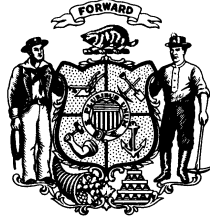


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CLEARINGHOUSE RULE 98-129

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 September 1998.]

2. Form, Style and Placement in Administrative Code

a. The rule does not include a relating clause. The introductory clause could read: “Order of the department of military affairs to create ch. DMA 1, relating to the badger challenge.” [s. 1.02 (1), Manual.]

b. Throughout the rule, inappropriate capitalization is used. Terms that are capitalized in the rule which should not be capitalized include “badger challenge,” as used throughout the rule; “Department of Military Affairs” in s. DMA 1.02 (2); “director” in s. DMA 1.02 (3); the word “youth” in s. DMA 1.02 (4); and “youth aids grant fund” in s. DMA 1.05 (3). [s. 1.01 (4), Manual.]

c. One term should be selected to refer to the badger challenge program and used consistently. Currently, the rule refers both to “badger challenge” and “the badger challenge program.”

d. The slashed alternative “his/her” in s. DMA 1.03 (3) should be deleted and replaced with a term such as “the participant’s.” [s. 1.01 (3), Manual.]

e. The text of the rule does not contain an effective date provision, although such a clause is included in accompanying documents.

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

a. Throughout the rule, in the references to “DMA” sections, the notation “s.” should be inserted before “DMA.” [See s. 1.07 (2), Manual.]

b. References to the statutes in s. DMA 1.05 should be followed by the word “Stats.” [s. 1.07 (2), Manual.]

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

a. Section DMA 1.02 (1) should be rephrased so that the use of the singular is consistent throughout the definition. For example, this definition could be rephrased as follows: “Cadet means a young man or woman who meets the eligibility criteria in s. DMA 1.04 and who has been accepted into the badger challenge program.”

b. Where the term “post residential” is used in the rule, a hyphen should be placed between the two words. [See ss. DMA 1.02 (5) and 1.03 (3).]

c. In s. DMA 1.03 (5), the phrase “one month” should be replaced by a specific number of days.

d. In the Note to s. DMA 1.03 (6), the word “badger challenge” is misspelled in the last part of the email address.

e. In s. DMA 1.04 (intro.), some of the letters in the word “challenge” are erroneously capitalized.

f. In s. DMA 1.04, in the listing of eligibility criteria, the items listed should be rephrased for parallel construction. For example, s. DMA 1.04 (1) should be rephrased to read: “Be age 14 to age 16.” Section DMA 1.04 (4) should read: “Have no adult status felony offenses.” Section DMA 1.04 (5) should read: “Have a strong desire” Section DMA 1.04 (6) should read: “Be willing to attend.”

g. In s. DMA 1.04 (2), one of the eligibility criteria for badger challenge is to be considered “at-risk” of not graduating from high school. By what criteria is a young person determined to be “at-risk” of not graduating from high school? Must the person’s grades fall below a certain level, or must the person be engaged in some type of delinquent behavior? See s. 118.153, Stats.

h. Section DMA 1.04 (3) states that in order to be eligible for badger challenge, a person must “be free of drugs.” For how long must the person be free of drugs? Must the person only be drug free for the period of enrollment in badger challenge? Or must the person have been free from drugs for a certain period of time prior to enrollment? This should be clarified so that potential applicants may be clearly notified of the eligibility requirements for the program.

i. Section DMA 1.05 provides for the assessment and collection of a participation fee from participants as well as their families. [See s. DMA 1.05 (1) and (2).] Does the department intend to collect assessment fees both from participants and their families? If the department’s intent is only to assess and collect fees from the family, this should be clarified in the rule. In addition, in s. DMA 1.05 (2), reference is made only to assessing the fee and not collecting it. A reference should be inserted into this subsection that the department may collect the fee as well as assess it.

j. Section DMA 1.05 (3) refers to the “youth aids grant fund.” Is this intended to be community youth and family aids under s. 20.410 (3) (cd), Stats.? Or is it intended to refer to some other appropriation? This should be clarified in the rule.