



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 18-076

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 December 2014.]

1. Statutory Authority

In the rule summary’s listing of statutory authority and the explanation of board authority, it appears that in both locations the reference to s. 440.947 (1), Stats., is transposed and should be corrected to s. 440.974 (1), Stats.

2. Form, Style and Placement in Administrative Code

a. In the caption for the proposed rule, both the title and language notifying the public about the submission of comments should be deleted.

b. The introductory clause that enumerates the provisions treated in the proposed rule should be updated to reflect that the proposed rule amends s. SPS 131.33 (1) (d). For that insertion, the provisions should be grouped in the following order of treatment: to amend; and to create. [s. 1.02 (1) (b), Manual.]

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

a. In the rule summary’s discussion regarding related statutes or rules, consider condensing the sentence to say that home inspection requirements are found in chs. SPS 1 to 9 and 131 of the administrative code.

b. In the rule summary’s plain language analysis, consider specifying that if the term “defect” is used, the actual use of that term in the written report must conform to the exact definition provided in the statutes.

c. In the rule summary's discussion regarding Illinois rules, in the second line, the comma following the word "term" should be moved to follow the word "unsafe", but should be placed inside the quotation marks.

d. In s. SPS 131.33 (3m), the word "their" should be removed, because it is a plural pronoun in conflict with the singular "home inspector". Instead, consider replacing the word "their" with "the" and inserting "described in this section" between "report" and "unless".

e. Because use of the term "defect" is a single concept being introduced into the administrative code, consider combining the subsections created in s. SPS 131.33 (2m) and (3m) into one subsection. One option would be to create s. SPS 131.33 (1m), which would position the requirements regarding the use of the term "defect" near to where the concept is first discussed in that section under s. SPS 131.33 (1) (d). Alternatively, the entire concept could be combined into one paragraph under s. SPS 131.33 (1) (d), which would align with how the concept is discussed in s. 440.975 (3) (cm), Stats.