



Wisconsin Legislative Council

RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 24-056

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Council Staff and the Legislative Reference Bureau, dated November 2020.]

2. Form, Style and Placement in Administrative Code

- a. The following comments apply in the rule caption’s listing of affected provisions:
 - (1) The treatment types should be listed in the following order: to repeal; to renumber and amend; to amend; and to create. [s. 1.01 (1) (b), Manual.]
 - (2) The listing for s. PSC 135.319 (1) should be revised to more precisely identify “(aw)”.
 - (3) The listing for s. PSC 135.727 should be revised to more precisely identify “(hw) (intro.)”.
 - (4) The listing for provisions created should be revised to add s. PSC 135.727 (hw) (4).
- b. The following comments apply to SECTION 5 of the proposed rule, amending s. PSC 135.019 (3):
 - (1) The current rule text states that the attorney general has consented to incorporation by reference of the federal regulation. However, the amendment only updates the federal regulation citation, without identifying the updated attorney general approval. To identify the updated attorney general approval, the rule text does not need further amendment, but the agency’s analysis for the proposed rule should be revised to identify that the attorney general has given consent for incorporation of the updated federal regulation.
 - (2) The current rule text states that the Legislative Reference Bureau (LRB) has consented to the incorporation by reference of the federal regulation. However, LRB consent is not required. Consider further amending this provision to remove the reference to LRB’s consent. The provision should retain the reference to the material being on file with LRB.

c. In SECTION 6 of the proposed rule, it appears that the current text of s. PSC 135.319 (title) and (1) (intro.) are not amended. If the intent is to amend only the text in par. (aw), the current text of the subsection title and sub. (1) (intro.) should not be shown. Additionally, the treatment clause should be revised to more precisely identify “(aw)”.

d. In SECTION 9 of the proposed rule, renumbering and amending s. PSC 135.714 (title), the stricken word “Addition” should be shown at the beginning of the title, before the underscored phrase “Transmission lines:”. Additionally, in the text, the stricken word “If” should be shown at the beginning of the provision, before the underscored “(3w) For all steel transmission lines,”.

e. The following comments apply in SECTION 10 of the proposed rule:

- (1) It appears that the current text of s. PSC 135.727 (title), (intro.), and (hw) (1) to (3) are not amended. If the intent is to amend only the text in par. (hw) (intro.) and create sub. (4), the current text of the section title, (intro.) and (hw) (1) to (3) should not be shown. Additionally, the treatment clause should be revised to more precisely identify “(hw) (intro.)”.
- (2) In the last sentence of par. (hw) (intro.), it appears that an underscored space is inserted between the words “the” and “following”. The underscoring for the space should be removed, as the current text of the rule already has a space between those words.
- (3) The treatment of sub. (4) should be moved to a separate treatment SECTION, to create par. (hw) (4). In the new treatment SECTION, the created text should be shown without underscoring. [s. 1.04 (2), Manual.]
- (4) Consider revising the numbering designations for sub. (4) (i) to (iii). Although the subsection and paragraph numbering is reversed from current drafting conventions, it may be preferable to stay as close as possible to the standard rule numbering designations. Accordingly, consider designating “(i)” to “(iii)” instead as “a.” to “c.”. [s. 1.10 (1), Manual.]
- (5) Subsection (4) (intro.) should be revised to add the phrase “all of the following” or “any of the following”, depending on what applicability is intended.
- (6) The text in sub. (4) (i) should be revised to end in a period, rather than a semicolon.
- (7) The text in sub. (4) (ii) should be revised to end in a period, rather than “, and;”.

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

In s. PSC 135.727 (hw) (4) (intro.), consider revising the plural “Service lines which have not been used... and do not have” to the singular “A service line that has not been used... and does not have”. Generally, the singular should be used, as the obligation to comply applies to each unused service line. [s. 1.05 (1) (c), Manual.]