



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Ronald Sklansky
Clearinghouse Director

Richard Sweet
Clearinghouse Assistant Director

Terry C. Anderson
Legislative Council Director

Laura D. Rose
Legislative Council Deputy Director

CLEARINGHOUSE RULE 03-047

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 2002.]

1. Statutory Authority

Section Comm 18.1003 (2) is unclear in its intention. If the department intends to modify its current requirements in the future, then such modifications should be done through the administrative rule process. Section 101.02 (2), Stats., provides that the department shall adopt reasonable and proper rules relative to the exercise of its powers. In other words, the administrative rule process is the proper mechanism for the department to seek modifications in the future.

2. Form, Style and Placement in Administrative Code

a. In s. Comm 18.1002 (2) (intro.), the word “shall” should be replaced by the word “does.”

b. In s. Comm 18.1004 (1), the slashed alternative “and/or” should be replaced by the word “or.”

c. In s. Comm 18.1005 (1) and (2), the word “hereby” should be deleted and the word “code” should be replaced by the phrase “this chapter.”

d. In s. Comm 18.1008 (2), the phrase “shall be responsible for obtaining and maintaining” should be replaced by the phrase “shall obtain and maintain.”

e. In s. Comm 18.1702 (3), the word “through” should be replaced by the word “to.”
[See also, ss. Comm 18.1708 (2) (b) and 18.1803 (3) (b).]

f. In s. Comm 18.1703 (2) (b), the phrase “shall not be permitted to” should be replaced by the phrase “may not.”

g. In s. Comm 18.1708 (5), the cross-reference should read “s. Comm 18.1015 (1), (2) (b) and (c), and (4) (a).” [See also ss. Comm 18.1708 (6) and 18.1810 (1) (a) and (b).]

h. In s. Comm 18.1802 (1) (e) 1. and (2) (b) 1., the phrase “shall be” should be replaced by the word “is.” In sub. (4), the phrase “shall be permitted to” should be replaced by the word “may.”

i. In s. Comm 18.1808 (2) (a) 2., the phrase “shall be permitted to” should be replaced by the word “may.”

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

a. In s. Comm 18.1014 (1), what is an “acceptance”? When must a department or municipality issue a permit following an acceptance or test of equipment?

b. Section Comm 18.1015 (2) (a) 1. would be clearer if the written agreement was submitted no later than 30 calendar days after inspection service is started. Allowing the agreement to be submitted within any time after discontinuation is vague and unclear.

c. In s. Comm 18.1801 (3), can the reference to ch. Comm 62 be more specific?

d. Section Comm 18.1802 (8) refers to ICC/ANSI standards. Is it clear to the reader how and where these standards may be reviewed? Also, have these standards been incorporated by reference by the department under s. 227.21, Stats.?