



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 06-008

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

To leave the most space for future insertions, the provisions created by SECTIONS 3 and 4 of the rule should be numbered ATCP 21.01 (6m) and ATCP 21.01 (8w). [s. 1.03 (7), Manual.]

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

a. In s. ATCP 21.17 (2) (c), does “with bark attached” modify logs, slabs and lumber, or only lumber? If it is the former, it could be made clearer by deleting the second occurrence of “ash” and inserting a comma following “lumber.” If it is the latter, the comma following the word “logs” should be replaced with the word “or.”

b. In ss. ATCP 21.17 and 21.18, should the beetles themselves be subject to the restrictions on transport, as s. ATCP 21.19 makes *Phytophthora ramorum*?

c. In each section, the rule uses the term “phytosanitary certificate.” If inclusion of the word “phytosanitary” identifies a specific certificate, that word should be defined; otherwise, it appears to add no meaning to the rule and should be omitted.

d. Sections ATCP 21.17 (2) (f) and 21.18 (2) (c) are vague. Who determines whether a substance “reasonably could harbor” the beetles, and by what criteria?

e. Since s. ATCP 21.19 (2) (a) identifies false Solomon’s seal as being in the genus *Maianthemum* but formerly in the genus *Smilacina*, it could also note that poison ivy was formerly placed in the genus *Rhus*. Are there other similar cases in this list?

- f. In the appendix, the last name in each list should be preceded by “and.”