



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 14-020

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, “chapter” should be inserted before “SPS 318”.
- b. Throughout ch. SPS 318, the titles of the chapter and subchapters should follow the format in s. 1.05 (2) (a), Manual.
- c. In s. SPS 318.1003 (1) (a), “the effective date of the rule” should be replaced with “the effective date of this section ... [LRB inserts date]”. [s. 1.01 (9) (b), Manual.]
- d. Beginning at s. SPS 318.1003 (1) (b) 1. and (c) 1. and throughout the remainder of the proposed rule, exceptions are expressed at the conclusion of the provision. It is more common under current drafting style to express exceptions at the beginning of a provision. For example, s. SPS 318.1003 (1) (b) 1. could begin with “Except as provided in subd. 2. and par. (c), the operation,” rather than completing the subdivision with “except as provided in subd. 2. and par. (c)”.
- e. In s. SPS 318.1005 and throughout the proposed rule, the agency incorporates national standards by reference. Did the agency comply with s. 227.21 (2), Stats.? [s. 2.08, Manual.] In the rule summary, the agency should explain how the proposed rule complies with this requirement.
- f. Section SPS 318.1008 (3) (a) 1. should be numbered s. SPS 318.1008 (3) (a), and s. SPS 318.1008 (3) (a) 2. should be numbered s. SPS 318.1008 (3) (b). [s. 1.03, Manual.]

g. Section SPS 318.1011 (6) numbers the permissible inspectors as “1.,” “2.,” and “3.”. The correct numbering sequence for a list under this subsection is “(a),” “(b),” and “(c).” [s. 1.03, Manual.]

h. In s. SPS 318.1705, a title for the section should be inserted. [s. 1.05 (1), Manual.]

i. Section SPS 318.1801 (3) contains a title, but subs. (1) and (2) in that section do not contain titles. If titles are used for any subsection in a section, titles must be used for all subsections in that section. [s. 1.05 (1), Manual.]

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

a. Throughout the proposed rule, references to statutes should follow the format in s. 1.07 (2), Manual. For example, in s. SPS 318.1003 (1) (b) 2. (Note), “of the Statutes” should be replaced with “, Stats.,”; in s. SPS 318.1003 (1) (c) 1. (Note), “section” should be replaced with “s.”; and in s. SPS 318.1003 (1) (c) 2. (Note), “chapters” should be replaced with “chs.”

b. In s. SPS 318.1002, “(10)” should be inserted after “s. SPS 318.1004”.

c. In s. SPS 318.1003 (1) (c) 1. (Note), “SPS 310.1007 (3)” should be replaced with “SPS 318.1007 (3)”.

d. In s. SPS 318.1003 (4) (b) 2., should “section” be replaced with “subdivision”?

e. In s. SPS 318.1004 (10), if the definition of “conveyance” is limited to the items listed in pars. (a) to (o), the agency should remove its references to s. 101.981 (1) (c) and (2), Stats., because the inclusion of those statutory citations is confusing.

f. In s. SPS 318.1007 (2) (b), should “the chapter” be replaced with “this chapter”?

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

a. Throughout the proposed rule, “owner or their agent” should be replaced with “owner or owner’s agent”. For example, see s. SPS 318.1011 (7) (b).

b. Throughout the proposed rule, numbers should be expressed using Arabic numerals, except that numbers at the beginning of a sentence and the number “one” are spelled out. [s. 1.01 (5), Manual.] For example, in s. SPS 318.1703 (1) (e) 2. b., “two” should be replaced with “2”, and in s. SPS 318.1810 (3), “1” should be replaced with “one”.

c. Under s. SPS 318.1007 (2) (c), it may improve clarity to include titles for the subject matters of each of the respective subdivisions listed in the paragraph. [s. 1.05, Manual.] For example, s. SPS 318.1007 (2) (c) 1. could be titled “Plan submissions.”; s. SPS 318.1007 (2) (c) 2. could be titled “Elevators or dumbwaiters.”; s. SPS 318.1007 (2) (c) 3. could be titled “Escalators or moving walks.”; and so on.

d. Section SPS 318.1011 (1) begins with “Pursuant to s. 101.983 (2), Stats.,” and is followed by a note referencing s. 101.983 (3), Stats. Why is the note referencing s. 101.983 (3), Stats., included if the subsection references s. 101.983 (2), Stats.? Similarly, why does s. SPS 318.1003 (1) (b) 2. contain a note referencing s. 101.983 (3), Stats.? A similar comment also applies to s. SPS 318.1012 (2) (a) 3. (Note).

- e. In s. SPS 318.1011 (8) (a), insert “someone” between “by” and “other.”
- f. In s. SPS 318.1013 (3), insert “of” between “return” and “the conveyance”.
- g. In s. SPS 318.1701 (3) (Note), “elevators” should be replaced with “conveyance” because s. SPS 318.1004 (10) defines “conveyance”, not “elevator”.