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## WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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### CLEARINGHOUSE RULE 08-047

#### 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 January 2005.]**

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

a. The introductory clause should be replaced with the following: “The Wisconsin Department of Commerce proposes an order to renumber Comm 16.02 to 16.11 and 16.60 to 16.67; to renumber and amend Comm 16.01 and 16.12; to repeal and recreate subchapter III of chapter Comm 16; and to create Comm 16.013 and 16.930, relating to electrical construction.” [s. 1.02 (1), Manual.]

b. Throughout the proposed rule, references to the National Electrical Code are preceded by “NEC” or “NEC Article.” The agency should select either “NEC” or “NEC Article” to precede the article number and use it consistently throughout the rule.

c. The references to “Table” in the rule should be replaced with “NEC Table.”

d. The treatment of s. Comm 16.013 should be listed as the first SECTION. [s. 1.04, Manual.]

e. In s. Comm 16.100 (2) (b), “s. Comm 16.005” should replace “Comm 16.005.” [s. 1.07 (2), Manual.]

f. The titles to s. Comm 16.220 (1) and (2) are the same. The agency should consider differentiating the titles.

g. In s. Comm 16.250 (1), “250.52 (A) (4) to (8)” should replace “250.52 (A) (4) through (A) (8).” [See s. 1.07, Manual.]

h. In s. Comm 16.225 (2), the phrase “shall not apply” should be replaced by the phrase “does not apply.” Also, in sub. (3) (b), the phrase “shall be permitted to” should be replaced by the word “may.” The phrase “shall be permitted to” is found in five other instances in the rule, which can be located through a computer search, and should be similarly corrected.

i. If a subsection contains a title, then all subsections in that section should contain a title. See s. Comm 16.334 (1) and (2). [s. 1.05 (1), Manual.]

j. In s. Comm 16.334 (1), “(intro.)” should be removed.

k. In s. Comm 16.511, it appears that “Area Classifications, General” should be replaced with either “NEC” or “NEC Article.”

l. The titles to s. Comm 16.700 (2) and (3) are the same. The agency should consider differentiating the titles.

m. In s. Comm 16.700 (4), the phrase “any of” should be inserted before the phrase “the following.” [See, also, ss. Comm 16.701 (3) and 16.708.]

n. The treatment of s. Comm 16.930 should be reversed with the last SECTION before the effective date section. [s. 1.04, Manual.]

o. The effective date section should be labeled “SECTION 9. EFFECTIVE DATE.” [1.02 (4), Manual.]

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

a. The use of “shall not” should be avoided. Instead, “may not” should replace references to “shall not.” For examples, see ss. Comm. 16.210 (3), 16.230 (3) (a), and 16.250 (1). [s. 1.01 (2), Manual.]

b. In s. Comm 16.210 (4), “a combination AFCI at the first outlet may be installed to provide protection for the remaining portion of the branch circuit” should replace “it shall be permitted to install a combination AFCI at the first outlet to provide protection for the remaining portion of the branch circuit” for clarity.

c. In s. Comm 16.210 (5), “is not” should replace “will not be.”

d. In ss. Comm 16.700 (4) and 16.701 (3), “exists” should replace “exist” in the exception following each subsection.