



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 13-014

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.]

1. Statutory Authority

According to the plain language analysis, the proposed rule “create[s] another avenue to qualify for an elevator mechanic license” pursuant to the changes made by 2011 Wisconsin Act 146. Act 146 creates s. 101.985 (2) (ad), Stats., and it appears that the proposed rule, in SECTION 10, creates an avenue to parallel the contents of s. 101.985 (2) (ad), Stats. Specifically, it appears that s. SPS 305.992 (1) (c) parallels the contents of s. 101.985 (2) (ad) 1. and 2. a. and b. However, it does not appear that the contents of s. 101.985 (2) (ad) 2. c. are reflected in the proposed rule. The agency should review the contents of s. SPS 305.992, including s. SPS 305.992 (1) (c), for consistency with s. 101.985, Stats.

2. Form, Style and Placement in Administrative Code

a. In the plain language analysis, the agency should describe the changes made in SECTIONS 1 and 5.

b. The agency should consider creating an introduction in s. SPS 305.70 (1) (b), which could read as follows: “A person, entity or business is not required to hold a registration as a registered HVAC contractor to do any of the following:

- (1) To service existing....
- (2) To install or service heating....
- (3) For electrical or plumbing work....”

c. The Note after s. SPS 345.10 (2) that is repealed and recreated is numbered s. SPS 345.70 (2), which appears to be incorrect.

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

a. In the related statute or rule section, s. 101.985, Stats., should be referenced as a related statute affected by 2011 Wisconsin Act 146.

b. In s. SPS 305.003 (15) Note, “, Stats.” should be inserted after “s. 167.33 (1) (f)”. [s. 1.07 (2), Manual.]

c. In ss. SPS 305.70 (1) Note and 345.10 (2) Note 1., the reference to federal law should follow the format outlined in s. 1.07 (3) (a), Manual.

d. The agency should consider amending s. SPS 345.10 (intro.) to delete the reference to s. 101.177, Stats., which has been repealed.

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

In ss. SPS 305.91 (3) (a) and 305.92 (3) (a) and (b), should “in this state” be inserted at the end of the paragraphs? [See s. 145.07 (3) (a), Stats.]