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## WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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### CLEARINGHOUSE RULE 07-086

#### 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 the introductory clause to the rule, “ss.” should be deleted.
- b. In s. Comm 34.035 (1) and (2), the word “may” should replace “shall” in the phrase “no amusement ride owner shall.” [See s. 1.01 (2), Manual.]

#### **3. Conflict With or Duplication of Existing Rules**

a. In s. Comm 34.035 (2), the department provides insurance requirements for non-mechanical rides and coin-operated rides. Would it be more appropriate to assign insurance requirements according to the classification system described in ss. Comm 34.02 and 34.03? Additionally, if the reference to non-mechanical rides and coin-operated rides is appropriate, is it necessary to create a definition for “non-mechanical ride”? “Coin-operated ride” is defined in s. Comm 34.01 (6).

a. In SECTIONS 2 and 3 of the proposed rule, s. Comm 34.04 (2) (intro.) is renumbered 34.04 (2) (a) and s. Comm 34.04 (2) (b) is created. However, s. Comm 34.04 (2) (a) and (b) already exist in the chapter. The department should reconsider the treatment needed to effect the substantive changes that it proposes. For example, SECTION 2 could renumber s. Comm 34.04 (2) (intro.), (a), (b), and (c) to s. Comm 34.04 (2) (a) (intro.), 1., 2., and 3.

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

a. In s. Comm 34.04 (2) (b), the department should refer to s. Comm 34.035 rather than s. Comm 3.035.

b. Section Comm 34.04 (2) (b) creates a proof of insurance requirement. Is it necessary to include a reference to the insurance requirement in s. Comm 34.04 (5), relating to department refusal of registration?

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

b. In section 5. of the rule analysis, should the word “an” be inserted between “require” and “amusement”?

c. In section 8. of the rule analysis, the department states that the proposed rules were developed utilizing information gathered during investigation of a recent accident. Should the department provide more details explaining the accident and the information gathered during the subsequent investigation?

d. In the effective date section, a period and comma should follow the abbreviation “Stats”.