



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 10-006

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 September 2008.]

Note that all references to provisions in this rule-making order are to the rules as renumbered by the order.

2. Form, Style and Placement in Administrative Code

a. In s. Comm 48.130 (7), “~~petroleum~~ fuel-products” should be written “~~petroleum products~~ fuel-products”. Similarly, in s. Comm 48.200 (1) (a), “~~396-05 09~~” should be written “~~396-05~~ 396-09” and parallel changes should be made in the following paragraphs.

b. Because of the drafting convention of treating material in the order of the material’s numbering in current law, it is necessary to move SECTIONS 19, 21, 23, and 25, which create notes to provisions that are being renumbered into s. Comm 48.300, to follow SECTION 9, which is where the text of current s. Comm 48.300 is treated. Similarly, SECTIONS 29, 31, 32, and 35, which create new text, should be placed in the rule-making order in numerical sequence according to the current numbering of provisions treated.

c. The rule results in two sections numbered s. Comm 48.320; see SECTIONS 31 and 34. In addition to giving these provisions unique section numbers, it may be helpful as well to indicate which subchapter they are to be in, as the rule does for a number of other provisions.

d. The department should include a note to the Legislative Reference Bureau indicating what rule section should be preceded by subch. IV (title).

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

a. In s. Comm 48.100 (8) (a), changing the first “which” to “that” is grammatically correct; the same change should be made to the next “which” and to the “which” in the following paragraph.

b. In the second sentence of s. Comm 48.100 (8) (a), does “if contaminated with gasoline” apply to both heating oil and kerosene, or just to kerosene? Also, what contaminants are intended in the term “contaminated aircraft fuel”? These points could be clarified by drafting such as:

... include all of the following:

1. Heating oil or kerosene that is contaminated with gasoline.
2. Aircraft fuel that is contaminated with...

c. In s. Comm 48.300 (2) (a) 2., both occurrences of “which” should be changed to “that,” and both commas should be deleted.

d. Section Comm 48.310 (2) (e) 1. should be written in the active voice, such as, “A person that changes the fuel product dispensed from a tank from a Class II or III liquid to a Class I liquid shall notify...” Other provisions, including provisions of current law that are treated by this rule, could be revised for this purpose as well.