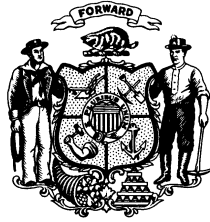# *WISCONSIN LEGISLATIVE COUNCIL STAFF*

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CLEARINGHOUSE RULE 97−010

Comments

[NOTE: All citations to "Manual" in the comments below are to the <u>Administrative Rules Procedures Manual</u>, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated October 1994.]

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

a.   The rule is not in the form of a rule-making order.   In particular, it is not adequate to simply show the entire text of a rule in an attached appendix. Since the rule consists of a single repeal and recreation, putting it in proper rule-making order format would be very simple. It already contains the appropriate treatment SECTION for the repeal and recreation of ch. PSC 114. This SECTION should be placed in the text of the order, rather than as an attached appendix. [s. 1.02, Manual.]

b.   It appears that substantial portions of ch. PSC 114 are unchanged by this rule-making order. However, since the entire chapter is repealed and recreated, it is impossible to determine the effect of the order without making a side-by-side comparison of the new text and the old text. It may be more appropriate to amend or repeal and recreate individual sections of ch. PSC 114.

c.   In s. PSC 114.01 (1), references to "safety and buildings" should be replaced with references to "division of safety and buildings."

d.   In s. PSC 114.02 (2) (a) and (b), the word "covers" should be replaced by the words "applies to."   In addition, the second and third sentences of par. (a) should be placed in a note, since they are explanatory, rather than substantive. Similarly, the last sentence of s. PSC 114.03 (3) (a) and (b) and (4) should be placed in notes.

e.   In s. PSC 114.04 (2) (b), the second to the last word should be "or" rather than "and."

f. Section PSC 114.05 (1) (b) and (c) are not complete sentences and their relationship to par. (a) is unclear. It appears that an introductory provision should precede pars. (a) to (c) and all three paragraphs should end with periods rather than semicolons. This provision needs redrafting.

g. The subunits of s. PSC 114.05 (2) (c) should be numbered subds. 1., 2. and 3. rather than pars. (a), (b) and (c).

h. There are references in s. PSC 114.05 to "this edition," "these rules" and "this code." Can these be replaced by "this chapter"?

i. This order changes the treatment of omissions from the National Electrical Safety Code by placing the discussion of each omission in order relative to other changes, rather than gathering the omissions together at the beginning of the rule. In so doing, however, the commission has failed to create a Wisconsin Administrative Code citation for each provision establishing an omission from the National Electrical Safety Code. Some system for numbering these provisions, consistent with the numbering used for other provisions in this chapter, should be provided.

j. In sections that make more than one change to a National Electrical Safety Code provision, it would be useful to number the individual changes as subsections of the Wisconsin Administrative Code section that makes those changes. For example, in the section numbered "Table PSC 114-232-1" on page 12 of the order, the language "The Footnotes for NESC Table 232-1 on page 76 (Metric) and page 79 (Feet) contain the following changes and additions:" is the introductory clause and would follow directly after "(Changes and Additions)." The phrase "Change Footnote 17 to read as follows:" would be numbered as sub. (1); the phrase "Change Footnote 19 to read as follows:" would be numbered as sub. (2); etc. The advantage of this format is that it helps the reader to distinguish between the mechanical provisions of the Wisconsin Administrative Code and the language that is actually being incorporated in the National Electrical Safety Code. In addition, it allows for more precise citations to provisions of these codes.