



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 08-043

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 January 2005.]

2. Form, Style and Placement in Administrative Code

a. In SECTION 2 of the rule, it is not necessary to print the material shown in s. Comm 20.02 (2) (e) (intro.); it should be deleted.

b. Generally, notes to the rule should be reviewed to ensure they do not contain substantive requirements. For example, it is appropriate to place in notes explanatory material or cross-references to statutes, rule, regulations, or national standards. However, substantive material should be placed in the text of the rule. The note to s. Comm 22.21 (1) provides that if insulation is on a below-grade wall, vapor retardant material may not be used to hold it in place. Unless this is a reference to another rule provision, this prohibitory statement should be placed in the text of the rule.

c. In the note to s. Comm 20.05 (9), the phrase “equipment is a mobile home” should be replaced by the phrase “equipment as a mobile home.” Also, the term “park mode” is not found in the statutes. The note should not leave the impression that the term is a statutory one.

d. Section Comm 20.10 (3) (a) should be rewritten to read: “The inspections described in pars. (b) to (i) shall be performed to determine if the work complies with this code.” Similarly, in sub. (3) (f), the first sentence of the introductory material should be renumbered as subd. 1.; the cross-reference to “subds. 1. through 5.” should be replaced by a reference to “subpars. a. to e.”; the current subdivisions should be renumbered accordingly; and the remainder of the introductory material should be placed after the newly numbered subparagraphs and numbered as subd. 2.

e. The “i” in s. Comm 20.10 (3) (i) should not be capitalized. [s. 1.03 (4), Manual.] Also, to be consistent with the remaining paragraphs in this subsection, par. (i) should not be an incomplete sentence.

f. In s. Comm 20.10 (3) (i) Note, the reference to the Code of Federal Regulations should be written “24 CFR 3280.”

g. In s. Comm 20.10 (6) (a) (intro.), the phrase “all of” should be inserted before the phrase “the following.”

h. In s. Comm 20.14 (1), the insertions should be paragraphs rather than subdivision paragraphs. [s. 1.03, Manual.]

i. In s. Comm 20.14 (2) (a) 2. b., the word “standard” should follow the stricken-through phrase “~~as determined by.~~”

j. The strike-through in s. Comm 20.14 (2) (b) 2. b. should extend through the period following the word “regulations.”

k. The strike-through in s. Comm 21.02 (3) (e) (intro.) should extend through the period following the word “builders.”

l. In s. Comm 21.02 (3) (g) (intro.), the phrase “all of” should be inserted before the phrase “the following.” [See, also, s. Comm 21.03 (3) (a) (intro.) and (7) (a) (intro.).]

m. In s. Comm 21.04 (1) (a) (intro.), the phrase “all of” should be inserted before the phrase “the following” and the introduction should conclude with a colon.

n. In s. Comm 21.15 (2) (f), the underscored material should be moved so that it follows all of the stricken-through material.

o. Section Comm 21.17 (3) (d) 1. a. should refer to “subd. 1. b.” instead of “subpar. b.”

p. A colon should replace the semi-colon in the treatment clause of SECTION 93 of the rule. Section Comm 21.18 (1) (d) 1. Note should refer to s. Comm 21.22 (1).

q. SECTION 97 of the rule should be revised to present footnote a in each of the listed tables.

r. The treatment clause in SECTION 100 should be restated as: “Comm 21.22 (3) (intro.), (a) and (b) are renumbered Comm 21.22 (3) (a), (b) and (c).”

s. In SECTION 107, both occurrences of the word “Title” should be shown in lowercase.

t. In s. Comm 21.25 (7) (c), each occurrence of the cross-reference “(b) 3, (b) 4 and (b) 5” should be replaced by a cross-reference to “(b) 3., 4., and 5.” Also, in par. (c) 2. b., the notation “subs.” should be replaced by the notation “sub.”

u. In s. Comm 21.25 (9) (b) 1., the phrase “one of the following” should be replaced by the phrase “subd. 2 or 3.” Then, in par. (b) 2., the introductory material should be renumbered as subpar. a. and the remaining subparagraphs should be renumbered subpars. b. to j.

v. The “i” in s. Comm 21.25 (9) (b) 2. i. and 4. i. should not be capitalized. [s. 1.03 (4), Manual.]

w. In s. Comm 21.25 (9) (e) 2. b., the correct cross-reference is “sub. (8) (b) 4., 5. or 6.”

x. The department should insert a space between “number” and “15” in s. Comm 21.28 (7) (b).

y. In ch. Comm 22, subchapter titles should be in bold, regular-case type, without punctuation. The period should be deleted from the titles to subchs. II and III. The title to subch. IV should be in regular case type.

z. Section Comm 21.20 (3) (b) and (c) 1. are in an incorrect font.

aa. In s. Comm 22.32 (6) (b), the phrase “this requirement” should be replaced by the phrase “the requirement in par. (a).”

bb. In s. Comm 22.38 (4) (intro.), the phrase “all of” should be inserted before the phrase “the following.”

cc. In s. Comm 22.45 (3), to what does the phrase “all state requirements” refer?

dd. In ss. Comm 22.50 and 22.52, it appears that the phrase “this section” should be replaced by the phrase “this subchapter.”

ee. In s. Comm 22.52 (2) (intro.), the phrase “all of” should be inserted before the phrase “the following.” Also, in sub. (3) (intro.), the phrase “any of” should be inserted before the phrase “the following.” [See, also, s. Comm 22.53 (3) (intro.).]

ff. In s. Comm 23.02 (3) (d), “1.” should be moved to follow the stricken word “~~Any.~~”

gg. The amendments to the Appendix should be shown by stricken-through and underscored material.

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

a. Section Comm 20.09 (6) (b) refers to forms provided by the department. The department should ensure that the requirements of s. 227.14 (3), Stats., are met.

b. Section Comm 21.18 (4) refers to Table 20.24-11. Section Comm 20.24, Table 20.24-11 appears to relate to sheet metal. Is this citation appropriate given the wood foundations subject matter of s. Comm 21.18 (4)?

c. Section Comm 21.27 (7) (b) refers to sub. (9) (d), which does not exist. Does the department intend to refer to sub. (8) (d)?

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

a. A period should be inserted at the end of s. Comm 20.02 (1) (a) Note.

b. In s. Comm 20.04 (5) (b), why does the title refer to an existing foundation while the text of the rule refers to a new or existing foundation?

c. In s. Comm 20.04 (6) (d), the word “the” should be inserted before the phrase “same property.”

d. In s. Comm 20.07 (5m), is it necessary to include the phrase “defining the relationship between another building and a dwelling”? Section Comm 20.07 does not appear to define “attached” in other ways so as to require the distinction created by the phrase. Alternatively, do chs. Comm 20 to 25 use “attached” in additional contexts that also require definition?

e. Section Comm 20.09 (10) (a) would be easier to read if rewritten beginning with “Approval shall be denied if...” Also, the comma following “code” should be deleted.

f. In s. Comm 22.33 (3) (b), the period after “thick” should be deleted.