



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 15-043

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 December 2014.]

2. Form, Style and Placement in Administrative Code

a. In the introductory clause, the following changes should be made: (1) in the “renumber” section, “chs.” should replace “Chapters”; (2) in the “renumber and amend” section, “and (1) to (6),” should be omitted; and (3) in the “create” section, “320.07 (12m),” should be inserted after “SPS”, “chs. SPS” should replace “Chapters”, and “and Appendix C” should be inserted after “Appendix B”. In addition, the introductory clause should be modified to reflect any changes made to the treatment clause in SECTION 1 in response to comment d., below.

b. In the plain language analysis, the agency should explain why it is promulgating the proposed rule.

c. In the rule summary, the agency should include a deadline for submission of comments.

d. In SECTION 1, the following changes should be made in the treatment clause: (1) on the fourth line, “321.18 (1) (d) 1. c. and 2. c.” should replace “321.18 (1) (d) c.”; (2) on the fourth line, “(6) (b) 4. c.” should replace “(6) (b) 3. c.”; (3) on the fifth line, the second instance of “(8) (d)” should be omitted; and (4) on the fifth line, “(3) (Note)” should replace “(2) (Note)”. In addition, the agency should review its inclusion of ss. SPS 321.17 (3) (e) (Note) [2] and 321.22 (3) (a) Table 321.22-A2 (Footnote) [2] in the treatment clause. Those sections appear to reference appendices other than chs. SPS 320 to 325 Appendix.

e. In SECTION 3, “(intro.)” should be inserted after the first instance of “SPS 321.225” in the treatment clause.

f. In s. SPS 321.225 (1) (intro.), “serve” should replace “serves” to accurately reflect the text of the current rule.

g. Section SPS 324.01 (2) (Note) appears to contain substantive material. Any substantive material should be included in the text of the proposed rule, rather than in a note. [s. 1.09 (1), Manual.]

h. Given the technical nature of the material in Appendix B and Appendix C, the agency should consider obtaining a final, careful review of the content in the appendices by a subject matter expert.

i. In Appendix B, “screws” in Section 7, item 4, should not be underscored. [s. 1.06, Manual.]

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

a. In s. SPS 320.07 (12m), “chs. SPS 320 to 325 Appendix” should replace “ch. 320-325 Appendix”.

b. In s. SPS 321.225 (2), “ch. SPS 325 Appendix B” should replace “Appendix B”, and “ch. SPS 325 Appendix C” should replace “Appendix C”.

c. In SECTION 8, “to” should replace the hyphen in “Chapters SPS 320-325 Appendix A”.

d. In SECTION 9, “to” should replace the hyphen in the title of Appendix B.

e. In Appendix B, “ch.” should replace “chapter” in Section 1, item 8.

f. In Appendix B, “section 7 of Appendix C”, in Section 8, should be replaced with the correct reference. It appears that Section 7 of Appendix C does not exist.

g. In SECTION 10, “to” should replace the hyphen in the title of Appendix C.

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

a. In s. SPS 320.07 (12m), “ch.” should be capitalized.

b. In s. SPS 321.225 (2), a comma should be inserted after “Appendix C”.

c. Throughout Appendix B, when an acronym is used, it should be spelled out during its first use. For example, in Section 1, item 11, “UDC” should be spelled out, followed by “(UDC)”. In addition, throughout Appendix B, where appropriate, a unit of measurement should follow each numeral. For example, in Section 3, Table 2, units of measurement should be included for the post sizes. Lastly, throughout Appendix B, all numbers, except number one, should be expressed using Arabic numerals. For example, in Section 4, item 1, “2” should replace “two”. [s. 1.01 (5) and (8), Manual.]

d. In Appendix C, the table of contents should be revised to accurately reflect the titles of the six parts of the Appendix.

e. In Appendix C, “o.c.” in item 5 should be spelled out.