



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Scott Grosz and Jessica Karls-Ruplinger
Clearinghouse Co-Directors

Terry C. Anderson
Legislative Council Director

Laura D. Rose
Legislative Council Deputy Director

CLEARINGHOUSE RULE 13-027

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 November 2011.]

2. Form, Style and Placement in Administrative Code

a. The material in newly created s. ATCP 125.03 (1) (am) should not be inserted as a subunit following s. ATCP 125.03 (1) (intro) because it is not an item that is described in the introductory material. It would be preferable to insert that material as a new subsection of s. ATCP 125.03. In addition, s. ATCP 125.03 (4) should be amended to specify that rent charges may be increased based on an adjustment factor, as provided in the newly created provisions.

b. In s. ATCP 125.01 (10) (d) and 125.04 (3) (a) and (b), “communication” should be changed to “communications”.

c. The text of current s. ATCP 125.02 is not correctly shown. Specifically, the notation “(1)” should appear at the beginning of the line below the introductory material rather than on the same line as the colon.

d. There are numerous instances in ch. ATCP 125 in which the term “mobile home” is not changed to “manufactured home” by the rule-making order. The entire chapter should be reviewed to ensure that the term “manufactured home” is used consistently. For example, see s. ATCP 125.02 (6) and s. ATCP 125.04 (1) (intro.), (1) (c) and (2) (b).

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

In the Note following s. ATCP 125.06 (1) (a), the text of current s. 710.15 (3), Stats., is not shown correctly. Specifically, the phrase “or manufactured home” should be inserted in two additional locations after the phrase “mobile home”.

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

a. In the rule analysis, the department should explain why telephone service is removed from the definition of “utility service”.

b. In the rule analysis, the department should explain why the definition of “tenant” is amended to require a person to not only rent a site from an operator but also reside in a manufactured home in order to be a “tenant”.

c. Section ATCP 125.03 (1) (am) 2. and 3. should specify that the rental agreement must require the operator to provide the tenant with the information required in those provisions. In addition, in those provisions, “will” should be changed to “shall”. [s. 1.01 (2), Manual.]

d. In the analysis, the department should explain why the definition of “manufactured home community” in s. ATCP 125.01 (2) is different than the definition in s. 101.91 (5m), Stats.

e. In the new material inserted into s. ATCP 125.09 (3), the word “manufactured” should be inserted immediately before “home”.