



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 11-001

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 summary should include a comparison with rules in states adjacent to Wisconsin. [s. 1.02 (2) (a) 7., Manual.] If the adjacent states do not have rules on this subject, that should be noted.

b. In s. ATCP 21.21 (1), the paragraphs are mislettered.

c. In s. ATCP 21.21 (1) (d) 2., “nation” could be replaced by “country”. Also, “United States” could be abbreviated “U.S.”.

d. A definition of “pest control official” could be inserted, with reference to the definition in s. ATCP 21.01 (11).

e. In s. ATCP 21.21 (1) (g), the phrase “which is injurious to black walnut trees” is substantive material which should not be included in a definition. [s. 1.01 (7), Manual.]

f. After s. ATCP 21.21 (1), a note could be inserted indicating where information may be obtained regarding which areas the U.S. Department of Agriculture has declared to be infested with thousand cankers disease.

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

a. What are “host materials” in s. ATCP 21.21 (3) (title)? Also, the title refers to “importing or moving” host materials, but the text only refers to “importing” materials into the state. Therefore, “or moving” could be deleted from the title.

b. What is meant by materials having been “exposed to the environment in any infested area” in s. ATCP 21.21 (3) (intro.)?

c. Section ATCP 21.21 (3) (a) prohibits the importation into Wisconsin, from infested areas, of “firewood from any species of tree”. The definition of firewood applicable to the rule [in s. ATCP 21.01 (6p)] does not distinguish between treated and untreated firewood. However, the statement of impact on business indicates that the prohibition applies to certain *untreated* firewood. The intended reach of this provision should be clarified.

d. In s. ATCP 21.21 (3) (b) 1., a comma should be inserted after “nut meats”.

e. In s. ATCP 21.21 (3) (b) 3., what is meant by “walnut furniture”? Also, does “instruments” mean musical instruments?

f. Are the “materials” referenced in s. ATCP 21.21 (4) (a) (intro.) and elsewhere the same as those listed in sub. (3) (a) and (b)? To clarify, the phrase “specified in sub. (3) (a) and (b)” could be inserted after “Materials” in sub. (4) (a) (intro.).

g. In s. ATCP 21.21 (4) (b) (intro.), “Material” should be plural, for consistency with other provisions.