



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 13-083

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 November 2011.]

1. Statutory Authority

The department should include s. 115.28 (11), Stats., as a source of statutory authority as well as a statute interpreted by the proposed rule.

2. Form, Style and Placement in Administrative Code

a. Notwithstanding the department’s decision to promulgate the rule using the procedure in s. 227.16 (2) (e), Stats., the department should specify information regarding the submission of comments as part of the rule analysis.

b. In SECTION 2 of the rule, by underscoring the citations to s. 343.06 (1) (c), Stats., and s. PI 21.03, it appears as though these are new citations that are added to s. PI 21.04 (intro). However, these citations are currently listed in s. PI 21.04 (intro.).

c. In SECTION 3 of the rule, s. PI 21.04 (4) is repealed and recreated. Because sub. (4) is preceded by s. PI 21.04 (intro.), sub. (4) should be written to form a complete sentence when read together with the introduction. [s. 1.03 (3), Manual.] The department should rewrite sub. (4), as well as subs. (1) to (3), to form complete sentences when read together with the introduction. For example, in sub. (4), the department may wish to rewrite “shall electronically submit” as “electronically submits”.

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

The title of s. PI 21.04, “Minimum standards for department approval under s. 343.06 (3), Stats.”, references a statute that regulates commercial driver licenses. It appears that the correct statutory citation should be s. 343.06 (1) (c), Stats. The department should review the statutory citation and amend the title of s. PI 21.04 if necessary.

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

a. In SECTIONS 3 and 4, the department eliminates the requirement that a public or private high school, CCDEB, or CESA submit a driver education course plan to the department for approval on a form that is provided by the department, and eliminates reference to Form PI 1709. The new process under sub. (4) will be to “electronically submit an assurance that its driver education course plan complies with the requirements....” However, the department does not clarify what is sufficient to satisfy this requirement, nor does it reference to where to electronically file an assurance. The department should consider clarifying what constitutes as an assurance and creating a note to clarify the Internet address where an assurance may be electronically filed. [s. 1.09 (3), Manual.]

b. In SECTION 5 of the proposed rule, the department repeals s. PI 21.05 (1) (Note). However, s. PI 21.05 (1) still appears to require the use of an electronic form to certify to the department the number of students who have satisfactorily completed the approved driver education program. The department should consider recreating s. PI 21.05 (1) (Note) to include the Internet address where a certification may be electronically filed. [s. 1.09 (3), Manual.]