



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 13-042

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. The introductory clause contains several errors in its description of the rule provisions that are treated by the proposed rule. For example, the introductory clause lists ss. SPS 316.009 Note and 316.010 as being amended, but the proposed rule does not amend these provisions. The introductory clause should be modified to accurately reflect the rule provisions treated by the proposed rule, as well as any changes made to treated provisions as a result of the comments below. [s. 1.02 (1), Manual.]

b. In SECTION 3, each rule section that is amended should show the text of the rule with a strike-through for language to be removed and underscoring for language to be inserted. [s. 1.06 (1) (a), Manual.] Each affected rule section should also be treated in separate, single SECTIONS of the rule-making order. [s. 1.04 (2) (a) 3., Manual.]

c. For SECTION 4, has the agency followed the procedure for the incorporation of standards by reference in s. 227.21 (2), Stats.? [s. 2.08, Manual.]

d. In s. SPS 316.210 (4), the format of the subsection title should be solid capital letters. [s. 1.05 (2) (c), Manual.]

e. In SECTION 13, the agency renumbers s. SPS 316.210 (6) as s. SPS 316.210 (5) because the preceding SECTION repeals s. SPS 316.210 (5). Renumbering to eliminate a gap in numbering should generally be avoided. [s. 1.03 (5), Manual.] This comment also applies to SECTIONS 17 and 20.

f. In s. SPS 316.230 (4), the treatment clause should specify that the title is being amended. The affected subsection and paragraph titles may then be shown with only the strike-through and underscoring of the titles, without the text of the rule. In addition, when material is deleted and other material is inserted in the same location (as the amendment to the title does), the new underscored material should follow the stricken material. [s. 1.06 (1) (a), Manual.]

g. In s. SPS 316.310 (intro.), “~~exceptions~~ requirements specified” should be replaced with “~~exceptions specified~~ requirements”. [s. 1.06 (1) (a), Manual.]

h. In SECTION 35, “EFFECTIVE DATE.” should be inserted after “SECTION 35.” [s. 1.02 (4), Manual.]

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

a. In the section of the analysis that lists the related statutes or rules, “101.18,” should be inserted before “101.63 (1)”.

b. In the section of the analysis that provides the summary of, and comparison with, existing or proposed federal regulations, the reference in the final paragraph to the “Electrical Safety Requirements for Employee Workplaces” should be corrected to the “Standard for Electrical Safety in the Workplace®”.

c. In the section of the analysis that provides the summary of factual data and analytical methodologies, is it necessary that the registered trademark symbol “®” follow the reference to “NFPA 70”? If not, the symbol may also be removed from the reference to “NFPA 70” in s. SPS 316.007 (1) (a).

d. In s. SPS 316.250 (2), it appears that “(A)” should be inserted after the reference to “NEC 250.53” before “(3)”.

e. In s. SPS 316.310, it appears that the reference to “NEC Table 310.15 (B) (2) (a)” should be corrected to “NEC Table 310.15 (B) (3) (a)”, as that is the table that is listed in s. NEC 310.15 (B) (3) (a).

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

a. In the section of the analysis that provides the summary of factual data and analytical methodologies, a colon should replace the period in the heading, in order to be consistent with the colons used in the other section headings of the analysis. Also, a period should be inserted at the end of the last paragraph.

b. In the section of the analysis that reviews the analysis and supporting documents used to determine the effect on small business, it appears that in the third paragraph, either “meeting” or the comma that appears after “meeting” should be deleted.

c. In the section of the analysis that gives the initial regulatory flexibility analysis or summary, in the second paragraph, “are” should be inserted after “procedures”.

d. In the section of the analysis that summarizes the environmental assessment, a period should be inserted at the end of the paragraph.

e. In s. SPS 316.005 Note [2], “Department’s web site: ~~www.SPSerce.state.wi.us~~ <http://dsps.wi.gov>” should be replaced with “Department’s web site: at <http://dsps.wi.gov>” to accurately reflect the current text of the note. In addition, the agency might consider making the following changes to the note:

- (1) After “fee”, “by” should replace “at”.
- (2) After “800-DOC-SALES”, the numeric equivalent “(800-362-7253)” should be inserted. Also, should “SALES” be singular to match the number of digits?
- (3) The phrase “, by contacting through relay, or by emailing” should replace “or Contact Through Relay or”.
- (4) A period should be inserted after the “docsales” email address, and “Forms are also available” should replace “or” to begin the next sentence.

f. In s. SPS 316.007 (1) (a), the zip code listed as “023169” should be corrected to “02169”.

g. In the Note to s. SPS 316.007 (1) (a), the following changes should be made:

- (1) The phrase “and the Legislative Reference Bureau” should be deleted. According to the Legislative Reference Bureau (LRB), the 2011 edition of the *National Electrical Code* is not included in LRB’s library collection.
- (2) The second sentence should be revised to state the following: “The code may be purchased from the organization listed or may be reviewed on its website at no cost if the person is a registered user for the site.”.

h. In s. SPS 316.007 (3), at the beginning of the sentence, the agency might consider replacing “Any” with “An electrical installation may use an” and deleting “may be used”.

i. In SECTION 10, the period after the first reference to “SPS” in the SECTION treatment should be removed.

j. In s. SPS 316.220 (1), the title could be revised to be more descriptive. For example, perhaps “UNIT LOAD VALUES” could replace “GENERAL”.

k. In ss. SPS 316.406 (title), 316.450 (title), and 316.547, the use of parentheses should be avoided. [s. 1.01 (6), Manual.]

l. In s. SPS 316.700 (1), the “in” preceding “NEC” should be replaced with “of” to accurately reflect the current text of the rule.