clarified. It seems that an instructor teaching both the classroom and range portions of a class receives the same credit as an instructor teaching only the classroom portion of a class. Is this the intent?

k. In SECTION 9, “department-conducted” should replace “department conducted” in s. Trans 129.10 (2) (d).

l. In SECTION 12, it appears that “on-site inspection,” “official on-site visit,” and “on-site visit” are used to describe the same process in s. Trans 129.11; a single description should be used consistently.

m. In SECTION 12, “Department” should not be capitalized in s. Trans 129.11 (4). [s. 1.01 (4), Manual.]

n. In SECTION 15, “motorcycles” should replace “motorcycle” in s. Trans 129.19 (1).

o. Subsections (2) and (3) should begin with either “Applications” or “An application.”

p. In SECTION 16, the comma after “convictions” in s. Trans 129.20 (1) should be removed.

q. In SECTION 16, “the person’s” should replace “their” in s. Trans 129.20 (2).

r. In SECTION 16, the following language is used in s. Trans 129.20 (2), (3), (4), and (5): “or any federal law or law of a federally recognized American Indian tribe or band in this state or law of another jurisdiction that would be a violation of any of the following state laws if the person had committed the offense in this state and been convicted of the offense under the laws of this state.” Should the references to “any of the following state laws” and “if the person had committed the offense in this state and been convicted of the offense under the laws of this state” apply to the “federal law or law of a federally recognized American Indian tribe or band in this state” portion of the sentence? If so, the sentence should be modified to indicate that intent. For example, the sentence could be rewritten in the following manner: “The department may not issue or renew a rider education school license to any person who, ... was convicted of any of the following state laws; any local ordinance in conformity with any of the following state laws; or any federal law or law of a federally recognized American Indian tribe or band in this state or law of another jurisdiction that would be a violation of any of the following state laws if the person had committed the offense in this state and been convicted of the offense under the laws of this state.”

s. All of the tables in s. Trans 129.20 would be easier to use if the crimes were listed in numerical order.

t. In SECTION 16, a comma should be inserted after “lifetime” in s. Trans 129.20 (2). Also, “his or her” should replace “their.”

u. In SECTION 16, a comma should be inserted after “who” on line 2 and after “application” on line 2 of s. Trans 129.20 (3). Similar changes should be made in subs. (4) and (5).