



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 12-008

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 November 2011.]

2. Form, Style and Placement in Administrative Code

a. In the introductory clause on page 1, the order of provisions treated is incorrect. The phrase, “amend SPS 333.03 (1),” is out of order. Provisions that are amended should be placed between provisions that are renumbered and amended and provisions that are repealed and recreated. [s. 1.02 (1) (b), Manual.] Also, there is a period missing in one of the sections cited on line 3; there should be a period in s. SPS 333.12 (2). Additionally, the renumbering and amendment of s. SPS 333.03 (3) is omitted and should be included in the introductory clause.

b. The first reference to the acronym “ANSI” is found in the Summary of Proposed Rules section. This term should be spelled out first. The department also should consider defining this acronym in ch. SPS 333. [s. 1.01 (8), Manual.] For comparison, it is defined in s. SPS 318.1004 (3).

c. The rule summary states that the proposed rules will reference and adopt the 2011 edition of the ANSI B77.1 standard. However, it appears that the proposed rule does more than that. For example, the rule adds requirements regarding inspections in s. SPS 333.12 (2). The department should consider adding a description of these additional changes in the summary.

d. In s. SPS 333.03 (5), what is the department’s intention regarding the reservation of rights provided in the paragraph? In particular, the department should consider whether such a reservation conflicts with the definition of “rule” in s. 227.01 (13), Stats.

e. In s. SPS 333.03 (5) (Note), the reference “; Stats.,” should replace “of the Statutes”.

f. In SECTION 4, s. SPS 333.12 (2) is repealed and recreated without a title. Because par. (1) has a title, there should also be a title for the repealed and recreated par. (2). [s. 1.05 (1), Manual.]

g. In s. SPS 333.12 (2) (d) 1. a., the reference to “subpar.” b. should be spelled out, “subdivision paragraph.” [s. 1.03 (1), Manual.]

h. The effective date of the proposed rule should be fully included in a numbered SECTION of the rule. The use of the word “substitute” should be avoided in relation to the effective dates. Instead, the department should specify a separate effective date for certain portions of the rule, as desired.

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

a. On line three of s. SPS 333.14 (Note), created in SECTION 5, the phrase “SPS and 340, Gas Systems” is out of order and should be rewritten to say “and SPS 340, Gas Systems”.

b. The language of s. SPS 333.15 (2), created in SECTION 7, is unclear and should be rewritten. In particular, the word “which” on the first line should be removed.