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## WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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### CLEARINGHOUSE RULE 09-028

#### Comments

**[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Reference Bureau and the Legislative Council Staff, dated September 2008.]**

#### **1. Statutory Authority**

Sections Comm 5.42 (2) (b) and 5.42 (3) (c) 1. and 2. appear to conflict with s. 101.862 (3), Stats., because they allow several types of electricians to perform certain electrical wiring activities under the supervision of a licensed journeyman electrician. The statute provides that no person who is not a master electrician may install, repair, or maintain electrical wiring unless a master electrician is at all times responsible for the person’s work.

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

a. Section Comm 5.41 (3) is titled “Qualifications for Licensure”, although the subsection does not appear to actually set forth any qualifications that must be met in order to be granted a license.

b. In s. Comm 5.41 (4) (a), “the” should be replaced with “only”.

c. Section Comm 5.41 (5) should be reworded to make clear that a person may *apply* for a renewal of his or her license. This comment also applies to ss. Comm 5.435 (6) (a) 1., 5.445 (6) (a) 1., and 5.45 (3) (a).

#### **4. Adequacy of References to Related Statutes, Rules and Forms**

a. In the analysis of the rule, it is not necessary to include the notation “as affected by 2007 Wisconsin Act 63” when referring to the statutes interpreted because the amendments to

the statutes made by the 2007-08 Legislature have been incorporated into the current version of the statutes.

b. Section Comm 5.41 (2) (a) states that an applicant for an electrical contractor license must submit an application “in accordance with s. Comm 5.01”. That cross-reference does not appear to provide adequate explanation of the required elements of the application. For example, must the application contain evidence of attendance or completion of educational courses and, if so, what are the educational requirements? Could the cross-reference to s. Comm 5.01 be replaced with a listing of the precise requirements that must be met by an applicant for an electrical contractor license?

c. Notes should be added throughout the rule specifying where application forms for the various licenses and registrations may be obtained.

d. Should ss. Comm 5.435 (4) and 5.445 (5) (a) contain a cross-reference to the fees established in Table 5.02?

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

a. The analysis of the rule should contain a plain language analysis that contains sufficient detail to aid the reader in understanding the content of the rule and the changes made in existing rules. The one-sentence summary in item 5 of the analysis is insufficient. See s. 1.02 (2), Manual.

b. Section Comm 5.41 (2) (c) should provide more detail about the compliance statement that is required. For example, must the statement be issued by a state agency or may the application simply attest to his or her compliance with specified requirements?

c. Should s. Comm 5.43 (5) (b) be rewritten to clarify that all licensed master electricians must utilize only appropriately licensed individuals? As written, the rule implies that there is a subcategory of licensed master electricians (namely, those who are responsible for the installation, repair, or maintenance of electrical construction wiring) and only the licensed master electricians who are in that subcategory must utilize appropriately licensed individuals. This comment also applies to s. Comm 5.435 (5) (b).

d. Should s. Comm 5.435 (2) (b) explain what type of institution qualifies as a “school of electrical engineering”?

e. Section Comm 5.435 (4) should state that a person may apply for a license, rather than obtain one, upon notification of successful passage of an examination. This comment also applies to s. Comm 5.445 (5) (a).