



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 08-073

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. The introductory clause should be replaced with the following [see s. 1.02 (1), Manual.]:

The Wisconsin Department of Health Services proposes to repeal HFS 173.12, 175.18, 178.17, 195.12, 197.11, and 198.15; to renumber HFS 173.05 to 173.10, 175.06 to 175.17, 178.06 to 178.16, 195.05 to 195.11, 196.045, 196.05, 196.07, 197.05 to 197.10, and 198.05 to 198.14; to renumber and amend HFS 173.03 (10), 173.11, 173.13, 175.03 (8), 178.03 (5), 195.03 (4), 196.03 (2), 197.03 (4), and 198.03 (5); to repeal and recreate HFS 173.04, 175.05, 178.05, 195.04, 196.04, 196.06, 197.04, and 198.04; and to create DHS 173.03 (11m), 173.05 to 173.09, 175.06 to 175.10, 178.06 to 178.10, 195.05 to 195.09, 196.05, 196.07 to 196.09, 197.05 to 197.09, and 198.05 to 198.10, relating to creating and increasing fees for tattooing and body piercing establishments, recreational and educational camps, campgrounds, hotels, motels, and tourist rooming houses, restaurants, bed and breakfast establishments, vending of food, and affecting small businesses.

b. In the Analysis, the reference to s. 254.272, Stats., in the “Statute Interpreted” section is incorrect; that section does not exist. Also, the order of “252.25, 252.245” and “254.47, 254.015” should be reversed and the phrase “to 254.88” should be deleted.

c. In the Analysis, “ss.” should precede “252.23” in the last sentence of bulletpoint 1 under the “Explanation of Agency Authority” section. [s. 1.07 (2), Manual.]

d. In the Analysis, “s.” should precede “252.24” in the last sentence of bulletpoint 2 under the “Explanation of Agency Authority” section. [s. 1.07 (2), Manual.]

e. In the Analysis, “s.” should replace “ss.” on line 22 of bulletpoint 5 under the “Explanation of Agency Authority” section. [s. 1.07 (2), Manual.]

f. If an acronym is used, the first reference to the phrase should include the phrase, followed by the acronym in parentheses. All subsequent references to the phrase should use the acronym, instead of the phrase. [s. 1.01 (8), Manual.] The following examples demonstrate the incorrect use or format of acronyms in the Analysis:

- “DHFS” in paragraph 2 of the “Plain Language Analysis” should be preceded by the phrase which it represents.
- “FSRL” should replace “Food Safety and Recreational Licensing (FSRL)” in paragraph 1 of the “Illinois” section. This comment also applies to paragraph 1 under the “Analysis and Supporting Documents” section.
- “SFY” should replace “State Fiscal Year” in paragraph 1 of the “Summary of Factual Data” section. This comment also applies to bulletpoint 13 under the “Summary of Factual Data” section and paragraphs 1, 9, and 10 of the “Analysis and Supporting Documents” section.
- On line 2 of bulletpoint 4 under the “Summary of Factual Data” section, “(DOA)” should be removed.
- In bulletpoint 7 under the “Summary of Factual Data” section, “DPH” should be replaced with the phrase that it represents and “(JCOER)” should be removed.
- In bulletpoint 11 under the “Summary of Factual Data” section, “FDA” should replace “Food and Drug Administration.”
- In the chart following bulletpoint 13 under the “Summary of Factual Data” section, “LPHD” should be spelled out in its first use.
- In paragraph 8 of the “Analysis and Supporting Documents” section, “NSLP or SBP” should replace “National School Lunch (NSLP) or School Breakfast Programs (SBP).”
- In paragraph 3 under “HFS 173 – Tattoo and Body Piercing,” “North American Industry Classification System (NAICS)” should replace “North American Classification System (NAICS).” All subsequent references to the phrase should be “NAICS.”

g. All references to “two” should be replaced with “2” in the Analysis, and all references to “four” should be replaced with “4” in the Analysis. [s. 1.01 (5), Manual.]

h. A title for a paragraph should be written with an initial capital letter and italicized. [s. 1.05 (2) (d), Manual.] The titles in ss. DHS 173.06 (1) (a), 178.07 (1) (a) and (b), and 196.06 (1) (b) should be italicized.

