

# WISCONSIN LEGISLATIVE COUNCIL STAFF

## RULES CLEARINGHOUSE

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## CLEARINGHOUSE RULE 97-080

### 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.]**

#### **2. Form, Style and Placement in Administrative Code**

a. The treatment of s. Comm 27.002 should be accomplished in three separate SECTIONS. The first would amend s. Comm 27.002 (1). (Note that this SECTION should replace the semicolon with a period, and should not insert the word “and.”) The second SECTION would repeal s. Comm 27.002 (2). The third SECTION would renumber s. Comm 27.002 (3) to be s. Comm 27.002 (2). (Note that this renumbering is not necessary.) In addition, the department may wish to amend s. Comm 27.002 (intro.) to insert “all of the following” before the colon.

b. Section Comm 27.18 (3) (b) and (c) should be combined into a single paragraph with four subdivisions. The introduction should read: “Each footing shall consist of one of the following:”. The first subdivision would describe the option presented in current par. (b); the second subdivision would describe the acrylonitrile-butadiene-styrene pad option; the third subdivision would describe the bored hole option; the fourth subdivision would read: “Any other materials and systems approved in advance by the department.”

c. The provision in s. Comm 27.18 (8), allowing alternative materials approved by the department to be used for piers, should be placed in s. Comm 27.18 (4), creating the general pier construction standards. Subsection (4) could then be structured either as sub. (3) is currently structured or as the preceding comment suggested that sub. (3) be restructured.

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

a. In s. Comm 27.18 (2) (a), the first sentence prohibits placing footings on any of four types of material. The second sentence requires removal of one of those four types of materials

before placing a footing. Should this second sentence also require the removal of the other materials listed in the first sentence? Also, “topsoil” should replace “top soil.”

b. The significance of the second sentence of s. Comm 27.18 (2) (b) is unclear. Is one not always required to follow the manufacturer’s instructions? This appears to be attempting to create an implied prohibition on placing piers in locations with a soil-bearing capacity of less than 2,000 pounds per square foot, unless manufacturer’s instructions are followed. Whatever the intent, the language should be clarified.

c. The second sentence of s. Comm 27.18 (3) (b) should begin with the phrase, “If a single block pier and two footing blocks are used, . . . .” The following sentence should be modified similarly.