



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 09-104

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. In citations throughout the proposed rule and the rule analysis, the department should not change “ch.” to “chapter,” “s.” to “section” or “Stats.” to “of the statutes.” “Chapter” or “section” should be spelled out only if placed as the first word in a sentence.

b. Throughout the proposed rule, the department should review and apply s. 1.01 (4), Manual, relating to the use of capitalization.

c. In s. Comm 14.001 (1) (a), the department uses “®” and “™” in reference to the NFPA 1 Fire Code 2009. Based on several keyword searches, these symbols do not appear elsewhere, under similar circumstances, in the statutes or the administrative code. If the department wishes to use the symbols, it should consider whether it is appropriate to use the symbols consistently throughout the proposed rule, or to use the symbols only in the formal definition of the term in s. Comm 14.03. [See also SECTION 31 of the proposed rule.]

d. In s. Comm 14.001 (2), the department should delete the phrases “and to subch. II” and “and subch. II” since the preceding references, “NFPA 1 as referenced in sub. (1),” and “sub. (1)” incorporate references to modifications specified by subch. II of ch. Comm 14.

e. As amended, the intent of s. Comm 14.01 (1) (c) (intro.) is confusing. The department should refer to “any” buildings rather than “all” buildings. Additionally, if there is a substantive difference in treatment between buildings described in subds. 1. to 3. and subds. 4.

to 7., the department should use different paragraphs to describe that treatment rather than one paragraph and a complex introduction.

f. The department's intent regarding s. Comm 14.01 (1) (f) is confusing. Again, the paragraph treats s. Comm 14.01 (1) (c) 1. to 3. differently than s. Comm 14.01 (1) (c) 4. to 7. Additionally, the paragraph appears to have the effect of reapplying the chapter to buildings described in s. Comm 14.01 (1) (b), (c) 4. to 7., and (d) under certain conditions. The department should review par. (f) to ensure that it is internally consistent and is consistent with other parts of ch. Comm 14.

g. In SECTION 12 of the proposed rule, should the department renumber the section to be s. Comm 14.01 (2) (a) 2.? If not, where is s. Comm 14.01 (1) (a) 1.?

h. Based on the text it modifies, it is unclear whether the department achieves the result it intends through the creation of s. Comm. 14.01 (2) (b) (intro.).

i. Generally, the department should consider the repeal and recreation of sections described in SECTION 16 of the proposed rule rather than renumbering and subsequent treatment of those sections in SECTIONS 17 to 30. This would allow the department to avoid confusion and double-treatment of certain sections of the chapter. For example, SECTION 23 of the proposed rule renumbers a unit then repeals and recreates a unit. SECTION 27 of the proposed rule renumbers a unit twice. The department would avoid these issues with a repeal and recreate treatment or with repeal of certain sections and creation of new sections.

The department should carefully review the entire rule for consistency with s. 1.04, Manual.

j. The department should refer to the Appendix in a note to s. Comm 14.01 (2) (b) 4.

k. In s. Comm 22.33 (2), relating to heated slabs, how would sub. (1), relating to unheated slabs, apply in the manner suggested by the phrase, "in addition to meeting the requirement under sub. (1), if applicable"?

l. In SECTION 65, it appears the department should create s. Comm 61.61 (2) (b) 4., rather than s. Comm 61.61 (2) (b) 3.

m. If a proposed rule repeals a rule subunit, an agency may renumber later subunits to account for the repeal. Does the department wish to renumber s. Comm 63.0102 (2)?