



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 08-028

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 term “code” is not defined, it should be defined or replaced by “chapter.” [See SECTION 4.]
- b. In SECTION 14, “(intro.)” should be deleted.
- c. In SECTION 22, is there a reason why initial inspections of the installation of a solid fuel-fired water-heating appliance must be conducted by the department and cannot be conducted by a certified inspector as is allowed for inspections of boilers and pressure vessels?
- d. The provision added in SECTION 25 could be included under SECTION 24.

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

- a. In SECTION 1, the reference should be to sub. (3), instead of sub. (4).
- b. In SECTION 7, the reference should be to sub. (15), instead of sub. (16).

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

- a. In SECTION 4, what interpretation authority is the department attempting to reserve, and in what codes and standards? Please clarify.
- b. In SECTION 15, the language used in sub. (2) (“Fees . . . shall be charged in accordance with s. Comm 2.04”) is not the same as the language in sub. (1) (“Fees . . . shall be

submitted as specified in ch. Comm 2.”). Is there a reason that these provisions should be different?

c. In SECTION 21, one of the uses of the word “form” should be removed from the 4th line of s. Comm 41.16 (2) (e).

d. In SECTION 21, please clarify who shall make the design calculation available upon request. As written, this could be read to require the inspector to be the one to make the request or to be the one required to fulfill the request. The sentence should be rewritten in the active voice.

e. In SECTION 24, par. (k), “Transportation” should not be capitalized.

f. In SECTION 28, please clarify whether only the first note, or both, are repealed.

g. With regard to SECTION 30, s. Comm 41.38 (1) requires notification of only the department but the note created in this rule proposal says that off-hour notification can be made to the Department of Emergency Management. If the intent is to allow this alternate contact, it should say so in sub. (1).

h. The treatment clause for SECTION 46 should refer to the provisions affected as “Comm 41.92 (2) (a) and (e), as renumbered, . . .”