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## WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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### CLEARINGHOUSE RULE 12-052

#### 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.]**

#### **1. Statutory Authority**

The statutes the board cites, ss. 15.08 (5) (b) and 453.03 (2), Stats., appear to provide authority for this rule. However, the board should also consider citing s. 227.11 (2) (a), Stats., for authority.

#### **2. Form, Style and Placement in Administrative Code**

a. The introductory clause of the proposed rule should begin as follows: “The Veterinary Examining Board proposes an order to repeal...” [s. 1.02 (1), Manual.] “And amend” should be “and to amend” in the introductory clause. A comma should be inserted before “relating” in this sentence.

b. In the analysis of the proposed rule, the word “section,” when referring to the sequentially numbered sections of the rule should be in small caps (SECTION). [s. 1.04, Manual.]

c. In SECTIONS 1 and 3, the board should refer to ss. VE 7.06 (22) (intro.) and VE 9.05 (12) (intro.), and the introductory clause should be revised accordingly. [s. 1.03 (3), Manual.]

d. In SECTIONS 2 and 4, the word “Note” should be in parentheses. [s. 1.09 (2) (b), Manual.]

e. Repealing ss. VE 10.02 (1) (a) 1. and (2) (a) 1. in SECTION 5 of the rule obviates the need to subdivide ss. VE 10.02 (1) (a) and (2) (a). The board should therefore consider repealing

subds. 1. and 2. of both of these paragraphs and amending ss. VE 10.02 (1) (a) and (2) (a) to incorporate the language currently in ss. VE 10.02 (1) (a) 2. and (2) (a) 2. If these changes are made, the board should revise the introductory clause accordingly.

f. The effective date should be included within the text of the rule and treated as a separate SECTION. [s. 1.02 (4) (d), Manual.]

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

The board has listed s. 453.03 (2), Stats., as a related statute or rule. However, this is the statute interpreted as well as the statute that provides authority for the rule-making. Therefore, it is not a related statute. Did the board intend to list a different statute? If not, this reference can be replaced with “none.”

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

a. In the plain language analysis section of the proposed rule, it would be clearer to begin with an explanation of the current rule and then explain how 2009 Wisconsin Act 139 affected this rule. The description of s. VE 10.04 would also be clearer if it were written in active, rather, than passive voice.

Eliminating surplus words and redundancy would make the plain language analysis section clearer. For example, the phrase, “The passage of” is unnecessary. “Currently” is also unnecessary. “Per the statutory amendment” can more directly be written “Under Act 139.” [See s. 2.01, Wisconsin Bill Drafting Manual (2013-2014).]

The phrase “to create an exception to the promulgation of rules...” does not quite make sense. To the extent the board wishes to describe Act 139 as creating an exception, it would make more sense to say that Act 139 created an exception to the board’s authority to promulgate rules requiring training or continuing education. However, it would be more direct to simply state: “2009 Act 139 amended s. 453.03 (2), Stats., to prohibit the veterinary examining board from requiring a veterinarian or certified veterinary technician to provide certification of training or continuing education concerning the use, handling distribution, and disposal of pesticides other than for disciplinary purposes.”

Finally, there is a subject-verb agreement problem in the last paragraph of this section. This problem can be eliminated rewriting this sentence to read, “This rule repeals s. VE 10.04 and related references within the administrative code,” and deleting the sentence “Section 6 repeals this requirement” from the previous paragraph. The sentence describing the proposed rule does not need to be a stand-alone paragraph.

b. Throughout, there are errors spacing statutory and administrative code references. Citations to subsections, paragraphs, and subdivisions should include a space between each of these subunits: e.g., s. 15.08 (5) (b); not s. 15.08(5)(b). Additionally, “s” and “ss.” should replace “§” and “§§.”

c. In SECTION 6, a period should be placed after “repealed.”