

# WISCONSIN LEGISLATIVE COUNCIL STAFF

## RULES CLEARINGHOUSE

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## CLEARINGHOUSE RULE 99-064

### 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 September 1998.]**

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

a. In s. Comm 5.30 (4) (a), the bracket should be around “Revisor inserts date” only. This comment also applies to s. ILHR 41.61 (2).

b. In s. ILHR 41.02 (1), the phrase “in the administrative rule” in the second sentence should be changed to “in this chapter.”

c. Generally, whenever a title is amended, the notation “(title)” must be included in the introductory and treatment clauses of the rule and inserted before the amended title to notify the reader that the title has been amended. [See s. 1.05 (3) (a), Manual.] This practice should be followed throughout the rule. For example, see the treatment of s. ILHR 41.24.

d. SECTION 24 of the rule needs to be divided into two separate treatments. One treatment would amend s. ILHR 41.42 (1) and (2). Doing so would eliminate the need to reproduce the note that is not being amended. The second treatment would create s. ILHR 41.42 (3). Accordingly, the material in sub. (3) would not be underscored.

e. The title of s. ILHR 41.64 (1) is “DEFINITIONS.” However, the material in that subsection does not follow the format for definitions in s. 1.01 (7), Manual. The defined term should be in quotation marks in par. (a) 1. and preceded by a phrase such as “In this section,”. The material in par. (b) is substantive and should be deleted. Paragraph (c) should begin: ““Repair of a safety valve or safety relief valve” does not include . . . .”

f. The note to the revisor in SECTION 34 of the rule is unnecessary and should be deleted. Also, in the treatment clause of SECTION 34, “of chapter Comm 42” should be inserted before “is.”

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

a. The rule makes numerous changes to chs. ILHR 41 and 42. However, chs. ILHR 41 and 42 no longer exist. They have been renumbered chs. Comm 41 and 42. Accordingly, the entire rule should be reviewed and all of the references to chs. ILHR 41 and 42 should be revised.

b. The reference to chs. Ind 41 and 42 in the note to s. ILHR 41.63 (1) is not particularly helpful since those provisions no longer exist in any current copy of the Wisconsin Administrative Code.

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

a. In s. Comm 5.30 (4) (d), what does it mean to pass an “audit of the quality control manual”? Is this an exam on the contents of the manual? The rule should be clarified.

b. In s. ILHR 41.23 (1), the phrase “of the boiler or pressure vessel” should be inserted at the end of the new material after the word “user.”

c. In s. ILHR 41.38 (2) and (3), “to the department” should be inserted after “report.”