



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 03-011

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.]

2. Form, Style and Placement in Administrative Code

a. Section Comm 48.02 (5) requires a petition for a variance to include a position statement from the fire department having jurisdiction “where applicable.” It would be useful to include in the note information about how to determine when the requirement for a position statement from the fire department is applicable.

b. Occasionally in rule drafting, two notes are included after a provision in a rule when the subject of the two notes is substantially different. The notes after ss. Comm 48.02 (5) and 48.035 (7) both pertain to a single subject. Two paragraphs can be used to present the information in the note, and it is not necessary to start the second paragraph with “Note.”

c. Incorporation of standards by reference, as in s. Comm 48.035, requires consent of the Attorney General and the Revisor of Statutes. [See s. 227.21, Stats., and pages 26 and 27, Manual.]

d. The second paragraph of the note after s. Comm 48.035 (7) restates the statutory requirement in s. 168.07 (2), Stats., to conduct inspections in accordance with methods in the latest revision of ASTM Standards. However, changes to standards that are incorporated by reference cannot be adopted prospectively or automatically. If the incorporated standards change, those changes must be adopted by reference, also with the consent of the Attorney General and the Revisor of Statutes. [See s. 2.08 (4), Manual.]

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

“Those processes” would be a better choice than “the processes” in s. Comm 48.03 (5).