

# WISCONSIN LEGISLATIVE COUNCIL STAFF

## ***RULES CLEARINGHOUSE***

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## **CLEARINGHOUSE RULE 99-003**

### **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 s. PSC 135.03, the first sentence should be renumbered as sub. (1) and the remaining subsections should be renumbered accordingly. Also, in the first sentence, the phrase “the rules in” should be deleted. In sub. (1), the phrase “The rules” should be replaced by the phrase “The provisions of this chapter.” Finally, in sub. (2), the word “rules” should be replaced by the phrase “provisions in this chapter.”

b. In s. PSC 135.04, the first sentence should be renumbered as sub. (1) and subs. (1) and (2) should be renumbered as pars. (a) and (b). Subsections (3) and (4) then should be renumbered subs. (2) and (3). In the newly numbered sub. (1) (a), the phrase “this rule” should be replaced by an appropriate reference to a paragraph, subsection, section or chapter.

c. Every cross-reference to a section of the statutes should be preceded by either “s.” or “ss.” [See s. 1.07, Manual.]

d. In s. PSC 135.09 (3), it appears that the word “are” should follow the word “Copies.” Also, in sub. (4), the reference to the Public Service Commission should be in lower case. [See also the numerous references in the rule to the Department of Commerce.]

e. In s. PSC 135.203 (ew), the use of the phrase “It is recommended” is very unusual. It is preferable to give clear direction to a user of the code either by imposing a mandate through

the use of the word “shall” or by simply granting authority by the use of the word “may.” Also, the notation “etc.” should not be used. [See s. 1.01 (9), Manual.]

f. Section PSC 135.204 (1) should contain an appropriate cross-reference to the Building Code administered by the Department of Commerce. The entire rule should be reviewed for this problem.

g. In s. PSC 135.211 (3w) (xi), the phrase “should not” should be replaced by the phrase “may not.” In sub. (4w), it appears that the cross-reference should be to s. PSC 135.211 (3) or (3w). [See also the reference contained in s. PSC 135.213 (iw).]

h. In s. PSC 135.212 (dw), the word “must” should be replaced by the word “shall.” The entire rule should be reviewed for the appropriate uses of the words “must” and “shall.”

i. In s. PSC 135.216 (b) (3), the notation “and/or” should not be used. [See s. 1.01 (9), Manual.] Also, in sub. (d), the phrase “recommended above” should be replaced by an appropriate numerical cross-reference.

j. In s. PSC 135.219 (fw), the word “Subsection” should be replaced by the word “Section.”

k. In s. PSC 135.222 (ew), the phrase “this code” should be replaced by an appropriate reference to a section or chapter.

l. Section PSC 135.225 (1) (aw) should clarify whether all or any of the following subunits require the installation of a check valve or equivalent. [See also s. PSC 135.245 (dw).]

m. In s. PSC 135.226 (dw), the notation “and/or” should not be used. [See s. 1.01 (9), Manual.]

n. In s. PSC 135.228 (aw), the use of the phrases “are recommended” and “preferably should not be” do not provide clear direction to the reader.

o. In s. PSC 135.235 (dw), the reference to the commission should be in lower case.

p. In ss. PSC 135.236 (dw) and 135.240 (4w), the phrase “this code” should be replaced by an appropriate cross-reference.

q. In s. PSC 135.239 (dw), the parenthetical notations should be replaced by commas. [See also ss. PSC 135.242 and 135.243 (cw) (1).]

r. In s. PSC 135.245 (gw) (2), the phrase “as stipulated above” should be replaced by an appropriate cross-reference.

s. In the last sentence of s. PSC 135.248, the comma should be replaced by the word “under.”

t. In s. PSC 135.250 (dw), the phrase “precautions shall be taken as, for example” should be replaced by the phrase “precautions shall be taken, including all of the following.”

u. In s. PSC 135.251 (cw), the phrase “Commission that they” should be replaced by the phrase “commission that it.”

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

a. In s. PSC 135.01, it appears that the phrase “a minimum” should be deleted.

b. In s. PSC 135.02, who is a “qualified” person?

c. In s. PSC 135.213 (iw), the cross-reference is unclear.

d. In s. PSC 135.216 (b) (4), the second sentence is superfluous and either should be deleted or placed in a note to the rule.

e. In s. PSC 135.249, are the provisions relating to January 1, 1974 still necessary?