



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 07-085

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 contained in s. 1.02 (2) (a), Manual.
- b. The notation “ATCP 21.01” should precede the definition of the term “firewood” in s. ATCP 21.01 (6p).
- c. Immediately preceding the text of s. ATCP 21.20, a treatment clause should be inserted that reads: “SECTION 2. ATCP 21.20 is created to read:”.
- d. Section ATCP 21.20 (3) (intro.) refers to a form. The requirements of s. 227.14 (3), Stats., should be met.
- e. In s. ATCP 21.20 (8), the notation “s.” should be inserted before the reference “NR 45.04 (1) (g).” In addition, it is not necessary to place the cross-reference in bold type.
- f. An administrative rule does not take effect upon publication. Consequently, the effective date clause probably should refer to s. 227.22 (2) (intro.), Stats., which provides that a rule will be effective on the first day of the month commencing after the date of publication.

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

- a. Section ATCP 21.20 (1) and (2) (intro.) state that the department “may” certify a firewood dealer who has satisfied all of the requirements for certification. Should “may” be changed to “shall”? If not, the rules should specify the circumstances under which the

department may refuse to issue a certification to a person who has satisfied all of the requirements for certification.

b. The statement required in s. ATCP 21.20 (4) would be more directive if it were written in the active, rather than the passive voice. In addition, it would be more informative if the statement contained an explanation that only firewood that meets the requirements of s. NR 45.04 (1) (g) may be sold at state campgrounds. The version of the statement that is set forth in the Business Impact Analysis attached to the rule is written in a more straightforward and informative manner. Or, perhaps such a statement could be included in a Note to the rule.

c. In s. ATCP 21.20 (5), “An applicant for certification or a” should replace “A” and the phrase “before or after the department grants a certification under sub. (1)” should be deleted.