



Wisconsin Legislative Council

RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 21-047

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Council Staff and the Legislative Reference Bureau, dated November 2020.]

2. Form, Style and Placement in Administrative Code

- a. In the introductory clause in the caption for the proposed rule:
 - (1) In the enumeration of provisions that are renumbered, remove the designation “SPS” before “321.40 (1) (b)”.
 - (2) In the enumeration of provisions that are renumbered and amended, remove “(1) (bm) and (note)”.
 - (3) In the enumeration of provisions that are amended:
 - (a) Remove “(2)” before both “(b) 1. and 2.” and “(c) 2.”.
 - (b) Change “(d) 1., (note),” to “(d) 1. and (note),”.
 - (c) Remove “(4) (a)”.
 - (4) In the enumeration of provisions that are created, change “(c) 2m. and (note)” to “and (c) 2m. and (note)”.
- b. In the rule summary, the plain language analysis states that the proposed rule updates chs. SPS 320-325 and 326. The proposed rule appears to affect only chs. SPS 320 and 321.
- c. In SECTION 1 of the proposed rule, in s. SPS 320.05 (11), a subsection title should be added because the other subsections of s. SPS 320.05 contain subsection titles. [s. 1.10 (2) (a) 2., Manual.]
- d. In SECTION 7 of the proposed rule, s. SPS 320.07 (59p) (Note) recites the entire text of s. 101.61, Stats. Because s. SPS 320.07 (59p) relates only to sub. (3) of s. 101.61, Stats., and because another portion of s. 101.61, Stats., is recited in s. SPS 320.07 (27) (Note), the department should consider reciting only sub. (3) of s. 101.61, Stats., in s. SPS 320.07 (59p) (Note).
- e. In SECTION 9 of the proposed rule, in s. SPS 320.097 (1) (bm) (Note), the comma following “carbon-based fuel” should be stricken-through.

f. In SECTION 11 of the proposed rule, the designation “Sections” is not necessary.

g. In SECTION 11 of the proposed rule, the department should consider repealing s. SPS 321.097 (1) (b) and (b) (Note) in lieu of renumbering them as par. (c) and par. (c) (Note). Those provisions provide a definition of “tourist rooming house” for purposes of s. SPS 321.097. However, SECTION 13 of the proposed rule repeals provisions of s. SPS 321.097 addressing tourist rooming houses. Given that repeal, it does not appear that a definition of “tourist rooming house” is necessary. If the department nevertheless retains the definition of “tourist rooming house”, it would be preferable to minimize renumbering. Instead of renumbering the definition of “tourist rooming house” from par. (b) to par. (c), renumbering the definition of “fuel-burning appliance” from par. (a) to par. (bm), and inserting the definition of “carbon monoxide detector” as par. (am), the department could leave the definition of “tourist rooming house” as par. (c), renumber the definition of “fuel-burning appliance” from par. (a) to par. (ar), and insert the definition of “carbon monoxide detector” as par. (ag). [s. 1.10 (3) (a) and (c), Manual.]

h. In SECTION 12 of the proposed rule, in s. SPS 321.097 (2) (a) (Note), in the recitation of s. 101.647 (4), Stats., the change from plural “dwellings” to the singular “dwelling” should be shown as follows: “~~dwellings~~ dwelling”. [s. 1.04 (4) (b), Manual.]

i. In SECTION 13, s. SPS 321.097 (4) (Note) should be repealed along with the repeal of s. SPS 321.097 (4).