i. The treatment clause in SECTION 10 should read: “HFS 173.11 is renumbered DHS 173.16 and DHS 173.16 (intro.), as renumbered, is amended to read:”. In the text, the notation “(intro.)” should be inserted before the phrase “In addition.”

j. In SECTION 10, “ss. ~~HFS~~ DHS” should replace “ss. DHS” in s. DHS 173.16. [s. 1.06 (1), Manual.]

k. In SECTIONS 12, 14, 29, 30, 56, 63, 64, 65, and 74, “DHS” should replace “HFS” in the section numbers under the SECTION.

l. In SECTION 29, “DHS” should replace “HFS” in the section treatment.

m. In SECTION 29, the second sub. (2) in s. DHS 175.06 should be sub. (3). This comment also applies to ss. DHS 178.06 [SECTION 44], 195.05 [SECTION 55], 197.05 [SECTION 73], and 198.05 [SECTION 87].

n. In SECTION 54, it appears that “195.12” should replace “196.12” in the SECTION treatment.

o. In SECTION 58, the second occurrence of “HFS” should be removed from the SECTION treatment.

p. SECTIONS 59 and 60 should be combined into one SECTION with the following treatment: “DHS 196.05 is created to read.” Then, the second sub. (4) should be sub. (6), the second sub. (5) should be sub. (7), and sub. (6) should be sub. (8) in s. DHS 196.05.

q. If a subsection in a section contains a title, all subsections in that section should also contain a title. [s. 1.05 (1), Manual.] For example, ss. DHS 197.05 (1) [SECTION 73] and 198.05 (1) [SECTION 87] should contain titles.

r. In SECTION 87, the first two sentences should be sub. (1) in s. DHS 198.05.

s. The agency might want to include an initial applicability clause. [s. 1.02 (3m), Manual.]

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

a. Throughout the rule, “HFS” is incorrectly used in place of “DHS.” In the following sections, “DHS” should replace “HFS”:

- SECTION 3 – s. DHS 173.04 (5).
- SECTION 13 – ss. DHS 173.06 (3) (c) and 173.07.
- SECTION 29 – s. DHS 175.06 (1) and (2) (a), (b), and (d).
- SECTION 44 – ss. DHS 178.06 (2) (d), 178.07 (2) (c), and 178.09 (2) (intro.).

- SECTION 55 – s. DHS 195.05 (2) (b).
- SECTION 57 – s. DHS 196.04 (4) (a) 1. and (5) (d).
- SECTION 59/60 – s. DHS 196.05 (5) (d).
- SECTION 61 – s. DHS 196.06 (3) (c).
- SECTION 63 – s. DHS 196.07.
- SECTION 87 – s. DHS 198.05 (2) (b).

b. In SECTION 3, “s. DHS 173.05 (2) (c)” should replace “s. DHS 173.05 (1) (c)” in s. DHS 173.04 (3) (b) 1.

c. In SECTION 3, “s. DHS 173.05 (2) (e)” should replace “s. DHS 173.05 (1) (e)” in s. DHS 173.04 (5).

d. In SECTION 10, the reference to ss. DHS 173.01 to 173.15 in s. DHS 173.16 does not appear to be correct. See the comment in 5. n.

e. In SECTION 13, “sub. (1)” should replace “s. DHS 173.05 (1)” in s. DHS 173.05 (2) (a), (b) 1. and 2., and (d). Also, in sub. (1) (a) (intro.), because the statutes are cited in the disjunctive, the notation “ss.” should be replaced by the notation “s.”

f. In SECTION 13, “A or B” should be inserted after “Table DHS 173.05” in s. DHS 173.06 (1) (b) 3.

g. In SECTION 13, a period should be inserted after “1” in “par. (b) 1” in s. DHS 173.06 (3) (c).

h. In SECTION 13, s. DHS 173.07 provides that the “department may, after a hearing under s. DHS 173.08, suspend or revoke a license.” Can the department suspend or revoke a license without a hearing? This provision seems to provide for a hearing both before and after suspension or revocation. This comment also applies to similar provisions throughout the rule.

i. In SECTION 13, “252.24” should replace “253.24” in s. DHS 173.07.

j. In SECTION 13, “s. DHS 173.06 (1) (b) 4. or (2)” should replace “s. HFS 173.06 (1) (b) 4. or HFS 173.06 (2)” in s. DHS 173.08 (1) (a).

