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## WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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### CLEARINGHOUSE RULE 13-032

#### 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. In the introductory clause, “VE 3.05 (5) (b)” should replace “VE 3.05, VE 3.05 (5)” to accurately reflect the SECTION treatments in the proposed rule.

b. The only statute listed under the heading “statutes interpreted” is s. 453.03 (1), Stats., which directs and authorizes the agency to promulgate rules on certain topics. While this statute appears to provide statutory authority for the proposed rule, the rule also encompasses topics addressed in other statutes. For example, the rule alters requirements concerning temporary permits, examinations, and licensure by endorsement, which are addressed in ss. 453.06, 453.065, and 453.072, Stats., respectively. The agency might consider including these statutes under the heading “statutes interpreted”.

c. The text of each rule SECTION should be preceded by the section number affected. [s. 1.04, Manual.] The agency omitted this from SECTION 1. In that SECTION, “To be qualified” should be preceded by “VE 2.01 (2)”. Additionally, in SECTIONS 3, 6, 7, and 8, the agency omitted the administrative code prefix “VE” prior to the section number affected.

d. In SECTION 1, a period should be inserted at the end of the subsection to reflect the current text of the rule. Similarly, in SECTION 8, a comma should be inserted after “sub. (2)” to reflect the current text of the rule.

e. In SECTION 3, “~~state board examination~~ North American Veterinary Licensing Examination” should replace “North American Veterinary Licensing ~~state board examination Examination~~”. [s. 1.06 (1), Manual.]

f. In SECTION 5, “(b)” preceding the text should be deleted. [s. 1.04, Manual.]

g. In SECTION 11, “EFFECTIVE DATE.” should be inserted after “SECTION 11.”. [s. 1.02 (4), Manual.]

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

a. In the heading “related statute or rule”, “chs. VE 2, 3, 4, 5, and 6” should replace “Wisconsin Admin. Code s. 2, 3, 4, 5, and 6”. [s. 1.07 (2), Manual.]

b. In SECTION 7, “s. VE 3.02” should replace “VE 3.02”. [s. 1.07 (2), Manual.]

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

a. A comma should be inserted before the word “relating” in the introductory clause. [s. 1.02 (1), Manual.]

b. The plain language analysis states that the proposed rule “will adjust the hours necessary to qualify for licensure by endorsement”. SECTION 7 provides an additional avenue for licensure by endorsement, but the reference in the inserted language contains no reference to any requirement concerning the number of hours necessary to satisfy those conditions.

c. The plain language analysis should include a description of the proposed changes in SECTION 6, which allows veterinarians providing supervision to temporary permit holders to communicate with the permit holders in a greater variety of ways.

d. In the plain language analysis, the agency might clarify its description of the 10-month window. For example, the description could be rephrased as follows: “Fifth, the rule increases the amount of time an applicant has following graduation from school to take the North American Licensing Veterinary Examination from 8 months to 10 months.”.

e. In the comparison with rules in adjacent states, the paragraph describing Iowa’s rules uses acronyms without any prior explanation of what the acronyms refer to. Acronyms should be defined and used consistently. [s. 1.01 (8), Manual.] Additionally, the comma following “in-state practice permit to” and the period between “certificate” and “[and]” should be deleted.

f. SECTION 1 refers to the North American Licensing Veterinary Examination, but SECTIONS 3 and 5 refer to the North American Veterinary Licensing Examination (i.e., “Licensing” and “Veterinary” are transposed). The agency should select the correct reference and use it consistently in the proposed rule.

g. In SECTION 6, the proposed changes are grammatically confusing. First, the construction “either ... or” can frame only two alternatives. If a list of more than two alternatives is provided (as is the case in SECTION 6), the word “either” should be deleted. Second, does the

word “verbal” apply only in person or to all forms of communication described in the SECTION (i.e., in person, telephone, video conference, and electronic communication device)? The agency should clarify its use of the word “verbal”. Finally, the agency might consider defining the term “electronic communication device”. [s. 1.01 (7), Manual.]

- h. In SECTION 7, “the qualifications” should replace “qualification”.