



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 03-012

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. In s. Comm 45.03, the phrase “shall not” should be changed to “does not.” In ss. Comm 45.21 (2) and (4), 45.31 (5) and (6) (a), 45.33 (2), 45.40, 45.41 (1), and 45.42 (1) and (2), “shall not” should be change to “may not.” [See s. 1.01 (2), Manual.]
- b. In s. Comm 45.05 (2), “a laboratory” should replace “one.”
- c. Section Comm 45.08 (2) (a) and (b) should begin: “The department shall inspect”
- d. In s. Comm 45.08 (2) (c), reference is made to form SBD-5204. A note should be added indicating where the form may be obtained. [See s. 1.09 (2), Manual.]
- e. In s. Comm 45.21 (1), the phrase “would release or” should be deleted.
- f. In s. Comm 45.30, the term “International Mechanical Code (IMC)” should be deleted and the acronym should be defined in the definitions section of the rule, s. Comm 45.05. In sub. (4) (a), the full phrase and the acronym “ASHRAE” should also be defined in s. Comm 45.05.

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

- a. The final sentence of s. Comm 45.01 would be clearer if it included the effective date of this rule.

b. Section Comm 45.08 (1) states that “This chapter shall be enforced by the department and its deputies.” The rule should specify the persons who are considered “deputies” of the department.

c. In s. Comm 45.09 (2), it might be clearer if the phrase “After each initial or periodic inspection” were changed to “After the initial inspection or after each periodic inspection.” Similarly, it would be clearer if in the second sentence of sub. (2), the phrase “issue a permit to operate within 15 business days of the periodic inspection” were changed to “issue a permit to operate within 15 days of the initial or periodic inspection.”

d. In s. Comm 45.10, it appears that the phrase “the fire department having jurisdiction” could be clearer if it specified “the fire department having jurisdiction over the affected property.”

e. In s. Comm 45.10 (3) (title), “FOR” should replace “OF.”

f. Section Comm 45.30 should specify which edition of the International Mechanical Code is referenced in the rule. The rule analysis indicates it should be the 2000 edition.