



---

---

## WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

---

---

Scott Grosz and Jessica Karls-Ruplinger  
Clearinghouse Co-Directors

Terry C. Anderson  
Legislative Council Director

Laura D. Rose  
Legislative Council Deputy Director

### CLEARINGHOUSE RULE 13-105

#### 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 department should consult s. 1.01 (9) (b) of the Manual for proper wording of the provisions in which the effective date is to be inserted into the text of the rule.

b. It appears that the information in the Note created by SECTION 13 of the rule-making order is substantive in nature and therefore should be included in the text of the rule. [s. 1.09 (1), Manual.]

c. In the material added to s. SPS 314.01 (14) (a) 1., a space should be inserted between “and” and “(2)”.

d. In the treatment clause in SECTION 27 of the rule-making order, “(1)” should be inserted before “(title)”.

e. The Note to the Legislative Reference Bureau, on page 11 of the rule-making order, should be replaced with a new SECTION of the rule-making order that sets forth the current text of the Appendix that is referenced, with desired amendments to the text shown with stricken and underlined text as appropriate.

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

a. Item (10) in the Plain Language Analysis to the rule should contain a citation to the provision referred to as “a new statutory tie-in”.

b. The citation to s. 101.575, Stats., as a statute interpreted by the rule, should include the notation “as amended by 2013 Wisconsin Act 20”.

c. In the treatment clause of SECTION 6 of the rule-making order, the first citation should be changed to “SPS 314.01 (1) (f)”.

d. In SECTION 8 of the rule-making order, should the citations to the NFPA provisions be identical?

e. The department should ensure that the citation to s. SPS 314.01 (2) (a) 3. a., contained in s. DSPS 314.01 (2) (a) 1., continues to be appropriate after that subdivision paragraph is reworded as proposed in SECTION 8 of the rule-making order.

f. The acronym “AHJ” used in s. SPS 314.01 (11m) should be defined.

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

a. Item (3) in the Plain Language Analysis is unclear and should be rewritten.

b. It is unclear how the department will determine whether a municipality is in compliance with the new requirement to comply with the fire reporting requirements of s. 101.141, Stats., in order to be eligible for a fire department dues payment. Will the self-certification form be updated to include a reference to the new requirement? Will municipalities be required to state, in the self-certification form, that they have reported all fires that involve a building? Will compliance with this requirement be verified in audits?