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## WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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### CLEARINGHOUSE RULE 07-116

#### 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**

The current drafting convention of the Legislative Reference Bureau requires a comma following the next-to-last item in a list of items, before the conjunctive “and” or “or.” Consequently, commas should be inserted, for example, following “430” in ss. ATCP 55.07 (1) (a) (intro.), (2) (a) (intro.), and (3) (a) (intro.). The rule should be reviewed for other instances of this drafting format.

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

- a. In s. ATCP 57.10 (1) (b), the reference to “sub. (1)” should be changed to “par. (a)”.
- b. In the note following s. ATCP 57.10 (2) (f), “s.” should be inserted before the statutory citation and “(1)” should be inserted before “(im)”.
- c. In s. ATCP 57.10 (7) (g) and (8) (b), “chs.” should be inserted before “NR”. The entire rule should be reviewed for other instances in which “chs.” should be inserted.

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

a. Since the definition of “animal” is extremely broad--any non-human animal--the definitions of “carcass” and “carcass dealer” are equally broad. For example, as defined, “carcass dealer” includes a bait dealer who sells dead bait or a “clam buyer,” as defined in s. 29.537 (2) (c), Stats. To avoid these results, the definition of “carcass dealer” could be limited in a manner similar to the definition of “dead animal collector,” i.e., by specifying the purpose for

which the person sells, distributes, or brokers the sale of carcasses. Alternatively, the result could be avoided by creating specific exceptions to the definition of “dead animal collector,” or by limiting the definition of “carcass.”

Similarly, s. ATCP 57.20 (1) requires a Department of Agriculture, Trade and Consumer Protection (DATCP) license for the transport on state highways of any carcass or carcass material, which would include clams or dead bait. This result could be avoided by specifying the purpose for which carcasses are being transported, or by limiting the definition of “carcass.”

b. In s. ATCP 57.01 (5) (a), should the word “that” be inserted following “Material”? Similarly, in the third sentence of s. ATCP 57.22 (2) (a), should “that” be inserted following “carcass part”?

c. The rule specifies the dates on which the various permits expire but does not set deadlines for renewal applications. In light of the deadlines for DATCP action on permit applications, should there be application deadlines too?

d. Section ATCP 57.10 (2) (intro.) requires an applicant to complete an application, but does not require submission of the application. The wording used in s. ATCP 57.12 (2) (intro.) may be preferable.

e. The language requiring fees for adding locations to an existing permit in ss. ATCP 57.10 (5) and 57.12 (5) could be clearer. See s. ATCP 57.14 (5) for a good model.