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## WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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### CLEARINGHOUSE RULE 09-023

#### Comments

**[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Reference Bureau and the Legislative Council Staff, dated September 2008.]**

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

a. The rule preface refers to marketing assessments in Michigan and Minnesota, implying that Illinois and Iowa do not have potato marketing boards. The discussion of surrounding state regulation should affirmatively indicate whether Illinois and Iowa have potato marketing boards and, if they do, the assessments applied in those states.

b. The references to dates in s. ATCP 149.03 (2) should be in the following format: “the first day of the 36<sup>th</sup> month beginning after the effective date of this subsection ... [legislative reference bureau inserts date]”. Similarly, after each occurrence of “the effective date of this subsection” in SECTION 7, the notation “[legislative reference bureau inserts date]” should be inserted. Also, future reapportionments made by the potato industry board should be considered advisory until s. ATCP 149.03 (1) is amended appropriately.

c. The provisions identified in the rule as initial applicability are really transitional provisions. Because these provisions will continue to have a governing effect on elections for several years, they should be included in the text of the Administrative Code, in s. ATCP 149.04.

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

a. The last sentence of s. ATCP 149.03 (2) relates more to terms of office than to reapportionment of districts, and so more properly belongs in s. ATCP 149.04 (2). Further, it should be stated more clearly by explaining the anticipated circumstances and process, i.e., by

explaining that, if reapportionment under s. ATCP 149.03 (2) results in a member of the board no longer residing in the district that member was elected to represent, the member shall continue to serve on the board until expiration of the term, at which time a new member will be elected from the district, as reapportioned.

- b. On page 7, line 7, "rate" is misspelled.