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RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 97-102

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. In s. Adm 2.02 (3), the parenthetical material should either be worked into the text or deleted. It does not seem to add anything significant to the rule.

b. In numerous places in the rule, an appropriate article should replace “such.” [s. 1.01 (9) (c), Manual.] For example, in s. Adm 2.04 (1) (intro.), “the” should replace “such.”

c. Section Adm 2.04 (5) should be written in the active voice so that it is clear who may not discriminate--the department, the applicant or both. It should begin: “_____ may not discriminate”

d. Several superfluous words and phrases may be deleted: “several” in s. Adm 2.06 (2); “proper” in s. Adm 2.07 (2); “such time that” in s. Adm 2.11; “male or female” in s. Adm 2.14 (2) (n); and “, or parts thereof,” in s. Adm 2.14 (2) (v) 5.

e. In s. Adm 2.09, “the” should be inserted before “source”; “the” should also be inserted before “business” in s. Adm 2.12.

f. In s. Adm 2.14 (1) (d), “Paraphernalia” should be lowercase.

g. In s. Adm 2.14 (1) (h), the definition of “permit” should be moved to s. Adm 2.03 because the word is used in s. Adm 2.04 (8) (a).

h. In s. Adm 2.14 (2) (w), “Possess fireworks” should be replaced with an introductory phrase or, alternatively, could be combined with the text in subs. 1. and 2.

i. In s. Adm 2.14 (2), pars. (aa) to (dd) are incorrectly numbered. They should be numbered (za), (zb), (zc) and (zd).

j. Section Adm 2.16 should be deleted. Invalid portions of rules are severable from valid portions pursuant to statute. [ss. 227.27 (1) and 990.001 (11), Stats.]

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

a. In s. Adm 2.02 (1) (intro.), “this chapter” should replace “these rules.”

b. In s. Adm 2.04 (6), “subs.” should be replaced with “sub.”

c. In s. Adm 2.14 (2) (v) 9. c., “Adm 2.14” should be deleted and “(intro.)” should be inserted after “(2).” Also, in s. Adm 2.14 (2) (v) 9. b., references to “subd. (v)” should be to “this paragraph.”

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

a. In s. Adm 2.02 (2), the phrase “agreement of” may be clearer as “an agreement with.”

b. In s. Adm 2.03 (intro.), “, the following terms shall mean” should be deleted.

c. In s. Adm 2.03 (1), it appears that the term that should be defined is “closed.” If this change is made, “the period” should be deleted.

d. In s. Adm 2.03 (2), it appears that “which does not have the approval of the department” could be deleted since the Department of Administration is required to approve handing out handbills under s. Adm 2.06.

e. In s. Adm 2.03 (4), “the broadest interpretation of” should be deleted.

f. In s. Adm 2.04 (1), it may be clearer if “the same” were replaced with “the buildings and facilities.”

g. In s. Adm 2.04 (4), “said fee” could be deleted. Also, “conditions of the department” may be clearer as “conditions established by the department.”

h. In s. Adm 2.04 (6), “approval” and “approbation” are synonyms and one should be deleted.

Also in that subsection, “the reasons set forth in subs. (1) (a) through (e)” is not clear because pars. (a) to (e) list appropriate uses of state buildings or facilities. It would be clearer to replace “reasons” with “any violation of the conditions.” Also, “to” should replace “through.”

i. In s. Adm 2.04 (8) (a), the apostrophe in “veteran’s” should be deleted. Also in that paragraph, “then” in the third sentence should be deleted.

j. In s. Adm 2.04 (8) (c), “shall” should be replaced with “may” because the verb is negative. [s. 1.01 (2), Manual.]

k. In s. Adm 2.06 (title), “ETC.” should be deleted. Perhaps the title could be “HANDBILLS AND OTHER LITERATURE.”

l. In s. Adm 2.06 (1), it may be clearer to insert “for the distribution” after “location.” Also, in this provision and elsewhere in the rule, “may” should replace “reserves the right to.” [s. 1.01 (2), Manual.]

m. In s. Adm. 2.06 (2), the first sentence would be clearer if it stated: “No person may litter in any state building or facility or on state grounds by the distribution of handbills, literature, promotional materials or devices.”

n. In s. Adm 2.07 (3), “or” after “stickers” should be replaced with a comma.

o. In s. Adm 2.07 (4), “said” could be replaced with “any.”

p. In s. Adm 2.08 (1) (intro.), the quotation marks around “safe employment and place” should be deleted because that phrase is included only in the title of s. 101.11, Stats., which does not have the force of law. Further, it is an awkward phrase. It would be clearer to briefly explain the responsibility instead of quoting the title.

Also in that subsection, it seems that the costs for which the department would wish to be reimbursed would be for the costs of correcting or eliminating any hazardous situation or practice, not the cost of ordering the correction or elimination.

q. In s. Adm 2.08 (1) (e), “motor-driven cycles” should be replaced with “motorcycles.”

r. In s. Adm 2.09, the phrase “alien material” seems to mean window and floor coverings. Maybe a clearer phrase could be used.

Also in that section, in the second sentence, the comma after “structural changes” should be replaced with “or.”

Also in that section, the definition of the word “furnishings” includes furniture. Perhaps the phrase “furnishing and furniture” could be replaced with “furniture and other furnishings.” This comment also applies to s. Adm 2.10.

s. In s. Adm 2.10, “shall” in the second sentence should be replaced with “may.”

t. In s. Adm 2.12 (1), “rests” should be “rest.”

u. Section Adm 2.14 (1) (intro.) should end with a colon.

v. In s. Adm 2.14 (1) (a), “Alcoholic beverages” should not be plural.

w. In s. Adm 2.14 (1) (c), the numbers should not be spelled out. [See s. 1.01 (5), Manual.]

x. In s. Adm 2.14 (1) (i) (intro.), “all of the following” should be inserted before the colon.

y. In s. Adm 2.14 (2) (f), is the appropriate term for a sound ordinance “noise ordinance”?

z. In s. Adm 2.14 (2) (i), it would be preferable to include the items following the colon in the second sentence in separate subdivisions.

aa. In s. Adm 2.14 (2) (r) to (dd), the verbs are the wrong tense.

ab. In s. Adm 2.14 (2) (v) 3., the sentence should explain what “the number designated or invited” refers to (e.g., visitors).

ac. In s. Adm 2.14 (2) (v) 8., a hyphen should be inserted between “department” and “sponsored.”

ad. In s. Adm 2.14 (2) (v) 9., it would be clearer to replace “constitute an immediate threat” with “threaten the immediate use.”

ae. In s. Adm 2.14 (2) (v) 9. a., “their” should be replaced with “the participant’s or spectator’s” or “the person’s.”