k. In SECTION 13, “sub. (4)” should replace “sub. (3)” in s. DHS 173.08 (2).

l. In SECTION 13, do the references to subs. (2) and (4) in s. DHS 173.09 refer to s. DHS 173.08? If so, the reference should read “s. DHS 173.08 (2) and (4).” If not, the references should be removed since those subsections do not exist.

m. In SECTION 15, a period should be inserted after the “2” in “s. 254.64 (4) (a) 2” in s. DHS 175.05 (3) (b) and Note.

n. In SECTION 15, “s. 179.70 (1), Stats.” should replace “s. 179.70 (10), Stats.” in s. DHS 175.05 (3) (b). This comment also applies to ss. DHS 195.04 (3) [SECTION 46], 196.04 (3) [SECTION 57], and 197.04 (3) [SECTION 65].

o. In SECTION 15, “ss. 179.70 (1) and 254.64 (4) (a) 1., Stats.” should replace “s. 254.64 (4) (a) 1 and s. 179.70 (1), Stats.” in s. DHS 175.05 (3) (b) Note. This comment also applies to ss. DHS 178.05 (3) Note [SECTION 31], 195.04 (3) Note [SECTION 46], 196.04 (3) Note [SECTION 57], and 197.04 (3) Note [SECTION 65].

p. In SECTION 15, “s.” should be inserted before “DHS 175.09” in s. DHS 175.05 (5) (d).

q. In SECTION 15, “s. DHS 175.06” should replace “s. DHS 175.05” and “s. DHS 175.06 (2) (c)” should replace “s. DHS 175.06 (1) (c)” in s. DHS 175.05 (4) (b).

r. In SECTION 15, “s. 254.69 (2) (d), Stats.” should replace “s. 252.245 (4), Stats.” in s. DHS 175.05 (4) (b) Note.

s. In SECTION 15, “paragraph” should replace “subsection” in s. DHS 175.05 (5) (b).

t. In SECTION 15, “s. DHS 175.06 (3)” should replace “s. DHS 175.06 (2)” and “s. DHS 175.06 (2) (e)” should replace “s. DHS 172.06 (1) (e)” in s. DHS 175.05 (6).

u. In SECTION 29, “sub. (1)” should replace “s. DHS 175.06 (1)” in s. DHS 175.06 (2) (a), (b), and (d).

v. In SECTION 29, should the reference to “s. HFS 175.06” be replaced with “s. DHS 175.05 (6)” in s. DHS 175.06 (2) (e)?

w. In SECTION 29, “A or B” should be inserted after “Table DHS 175.06” in s. DHS 175.07 (1) (b) 3.

x. In SECTION 29, “s. DHS 175.06 (2) (d)” should replace “s. DHS 175.06 (1) (d)” in s. DHS 175.07 (1) (b) 4.

y. In SECTION 29, the period after “s. 254.85 (5) (a),” in s. DHS 175.07 (3) (d) should be removed.

z. In SECTION 29, “s. DHS 175.07 (1) (b) 4. or (2)” should replace “s. DHS 175.07 (1) (b) 4. or s. DHS 175.07 (2)” in s. DHS 175.09 (1) (a).

aa. In SECTION 29, “s. 227.43 (1) (bu), Stats.” should replace “s. 227.43 (1) (bu)” in s. DHS 175.09 (2) Note. This comment also applies to ss. DHS 178.09 (2) Note [SECTION 44], 195.08 (2) Note [SECTION 55], 196.08 (2) Note [SECTION 63], 197.08 (2) Note [SECTION 73], and 198.08 (2) Note [SECTION 87].

bb. In SECTION 29, a comma should be inserted after the “(g)” in “254.69 (2) (g)” in s. DHS 175.10. This comment also applies to s. DHS 178.10 [SECTION 44].

cc. In SECTION 31, a period should be inserted after the “2” in “s. 254.64 (4) (a) 2, Stats.” in s. DHS 178.05 (3) and (3) Note.

dd. In SECTION 31, “s. DHS 178.06 (2) (c)” should replace “s. DHS 178.06 (1) (c)” in s. DHS 178.05 (4) (b).

