



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Scott Grosz and Jessica Karls-Ruplinger
Clearinghouse Co-Directors

Terry C. Anderson
Legislative Council Director

Laura D. Rose
Legislative Council Deputy Director

CLEARINGHOUSE RULE 14-037

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 SECTION 1 of the rule, delete “Chapter” in the relating clause.
- b. Include “s.” or “ss.” before cross-references to Administrative Code provisions. For example, in SECTION 2, the reference should be to “ss. ATCP 88.06 and ATCP 88.08”. The same comment applies to SECTIONS 3, 4, 5, and 6.
- c. In s. ATCP 88.01 (8), insert after the word “sale”, “, but does not include a person who handles nest-run eggs and otherwise prepares nest-run eggs for sale”. Delete the remainder of the language in the definition.
- d. Delete the second sentence in the definition of “egg producer” in s. ATCP 88.01 (9). It adds additional substance to the definition, and should be placed elsewhere in the rule. [s. 1.01 (7) (b), Manual.] The same comment applies to:
 - Section ATCP 88.01 (19), where the phrase “with the exception that some obviously restricted eggs are removed” should be deleted.
 - Section ATCP 88.01 (28), where the last sentence should be deleted.
- e. The definition of “Warehouse” should read “‘Warehouse’ has the meaning given in s. 97.27 (1) (b), Stats.”.

f. The exemptions to the food processing plant license requirements currently in s. ATCP 88.02 (3) should either be put immediately following sub. (1) (which sets forth the license requirements), or incorporated into sub. (1). If the exemptions are placed as sub. (2) to follow sub. (1), then current sub. (2) should be renumbered to sub. (3).

g. In s. ATCP 88.02 (3) (b), add parentheses to the reference to “sub. 4”. The same comment applies to s. ATCP 88.02 (4).

h. Delete “subsection” in s. ATCP 88.14 (1) 3. and replace it with “sub.”. Also, current subs. 1. to 3. under sub. (1) should be renumbered as pars. (a), (b), and (c).

i. The material in the Note to s. 88.20 should probably be placed in the rule text, if that is the only way a dirty egg is allowed to be dry cleaned.

j. In s. ATCP 88.28 (3), since there is only one paragraph, the material in par. (a) should be an intro., and subs. 1. to 3. should be renumbered as pars. (a) to (c).

k. In s. ATCP 88.42, insert a space before the word “pursuant”.

l. The material in the Note to s. ATCP 88.42 should probably be placed in the rule text.

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

a. References to Code of Federal Regulations sections should not include the word “part”. For example, the references in s. ATCP 88.01 (14) should be “21 CFR 16.5 (a) (5)”. The other reference in that definition should be “21 CFR part 118”. This comment applies to s. ATCP 88.04 (1) (a) and (b); s. ATCP 88.20 (2); and s. ATCP 88.30. [See s. 1.07 (3) (b), Manual.]

b. In s. ATCP 88.34 (4) (a), the cross reference to sub. (1) (e) 1. should be to sub. (1) (f) 1.

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

a. Abbreviations to “United States” throughout the rule should be consistent. For example, the abbreviation in s. ATCP 88.01 (4) should be “U.S.”, not “US”. See also, s. ATCP 88.01 (20) and (27); s. ATCP 88.02 (1) (b) and (2); s. ATCP 88.24 (1); and s. ATCP 88.34 (a) 2.

b. In s. ATCP 88.01 (18), insert the word “is” before the word “overheated”.

c. The definition in s. ATCP 88.01 (28) is confusing. Are the percentages referred to applicable to eggs in a package of a certain size? This definition should be clarified.

d. In s. ATCP 88.02 (4) requires that a department-created form or online registration be completed. Then the definition goes on to enumerate what information is reasonably required by the department. This sentence is unnecessary and should be deleted, since this information will probably be required on the form itself.

e. Delete the comma after the word “taken” in s. ATCP 88.06 (10) (a).

f. Delete the comma after the word “held” in s. ATCP 88.18 (1).

g. Section ATCP 88.28 (3) describes what to do with loss and inedible eggs. What should be done with other types of restricted eggs, including incubator rejects and leakers?

h. In s. ATCP 88.40 (1), should the producer be providing the receipt to the purchaser, rather than the other way around?