



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 06-028

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 January 2005.]

2. Form, Style and Placement in Administrative Code

a. In addition to repealing the definition of “council on local rabies control programs,” the rule should amend s. ATCP 13.02 (1) to delete that term.

b. When amending, subunits of the provision being amended that are not changed should not be shown in the rule. For example, the treatment clause of SECTION 20 of the rule should read “ATCP 69.02 (1) (a), (b) (intro.), (c), and (d) (intro.) are amended to read:” and that SECTION should not show the text of s. ATCP 69.02 (1) (intro.), (b) 1. and 2., and (d) 1. to 5.

In SECTION 6, s. NR 17.03 (4) (b) (intro.) is not amended, but it should be in order to conform it to proper drafting style. The final period should be stricken and followed by an underscored colon.

c. The text of s. ATCP 70.03 (2) and (3) as shown in the rule are different from that shown in the current Administrative Code. Also, the rule purports to repeal notes following those provisions, but no such notes exist in the current Administrative Code. If the rule is intended to affect those provisions as affected by other, pending rule-making orders, the treatment clause should indicate that it is amending the provisions “as affected by Clearinghouse Rule XX-XXX.” Otherwise, the provisions should be corrected to accurately show the changes to current law.

d. When amending a word or number, it is not permitted to strike and underscore individual characters. [See s. 1.06 (2), Manual.] So, in SECTION 30 of the rule, “1550°F

(~~69~~6°C)” should be replaced with “~~155°F (69°C)~~ 150°F (66°C)”. Similarly, in s. ATCP 80.54 (1) (a), “s. ATCP ~~100.76~~32 (1)” should be replaced with “s. ATCP ~~100.76~~ 100.32 (1)”. The preferred format is much easier for the reader to read and comprehend.

e. When amending, new material is shown (with underscoring) *after* the deleted material (with strike-through). [See s. 1.06 (1), Manual.] So, in s. ATCP 80.50 (2) (f) and (3) (d), “~~a points~~ point” should be replaced with “~~points~~ a point”. This error also occurs in ss. ATCP 70.03 (3) and 111.06.

f. In the treatment of s. ATCP 81.02 (3), “license fee of \$60.” should not be underscored.

g. While amending s. ATCP 85.01 (3) and (9), the department may also want to replace “means the dairy product defined in” with the more standard drafting style of “has the meaning given in.”

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

a. Section ATCP 42.54 (1) (a) refers to the Association of American *Food* Control Officials while other provisions refer to the Association of American *Feed* Control Officials. Should these be the same?

b. Section ATCP 97.04 (4) (b) and (c) both provide for license fee surcharges. Should par. (c) be modified to distinguish the surcharge in that paragraph from the surcharge in par. (b)? Also, should “but”, in the last sentence of s. ATCP 97.04 (4) (c) be replaced with “and”?