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## WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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### CLEARINGHOUSE RULE 15-054

#### 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 December 2014.]**

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

a. In the introductory clause that enumerates the provisions treated by the proposed rule, the word “and” should be moved to precede the last treated rule section number rather than the second-to-last section number.

b. Much of the material in the “summary of factual data” section in the analysis appears to be appropriate to include in the plain language analysis. [See s. 1.02 (2) (b), Manual.]

c. Throughout the rule, there are several instances in which provisions treated in separate sections could be treated together in a single section. [See s. 1.04 (2) (a) 1., Manual.] Examples include SECTIONS 1 and 2; 8 and 9; 10 and 11; and 13 and 14.

d. In SECTION 4, the second new subsection should be numbered (9m) rather than (9g). [s. 1.03 (5) (b), Manual.]

e. In s. NR 19.72 (2) (Note), the format of the statutory references should be “ss. 169.085 and 169.11 (1) (b), Stats.”. [s. 1.07 (2), Manual.]

f. Is the order of the provisions created in SECTIONS 13 and 14 important? If not, the created subdivisions could be numbered 4. and 5.

g. In s. NR 19.77 (2) (a), the reference to “par.” should be replaced with the word “paragraph”. [s. 1.07 (2), Manual.]

h. In SECTION 26, it is not necessary to include the text of pars. (a) to (d) in the proposed rule, because only the introduction is treated. [s. 1.04 (1) (b) 2., Manual.]

i. In addition to amending the treated provision, SECTION 28 should also renumber s. NR 19.79 as s. NR 19.79 (1), to correspond with the change made in SECTION 29.

j. The introductory clause should be updated to reflect any treatment revisions made in accordance with these comments.

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

a. References to licensees should be made consistent throughout the rule. For example, see inconsistent references to “licensee” and “license holder” in SECTIONS 10 and 11.

b. In s. NR 19.71 (6m), is the intent to require that a licensee be available by multiple modes of communication if the licensee is not available by phone? If not, consider replacing the phrase “other forms” with “another form”. In addition, the phrase “a person” could be replaced with the phrase “the person” in that subsection for greater clarity.

c. In s. NR 19.73 (1) (e), consider revising the introduction to state that “No person may have a species added to their license...”, or that “The department may add species to a license if...”.

d. In s. NR 19.73 (1) (e) 1., the slash between the words “pens” and “enclosures” should be replaced with the word “and” or “or”, as appropriate. [s. 1.01 (9), Manual.]

e. In s. NR 19.73 (1) (e) 4., for greater clarity, replace “A basic license” with “For a basic license modification, the licensee”.

f. In s. NR 19.73 (2) (c) (intro.), replace “provided that” with “if”.

g. In s. NR 19.73 (2) (d) 3., replace “their” with “the licensee’s”.

h. To avoid an unclear antecedent, consider revising s. NR 19.73 (2) (e) to read: “*Subpermittees*. A basic license holder shall not list subpermittees on the license holder’s license.”.

i. The following comments apply to s. NR 19.73 (3) (e):

(1) In subd. 2., “list” should be made plural.

(2) In subd. 5., “these rules” should be replaced with “this subchapter”.

(3) In subd. 6., an apostrophe should be added after “subpermittees”.

(4) In subd. 7., “reports” and both instances of the word “location” should be made plural.

j. References to “Code of Ethics” and “the Code of Ethics” should be made consistent. See SECTIONS 17 and 21.

k. In s. NR 19.74 (2) (intro.), a phrase such as “satisfy all of the following criteria” should be added after “shall”. [s. 1.03 (3), Manual.]

l. In SECTION 24, the word “and” should replace the slash between the names of the association and council to be consistent with SECTION 25. [See also s. 1.01 (9), Manual.]

m. The following comments apply to s. NR 19.80 (2) (b):

- (1) Periods should be added at the ends of each subdivision. [s. 1.03 (4), Manual.]
- (2) The phrase “Wis Admin. Code” should be removed from the code references, and “Wis.” should be removed from the statutory reference. [See s. 1.07 (2), Manual.]
- (3) In the Note, “can” should be replaced with “may”.