



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 02-121

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 September 1998.]

2. Form, Style and Placement in Administrative Code

a. A preferable way of drafting the definitions of “hemlock” and “hemlock woolly adelgid” would be, for example, “‘Hemlock’ means a tree of the genus *Tsuga*.” Inclusion of the family name is unnecessary, since genus names are unique. In addition, the phrase “including the egg, nymph or adult stage” is unnecessary, since it is clearly implied by the phrase “in any life stage.” Finally, these definitions could be numbered s. ATCP 21.01 (8g) and (8r), avoiding the need to renumber all subsequent definitions.

b. Appendix A to ch. ATCP 21 will be a part of the Wisconsin Administrative Code. Therefore, an additional section of the rule is needed to create it, as with any other rule text, rather than simply attaching the appendix to the rule package.

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

The new s. ATCP 21.05 (1m) does not add much, if anything, to the rules. It identifies a number of types of certificates, but does not say what they are, how they differ from each other, what they are used for, or what their significance is. It then says that the Department of Agriculture, Trade, and Consumer Protection (DATCP) may issue certificates in any of those forms or in any other form, as appropriate--that is, the DATCP may issue certificates in any form that it finds appropriate. The department should decide what it wants to accomplish with this provision and rewrite it to do so. For example, since the new s. ATCP 21.16 deals with phytosanitary certificates, it may be valuable to specify what such a certificate is, who may issue

it, what it must contain, etc. However, if the requirements of s. ATCP 21.16 (2) (a) are sufficient for this purpose, it does not matter what the certificate is called and all references to types of certificates can be omitted from the rule. Note that s. ATCP 21.05 (3) (c) 1. refers to certificates of identity and certificates of origin without using those terms, and subd. 2. refers to ginseng shipment certificates by name, although that type of certificate is not identified in s. ATCP 21.05 (1m).