

WISCONSIN LEGISLATIVE COUNCIL STAFF

RULES CLEARINGHOUSE

Ronald Sklansky
Director
(608) 266-1946

Richard Sweet
Assistant Director
(608) 266-2982



David J. Stute, Director
Legislative Council Staff
(608) 266-1304

One E. Main St., Ste. 401
P.O. Box 2536
Madison, WI 53701-2536
FAX: (608) 266-3830

CLEARINGHOUSE RULE 98-099

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.]

1. Statutory Authority

a. Section Comm 67.03 (2) (e), exempts mobile homes and manufactured homes from the provisions of the chapter. Section 101.122 (1) (a) and (e), Stats., seem to exclude certain buildings from coverage. However, s. 101.122, Stats., does not seem to specifically exempt mobile homes and manufactured homes from coverage. Under what authority are mobile homes and manufactured homes exempt from coverage? The rule’s authority should be clarified. Also, what is the applicable definition of a manufactured home for purposes of the rule? The rule should be clarified.

b. Under what authority is a court authorized to assess additional penalties or fees under s. Comm 67.13 (4)? Section 101.122 (7) (d) and (e), Stats., do not appear to provide this authority. However, if the statement in s. Comm 67.13 (4) is merely an explanation of a court’s authority under s. 778.25, Stats., as affected by Wisconsin Acts 27, 288 and 290, the statement should be placed in a note to the rule.

2. Form, Style and Placement in Administrative Code

a. In s. Comm 67.03 (1), and elsewhere throughout the rule, internal references to various subsections are amended by striking the subsection number and adding the new subsection number all within the existing parentheses. Instead, the entire parenthetical subsection reference should be stricken and the new parenthetical subsection reference added after and underscored as follows: s. Comm 67.08 ~~(2)~~ (3). The entire rule should be reviewed for compliance with this comment.

b. It appears that the second sentence of s. Comm 67.04 (17g) goes beyond the mere definition of the term “gross floor area.” That sentence should be placed in a note to the rule, or perhaps more appropriately, be placed in a separate substantive provision of the rule. Additionally, the word “it” at the beginning of the sentence should be replaced by “Gross floor area.”

c. The treatment of SECTIONS 13, 14 and 15 can be combined in one action. For example:

SECTION 13. Comm 67.05 (intro.) and (1) to (7) are renumbered
Comm 67.05 (1) to (8) and Comm 67.05 (1), as renumbered, is
amended to read:

Comm 67.05 (1) (title) GENERAL. Any building

The entire rule should be reviewed for use of this format.

d. The treatment of SECTION 19 should be undertaken in two SECTIONS. For example:

SECTION 19. Comm 67.05 (3) to (8) are repealed.

SECTION 20. Comm 67.05 (3) to (6) are created to read:

e. It appears that the notation in Table 67.05-B should be preceded by the notation “(a).”

f. The items referred to in s. Comm 67.05 (6) do not seem to relate to each other. Perhaps the section could be made easier to use if the section were broken down into two separate paragraphs, each with their own title.

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

a. In s. Comm 67.04 (34), the comma before the added “or” can be deleted.

b. In s. Comm 67.05 (2) (a), the word “It” in the second sentence should be changed to “R-value.”

c. Section Comm 67.055 (3) provides that other methods of determining energy use may be approved by the department. How will this approval be undertaken? The rule should be clarified, perhaps in a note, as to how a person obtains approval of an alternative method of determining energy use.

d. In s. Comm 67.05 (3) c., the plural and singular tenses should not be used inconsistently. For example, the provision could read:

A patio door shall be . . . equipped with a storm door. Where no vestibule exists, an inward swinging exterior door shall be . . . equipped with a storm door A storm door shall be equipped with a self-closing device.

e. In s. Comm 67.05 (5) a. and b., can the phrases “shall be near the eaves” and “minimum ventilation” be made more specific?

f. In s. Comm 67.08 (2) the word “the” should be inserted between the phrases “conforms to” and “energy conservation” in the first sentence.

g. In s. Comm 67.08 (4) (f) 1., the word “an” should be inserted before the word “authorizing.”