CLEARINGHOUSE RULE 96−103

Comments

[NOTE: All citations to "Manual" in the comments below are to the <u>Administrative Rules Procedures Manual</u>, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated October 1994.]

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

a.   The entire rule should be reviewed for the use of the passive voice. In many parts of the rule, it is unclear who is to perform a certain function due to the use of the passive voice.

b.   The names of the two agencies referenced in the rule, the Department of Industry, Labor and Human Relations and the Department of Health and Social Services, were changed and the agencies were reorganized as of July 1, 1996. Also, functions of the former were transferred to the Department of Commerce. The entire rule should be reviewed and updated in accordance with these changes.

c.   In the plain language analysis, in the last sentence of the first paragraph, commas should be inserted after the words "incorporating" and "disabled," in order to break up that very long sentence. In addition, in the second paragraph of the plain language analysis, in the first and sixth lines, a comma should be inserted after "1995 Wisconsin Act 27," for the same reasons.

d.   Throughout the rule, the phrase "heating, ventilation and air conditioning" should be used consistently. At times, this phrase is used and at other times, only the phrase "heating and ventilation" is used.

e.   In the three tables in the rule, the first square footage reference to "less than 2,500 feet" should also include 2,500 feet. In the current tables, 2,500 square feet is not included in the table; only "less than 2,500" square feet and "2,501-5,000" square feet are included.

f.   In s. HSS 124.31 (3) (c) 6. and in identical provisions in chs. HSS 132 and 134, there is a reference to "metal buildings...and other similar parts of the building." How can a metal building also be a part of a building? This should be clarified. Further, is it clear enough to the reader what "other similar parts of the building" would be considered as components covered by the fee for plan review?

g.   In s. HSS 124.31 (3) (d) 2., and in identical provisions in chs. HSS 132 and 134, it is not clear what is meant by the phrases "actual gross square footage" and "total square footage of the affected area" when computing the fee. Are the floor areas, roof areas and external wall surfaces referred to in subd. 1. included, or just the total gross floor area? This should be clarified.

h.   Section HSS 124.31 (5) (b) refers to a "fee for permission to start construction," as do similar paragraphs in chs. HSS 132 and 134. Does this fee apply to all applicants? If so, this should be clarified.

i.   In s. HSS 124.31 (5) (c), as well as in the corresponding provisions of chs. HSS 132 and 134, the last sentence should read: "No revision fee may be charged for *revisions* requested by the department as a condition of original plan approval."

j.   In s. HSS 124.31 (5) (d), as well as the corresponding provisions in chs. HSS 132 and 134, there is a requirement for an examination fee for a plan previously approved by the department for which an "approval extension" is requested. It is unclear as to what an "approval extension" is. Is it a deadline change? If so, this should be clarified in the rule.

k.   Section HSS 124.31 (5) (f), and corresponding provisions in chs. HSS 132 and 134, refer to photocopying fees an individual must pay when requesting copies of construction or remodeling plans. Unless these fees are authorized elsewhere in the statutes, the department should ensure that these fees do not exceed the actual, necessary and direct cost of reproduction in accordance with s. 19.35 (3) (a), Stats.