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## WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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### CLEARINGHOUSE RULE 14-047

#### 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. Throughout the rule, when amending a dollar amount or a percentage, the dollar sign or percentage symbol is treated as part of the number. Consequently, it must be stricken with the old number and shown with underscoring as part of the new number.
- b. Also throughout the rule, a blank space should be left between stricken text and the following underscored text.
- c. The text in SECTION 4 should end with a period.
- d. In SECTION 11, as with amending words, the entire URL should be stricken and the entire revised URL should be shown with underscoring.
- e. In SECTION 12, is the striking of “March” intentional or inadvertent? No month is specified in the revised text.
- f. The amendment of s. ATCP 30.22 (7) (b) should be shown in a separate SECTION, following the creation of s. ATCP 30.22 (7) (am).
- g. The treatment clause of SECTION 22 should read: “ATCP 33.34 (6) (intro.) and (a) are consolidated, renumbered ATCP 33.34 (6), and amended to read:”. Apart from the treatment clause, this provision is drafted correctly, including striking “(a)” (rather than simply omitting it). The same format should be used for SECTION 102.

h. Also in SECTION 22, the first occurrence of “a”, following “~~(a)~~—A”, should be underscored.

i. In SECTION 29, the comma before “Stats.” should not be underscored.

j. The individual reports identified in the language being added to s. ATCP 48.42 (2) (a) should be listed as subdivisions of that paragraph.

k. In SECTION 56, the second occurrence of “ATCP 50.56 (3) (b) 4.” (after the colon) should be on the second line, preceding “a.”.

l. This rule introduces to ch. ATCP 90 several NIST handbooks, specifically those numbered 44, 130, and 133. It creates a definition of “NIST Handbook 133”, and should do the same for the others, as it does in ch. ATCP 92.

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

a. In s. ATCP 21.21 (1) (c) 2., who is meant by “the state plant regulatory official”? The use of “the” suggests it is a specific person. Since the term is used only once (and does not appear in the statutes or elsewhere in the Administrative Code), it does not warrant defining, but it should be replaced with a clear indication of what state official has this power.

b. It would appear that “*Inspectors*” should be replaced with “*Inspection*” in s. ATCP 40.16 (1) (note), as it is in s. ATCP 40.16 (1).

c. The definition of “ASTM” in s. ATCP 94.120 (1m) and its use in s. ATCP 94.200 (1) (intro.) are somewhat non-intuitive. An alternative would be to omit the definition and revise s. ATCP 94.200 (1) (intro.) to read something like the following: “The following standards of ASTM International, as presented in the *2014 Annual Handbook of ASTM Standards*, are incorporated by reference into this chapter:”.