



---

---

## WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

---

---

**Pam Shannon**  
*Clearinghouse Director*

**Scott Grosz and Jessica Karls-Ruplinger**  
*Clearinghouse Assistant Directors*

**Terry C. Anderson**  
*Legislative Council Director*

**Laura D. Rose**  
*Legislative Council Deputy Director*

### CLEARINGHOUSE RULE 12-040

#### 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.]**

#### **1. Statutory Authority**

The agency should explain the exemption in SECTION 2 and how it relates to the Cooperative Interstate Shipment program. [See also comment 2. c.] In addition, is the exemption of certain retail establishments in SECTION 2 consistent with s. 97.42 (2), Stats., or other applicable statutes?

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

a. The following changes should be made in the introductory clause:

- (1) In the second line, “(2) (title), (a), (b), and (6)” should be replaced with “(2) (title), (a), and (b), and (6)”.
- (2) In the fourth line, “(2) (c)” should be replaced with “(2) (d)”.
- (3) In the fifth line, the word “thereby” should be deleted from the phrase “and thereby affecting small business”. [s. 1.02 (1) (c), Manual.]

b. The use of acronyms could be made more consistent throughout the analysis and should follow s. 1.01 (8), Manual. For example, acronyms are inconsistently used for the Cooperative Interstate Shipment program, the Federal Meat Inspection Act, and the Poultry Products Inspection Act.

c. The plain language analysis could be revised to more specifically address the need for the changes made in SECTIONS 2, 3, 4, 5, and 6 of the order. As written, the plain language

analysis explains that changes are required to implement the Cooperative Interstate Shipment program. It may be helpful to add additional detail regarding specific changes made in the order, such as the incorporation of federal exemptions for certain retail establishments and new requirements relating to the inspection of meat processing.

d. In SECTION 5, “slaughter” should be inserted after “post mortem” to reflect the current text of s. ATCP 55.04 (2) (a).

e. The agency should consider whether the new provisions created in SECTIONS 8 and 10 are necessary, or whether the applicable provisions of the federal Code of Federal Regulations could instead be added in the respective par. (a) within each subsection.

f. The treatment clauses in SECTIONS 9 and 10 should be split in the following manner:

(1) SECTION 9. ATCP 55.07 (2) (a) (intro.) is amended to read:

(2) SECTION 10. ATCP 55.07 (2) (d) is created to read:

(3) SECTION 11. ATCP 55.07 (3) (a) (intro.) is amended to read:

(4) SECTION 12. ATCP 55.07 (3) (c) is created to read:

[ss. 1.03 (3) and 1.04, Manual.] The word “(intro.)” should also be inserted after s. ATCP 55.07 (2) (a) and (3) (a) in the introductory clause.

g. In SECTION 9, the agency should review the amendments to s. ATCP 55.07 (2) (a) (intro.) and (3) (a) (intro.) for compliance with s. 1.06, Manual.

h. The effective date section should be labeled as a numbered SECTION. [s. 1.02 (4), Manual.]

#### **4. Adequacy of References to Related Statutes, Rules and Forms**

a. In SECTION 5, “(a), (b)” should be replaced with “(a), and (b)” in the treatment clause.

b. In SECTION 7, “(intro.)” should be inserted after “(a)” in the treatment clause. [s. 1.03 (3), Manual.] The word “(intro.)” should also be inserted after s. ATCP 55.07 (1) (a) in the introductory clause.

c. In the effective date section, “(intro.)” should be replaced with “(intro.), Stats.” [s. 1.07 (2), Manual.]

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

a. In SECTION 2, is the intent to require that an exemption applies only if a person qualifies for an exemption under multiple federal provisions? If not, “and” should be replaced with “or” in one or both instances where it appears.

b. In SECTION 8, “must” should be replaced with “shall” in s. ATCP 55.07 (1) (c). [s. 1.01 (2), Manual.]