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# Wisconsin Legislative Council

## RULES CLEARINGHOUSE

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### CLEARINGHOUSE RULE 22-069

#### 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.]**

#### 1. Statutory Authority

In the analysis, s. 101.053 (2), Stats., should be mentioned as a source of statutory authority, because it directs the agency to promulgate rules that establish separate standards in the commercial building code for recreational and educational camps.

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

a. In the introductory clause of the rulemaking order, the phrase “(board or department)” should be clarified.

b. To conform to the approach in existing provisions throughout ch. SPS 362 (and other provisions in the proposed rule), references to IBC sections should refer to “section” rather than the short form “s.”. Similarly, relative to the existing administrative code, inclusion of the last period prior to a colon is unnecessary when referring to an IBC section.

c. Should the titles in s. SPS 362.3102, as repealed and recreated, be reviewed? For example, would a section title of “**Membrane structures and blower equipment.**” and a sub. (1) title of “MEMBRANE STRUCTURES.” to accompany the existing sub. (2) title of “BLOWER EQUIPMENT.” more accurately convey the agency’s intent and the rule organization relative to the IBC? All titles in the proposed rule should conform to the form prescribed in s. 1.10 (2) (b) of the Manual.

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

a. In the plain language analysis, the agency uses the future tense to describe possible agency actions. The verb tenses and specificity of the plain language analysis should be updated to reflect the actions actually proposed in the rulemaking order, rather than those contemplated at an earlier point in the rulemaking process.

b. The following comments relate to proposed s. SPS 362.2902 (5m):

- (1) Would using the phrase “toilet facilities” provide greater clarity than the phrase “required ... facilities”? If the intent is to apply the substitute wording to only a subset of toilet facilities, that application could be more clearly explained.
- (2) The slashed alternative form for “patron/camper” should be replaced with the phrase “patron or camper”. [See s. 1.08 (1) (d), Manual.]
- (3) The phrase “provided that the locations and maximum distance of travel are approved” could be converted to active voice to clarify which entity must provide the approval.

c. In s. SPS 362.3102 (1), the application of the 180-day time period could be clarified. For example, does that provision apply if the building or structure is erected for 180 days, taken down, and then erected again for another 180-day period? Or, must the building or structure remain erected for less than 180 days within any calendar year?