



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 02-078

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. The definition of “chronic wasting disease registration tag” in s. ATCP 10.01 (19m) should be numbered s. ATCP 10.01 (15r), to maintain the alphabetical order of definitions; similarly, the definition of that term in s. ATCP 11.01 (22m) should be numbered s. ATCP 11.01 (18r). In addition, the word “which” should be replaced by the word “that” in both of these definitions, and the commas are not necessary. Finally, the rule does not create a definition of this term in ch. ATCP 12, although it uses the term in that chapter; a definition should be created, numbered s. ATCP 12.01 (2m).

b. SECTIONS 6, 33, and 55 of the rule change references to the statutory definition of “farm-raised deer” to conform with the new numbering created by 2001 Wisconsin Act 56. Note that the revised and renumbered statutory definition does not take effect until January 1, 2003. As a result, the new cross-references in this rule should have delayed effective dates of January 1, 2003, as well.

c. The creation of s. ATCP 10.61, currently in SECTION 20, should instead follow SECTION 13.

d. It appears that the second sentence of s. ATCP 10.61 (4) (c) should be incorporated into s. ATCP 10.61 (6) (b), rather than referring to that fee in two separate provisions.

e. The second sentence of both s. ATCP 10.66 (1) (a) and (b) are redundant with s. ATCP 10.66 (3) and (4) and so should be omitted.

f. Section ACTCP 10.67 (2) (intro.) refers to a form provided by the department. The department should include in the rule a note that complies with s. 1.09 (2), Manual.

g. The underscoring in s. ATCP 11.545 (1) (c) (intro.) should be omitted, since that provision is being repealed and recreated.

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

This rule would repeal and recreate s. ATCP 11.56 (2). An earlier rule, Clearinghouse Rule 02-054, would create s. ATCP 11.56 (2) (g). Is the substance of s. ATCP 11.56 (2) (g) included in the repealed and recreated s. ATCP 11.56 (2)?

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

a. Section ATCP 10.61 (4) (a) refers to medically significant separation of herds and adequate fencing and facilities. What constitutes “medically significant” and “adequate”? The rule should either define the terms or provide standards to make the requirements of the rule clear.

b. The rule does not set a deadline for submitting registration renewal applications under s. ATCP 10.61 (5). Since the rule makes it illegal to keep farm-raised deer without a current annual registration certificate and it requires the department to act on applications within 30 days of receipt, it would seem that a requirement that renewal applications be submitted 30 days before the expiration of the current registration (i.e., by December 1 each year) would prevent potential problems for the regulators and the regulated community alike.

c. The reference to the State of Wisconsin home page, in s. ATCP 10.61 (5) (note), is of little help in finding a form somewhere in the department’s web site. Can this be replaced with a reference to the form itself or to a page that contains a link to the form?

d. The phrase “renewal or re-issuance” in s. ATCP 10.61 (6) (d) is redundant; s. ATCP 10.61 (5) uses just “renewal” and this provision should do the same.

e. Section ATCP 10.61 (9) (a) 3. should be numbered s. ATCP 10.61 (9) (a) 2.

f. Section ATCP 10.67 (2) (e) 1. and (4) (f) 1. refer to valid veterinarian-client and veterinarian-patient relationships. What makes these relationships “valid”? Is the word “valid” necessary in these provisions?

g. The second sentence of s. ATCP 10.67 (5) (f) (intro.) should refer to each farm-raised deer *that has left the herd*.

h. How long is a person required to maintain the records that are required under s. ATCP 10.67 (6)? The rule should specify this.

i. Section ATCP 11.02 (4) (f) should refer to the herd registration *number*.

j. Section ATCP 11.56 (2) (b) and (c) should begin with the phrase “A farm-raised deer that is”