



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 18-032

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 December 2014.]

2. Form, Style and Placement in Administrative Code

- a. The rule summary should include a deadline for submission of comments. [s. 1.02 (2) (a) 13., Manual.]
- b. In s. ATCP 16.01 (9), the strike-through of “s.” and insertion of “ss.” should be removed. The reference remains in the singular because only one rule section is being referenced, with multiple subunits. [See s. 1.07 (2) (Second Note), Manual.]
- c. In the treatment clause for SECTION 10 of the proposed rule, the identification of sub. “(5)” should be revised to sub. “(5) (intro.)”. The introductory clause for the proposed rule should also be updated to reflect the identified provision.
- d. In s. ATCP 16.16 (4) (intro.), the insertion of the reference to vaccinations administered by another veterinarian is awkward within the introductory material for the CVI contents. Instead, consider inserting that reference as a new paragraph, along the following lines: “(4) (dm) The information identified in par. (d) from a vaccination administered by another veterinarian, if the veterinarian who is completing a certificate of veterinary inspection has received documentation of that information”. Alternatively, if inclusion of that information is discretionary, consider dividing sub. (4) into separate subunits for required and optional content by renumbering sub. (4) (intro.) as sub. (4) (a) (intro.) (amending the affected subunits as renumbered), and creating a new paragraph for the optional inclusion of another veterinarian’s documented vaccination record.

e. In s. ACTP 16.16 (4) (g) (Note), must the completion of the treatment protocol be listed in the CVI before a dog may be sold, transported, or exhibited? If so, that requirement should be specified. Also, this Note appears, in total, to place a specific requirement or limitation on when a dog that has been heartworm positive may be sold, transported, or exhibited. As such, the provision is a substantive requirement rather than a simple explanation of where material can be found, and the provision should be revised to be included in the text of the rule, rather than in a Note to the rule. [s. 1.09 (1), Manual.] Lastly, a period should be inserted at the end of the last sentence.

f. In s. ATCP 16.20 (1) (f), the 2007 Guidelines on Euthanasia from the American Veterinary Medical Association that are incorporated by reference are updated to the 2013 Guidelines. Also, s. ATCP 16.16 (4) (g) (Note) appears to incorporate a treatment protocol recommended by the American Heartworm Society. Materials may, in certain circumstances, be incorporated or updated with the consent of the Attorney General. The rule summary should include a comment on compliance with that requirement. [s. 227.21 (2) (a), Stats.; s. 2.08 (4), Manual.]

g. In s. ATCP 16.20 (2) (d), the phrase “but not limited to” should be removed. [s. 1.01 (9) (f), Manual.]

h. In s. ATCP 16.20 (7) (b) 7., the abbreviation “sub.” should be removed.

i. In s. ATCP 16.22 (7) (b), the stricken word “and” should be shown before the underscored material that begins with the phrase “at a minimum”. [s. 1.06 (1) (a), Manual.]

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

a. In s. ATCP 16.20 (7) (b) (intro.), it appears that the reference to “sub. s. 16.22 (2) or (3)” should be revised to “s. ATCP 16.22 (2) or (3)”.

b. In s. ATCP 16.20 (8) (intro.), it appears that the reference to “sub. s. 16.22 (2) or (3)” should be revised to “s. ATCP 16.22 (2) or (3)”.

c. In s. ATCP 16.19, it appears that the designation “ATCP” should be inserted between “s.” and “10.80”.

d. In s. ATCP 16.20 (9) (a) (intro.), it appears that the designation “ATCP” should be inserted between “ss.” and “16.22 and 16.24”.

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

a. In s. ATCP 16.06 (8) (b) (Note), the word “for” should be shown with a strike-through, in order to correct the typographical error from the current rule.

b. In s. ATCP 16.16 (2), consider revising the first instance of the word “defined” to “described”, as the referenced section is not a definition.

c. In s. ATCP 16.16 (4) (intro.), it appears that the word “valid” should be removed, as that word is used under the current and proposed rule in the context of a “valid certificate of veterinary inspection” rather than in the context of a vaccination record, and the rule does not identify what would constitute a “valid” vaccination record.

d. In s. ATCP 16.16 (7) (a) 1., it appears that the phrase “the inclusion of any obsolete information required under” should be inserted after the word “Notwithstanding”. Also, the use of the word “valid” is confusing because it is unclear how it would be known that the CVI is valid. It appears that this may be intended to mean that a certificate may remain valid if no information has changed other than the seller’s contact information. If so, consider revising the phrase “the certificate is valid” to the phrase “the information in the certificate is otherwise unchanged”.

e. In s. ATCP 16.22 (8) (b), it appears that the underscored word “or” should be revised to “but”. Compare, for example, the proposed revision to s. ATCP 16.20 (1) (f).

f. In s. ATCP 16.24 (3), consider deleting the beginning of the second sentence: “An outdoor primary enclosure shall be constructed and maintained”. It is repetitive. The first and second sentence could be consolidated to read: “An outdoor primary enclosure shall be structurally sound and maintained in good repair to protect the dog from injury and to prevent the dog from escaping the enclosure.”.

g. In s. ATCP 16.24 (5) (am), consider removing the first comma that appears between the words “cold” and “inclement” and instead inserting the word “or” between those words.

6. Potential Conflicts With, and Comparability to, Related Federal Regulations

In the rule summary’s summary of, and comparison with, existing or proposed federal statutes and regulations, consider adding a brief description of the minimum standards established by the USDA federal regulations and any pertinent comparison.