



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 09-085

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.]

2. Form, Style and Placement in Administrative Code

- a. The rule summary and the text of the rule should contain page numbers.
- b. In item 5 of the explanation of agency authority, the phrase “In my opinion” should be replaced by a phrase such as “In the opinion of the department.”
- c. In the construction industry table in the rule summary, the first occurrence of the acronym “NAICS” should be expanded to the full name of the entity or set of standards to which the acronym refers. The table also should indicate for which year the statistics are applicable.
- d. In s. DHS 163.03 (85m), the word “must” in the last sentence should be replaced by the word “shall.”
- e. In s. DHS 163.03 (88m), a comma should be inserted after the last occurrence of the word “pamphlet” and the parenthetical notations should be removed.
- f. In s. DHS 163.03 (100m), the second sentence should begin “‘Renovation’ includes...” and the third sentence should begin “‘Renovation’ does not include....”
- g. In s. DHS 163.10 (1) (d) 3., the phrase “as defined under s. DHS 163.03 (85m)” is unnecessary and should be deleted.
- h. Section DHS 163.10 (2) (c) does not appear to have two or more subdivisions. If so, the notation “1.” should be deleted and the titles can be combined.

i. In s. DHS 163.12 (6) (a) (intro.), the phrase “all of” should be inserted before the phrase “the following.”

j. In s. DHS 163.13 (2), the phrase “when at the job site” should appear at the end of the stricken material in the subsection.

k. Section DHS 163.13 (3) (a) 2. and 3., (b) 2., and (c) 3., 5., 6., and 12. should begin with the word “A.” Also, in par. (c) 9., the phrase “as defined in DHS 163.03 (40g)” is unnecessary and should be deleted.

l. In s. DHS 163.13 (3) (c) 3. to 5., the word “the” should be inserted before the word “pre-renovation.” Also, in subd. 7., the notation “s.” should be inserted before the notation “DHS,” and the final word of the introduction should be replaced by the phrase “and attesting to all of the following.”

m. In s. DHS 163.13 (4) (b), the phrase “is responsible for insuring” should be replaced by the phrase “shall insure” and the phrase “is responsible for being” should be replaced by the phrase “shall be.”

n. In s. DHS 163.14 (5) (b), the introduction should conclude with the phrase “do any of the following.”

o. In s. DHS 163.14 (10) (a) and (b), since rule titles are not part of the text of rules, the applicability of the provisions to owner-occupied dwelling units and non-owner-occupied dwelling units should be expressed in the text of the rule.

p. Section DHS 163.14 (10) (c) 2. a. should conclude with a period.

q. In s. DHS 163.14 (10) (d) (intro.), the phrase “do all of the following” should be inserted after the word “shall.” [See also sub. (10) (e) (intro.) and (11) (e) (intro.), (h) (intro.), (i) (intro.), (j) 1. (intro.), and (L) (intro.).]

r. In s. DHS 163.14 (11) (h) 1. to 6., the phrase “is prohibited” is redundant and should be deleted. In sub. (11) (i) 1., (j) 1. b., and (L) 2., the word “must” should be replaced by the word “shall.”

s. In s. DHS 163.14 (11) (j), since the introductory material does not grammatically lead into the following subunits, the material should be renumbered as subd. 1. and the remaining subdivisions should be renumbered accordingly. [See also the introductory material in sub. (11) (L) and (m).]

t. In s. DHS 163.20 (4) (d) (intro.), the phrase “any of” should be inserted before the phrase “the following disciplines.”

u. In s. DHS 163.20 (8) (a) 1. za., the notation “ch.” should be inserted before the notation “DHS.”

v. In s. DHS 163.20 (9) (a) (intro.), the phrase “any of” should begin the material grammatically leading into the following subunits. Also, sub. (9) (am) is not structurally consistent with par. (a).

w. In s. DHS 163.42 (3) (g), the notation “s.” should be inserted before the notation “DHS.”

x. The treatment of the notes in SECTIONS 135 to 138 can be treated sequentially throughout the rule text.

y. The notes to ss. DHS 163.03 (22g) and 163.10 (1) (d) 3. and (2) (c) contain substantive material that should be included in the text of the rule.

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

a. In the rule summary discussion of costs to small businesses, in the paragraph relating to information distribution, the third occurrence of the word “to” should be deleted.

b. In s. DHS 163.03 (96m), how is one made aware of the fact that a commercially available kit has been recognized by the department?

c. In s. DHS 163.03 (114) (am), the word “has” should be replaced by the word “have.”

d. In s. DHS 163.11 (2) (c) 2., why is the date October 19, 2009 used?

e. In s. DHS 163.14 (11) (m), it appears that the phrase “Cleaning verification” refers to par. (L). If so, the phrase “under par. (L)” should be inserted in par. (m) after the phrase “Cleaning verification.”