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## WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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### CLEARINGHOUSE RULE 05-038

#### 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. Since the expedited review process is being eliminated from the other subchapters, it seems clear that ss. Comm. 2.09 and 2.10 are to be put in subch. I. If that is the case, it might be good to include a note to the revisor indicating where they should be placed.

b. Is the repeal of ss. Comm 2.41 and 2.42 substantive? If so, it should be explained in the rule’s analysis.

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

a. In s. Comm. 2.12 (1) the verb tense is changed from active to passive. As a general rule, passive voice should be avoided because it can cause ambiguity as to who is being directed to perform an action. Is there a reason that the voice is being changed? This occurs in s. Comm 2.15 (2m) as well.

b. In s. Comm. 2.12 (2m), it is unclear how the final clause relates to the sentence. Are the orders issued to require compliance? If so, it could be reworded more clearly as: “If the department has issued an order directing compliance with ch. Comm 43, a fee . . . .” The same problem exists in s. Comm. 2.13 (1m).

c. In s. Comm. 2.31 (2), “. . . and require a . . .” should be “. . . and requires a . . . .”

d. In s. Comm. 2.43 (2), the first sentence is very confusing. Could it be broken up into more than one sentence?

e. In s. Comm. 2.43 (3) the last clause is confusing. What does the agent have to be notified of? Could that last clause be reworded and made into par. (d)? Alternatively, could the sentence be reworded to read “. . . shall pay the reinspection fee to the authorized agent if the agent is required to make a return trip due to any of the following, or is required to reschedule a trip on less than 24 hours notice of any of the following:”?