



Wisconsin Legislative Council

RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 23-057

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Council Staff and the Legislative Reference Bureau, dated November 2020.]

2. Form, Style and Placement in Administrative Code

a. The plain language analysis indicates that the proposed rule, when incorporating by reference *NIST Handbook 44*, does not adopt Section 3.40, Electric Vehicle Fueling Systems, of that handbook. SECTION 20 of the proposed rule reflects that policy choice for ch. ATCP 92 by amending the definition of “*NIST Handbook 44*” in s. ATCP 92.01 (10h). Does the agency wish to make a similar choice for ch. ATCP 90 by amending the definition of “*NIST Handbook 44*” in s. ATCP 90.01 (15g)?

b. In the introductory clause:

(1) In the enumeration of provisions amended:

(a) Insert “(7)” after “90.04”.

(b) Insert “ch. ATCP 91 (title)” after “90.09 (4) (a)”.

(c) Reverse “91.03 (1) (e)” and “91.01 (4) and (Note)” so that they appear in numerical order.

(d) Subunits of the same unit may be combined. For example, “90.01 (15r) and (Note), 90.01 (19), 90.01 (26) and (Note)” may be combined as “90.01 (15r) and (Note), (19), and (26) and (Note).”

(2) Change “affecting small businesses” to “and affecting small business”. [s. 1.01 (1) (a) and (c), Manual.]

c. Throughout the proposed rule, do not strike-through only the symbol attached to a word or number. Strike-through the word or number along with the symbol and insert the new material in its place. For example, the change from a % symbol to the word “percent” should be shown as “~~40%~~ 40 percent”, and the change from normal script to superscript should be shown as “~~cm~~³”. Use this technique in the following provisions:

(1) SECTION 3 [s. ATCP 90.01 (19)].

- (2) SECTION 5 [s. ATCP 90.04 (7) (e), (f), and (g)].
- (3) SECTION 6 [s. ATCP 90.04 (7) (t)].
- (4) SECTION 7 [s. ATCP 90.07 (2) (a) and (b)].
- (5) SECTION 8 [s. ATCP 90.07 (a) 2. and 4.].
- (6) SECTION 10 [s. ATCP 90.08 (12) (a)].

d. In SECTION 4 of the proposed rule, in the note following s. ATCP 90.01 (26), the title of the handbook, *Checking the Net Contents of Packaged Goods*, in the current administrative code is enclosed in quotation marks. If the proposed rule is removing those marks, they should be displayed as stricken-through.

e. In SECTION 9 of the proposed rule, treat a hyphenated word as a single word for purposes of displaying an amendment; that is, strike-through the existing words and underscore the new hyphenated word immediately after the strike-through rather than simply inserting a hyphen between two existing words.

f. In SECTION 14 of the proposed rule, do not underscore the comma after “*Goods*” because it appears in the current administrative code.

g. In SECTION 19 of the proposed rule, insert “(title)” after “(e)” in the treatment clause. Make a corresponding change to the introductory clause.

h. In SECTION 21 of the proposed rule, the word “*engine*” should appear before “*fuel quality*” in s. ATCP 92.01 (10p) (Note), as it is present in the current administrative code.

i. In SECTION 29 of the proposed rule, the agency proposes changing a standard from “at least 6 inches (15 cm)” to “at least 6 inches or 15 centimeters”. This raises two issues. First, does the agency wish to make this change throughout s. ATCP 92.30, where the parenthetical technique appears numerous times? Second, has the agency considered whether this change will inject ambiguity into the rule (assuming none existed before)? For instance, the inch measurement and the centimeter measurement are not identical; 15 centimeters is slightly shorter than 6 inches. Under the current administrative code, must the longer, inch standard be met? Under the proposed change, is it sufficient if the shorter, centimeter standard is met?