



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 12-024

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. The introductory clause for the rule should be revised to read as follows (see also the corresponding comments below):

The Wisconsin Department of Agriculture, Trade and Consumer Protection proposes an order to renumber ATCP 17.02 (1) (note); to renumber and amend ATCP 17.02 (1); to amend ATCP 17.02 (3) (b) (note); and to create ATCP 17.02 (1) (b), relating to livestock premises registration.

b. In the analysis, the department should consider dividing the material under the heading “Federal and Surrounding State Programs” into two parts, with the headings “Summary Of, and Comparison With, Existing or Proposed Federal Statutes and Regulations” and “Comparison With Rules in Adjacent States,” to make the analysis consistent with the suggested format for rule summaries. [See s. 1.02 (2), Manual.]

c. In the last section of the analysis, the deadline for the submission of comments should be updated to account for the scheduling of May 1, 2012 and May 2, 2012 public hearing dates by the DATCP Board.

d. The treatment clause to SECTION 1 of the rule text should be revised to read as follows:

ATCP 17.02 (1) is renumbered ATCP 17.02 (1) (a) and amended to read:

ATCP 17.02 (1) (a) ~~GENERAL.~~ Except as provided in par. (b), a person may not keep livestock at a location in this state unless that location is registered under this section. There is no fee to register. A registration expires on the third December 31 after it is issued every third July 31 after July 31, 2013.

See also comment 5. a., below, regarding this provision.

e. The treatment clause to SECTION 2 should be revised to read as follows: “ATCP 17.02 (1) (b) is created to read:”. The treatment of s. ATCP 17.02 (1) (a) should be removed from that SECTION. The first line of rule text under the treatment clause should begin as follows: “ATCP 17.02 (1) (b). An individual may keep...”.

f. In SECTION 5 of the rule text, it is unclear to what the phrase “Except as provided in sub. (2)” refers.

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

a. As amended by this rule, s. ATCP 17.02 (1) (a) states that a registration expires “every third July 31 after July 31, 2013”. Should the expiration date be linked to the date of the registration by saying “on the third July 31 following the date of registration”? Also, why is the year 2013 referenced as the start-up point for expirations?

b. In s. ATCP 17.02 (1) (b) 3. e., the phrase “there is none” might be replaced with “the individual does not have regular access to a telephone”, or “the individual does not own a telephone”, or a similar phrase, for greater clarity.

c. Note that the use of the term “individual” rather than the term “person” in s. ATCP 17.02 (1) (b) connotes that the provision’s application is limited to human beings. In other words, an entity with religious objections to livestock premises registration would not be eligible to apply.

d. Consider providing for the content of the form required under s. ATCP 17.02 (1) (b) 3. in a separate provision, for example as s. ATCP 17.02 (1) (c), which could be cross-referenced in s. ATCP 17.02 (1) (b) 3. That change would add clarity and avoid the subdivision of rule provisions to the subdivision paragraph level.