



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Richard Sweet
Clearinghouse Director

Pam Shannon
Clearinghouse Assistant Director

Terry C. Anderson
Legislative Council Director

Laura D. Rose
Legislative Council Deputy Director

CLEARINGHOUSE RULE 11-003

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. Based on the language in s. 167.21 (2), Stats., a better title for the new chapter is “**Anchoring and Securing Movable Soccer Goals.**” In keeping with that change, in s. Comm 9.01, substitute “for the anchoring and securing” for “for the anchorage.” Also, in that section, substitute “from the goals tipping over” for “from overturning.”

b. In s. Comm 9.02 (2) (a), substitute “July 1, 2011” for “June 1, 2011.”

c. In s. Comm 9.10 (1), substitute “the goal tipping over” for “its overturning.” Also, would insertion of the word “substantially” before “reduce the possibility” more clearly reflect the intention of the rule? In sub. (2), substitute “anchoring and securing” for “anchorage of.”

d. The numbering of rule sections skips from s. Comm 9.03 to s. Comm 9.10 and should be corrected. Also, the definitions in s. Comm 9.03 should appear in alphabetical order.

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

a. It may be helpful to add a note to s. Comm 9.01 as follows: “Note: 2009 Wisconsin Act 390 requires the Department of Commerce to establish safety standards for anchoring and securing, and using counterweights on, movable soccer goals. The standards must be consistent with guidelines for movable soccer goal safety published by the U.S. Consumer Product Safety Commission in January 1995.”

b. In s. Comm 9.03, where does the definition of “public land” in sub. (1) come from (“embraces all lands with the state *except those associated with single-family residences.*”) (emphasis added)? Perhaps this definition needs to be revised or, if it is the intended definition, a reference to where it came from (cross-reference to a statutory or code provision?) could be provided in a note to this subsection. A different word than “embraces” should be used. Also, it should be clarified what is meant by “associated with...residences.” In sub. (2), although the general rule is not to repeat statutory definitions in the rules, the definition of “movable soccer goal” in s. 167.21 (1) (c), Stats., is short and would be helpful to an immediate understanding of the rule; just use the definition in the text instead of the cross-reference with the note.

c. In s. Comm 9.10 (2) (a), there needs to be more definition of what these particular guidelines are (e.g., the title to the document, “Guidelines for Movable Soccer Goal Safety,” published by the U.S. Consumer Product Safety Commission, January 1995”).

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

a. The language in s. Comm 9.03 pertains to the applicability of the rule rather than its scope. Therefore, it is suggested that the section title be changed to “Applicability”, the title to sub. (1), “SCOPE”, be deleted, and the section be rewritten as follows:

Comm 9.02 **Applicability.** (a) Except as provided in sub. (2), this chapter applies to movable soccer goals whose inside measurements are 6.5 to 8 feet high and 18 to 24 feet wide and that are erected on public land on or after July 1, 2011.

(b) This chapter does not apply to tip-resistant goals that are labeled to indicate conformance to ASTM F2056 Standard Specification for Special Tip-Resistant Movable Soccer Goals.

b. In s. Comm 9.10 (1), the phrase “and each new location” is covered by “at its location” and should be deleted. Also, it seems unnecessary to include the phrase “acceptable to the department” in subs. (1) and (2) (intro.). By specifying the various ways in which the goals may be secured to reduce the possibility of overturning, the department is indicating the ways it finds acceptable.

c. Section Comm 9.10 (2) (intro.) specifies that the manners of anchoring goals acceptable to the department “include” the following guidelines. In statutes and rules, “include” means “include, but are not limited to.” Is it the intent of the department that only the guidelines in sub. (2) (a) and (b) be acceptable guidelines (which seems consistent with the intent of the statute) or that other guidelines be acceptable as well (e.g., future relevant guidelines developed by a different source)? If the intent is that only guidelines in sub. (2) (a) and (b) be acceptable, the introductory clause should end with “are the following guidelines” instead of “include the following guidelines.”

d. In s. Comm 9.10 (3), it is not very clear or helpful to state that a goal may not be placed “on a hill or a sloping site” without some definition of what an acceptable (or prohibited) degree of slope would be. This provision should be clarified if possible. In sub. (4) (a),

substitute “permanent label warning of the possible tipping of the movable soccer goal if not anchored or secured properly” for “permanent overturning warning label.” Also, in sub. (4) (b), with reference to the warning label, reference should be made, in the text, to the minimum guidelines for such labels (e.g., use those guidelines and standards set forth in the note below that paragraph).

e. Section Comm 9.10 (5) (a) should be redrafted as follows: “Only authorized personnel trained in moving movable soccer goals may move such goals.” With reference to par. (b), are there any guidelines for such training or any format or procedures for such authorization? If so, these should be set forth in the text or in a note to this paragraph.