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RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 98-179

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

Section NR 10.40 (5) (a) 2. should read: “An application shall include all of the following:”. The following subparagraphs each should conclude with a period.

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

a. In s. NR 40.05 (5) (a) 1., are the applications required to be submitted between September 10 and December 10, or are the hunts to be conducted during that period? This sentence is unclear and should be rewritten.

b. In s. NR 10.40 (5) (a) 2. a., the application is required to include the written authorization of the “host landowner.” Why is a tenant such as a farmer who leases land, prohibited from authorizing such a hunt?

c. Section NR 10.40 (5) (a) 2. b. requires a “legal description of the lands” on which the hunt is to be conducted. Is the term “legal description” defined elsewhere in the code? If not, a definition should be created.

d. In s. NR 10.40 (5) (c), “physical conditions” should be changed to “physical condition” to be consistent with the remainder of the provision. Also, should the word “development” be replaced by the word “developmental”?

e. Section NR 10.40 (5) (e) states that “The department shall approve applications on a first come, first served basis.” This provision should be rewritten to state that the department shall approve applications “in the sequence in which the applications are received.”

f. Section NR 10.40 (5) (f) states that “[u]nless otherwise provided by the department,” disabled hunters and accompanying persons must comply with all hunting rules and laws. What does “otherwise provided by the department” mean? Are the rules to be “waived”? Also, will the action of the department be in writing?

g. Section NR 10.40 (5) (g) states that “the designated assistance of a disabled turkey hunt participant shall possess a valid hunting license for hunting of any species” Does this mean that a person may have a turkey hunting license, a small game license, a deer hunting license or a bear license? Is a conservation patron or sports license sufficient? Also, par. (g) refers to “designated assistants,” while par. (f) refers to “accompanying persons.” If these people are the same, consistent terminology should be used.

h. The rule refers to applications but is silent on who may apply for the permit. Is it intended that there must be a sponsoring organization?