



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Scott Grosz
Clearinghouse Director

Terry C. Anderson
Legislative Council Director

Margit Kelley
Clearinghouse Assistant Director

Jessica Karls-Ruplinger
Legislative Council Deputy Director

CLEARINGHOUSE RULE 17-067

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 statutory authority section of the analysis, the reference to s. 101.11, Stats., should be deleted because the statute does not contain general or specific rulemaking authority. Instead, the statute could be referenced in the statutes interpreted section.

b. Throughout the proposed rule, when material is deleted and other material is inserted in the same location, the new underscored material always immediately follows the stricken material. [s. 1.06 (1) (a), Manual.] For example: (1) in s. SPS 330.002 (Note) [2], “~~(NFPA) Standard NFPA No.~~” should be replaced with “Standard NFPA No. (NFPA)”; (2) in s. SPS 330.01 (16), “~~that defines the of~~” should be replaced with “of that defines the”; and (3) in s. SPS 330.09 (2), “~~and training relating to for~~” should be replaced with “for and training relating to”.

c. In s. SPS 330.01 (4), the period at the end of the subsection should be retained. [s. 1.06 (4), Manual.] To accomplish this, the stricken-through period after “~~s. 941.37(1)(e), Stats~~” should be deleted and the period after “s. 256.15, Stats” should not be underscored.

d. In s. SPS 330.01 (14r), (17m), and (21r), the “and” between the defined term and acronym should be replaced with “or”. [s. 1.01 (8), Manual.]

e. Section SPS 330.01 (17) (a) to (c) should be repealed, rather than amended. [s. 1.06, Manual.]

f. In s. SPS 330.01 (20), the comma after “responsibilities” should be underscored because it is new material. [s. 1.06 (1) (a), Manual.]

g. In s. SPS 330.01 (25), the period at the end of the subsection should not be underscored because it is not new material. [s. 1.06 (1) (a), Manual.]

h. In s. SPS 330.02, the section title should not appear in the proposed rule as underscored text because it is existing text. [s. 1.06 (1) (a), Manual.]

i. In s. SPS 330.03 (1) (c) (Note), the note appears to contain substantive material that should be included in the text of the proposed rule, rather than in a note. [s. 1.09 (1), Manual.]

j. In s. SPS 330.05 (1), the comma after “occupational safety and health committee” should be underscored because it is new material. [s. 1.06 (1) (a), Manual.]

k. In s. SPS 330.12 (3), the title of the subsection should be created in a separate SECTION of the proposed rule because the treatment in SECTION 54 does not capture the creation of the title.

l. In s. SPS 330.12 (6), the subsection title should be replaced with “TEAMS”. [s. 1.05 (2) (c), Manual.]

m. In SECTION 58, should the treatment clause read “SPS 330.13 (1) is repealed and recreated to read.” in one SECTION and “SPS 330.13 (2m) is created to read.” in another SECTION?

n. In s. SPS 330.16 (1), “to” should be inserted before “health care services” to accurately reflect the text of the existing rule.

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

a. In s. SPS 330.003 (4), “by another department-written rule in this chapter” should be replaced with “by another section in this chapter”.

b. In s. SPS 330.07 (3), “ss. SPS 330.07 and 330.08” should be replaced with “this section and s. SPS 330.08”. [s. 1.07 (2), Manual.]

c. In s. SPS 330.09 (3), should “sub. (4)” be replaced with “sub. (4) (b) to (d)”?

d. In s. SPS 330.11 (1) (a) 7., “par. (a)” should be replaced with “this paragraph”. [s. 1.07 (2), Manual.]

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

a. In the plain language section of the analysis, the change described for s. SPS 330.002, relating to the addition of “employers”, does not appear in the proposed rule.

b. In the plain language section of the analysis, the changes to s. SPS 330.12 are described as a repeal and recreation of the section. However, some subsections are amended, rather than repealed and recreated.

c. In s. SPS 330.01 (21r), the agency should consider incorporating the second sentence in the subsection into the first sentence, to better include that content in the definition.

d. In s. SPS 330.01 (25), the hyphen after “written” should be deleted.

e. In s. SPS 330.02 (6), it appears that “~~Department~~ the Inspection, Maintenance, Testing, and Retirement of In-Service Automotive Apparatus” should be replaced with “~~Department Apparatus~~ the Inspection, Maintenance, Testing, and Retirement of In-Service Emergency Vehicles”.

f. In s. SPS 330.07 (4), “is” should be inserted after “that”.

g. In s. SPS 330.07 (5) and (6), the proposed rule should specify what is meant by the minimum fire fighter training and education requirements. Are the requirements outlined in s. SPS 330.08?

h. In s. SPS 330.11 (1) (a) 7., “firefighter” should be replaced with “fire fighter”.