



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Ronald Sklansky
Clearinghouse Director

Richard Sweet
Clearinghouse Assistant Director

Terry C. Anderson
Legislative Council Director

Laura D. Rose
Legislative Council Deputy Director

CLEARINGHOUSE RULE 07-107

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 January 2005.]

2. Form, Style and Placement in Administrative Code

a. The format of the rule preface should follow the style noted in s. 1.02 (2) (a), Manual. For example, the rule preface should note the deadline for submission of comments.

b. In s. ATCP 10.46 (4) (intro.) and (5) (intro.), the introduction should begin with the phrase “All of the.”

c. In s. ATCP 10.61 (12), the phrase “is responsible for ensuring” should be replaced by the phrase “shall ensure.”

d. Substantive requirements of the rule should be placed in rule text and not in a note. See, for example, the first two sentences of the note following s. ATCP 10.645 (2).

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

In s. ATCP 10.46 (5) (c) 1., the notation “s.” should be inserted before the reference to s. NR 16.45.

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

a. In the rule preface description of who may apply for livestock premises registration, it appears that the word “as” should be inserted after the word “such” in the second parenthetical notation.

b. The introductory paragraph in s. ATCP 10.22 (5) (b) 4., relates to animals originating from an accredited tuberculosis-free “state or nation,” but in the following subd. par. b., the rule establishes a requirement for the “state or origin” with no mention of the nation.

c. Section ATCP 10.40 (1) (d) 1. refers to individual tests of birds, and that there has been no “change of ownership.” Does the ownership relate to individual birds, or to the flock?

d. Does the rule require the medical separation to comply with rule requirements? The requirement in s. ATCP 10.46 (5) (c) 3. requires the department to find that the medical separation “appears to comply” with the rule requirements. Should this be changed to “complies with” the rules?

e. Is it clear what is meant by a non-natural addition to a hunting preserve in s. ATCP 10.47 (4m)?

f. Is it necessary to state how much detail must be included in the descriptions of the fish farm facility and fish farming activities under s. ATCP 10.61 (6) (h) and (i)?

g. In s. ATCP 10.75, it appears that an underscored comma should be inserted before the number “10.16.”