



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Scott Grosz
Clearinghouse Director

Terry C. Anderson
Legislative Council Director

Margit Kelley
Clearinghouse Assistant Director

Jessica Karls-Ruplinger
Legislative Council Deputy Director

CLEARINGHOUSE RULE 15-088

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 December 2014.]

1. Statutory Authority

The agency cites to s. 101.92 (intro.) and (3), Stats., for statutory authority for the proposed rule. The statute requires the agency to annually review the rules adopted under subch. V of ch. 101, Stats., relating to manufactured and mobile homes. The proposed rule appears to relate to one- and two-family dwellings, rather than manufactured and mobile homes. Further, s. 101.92 (3), Stats., requires the agency to review rules but does not itself grant specific rule-making authority. The agency should consider citing to a more appropriate statute that provides specific rule-making authority for the subject of the proposed rule, in addition to s. 227.11 (2) (a), Stats.

2. Form, Style and Placement in Administrative Code

a. In the introductory clause, the reference to “SPS 320” should be replaced with “SPS 320.10 (4) (a) 1. and 2.”. [s. 1.02 (1), Manual.]

b. In the rule summary, a heading and an entry for “Place where comments are to be submitted and deadline for submission” should be inserted. [s. 1.02 (2) (a) 13., Manual.]

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

a. Throughout the rule summary, citations to statutes should be followed by “, Stats.”, and references to “SPS 320” should be replaced with “ch. SPS 320”. [s. 1.07 (2), Stats.]

b. In the explanation of agency authority, the agency should cite to s. 101.63 (1), Stats., for the second sentence in the second paragraph.

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

In the plain language analysis, the agency might consider inserting the following text at the end of the first sentence: “and to notify the applicant and owner, in writing, of violations to be corrected”.