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RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 96-009

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated October 1994.]

2. Form, Style and Placement in Administrative Code

a. In s. ATCP 100.75 (7) (b) 6., should the word “subsection” be replaced by the word “paragraph”?

b. In s. ATCP 100.985, the second, third and fourth occurrences of the notation “s.” should be deleted.

c. Section ATCP 100.986 (1) (e) provides that the calculation of an operator’s average total cost per producer per pay period may include other costs that the department allows in writing. To the extent these other costs become the policy of the department, rather than a determination on a case-by-case basis, these costs should be promulgated as administrative rules. [See, also, s. ATCP 100.75 (11) (k).]

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

a. In the analysis, it appears that the cite to s. 100.106, Stats., under “Statutes interpreted” should be to s. 100.06, Stats.

b. In s. ATCP 100.75 (7) (a) 4., a period should be inserted after “subd. 2.” This comment also applies to subds. 5. and 9. and to s. ATCP 100.75 (7) (c) 7.

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

a. In the Note to ch. ATCP 100, “, Stats.,” after “ss. 93.06 (7) and (8)” should be deleted.

b. In s. ATCP 100.75 (7) (a) 6., the phrase “solids not fat” is awkward. Would “solids other than fat” be accurate? This comment also applies to sub. (7) (b) 3.

c. In s. ATCP 100.75 (7) (a) 7., should an adjustment for drug residue findings be included as under current s. ATCP 100.75 (6) (b)? Also, should the rule refer to adjustments for enzyme levels, as mentioned in s. 100.22 (1m) (a), Stats.? These comments also apply to sub. (7) (b) 4.

d. In s. ATCP 100.75 (7) (c) 1., it appears that the phrase “under sub. (4)” should follow “milk volume” since sub. (4) only refers to milk volume and does not require the volume to be included on the payroll statement in hundredweights. This comment also applies to subds. 5. and 6. and sub. (9).

e. Section ATCP 100.75 (11) (k) refers to “other specified deductions.” By whom are these deductions specified?