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RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 98-074

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 October 1994.]

2. Form, Style and Placement in Administrative Code

a. The introductory clause preceding SECTION 1 has not been properly drafted. This provision should follow the format set forth in the *Administrative Rules Procedures Manual*. [See s. 1.02 (1), Manual.] Specifically, it should include a relating clause and an enumeration of the sections treated by the proposed order and the nature of the treatment.

b. In all of the rule SECTIONS, except SECTIONS 3, 8, 9, 11, 13, 15 to 18, 20, 23 and 25, the rule section number should appear prior to the text of the affected rule. [See examples in s. 1.04 (2) (a), Manual.] In SECTIONS 15, 18, 19 and 25, “Comm” should appear prior to the text.

c. In s. Comm 115.02 (9m), in the second sentence, “shall be” should be substituted for “is” and “may not” for “cannot.”

d. The terms defined in s. Comm 115.02 (15) and (16) should be reversed so that they are in alphabetical order.

e. In s. Comm 115.035 (2), “~~\$10,000~~ \$30,000 ~~and may not exceed~~ or” should be replaced by “~~\$10,000~~ ~~and may not exceed~~ \$30,000 or.”

f. In the treatment clause of SECTION 14, periods should be inserted after the subdivision numbers.

g. In the treatment clause of SECTION 21, “(a)” should be deleted.

- h. In s. Comm 115.08, “be required to” should be stricken.

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

a. The department’s statement of statutory authority incorrectly states that s. 560.20, Stats., creates the community-based economic development programs administered by the Department of Commerce. This reference should be changed to s. 560.14, Stats. Section 560.20 relates to other business development initiatives.

- b. In s. Comm 115.02 (15), “(1)” should be inserted before “(h).”

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

- a. In s. Comm 115.02 (13), the underscored comma should be deleted.

- b. In s. Comm 115.035 (1), “to” should be deleted.

c. Section Comm 115.07 (1) refers to “the application manual provided by the department.” Where may a manual be obtained? [See s. 1.09 (2), Manual.] If any portions of the manual have the effect of law and meet the definitions of a rule, those portions should be promulgated as rules. [See ss. 227.01 (13) and 227.10 (1), Stats.]