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## WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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### CLEARINGHOUSE RULE 07-067

#### 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. The rule preface should follow the format found in s. 1.02 (2) (a), Manual.
- b. The numbering of current rules that are amended by the rule should follow standard Legislative Reference Bureau drafting practices. The rule unnecessarily repeats some of the numbering in existing rules. For example, the reference to “ATCP 140.13 (1) (b) 3. (intro.)” on page 5, line 2, is correct. However, “(1) (b) 3.” is not necessary and should be deleted on page 5, line 6. Similar changes should be made on page 7, lines 1, 4, and 15, and page 8, line 6.
- c. The deletion of “ballot” in s. ATCP 140.19 (5) (e) should precede the insertion of “or electronic mail.”

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

- a. The department should consider whether the addition of “electronic mail” at several places in the rule is the best way of addressing the issue of alternate forms of communication. It may also be possible to conduct referenda by fax or on the Internet or by other means of electronic transmission. It should be possible to redraft the proposed rule to accommodate all potential methods of electronic communication and retention of information. (See, for example, the definition of “electronic transmission” in s. 180.0103 (7m), Stats.) Also, rather than making this change at each place in the rule where the current rule references “mail,” it may be possible to include a general provision regarding methods of communication in ch. ATCP 140 that would

apply to all of the marketing order rules. Finally, it should be noted that the rule uses “mail” as both a verb and a noun, which may affect the drafting of any changes to the rule.

b. The rule, in SECS. 9 to 11, changes the method for determining the assessment rate for ginseng. Should the rule specify the effective date for the change from the current method of assessment to the new method of assessment proposed in the clearinghouse rule?