

# WISCONSIN LEGISLATIVE COUNCIL STAFF

## RULES CLEARINGHOUSE

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## CLEARINGHOUSE RULE 97-127

### 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 October 1994.]**

#### 2. Form, Style and Placement in Administrative Code

a. The full citation of the rule section which is affected should be set forth in the first line of each SECTION of the rule-making order. For example, on line 2, page 6 of the rule-making order, “ATCP 90.08” should be inserted immediately preceding “(21).” This comment applies to SECTIONS 2, 3, 5, 6 and 13 as well.

b. In s. ATCP 90.09 (2), what is a “municipal sealer”? Should this term be defined in the rule?

c. Section ATCP 90.09 (4) (a) states that if a certain number of unreasonable shortages are found, the department or a municipal sealer “may” issue an order prohibiting the sale of the entire inspection lot. Should “may” be changed to “shall”? If not, the rule should set forth the standards by which the department or a municipal sealer will determine whether or not to issue an order.

d. In s. ATCP 91.05 (2), the phrase “are considered” should be changed to “shall be.”

e. Throughout the rule, references should be provided to the penalties which apply to violations of the rule.

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

a. In s. ATCP 91.015 (2), how is it to be determined whether certain methods of sale are “in general use” and “give meaningful and accurate information”? Should, or could, more objective standards be set forth?

b. Section ATCP 91.015 (3) (b) should contain a cross-reference to the statutory or administrative rule provisions which set forth methods of sale which apply to commodities sold for immediate consumption on the premises.

c. In ss. ATCP 91.04 and 91.041 (1), is the phrase “derived in substantial part from” specific enough to give direction to the reader? Could a more precise description, such as a percentage, be provided?