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## WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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### CLEARINGHOUSE RULE 11-051

#### 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 November 2011.]**

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

a. The department should revise the introductory clause of the rule to comply with s. 1.02 (1), Manual.

b. The rule summary appears to omit items 9. and 10. as listed in s. 1.02 (2) (a), Manual. The department should also review whether the rule complies with 2011 Wisconsin Act 46, relating to rule-making considerations for small business.

c. In SECTION 1 of the rule, the words “each year” should be underlined.

d. In the treatment clause to SECTION 3, the citation to the provision being amended is incorrect. The treatment clause should refer to s. ATCP 21.20, not s. ATCP 21.02. Also, because the provisions denoted in the treatment clause as subs. 1. and 2. are not, in fact, subdivisions in the Code but are just items in the statement required under sub. (2) (d) (intro.), it is suggested that the entire sub. (2) (d) be repealed and recreated. This makes particular sense since item 4. in the statement required under sub. (2) (d) is repealed. If sub. (2) (d) is repealed and recreated, SECTION 4 of the rule should be deleted, since that change will be reflected in the repeal and recreation of sub. (2) (d). In item 2. in the statement required under sub. (2) (d) (intro.), substitute “before January 1, 2015” for “through 2014”.

e. In s. ATCP 21.20 (2) (dm), the department should include a title for the paragraph because the other paragraphs have titles. [s. 1.05 (1), Manual.]

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

a. In s. ATCP 21.20 (1) (c), the last part of the second sentence, beginning with “in this state,” should read: “in this state, and shall specify the method of treatment of the firewood and the state and county in which the wood was harvested.” In sub. (2) (c) 9., substitute “the department shall charge a fee of \$200” for “a fee of \$ 200 will be charged”.

b. Section ATCP 21.20 (2) (dm) would be clearer if it read as follows: “For the treatment of firewood under item 1. in the statement required under par. (d) (intro.), a firewood dealer shall have electronic temperature and time recording equipment for each heat treatment vessel the dealer operates. The dealer shall keep a record of each heat treatment the dealer runs for 3 years after the date of the treatment.” Also, is it intended that the record that is kept be of the temperature and the time recorded by this equipment? If so, this should be clarified in that last sentence of par. (dm).