



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 12-003

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. In the introductory clause, the enumeration of provisions treated should be in the order described in s. 1.02 (1) (b), Manual.
- b. If the rule will have an impact on small business, as it appears to, the phrase “and affecting small business” should be added at the end of the relating clause. [s. 1.02 (1) (c), Manual.]
- c. The rule summary should contain all of the headings described in s. 1.02 (2) (a), Manual.
- d. Throughout the proposed rule, proper spacing should be used in citations. For example, “ATCP 29.01(8m)” should read “ATCP 29.01 (8m)”. [See the example following s. 1.03 (a), Manual.]
- e. In SECTION 1, the treatment clause indicates that a note is created following the definition of “bulk pesticide”. However, no note is included. Also, the phrase “ATCP 29.01 Definitions. In this chapter:” should be deleted because that language already exists and does not need to be created. The same comment pertains to the first line of text in SECTION 23.
- f. In s. ACTP 29.01 (24m) and elsewhere in the rule, the phrase “but not limited to” following the word “including” should be deleted, because “including” means “including but not limited to”. [s. 1.01 (7) (d), Manual.]

g. In s. ATCP 29.31 (5) (b), it would be preferable not to renumber subds. 2. to 9. in order to insert a new subd. 2. If the new item needs to be in that location, it could be created as subd. 2m. Otherwise, it could be inserted at the end, as subd. 10. [s. 1.03 (5) (a) and (b), Manual.]

h. In s. ATCP 29.45 (4) (a) 4., the phrase “the spill containment surface shall be served by a pump and” should be deleted because this requirement is already addressed in subd. 3.

i. In s. ATCP 29.45 (5) (c), the proposed rule refers to a storage container described in “sub. (5)”. The proposed rule does not describe a storage container in sub. (5). It appears that the correct citation is “sub. (4)”.

j. In s. ATCP 29.54 (1) (e), it would be preferable not to renumber subds. 3 and 4. [s. 1.03 (5) (a), Manual.]

k. In s. ATCP 29.55 (1) (d), the word “but” on line 3 should be underlined to indicate that it is a word being added to the rule. [s. 1.06 (1) (a), Manual.]

l. In s. ATCP 29.56 (7) (c) (intro.), the phrase “an electronic or paper,” should be underlined to indicate that it is being added to the rule. [s. 1.06 (1) (a), Manual.]

m. In s. ATCP 29.72 (4), the word “the” on line 3 should be underlined to indicate that it is a word being added to the rule. [s. 1.06 (1) (a), Manual.] The entire rule should be reviewed for other occurrences of this problem.

n. In SECTION 44, the title should not include “AND INITIAL APPLICABILITY” because SECTION 44 only designates an effective date.

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

a. In the treatment clauses to SECTIONS 1 to 4, “SECTION” should be immediately followed by a period instead of a colon.

b. In s. ATCP 29.21 (2) (d), the rule should be made clearer. It could read: “A specific description of the location of the pesticide application site. This description shall contain sufficient information and detail so that the location of the pesticide application site may be readily determined.” Sections ATCP 29.22 (4), 29.33 (3) (d), and 29.55 (3) (a) 8. should use identical language.

c. In s. ATCP 29.45 (4) (a) (intro.), for greater clarity, the language could read: “If any liquid pesticide is mixed or loaded over a spill containment surface under sub. (1), the surface shall meet all of the requirements under sub. (3) in addition to all of the following requirements:”.

d. In s. ATCP 29.45 (4) (a), subds. 1. and 3. to 7. all begin with the phrase, “the spill containment”. However, subd. 2. begins with the phrase “the catch basin”. Is the catch basin a part of the spill containment and, therefore, appropriately placed in this provision?

e. In SECTION 27, the comma in the treatment clause should be deleted.

f. In s. ATCP 29.55 (2) (a), the word “annual” should be changed to “annually”.

g. In s. ATCP 29.56 (2), the rule should be made clearer. The rule could read, for example: “A person hired by a customer to make a landscape application shall provide the customer with all of the following in writing, or electronically, if the customer consents in writing to electronic notification:”.

h. In the treatment clause to SECTION 35, “(intro.)” should be inserted after “29.56 (2)”. Also, the note following s. ATCP 29.56 (2) (a) should be moved to immediately follow s. ATCP 29.56 (2) (intro.), because it applies to sub. (2) (intro.).

i. In s. ATCP 29.70 (2), the rule should be made clearer. The rule could read: “An application for an emergency use permit under sub. (1) shall be submitted by electronic means to the department unless advance approval to submit a paper application is granted by the department. The application shall include all of the following:”. This suggested revision also applies to ss. ATCP 29.71 (2) and 29.72 (4).