ee. In SECTION 31, “s. 254.69 (2) (d), Stats.” should replace “s. 252.245 (4), Stats.” in s. DHS 178.05 (4) (b) Note.

ff. In SECTION 31, “paragraph” should replace “subsection” in s. DHS 178.05 (5) (b).

gg. In SECTION 31, “s. DHS 178.06 (3)” should replace “s. DHS 178.06 (2)” in s. DHS 178.05 (6).

hh. In SECTION 44, “s. 254.69 (2) (d), Stats.” should replace “s. 252.245 (4), Stats.” in s. DHS 178.06 (1) Note.

ii. In SECTION 44, “sub. (1)” should replace “s. DHS 178.06 (1)” in s. DHS 178.06 (2) (a), (b), and (d).

jj. In SECTION 44, “A or B” should be inserted after “Table DHS 178.06” in s. DHS 178.07 (1) (b) 3. and 4.

kk. In SECTION 44, “s. DHS 178.06 (2) (d)” should replace “s. DHS 178.06 (1) (d)” in s. DHS 178.07 (1) (b) 4.

ll. In SECTION 44, “s. DHS 178.09” should replace “s. DHS 178.08” in s. DHS 178.07 (3) (c).

mm. In SECTION 44, the period after “(a),” in “s. 254.85 (5) (a), Stats.” in s. DHS 178.07 (3) (d) should be removed.

nn. In SECTION 44, “s. DHS 178.07 (1) (b) 4. or (2)” should replace “s. DHS 178.07 (1) (b) 4. or s. DHS 178.07 (2)” in s. DHS 178.09 (1) (a).

oo. In SECTION 46, a period should be inserted after the “2” in “s. 254.64 (4) (a) 2, Stats.” in s. DHS 195.04 (3) and (3) Note.

pp. In SECTION 46, “s. DHS 195.05 (2) (c)” should replace “s. HFS 195.05 (1) (c)” in s. DHS 195.04 (4) (b).

qq. In SECTION 46, “s. 254.69 (2) (d), Stats.” should replace “s. 252.245 (4), Stats.” in s. DHS 195.04 (4) Note.

rr. In SECTION 46, “s. 254.64, Stats.” should replace “s. 264.64, Stats.,” and “s. DHS 195.08” should replace “s. DHS 195.09” in s. DHS 195.04 (5) (b). In addition, “paragraph” should replace the last occurrence of “subsection” in s. DHS 195.04 (5) (b).

ss. In SECTION 46, “s. DHS 195.08” should replace “DHS 195.08” in s. DHS 195.04 (5) (d).

tt. In SECTION 46, “s. DHS 195.05 (1) (e)” should replace “s. DHS 198.05 (1) (e)” in s. DHS 195.04 (6).

uu. In SECTION 55, “sub. (1)” should replace “s. DHS 195.05 (1)” in s. DHS 195.05 (2) (a), (b), and (d).

vv. In SECTION 55, “A or B” should be inserted after “Table DHS 195.05” in ss. DHS 195.05 (2) (d) and 195.06 (1) (b) 3.

ww. In SECTION 55, “Table DHS 195.05 A or B” should replace “Table DHFS 195.05 (1) A or B” in s. DHS 195.05 (2) (d).

xx. In SECTION 55, “s. DHS 195.06 (1) (b) 4. or (2)” should replace “s. DHS 195.06 (1) (b) 4. or s. DHS 195.06 (2)” in s. DHS 195.08 (1) (a).

yy. In SECTION 55, a comma should be inserted after the “g” in “254.69 (2) (g) Stats.” in s. DHS 195.09.

zz. In SECTION 57, “Table DHS 196.05 B or C” should replace “s. Table DHS 196.05 A or B” in s. DHS 196.04 (1) (a) and (4) (b).

aaa. In SECTION 57, a period should be inserted after the “2” in “s. 254.64 (4) (a) 2, Stats.” in s. DHS 196.04 (3).

bbb. In SECTION 57, “s. 254.64 (4) (a) 2., Stats.” should replace “s. HFS 196.03 (2)” in s. DHS 196.04 (3) Note.

ccc. In SECTION 57, “s. DHS 196.05 (5) (c)” should replace “s. DHS 196.05 (2) (c)” in s. DHS 196.04 (4) (b).

