



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Scott Grosz
Clearinghouse Director

Terry C. Anderson
Legislative Council Director

Margit Kelley
Clearinghouse Assistant Director

Jessica Karls-Ruplinger
Legislative Council Deputy Director

CLEARINGHOUSE RULE 17-072

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 SECTION 6, under s. ATPC 55.02 (1m), the department modifies the definition of “ante mortem inspection” by replacing the phrase “food animal” with “animals and birds”. However, the department retains the phrase “food animal” in its definition of “post mortem inspection”. The department should review whether additional modifications should be made to more closely align the seemingly related definitions.

b. In SECTION 17, under s. ATPC 55.02 (29), the parentheticals should be removed. Because the list would be unwieldy with additional commas, consider using a subunit list format, with commas or notes to set apart the parenthetical materials. For example: “For cattle 30 months of age or older, specified risk materials also mean each of the following: (a) Skull. (b) Brain. (c) Trigeminal ganglia. Note: Trigeminal ganglia are the nerves attached to the brain. (d) Eyes. (e) Spinal Cord. (f) Vertebral column, excluding the vertebrae of...”. [s. 1.01 (6), Manual.]

c. In SECTIONS 17 and 18, the department repeals and recreates subsections that include notes, but does not indicate whether it is also repealing the notes. If the department intends to repeal those notes, it should include additional SECTIONS stating that fact. [s. 1.09 (2) (b), Manual.]

d. In SECTION 21, the treatment of s. ATPC 55.03 (4) should be removed and treated in a separate SECTION of the proposed rule. The treatment clause for the provision should be revised to “ATPC 55.03 (4) is renumbered ATPC 55.03 (4) (intro.) and amended to read:”. [ss. 1.03 (3) and 1.067, Manual.]

e. In SECTION 22, the department proposes a new license fee structure. It appears that the structure, as proposed, does not include a fee for the slaughter of captive game animals or captive game birds because such animals appear to be excluded from the definition of “livestock”. The department should review whether it intends to charge a fee for the slaughter of those categories of animals and modify the proposed fee structure as necessary.

f. In the treatment clause for SECTION 23, the designation “(intro.) and” should be inserted after “(12) (title), (a), (b)” and before “1. to 3.”.

g. In the treatment clause for SECTION 24, the designation “(intro.) and” should be inserted after “(1) (c)” and before “1. to 3.”.

h. In SECTION 25, under s. ATCP 55.04 (1) (d) 5., the department should insert “ATCP” between “s.” and “55.03”. [s. 1.07 (2), Manual.]

i. In SECTION 26, under s. ATCP 55.04 (4) and (5), the word “INSPECTION” in each title should begin with a capital letter. To accomplish this, both instances of the word should be stricken and a capitalized “INSPECTION” should be inserted and underscored immediately thereafter. [ss. 1.05 (2) and 1.06 (2) and (3), Manual.]

j. In the treatment clause for SECTION 30, it appears that the reference in s. ATCP 55.07 (2) to par. (e) should be corrected to par. (c). Also, a few provisions of current text are shown without any treatment. The text should either be removed or any amendments should be shown with underscoring and strikethroughs. See the material for s. ATCP 55.07 (2) (a) 1., (c) 3. and (Note), and (3) (a) 1. If removed, the treatment clause should then be updated to reflect the affected sections. [ss. 1.04 (1) (b) 2. and 1.06, Manual.]

k. In SECTION 35, the text of s. ATCP 55.10 (2) (g) 1. to 4. is shown without any treatment. The text should either be removed or any amendments should be shown with underscoring and strikethroughs. If removed, the treatment clause should then be updated to list sub. (2) (intro.), (a) to (f), and (g) (intro.). [ss. 1.04 (1) (b) 2. and 1.06, Manual.]

l. In SECTION 36, under s. ATCP 55.10 (5) (d) 1., the citation to “Wis.” should be removed from the statutory reference. [s. 1.07 (2) (Table), Manual.]

m. In SECTION 38, under s. ATCP 55.11 (1), it appears the final sentence of the subsection was incorrectly copied from the existing rule. Under the current rule, the sentence includes the temperature reference written as “5° C (41° F)” while the proposed rule shows the reference written as “41° F (5° C)”. The department should correct this error and review whether the format of the additional inserted temperature reference is formatted as intended.

n. In SECTION 39, the text of s. ATCP 55.12 (6) (a) 1. to 3. is shown without any treatment. The text should either be removed or any amendments should be shown with underscoring and strikethroughs. If removed, the treatment clause should then be updated to list sub. (6) (a) (intro.) and 4. and 5. [ss. 1.04 (1) (b) 2. and 1.06, Manual.]

o. In SECTION 42, the text of s. ATCP 55.14 (6) is shown without any treatment. The text should be removed as it appears that only the title is intended to be amended. The affected treatment of the title is already identified. [ss. 1.04 (1) (b) 2. and 1.05 (3) (a), Manual.]

p. The effective date clause at the end of the proposed rule should be included in its own SECTION, the words “administrative register” should both begin with capital letters, and “; Stats.” should be inserted at the end of the citation. [ss. 1.01 (4) and 1.02 (4), Manual.]

q. 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.

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

a. In SECTION 6, under s. ATCP 55.02 (2) and (3), the department switches between plural and singular nouns in an inconsistent manner. The department should review both definitions and modify as necessary for consistency.

b. In SECTION 22, under s. ATCP 55.03 (4) (b) 2., the department proposes a specific fee for the slaughter of livestock, “other than poultry” or rabbits. However, “poultry” is already excluded from the definition of “livestock” and should, therefore, be removed from this provision, for consistent use of defined terms.

c. In SECTION 23, under s. ATCP 55.03 (12) (c) (Note), the department should review whether insertion of the word “otherwise” should come between “simultaneously” and “processing” rather than where it is currently located between “simultaneously” and “slaughtering”.

d. In SECTION 27, the department creates a new provision relating to inspection efficiency that specifically addresses how ante mortem and post mortem inspections must be conducted. The department should review whether it should also include any specific provisions or requirements for how processing inspections must be conducted.

e. In SECTION 30, under s. ATCP 55.07 (1) (a) 1. and 2., the department replaces “domestic food animals” with “livestock”. Because “poultry” is excluded from the definition of “livestock”, the department should delete the remaining instances of “other than poultry” from those subdivisions.