



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 07-021

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 rule preface should follow the format described in s. 1.02 (2) (a), Manual. There is no analysis “printed as a preface to the text of the proposed rule,” as s. 227.14 (2) (a), Stats., requires. A description of the subject matter and a statement that the rule is the adoption of a national standard “with certain changes, deletions, and additions,” in what is presented as analysis in the hearing notice, does not inform the reader of how current law is changed by the rule.

b. Subchapters I and II appear to be unchanged except to update references to the National Electric Safety Code, as do many provisions of subch. III; many other changes to subch. III are simply the deletion of existing provisions or addition of new provisions. Changes of this nature may not justify repealing and recreating the entire chapter. A straightforward, section-by-section revision of ch. PSC 114, amending or repealing existing sections or creating new sections individually, would make the rule much more transparent.

c. The table of contents and the text of the rule should be made consistent for the titles to ss. PSC 114.007, 114-234E1, 114-234F1, and 114.350G (which is shown in the text as s. PSC 114.350F). Also, the table of contents does not list s. PSC 114.353E.

d. Section PSC 114.005 uses phrases such as “these rules,” “any rules,” “the rules,” and “these provisions.” These phrases should be replaced by an appropriate use of the phrase “this chapter.” The entire rule should be reviewed for this problem.

e. In s. PSC 114.092D, the phrase “owner/operator” should be replaced by the phrase “owner or operator” and the phrase “and/or” should be replaced by the word “or.”

f. In the exception to s. PSC 114.219, the phrase “...[revisor inserts date]” should be inserted after the word “chapter.”

g. In s. PSC 114.317 D, the word “above” should be replaced by an appropriate cross-reference.

h. In s. PSC 114.350F, the phrase “became effective for” should be replaced by the phrase “applies to.”

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

a. In s. PSC 114.001 (2), a space should be inserted between the words “may” and “be” in the third sentence.

b. The sentence “See s. 101.856, Stats.” in s. PSC 114.003 (2) (a) and similar sentences in s. PSC 114.003 (3) (a) and (b) should be placed in notes, as is done in s. PSC 114.003 (2) (b).

c. The rule should be written in the active voice. For example, s. PSC 114.005 (3) should read: “The commission may modify or waive” The first sentence of that subsection is superfluous, repeating language in sub. (1).

d. Many provisions of subch. III include a parenthetical notation indicating whether that provision is a change, addition, or deletion to the code. The use and placement of these notations should be consistent throughout the rule.

e. In s. PSC 114.202 (1), the word “current” presumably refers to the 2007 Edition. If so, this should be made clear.

f. In s. PSC 114.230A, “Rule” should be “Rules” and “is” should be “are.” Alternatively, this could be written as: “Rule 230 A (1) and (2) ... is”

g. In s PSC 114.234E1, the word “a” should be inserted before the word “swimming.”

h. It appears that s. PSC 114.234F1 (intro.) should read: (1) (Addition) Add Exception and Note to read:

i. In s. PSC 114.250C, a comma should be inserted after the phrase “ground or water level” in the second sentence.