ddd. In SECTION 57, “s. 254.69 (2) (d), Stats.” should replace “s. 252.245 (4), Stats.” in s. DHS 196.04 (4) Note.

eee. In SECTION 57, “paragraph” should replace “subsection” in s. DHS 196.04 (5) (b).

fff. In SECTION 57, “s. DHS 196.05 (6)” should replace “s. DHS 196.05 (4)” in s. DHS 196.04 (6). See comment 2. p.

ggg. In SECTION 57, “s. DHS 196.05 (5) (e)” should replace “s. DHS 196.05 (3) (e)” in s. DHS 196.04 (6).

hhh. In SECTION 59, “Table DHS 196.05 A” should replace “Table DHS 196.04 A” in s. DHS 196.05 (2) (a) 1.

iii. In SECTION 59, “Except as provided in subd. 4” and “Except as provided in subd. 5” in s. DHS 196.05 (2) (a) 2. and 3., respectively, should be removed.

jjj. In SECTION 60, “s. 254.69 (2) (d), Stats.” should replace “s. 252.245 (4), Stats.” in s. DHS 196.05 (4) Note.

kkk. In SECTION 60, “sub. (4)” should replace “s. DHS 196.05 (4)” in s. DHS 196.05 (5) (a), (b), and (d) and (6).

lll. In SECTION 60, “ch.” should be inserted before “DHS 196” in s. DHS 196.05 (5) Note.

mmm. In SECTION 60, “sub. (4)” should replace “sub. (1)” in s. DHS 196.05 (6) [the second sub. (4) in s. DHS 196.05].

nnn. In SECTION 61, “s. DHS 196.07” should replace “s. DHS 196.06 (7)” in s. DHS 196.06 (1) (b) 4.

ooo. In SECTION 61, “s. 254.88, Stats.” should replace “s. 254.88” in s. DHS 196.06 (2) (c).

ppp. In SECTION 63, “s. DHS 196.06 (1) (b) 4. or (2)” should replace “s. DHS 196.06 (1) (a) 4. or 196.06 (2)” in s. DHS 196.08 (1) (a).

qqq. In SECTION 63, a comma should be inserted after the “(g)” in “254.69 (2) (g)” in s. DHS 196.09.

rrr. In SECTION 65, a period should be inserted after the “2” in “s. 254.64 (4) (a) 2” in s. DHS 197.04 (3) and (3) Note.

sss. In SECTION 65, a period should conclude s. DHS 197.04 (4) (b) and “s. 254.69 (2) (d), Stats.” should replace “s. 252.245 (4), Stats.” in s. DHS 197.04 (4) (b) Note.

ttt. In SECTION 65, “paragraph” should replace “subsection” in s. DHS 197.04 (5) (b).

uuu. In SECTION 65, “s. DHS 197.08.” should replace “HFS 197.08” in s. DHS 197.04 (5) (d).

vvv. In SECTION 73, “sub. (1)” should replace “s. DHS 197.05 (1)” in s. DHS 197.05 (2) (a), (b), and (d).

www. In SECTION 73, “s. DHS 197.04 (6)” should replace “s. DHS 197.05 (2)” in s. DHS 197.05 (2) (e).

xxx. In SECTION 73, “A or B” should be inserted after “Table DHS 197.05” in s. DHS 197.06 (1) (b) 3.

yyy. In SECTION 73, “Table DHS 197.05 A or B” should replace “Table 197.05” in s. DHS 197.06 (1) (b) 4.

zzz. In SECTION 73, “s. DHS 197.05 (2) (d)” should replace “s. DHS 197.05 (1) (d)” in s. DHS 197.06 (1) (b) 4.

aaaa. In SECTION 73, “s. DHS 197.06 (1) (b) 4. or (2)” should replace “s. DHS 197.06 (1) (b) 4. or s. DHS 197.06 (2)” in s. DHS 197.08 (1) (a).

bbbb. In SECTION 73, a comma should be inserted after the “(g)” in “254.69 (2) (g)” in s. DHS 197.09.

cccc. In SECTION 75, a period should be inserted after the “2” in “s. 254.64 (4) (a) 2” in s. DHS 198.04 (3) and (3) Note.

dddd. In SECTION 75, “s. DHS 198.05 (2) (d)” should replace “s. HFS 198.05 (1) (c)” in s. DHS 198.04 (4) (b).

