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## WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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### CLEARINGHOUSE RULE 15-092

#### 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 rule sections treated by the proposed rule:

- (1) When multiple subunits of the same section are affected by the same treatment, the full section number and subunit identifications should not be repeated. In other words, a rule section should be shown as one clause within each type of treatment, rather than as separate clauses for each affected subunit. [s. 1.02 (1) (Example), Manual.] For example:
  - (a) “to repeal ATCP ... 10.47 (3) (b) 6. and (7) (b) 3.,”.
  - (b) “to amend ATCP ... 10.46 (4) (a) and (b) 2., (5) (a) and (b) 3., (6) (c) 4. and (f) (Note), (7) (b), (10) (a) (intro.) and 1., 3., 4. and 5. and (b) (intro.) and 1. and (c) 3., (11) (c), (12) (b) and (c), and (13) (Note),”.
- (2) The word “and” should be inserted before the last rule section to be affected by each type of treatment. [s. 1.02 (1) (Example), Manual.]
- (3) Review, and correct where necessary, each reference to a “Note” to enclose the citation in parentheses. This comment also applies to the treatment clauses for each SECTION. [s. 1.09 (1) (a) to (c), Manual.]

b. At the conclusion of the rule summary, a deadline should be given for submitting comments on the proposed rule. [s. 1.02 (2) (a) 13., Manual.]

c. In s. ATCP 10.01, the proposed language in the following subunits contain substantive, rather than descriptive, provisions which should not be incorporated as part of a definition [s 1.01 (7) (b), Manual]:

- (1) Subsection (17) (a) [“must conform”].
- (2) Subsection (59) [“must conform”].
- (3) Subsection (71) (h) 2. [“must be accompanied”].
- (4) Subsection (106) (a) [“must conform”].

d. The treatment for both s. ATCP 10.01 (101) and (106) (a) should be removed from SECTION 9 of the proposed rule and treated in separate SECTIONS after the treatment of s. 10.01 (99m) and (103), respectively. Subunits that receive the same treatment may be included in the same SECTION of a proposed rule, but nonconsecutive subunits may not be placed in the same SECTION if an intervening subunit is affected by a different treatment. [s. 1.04 (2) (a) 4., Manual.]

e. In the treatment clause for SECTION 21, the reference to “; (6) (a)” should be removed, as that subsection is not treated in that SECTION of the proposed rule.

f. When two or more subunits of the same rule section are affected by the same treatment, and any intervening subunits are unaffected, they may be included in the same SECTION of the proposed rule. [s. 1.04 (2) (a) 4., Manual.] Accordingly, the following SECTIONS could be combined:

- (1) SECTIONS 29 and 30.
- (2) SECTIONS 39 and 40.
- (3) SECTIONS 46 to 48.
- (4) SECTIONS 54 to 56.
- (5) Sections 58 to 62.
- (6) SECTIONS 77 and 78.
- (7) SECTIONS 84 and 85.
- (8) SECTIONS 90 to 92.
- (9) SECTIONS 93 and 94.
- (10) SECTIONS 102 and 103.
- (11) SECTIONS 119 to 121.
- (12) SECTIONS 137 and 138.

g. In SECTION 45 of the proposed rule, the paragraphs created in the SECTION should be identified as “(ae)”, “(am)”, and “(as)”. [s. 1.03 (5) (b) (Note), Manual.]

h. In the treatment clause for SECTION 126, the reference to “and (b)” should be removed. The restructuring of s. ATCP 12.01 (11m) creates par. (b) by means of the amended text rather than by means of renumbering sub. (11m) to sub. (11m) (intro.).

i. The introductory clause that enumerates the rule sections treated by the proposed rule should be updated as needed to reflect any treatment revisions made in accordance with these comments.

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

In the text of SECTION 35 of the proposed rule, the listing of the affected rule section should be revised from “ATCP 10.35 (3)” to “ATCP 10.36 (3)”.

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

a. In the plain language analysis, consider including an explanation of the effect of changing the definition of the term “Tuberculosis modified accredited state” in s. ATCP 10.01 (101). It appears to replace the existing definition with the definition of “Tuberculosis non-modified accredited state”, which is contained in s. ATCP 10.01 (103), and which is proposed to be repealed.

b. In s. ATCP 10.01 (71) (h) 2., it appears that two separate forms of identification are included in the subdivision, but the grammatical structure in the proposed rule makes it unclear which aspects of identification apply. If the revision is intended to describe two separate methods of identification, they should be treated in separate subdivisions of par. (h), which provides a list of qualifying identification methods. For example: “2. A federal bureau- and department- approved microchip that is implanted in the animal, if the animal is registered with a breed registry and the animal is accompanied by...” and “2m. A federal bureau- and department- approved microchip that is implanted in the animal, if the animal is in a scrapie free flock certification program flock or herd and the animal is accompanied by...”.

c. Should the proposed new language in s. ATCP 10.03 (3) use the word “infected” instead of the word “inflicted”?

d. In s. ATCP 10.055 (1) (a) (intro.), if it is intended that the person who collects a tuberculosis sample collection must have completed training that is “department-approved”, the instance of the word “training” that appears after the phrase “tuberculosis sample collection” should be removed.