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RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 95-018

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

In s. Adm 65.16 (2) (a) and (b), “forfeiture” or “monetary forfeiture” should replace “fine.” A fine is a criminal, not a civil, penalty and s. 13.366 (3), Stats., authorizes only the imposition of a forfeiture of up to \$250 for each offense.

2. Form, Style and Placement in Administrative Code

a. In ss. Adm 65.03 (4), 65.06 and 65.14 (2), the references to the Departments of Administration and Industry, Labor and Human Relations should not be capitalized. Instead, lower-case letters should be used. [See s. 1.01 (4) (a), Manual.]

b. In s. Adm 65.06, in the third sentence, “shall be” should replace “need to be.”

c. In s. Adm 65.08 (1) (c) 3, “The” should replace “To the.” Also, after “way,” should the word “line” be inserted? [See present s. HSS 177.07 (1) (c) 3.]

In the last sentence of sub. (3), “Streets” should replace “Street.” In sub. (4) (a), after the first comma, “need not comply” should replace “shall be allowed to operate without being in compliance.” In sub. (4) (b) and (c) and s. Adm 65.16 (4), “comply” should replace “be in accordance.” Also, in sub. (4) (a), “rules” should replace “codes” and “.... [revisor inserts date]” should follow “chapter.” [See s. 1.01 (9) (b), Manual.]

d. In s. Adm 65.09 (2), in the last sentence, “If” should replace “However, if.” Also, who makes the determination that construction is impractical or ineffective?

e. In s. Adm 65.12, “shall” should replace “must.”

f. In s. Adm 65.16 (1) and (2), “employe” should replace “employee.” In sub. (2) (b), in the first sentence, “advance” should replace “advanced.” In s. Adm 65.16 (3), “may” should replace “has a right to.”

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

a. In s. Adm 65.06, “s. Adm 65.08 (1) to (3)” should replace “s. Adm 65.07 (1) (a), (b), (c), (2), (3).”

b. In s. Adm 65.08 (4) (a) to (c), “subs. (1) to (3)” should replace “subs. (1), (2) and (3).”

c. Section Adm 65.10 (2) (a) should refer to “Private sewage systems” since that is the term defined in s. 145.01 (12), Stats.

d. In s. Adm 65.16 (3) (b), “this chapter” should replace “these rules.”

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

a. Should s. Adm 65.03 (1) also include villages? See s. 16.366 (2) (a), Stats.

b. In s. Adm 65.03 (9), a period should be inserted at the end of the sentence. Also, in s. Adm 65.13 (4), a period should be inserted after “rubbish.”

c. The meaning of the last sentence of s. Adm 65.14 (2) is unclear. This sentence should be rewritten. Who discloses the location to the department?