eeee. In SECTION 75, “s. DHS 198.05 (3)” should replace “s. DHS 198.05 (2)” and “s. DHS 198.05 (2) (e)” should replace “s. DHS 198.05 (1) (e)” in s. DHS 198.04 (6).

ffff. In SECTION 87, “sub. (1)” should replace “s. DHS 198.05 (1)” in s. DHS 198.05 (2) (a), (b), and (d).

gggg. In SECTION 87, “s. DHS 198.04 (6)” should replace “s. DHS 198.05 (2)” in s. DHS 198.05 (2) (e) 1. and 2.

hhhh. In SECTION 87, “A or B” should be inserted after “Table DHS 198.05” in s. DHS 198.05 (2) (e) 2.

iiii. In SECTION 87, “\$100” should replace “\$50” in s. DHS 198.05 (2) (e) Note.

jjjj. In SECTION 87, the last two sentences in s. DHS 198.06 (1) (a) should be labeled subds. 5. and 6.

kkkk. In SECTION 87, “Table DHS 198.05 A or B” should replace “Table HFS 198.05” in s. DHS 198.06 (1) (b) 3.

llll. In SECTION 87, “s. DHS 198.05 (2) (d)” should replace “s. DHS 198.05 (1) (d)” in s. DHS 198.06 (1) (b) 4.

mmmm. In SECTION 87, “s. DHS 198.07” should replace “s. DHS 198.06” in s. DHS 198.06 (2) (b).

nnnn. In SECTION 87, “s. DHS 198.06 (1) (b) 4. or (2)” should replace “s. DHS 198.06 (1) (b) 4. or DHS 198.06 (2)” in s. DHS 198.08 (1) (a).

oooo. In SECTION 87, a comma should be inserted after the “(g)” in “254.69 (2) (g)” in s. DHS 198.09.

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

a. Throughout the analysis and rule, “license” is used instead of “permit” in areas in which “permit” should be used. The agency should review the analysis and rule to ensure that “license” is replaced with “permit” where applicable.

b. In the Analysis, a comma should be inserted after “Section 250.04 (1)” on line 3 of paragraph 1 in the “Explanation of Agency Authority” section.

c. In the Analysis, “contains” should replace “are” after “Chapter HFS 173” in bulletpoint 1 under the “Explanation of Agency Authority” section. This comment also applies to the other bulletpoints under the “Explanation of Agency Authority” section.

d. In the Analysis, the comma following “254.85” in bulletpoints 3 and 5 under the “Explanation of Agency Authority” section should be removed.

e. In the Analysis, “establishments” should be inserted after “bed and breakfast” on line 7 and “and” should be inserted before “temporary” on line 8 of bulletpoint 5 under the “Explanation of Agency Authority” section.

f. In the Analysis, “provides” should replace “provide” on line 4 of paragraph 2 of the “Plain Language Analysis” section.

g. In the Analysis, it appears that “\$165.00” should replace “\$150.00” in the “Temporary Restaurant” category under the “Iowa” section to be consistent with the rule. This comment also applies to the “Minnesota” section and to the chart under “HFS 196 – Restaurants” in the Analysis.

h. In the Analysis, “The” should replace “The” in the last paragraph of the “Iowa” section.

i. In the Analysis, the fees for certified food manager are listed as \$10.00 and \$15.00 under the “Minnesota” section. Where are these fees in the rule?

j. In the Analysis, it appears that “In Your Face Tattoo” should replace “In Your Face Tattoo” in the chart following bulletpoint 12 under the “Summary of Factual Data” section.

k. In the Analysis, “(\$150 for practitioners)” in the chart under “HFS 178 – Campgrounds” should be removed.

l. In the Analysis, the row labeled “TRH Reinspection” under “HFS 195 – Hotels, Motels and Tourist Rooming Houses” should be filled in.

m. In the Analysis, the chart under “HFS 196 – Restaurants” lists DPI (School) Satellite and DPI (School) Production. Where are these fees in the rule?

n. Will the other provisions in chs. HFS 173, 175, 178, 195, 196, 197, and 198 be renumbered to “DHS”? For example, s. HFS 173.01 was not renumbered.

