

# WISCONSIN LEGISLATIVE COUNCIL STAFF

## ***RULES CLEARINGHOUSE***

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## **CLEARINGHOUSE RULE 99-168**

### **Comments**

**[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated September 1998.]**

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

- a. In s. ATCP 10.01, subs. (60) and (60m) should be reversed so that the terms are in alphabetical order. A similar error occurs in ch. ATCP 11. Also, a quotation mark is missing after “herd” in sub. (60).
- b. In s. ATCP 11.30 (2), there are two paragraphs “(b).”
- c. SECTION 168 is amending s. ATCP 11.54 (2), rather than repealing and recreating it. Also, “or” should be stricken.
- d. The underscore should be deleted under “a” in the second sentence of s. ATCP 11.54 (3) (b).
- e. In the last sentence of s. ATCP 12.05 (1) (a), “does not apply” should be underscored.
- f. In s. ATCP 12.06 (1) (b) 3., “shall” should replace “must.”

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

- a. Section ATCP 10.01 (9m) (a) refers to s. ATCP 10.678, a section that does not exist. Is the correct reference s. ATCP 10.675?

b. Section ATCP 10.01 (14m) refers to a certified “brucellosis-free flock” and cross-references s. ATCP 10.64. The latter rule uses the term “brucella-ovis free flock.” Are these terms equivalent? If so, can one term be used?

c. In s. ATCP 10.17, should the reference to s. ATCP 10.15 be changed to s. ATCP 10.16?

d. In s. ATCP 10.41 (1), it appears that the reference to “s. ATCO 10;70” should be changed to “s. ATCP 10.70.”

e. It appears that the second reference to “par. (b)” in s. ATCP 10.673 (6) (c) contains an extraneous number.

f. In the note following s. ATCP 11.03 (1) (b) and in s. ATCP 11.03 (1) (c), it appears that “par. (a)” should be changed to “par. (b).”

g. In s. ATCP 11.03 (3) (c), the reference to “sub. (1) par. (e)” should be changed to “sub. (2) (e).”

h. Should s. ATCP 11.04 (1) (c) contain a cross-reference to the rule section under which livestock markets are authorized by the department to receive animal import shipments?

i. In s. ATCP 11.11 (1) (a) 4., “(b)” should be inserted after “sub. (4)”.

j. Section ATCP 11.11 (4) (b) 5. refers to a rule provision that does not appear to exist. Similar errors occur in ss. ATCP 1.03 (1) (a) 11., 11.11 (2) (b) 2. and 11.20 (3) (b) 3. and (5) (b) 3.

k. SECTION 145 repeals s. ATCP 11.13. That section is cross-referenced in rules of the Department of Transportation (DOT). See s. Trans 102.20 (2) (i). The department may wish to contact DOT to let that agency know that s. ATCP 11.13 is being repealed.

l. In s. ATCP 12.06 (1) (a) 2., “12.05” should be inserted after “ATCP.”

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

a. In s. ATCP 10.01 (9m) (b), how is it determined whether standards are “comparable” to s. ATCP 10.678? This comment applies to several other sections of the rule using the same terminology.

b. In s. ATCP 10.01 (15m), the quotation marks around “farm raised deer” should be deleted and a hyphen should be inserted after “farm.”

c. In s. ATCP 10.01 (26m) (a) and (31) (a), should a definition of “common ground” be provided?

d. In s. ATCP 10.01 (26m) (b) and (31) (b), it appears that “owner” should be changed to “owned.”

e. For consistency, in s. ATCP 10.01 (69r) (b), “in which” should be changed to “where.”

f. Should the requirement in s. ATCP 10.02 (1) be limited to evidence of disease found or diagnosed in animals present in this state?

g. In s. ATCP 10.41 (1) (b), should the requirement to notify event sponsors that an infected animal was present at the event be limited to events that were held within a certain time prior to the time the animal tests positive on an infectious anemia test?

h. Should the phrase “captive cervid” be defined for purposes of s. ATCP 10.65 (1) and other portions of the rule that use that term?

i. Various provisions in s. ATCP 10.66 refer to “USDA bovine tuberculosis eradication uniform methods,” although that section pertains to cervids. Throughout that section, should “bovine” be changed to “cervid”?

j. Section ATCP 10.66 (2) (b) states that a blood tuberculosis test may not be used as an official tuberculosis test for any purpose in this state. Does this restriction apply to all animals or only to cervids? If the restriction applies to all animals, it should be placed in a portion of the rule with general applicability, rather than the portion which applies only to cervids. Also, the parenthetical material should be deleted.

k. In s. ATCP 10.675 (3) (a) 1., “test” should be changed to “tests.”

l. Should the phrase “, if any” be added to the end of s. ATCP 11.02 (7) (c)?

m. In s. ATCP 11.03 (2) (b), “paper” should replace “hard copy.”

n. In s. ATCP 11.11 (2), how may a person determine whether a test method has been approved by the department?

o. In the note following s. ATCP 11.20 (1) (a) 1., the department should consider inserting “weighing 80 pounds or less” after the first occurrence of “swine.”

p. Should the rule provide a definition of “micro pig,” used in s. ATCP 11.20 (1) (b) 3. and other provisions of the rule?

q. Should the rule provide a definition of “stage IV or V area,” used in s. ATCP 11.20 (2) (b) 4. and similar terms used in other sections of the rule?

r. Should the rule provide a definition of “stag,” used in s. ATCP 11.22 (1) (intro.) of the rule?

s. The phrase “identify the number,” used in ss. ATCP 12.02 (2r) (b) and 12.04 (2r) (b) is confusing. Does that term require a trucker to submit a specific identifying number for each vehicle being registered or does it require the trucker to specify how many vehicles are being registered?