



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 09-017

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Reference Bureau and the Legislative Council Staff, dated September 2008.]

2. Form, Style and Placement in Administrative Code

a. SECTIONS 2 and 3 of the rule renumber s. Comm 10.050 (52) to (52m) and create a new sub. (52). The department could eliminate SECTIONS 2 and 3 of the rule and create s. Comm 10.050 (51m) in a new SECTION 2.

b. In s. Comm 10.100 (1) (b) 6., would the section be more clear if the phrase “if the construction is supervised by a qualified engineer” replaced the last underscored portion of s. Comm 10.100 (1) (b) 6.?

c. Section Comm 10.440 (3) (g) 2. includes the phrase “the effective date of this rule.” When making use of this method of inserting a date into a rule provision, the lowest rule unit should be used rather than the word “rule.” Thus, the phrase should read: “the effective date of this subdivision.” [See also ss. Comm 10.400 (3) (g) 3. and 10.500 (1) (b) 3. and 4. and (5) (f) 2. and 3. In s. Comm 10.410 (9) (b), the phrase should read: “the effective date of this paragraph.”]

d. In SECTION 30, the department should clarify the intended treatment of s. Comm 10.615 (5) (a) (title). Does the department intend to renumber the title as s. Comm 10.605 (f) (title) or have the title remain in s. Comm 10.615 (5) (a), as renumbered, or both?

e. In s. Comm 10.850 (3), would it be more accurate for the department to refer to sub. (2) (a) 2. a.?

f. In s. Comm 10.870 (2), the department should refer to s. Comm 10.850 instead of s. Comm 10.840.

g. In s. Comm 10.880 (2), the first sentence would be clearer if written as follows: “In this section, ‘significant compliance’ means, in addition to release prevention and release detection efforts, that an ample amount of the required activity is performed through a concerted effort aimed at total compliance.”

h. In s. Comm 10.880 (2) Note., it is more accurate to state that s. Comm 10.115 (3) (c) relates to continuing violations of the requirements of ch. Comm. 10 in its entirety.