o. The analysis of the fees relating to hotels, motels, and tourist rooming houses concludes with the statement that the proposed fee changes “do have” a significant economic impact on lodging establishments. However, the rule preface statement relating to the effects of the rule on small business states that while the rule will affect a substantial number of small businesses, the proposed fees and proposed rule changes will not have a significant economic impact on those businesses. This portion of the rule preface also states that “proposed rules should not add additional cost to businesses.” These comments should be clarified and reconciled.

p. It appears that the rule does not consistently use the terms “department” and “department or its agent.” The department should review the rule to ensure that the agent’s powers and duties are clearly expressed.

q. In SECTION 3, “establishment” should replace “tattoo establishment, body-piercing establishment or a combined tattoo and body-piercing establishment” in s. DHS 173.04 (1) (a) 1.

r. In SECTION 3, “www.dhs.wi.gov/fsr” should replace “www.dhs.wis.gov/fsr” in s. DHS 173.04 (3) (a) 2. Note. The comment also applies to ss. DHS 175.05 (4) (a) Note [SECTION 15], 178.05 (4) (a) Note [SECTION 31], 195.04 (4) (a) Note [SECTION 46], and 198.04 (4) (a) Note [SECTION 75].

s. In SECTIONS 13, 29, 44, and 55, “are” should replace “is” in the SECTION treatment.

t. In SECTION 13, the comma after “Table DHS 173.05” in s. DHS 173.05 (2) (d) should be removed. In sub. (2) (g), the word “departments” should be replaced by the word “department.” [See also s. DHS 178.06 (2) (g).]

u. In SECTION 13, the second period at the end of s. DHS 173.06 (3) (d) should be removed.

v. In SECTION 13, “or” is used in the second sentence in s. DHS 173.08 (3) (intro.). However, in similar provisions in other sections, “and” is used. [See s. DHS 197.08 (2) (intro.) in SECTION 73]. Should “or” or “and” be used in this provision? In sub. (4), and in similar provisions throughout the rule, what happens if the licensee does not submit the requirement evidence?

w. In SECTION 15, “a” should replace “A” on line 1 in s. DHS 175.05 (1) (b).

x. In SECTION 15, “camp” should replace “hotel, motel or tourist rooming house” in s. DHS 175.05 (3) (b). The agency should ensure that each section refers to the correct type of establishment.

y. In SECTION 15, the first sentence in s. DHS 175.05 (3) (b) should be separated into two sentences at the “and” on line 2 of that paragraph. This comment also applies to ss. DHS 178.05 (3) [SECTION 31], 195.04 (3) [SECTION 46], 196.04 (3) [SECTION 57], 197.04 (3) [SECTION 65], and 198.04 (3) [SECTION 75].

z. In SECTION 15, the quotation mark following “grandchild” in s. DHS 175.05 (3) (b) Note should be removed. This comment also applies to similar provisions throughout the rule.

aa. In SECTION 29, “Recreational or Educational Campground” should replace “Recreational Educational Campground” in Tables DHS 175.06 A and B.

bb. In SECTION 31, “a” should replace “A” on line 1 and a period should replace the colon at the end of the sentence in s. DHS 178.05 (1) (b).

cc. In SECTION 46, a period should replace the colon at the end of the sentence in s. DHS 195.04 (1) (b). Also, in sub. (5) (c) 6., it appears that the word “and” should be replaced by the word “or.” [See also s. DHS 195.05 (2) (e) Note.]

dd. In SECTION 57, a period should replace the colon at the end of the sentence in s. DHS 196.04 (1) (b).

ee. In SECTIONS 58 and 62, a period should be inserted at the end of the SECTION treatment.

ff. In SECTION 75, a colon should replace the period at the end of the SECTION treatment.

gg. In SECTIONS 75 and 87, the terms “vending machine,” “vending machine commissary,” and “vending machine commissary storage” are not always used together in provisions that seem to apply to all three. For examples, see s. DHS 198.04 (4) (a) 2., (5) (c) (intro.) and 6., and (6) in SECTION 75 and s. DHS 198.05 (2) (c) and (d) in SECTION 87.

hh. In SECTION 87, the comma after “operator’s” and “vending machine commissary” should be removed and “fee for” should replace “fee, or” in s. DHS 198.05 (2) (c).

ii. In SECTION 87, “or” should be inserted before “vending machine commissary storage” in s. DHS 198.06 (2) (a).