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## WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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### CLEARINGHOUSE RULE 08-100

#### 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 September 2008.]**

#### **1. Statutory Authority**

This rule proposal would eliminate the need for the department to amend its administrative rules each time that there are changes in federal requirements related to motor carrier safety. The current system apparently creates potential enforcement conflicts and limits the department’s ability to balance both state and federal requirements and to set consistent expectations about safety requirements. The “explanation of agency authority” section of the rule analysis should emphasize any federal requirements under which the state must adopt changes in federal motor carrier safety regulations, the department’s state statutory authority to regulate in this area, and an explanation of why the above issues direct the department to interpret its authority to allow the proposed changes to be made.

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

The department correctly struck the words “offices of the Revisor of Statutes” from three notes since that office no longer exists. However, “Legislative Reference Bureau” should be added to the notes. See s. 227.21 (2) (b), Stats.

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

a. The “plain language analysis” section of the rule analysis should be clarified to explain what changes are included in the rule proposal, to what safety issues these changes apply, why current rules cause outdated regulations to be applied, why this is a problem, and

how the proposal would eliminate this problem. It would also be helpful if the department described how it will disseminate information about changes to federal regulations that would be automatically adopted under this rule proposal.

b. The “comparison with rules in adjacent states” section of the rule analysis could be clarified to indicate whether subsequent revisions to federal regulations are automatically adopted by reference by neighboring states or whether these states must adopt changes through their rule-making processes.