

# WISCONSIN LEGISLATIVE COUNCIL STAFF

## ***RULES CLEARINGHOUSE***

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## **CLEARINGHOUSE RULE 99-007**

### **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 September 1998.]**

#### **2. Form, Style and Placement in Administrative Code**

- a. In item 9 of the analysis, it appears that the word “modified” should be replaced by the word “modify.”
- b. The text of s. Comm 18.02 does not add anything to the substantive requirements of the rule. This material would be better omitted, or included as a note.
- c. In s. Comm 18.08 (1), the phrase “have the responsibility for interpreting” should be replaced by the phrase “shall interpret.”
- d. In s. Comm 18.09 (1) (e), the phrase “the building codes” should be clarified by a statutory reference or a reference to local building codes.
- e. In s. Comm 18.09 (2) (a) (intro.), the notation “par.” should be replaced by the notation “sub.” and the introduction should conclude with a colon. Similarly, in sub. (2) (b) (intro.), the introduction should conclude with a colon.
- f. In s. Comm 18.09 (3), the first sentence should be numbered as par. (a) and the remaining paragraphs should be renumbered accordingly.
- g. The introduction paragraph of s. Comm 18.18 should clearly indicate that the definitions apply to ch. Comm 18.

h. In s. Comm 18.18 (2) (b), the phrase “of the Wisconsin administrative code” is unnecessary and should be deleted. In addition, sub. (2) (c) should conclude with the phrase “... [revisor inserts date].”

i. In s. Comm 18.48 (4) (a) 4. (intro.), the cross-reference to s. Comm 18.02 (1) appears to be incorrect.

j. In s. Comm 18.49 (1), it appears that the word “rules” should be replaced by the phrase “provisions of ch. Comm 18.”

k. In s. Comm 18.75 (1) (b) 1. (intro.), the phrase “all of” should be inserted after the word “with.”

l. In s. Comm 18.75 (1) (b) 2. b., the word “that” should be inserted after the word “explaining.” [See also s. Comm 18.80 (2) (b) 2.]

m. In s. Comm 18.80, the phrase “outer most” should be replaced by the word “outermost.”

n. In s. Comm 69.28 (2) (c) (intro.), the phrase “all of” should be inserted following the phrase “in accordance with.”

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

a. Section Comm 18.04 (2) refers to a “priority petition” but does not indicate what is meant by that phrase. It would be useful to include a note after that provision to indicate the statute or rule that establishes the procedure for priority petitions.

b. Section Comm 18.06 (1) incorporates part of the procedures in s. 101.02 (7), Stats. The department should consider whether this provision in the rule unnecessarily duplicates the statute, or whether an additional note should be included referencing the remainder of the statutory procedures. This comment also applies to s. Comm 18.06 (2) regarding petitions for administrative rules.

c. In s. Comm 18.09 (5), it appears that the phrase “prior to construction” should be placed after the phrase “shall be posted.”

d. In s. Comm 18.17 (2), is the word “omission” correct? Is the word “exception” the intended meaning?

e. The phrase “legal jurisdiction” in s. Comm 18.18 (1) (d) is not clear. Does this apply to the procedures for certification of municipalities and counties in s. Comm 50.21? Is there a provision in ch. Comm 18 that authorizes cities to exercise jurisdiction over elevator installations that could be referenced in this provision?

f. It appears that “corresponding” would be preferable to “respective” in s. Comm 18.18 (2) (intro.).

- g. Section Comm 18.18 (2) (d) is not clear and should be rewritten.
- h. Section Comm 18.18 (2) (f) 1. c. appears to require the removal of fuses and sealing of the fuses. Is this correct, or should the provision require sealing of the disconnect switchboxes?
- i. Should “above” be substituted for “beyond” in s. Comm 18.22 (1)?