



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 08-092

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 September 2008.]

1. Statutory Authority

Section 101.16 (4) (a), Stats., should be included as a reference in the statutory authority section of the rule preface.

2. Form, Style and Placement in Administrative Code

a. The notes referring to s. 101.16 (4) (a), Stats., should begin with the phrase “Section 101.16 (4) (a), Stats., provides that:”.

b. Section 101.16 (4) (a), Stats., refers to a form prescribed by the department showing that the design, construction, location, and installation of equipment conforms with the department’s rules. The department should ensure that the requirements of s. 227.14 (3), Stats., are met.

c. The effective date clause states that the rule will take effect on the first day of the month following publication, except that s. Comm 5.73 (1) will take effect on August 1, 2009. The exception should be deleted. The entire rule can take effect on the first day of the month following publication and, by its own terms, s. Comm 5.73 (1) will first apply on August 1, 2009.

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

a. In the rule preface comparison of rules in adjacent states, the phrase “regarding these types of grants” appears to be incorrectly stated. Clearinghouse Rule 08-092 does not relate to the provision of grants.

b. In s. Comm 5.73, “liquefied petroleum gas” is not defined for the purposes of the rule. See the definition at s. 101.16 (1) (b), Stats.

c. In s. Comm 5.73, “liquefied gas supplier” and “liquefied gas supplier-restricted” are not defined. It is not clear what distinguishes these two licenses in terms of their qualifications.

d. Section Comm 5.73 (4) (c) should be rewritten to read: “Pursuant to s. 101.16 (4) (c), Stats., a person who holds either a liquefied gas supplier or a liquefied gas supplier-restricted license and fills a container tank that is part of a propane gas system shall...”