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CLEARINGHOUSE RULE 98-057

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. FD 1.10 (3), “in” after “specified” should be underscored.
- b. In s. FD 3.02 (11), the term “savings bank” should be added to the list of financial institutions. [See s. 445.125 (1) (b), Stats.]

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

In s. FD 1.10 (3), in the cite to s. 440.08 (2) and (3) (a) 2., Stats., “2.” should be stricken because there is no such subdivision in sub. (3) (a).

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

- a. In s. FD 1.035, it is not clear what the procedure is following an examination review. Section FD 1.035 (6) refers to a possible hearing following an examination review.
- b. In s. FD 2.10 (2), a hyphen should be inserted between “blood” and “borne.” Also, “1” after “blood borne pathogens” should be replaced with “under.”
- c. Section FD 4.04 (1), as drafted, could be interpreted as requiring a program to meet only one of the criteria in pars. (a), (b), (c) and (d). It appears, though, that the drafter intends that the program meet the criteria in both pars. (a) and (b) and one of the criterion in pars. (c)

and (d). The subsection should be redrafted. Also, sub. (1) (intro.) should clarify that the form must include information demonstrating that the program meets the criteria listed.

d. It appears that s. FD 4.04 (2) (intro.) should be amended to indicate that the information listed in pars. (a) to (d) must be included in the application instead of providing that an application must be approved if that information is included.

e. In s. FD 5.01 (intro.), after “the applicant,” a phrase such as “meets all of the following criteria” should be inserted. This clarification is needed because “and” in sub. (5) is deleted.

f. In s. FD 5.01 (6), “Successfully” should be deleted because it is redundant.