



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 10-102

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 September 2008.]

1. Statutory Authority

Section RL 193.10 (1) requires a \$10 licensing fee for trainers at mixed martial arts events and cites s. 444.11, Stats., as authority for this fee but that particular statutory provision does not appear to create a licensing fee for trainers.

2. Form, Style and Placement in Administrative Code

a. References to the law in adjacent states are not informative without comparing and contrasting the Wisconsin provisions and those in the adjacent states.

b. Throughout the rule, introductory material needs to include a phrase such as “all of the following” or “any of the following” to clarify what is intended. [See s. 1.03 (2) (h), Manual.] For example, in s. RL 193.05 (2) (intro.), “do all of the following” should be inserted before the colon. In s. RL 193.05 (2) (b) (intro.), “all of the following” should be inserted before the colon. In s. RL 194.03 (2) (intro.), “any of the following” should be inserted before the colon. Similar changes are needed throughout the rule.

c. Section RL 193.05 (2) needs to be completely restructured so that subunits follow from introductory material. For example, subs. 4. to 7. do not seem to follow from par. (b) (intro.). Also, there are paragraphs within paragraphs.

d. The paragraphs after par. (z) in s. RL 195.04 (16) should be (za), (zb), (zc), and (zd).

- e. The paragraphs in s. RL 195.12 (8) should be (a) and (b), not a. and b.

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

- a. Reference to s. 444.03, Stats., contained in s. RL 193.05 is incorrect and should be changed to the correct citation which is “s. 444.11, Stats.”
- b. Section RL 193.14 (1) (g) cites s. 444.01 (1r), Stats., as authority but there is no such statutory provision.
- c. Reference to “s. RL 196.92” in s. RL 195.11 (5) is incorrect and should instead read “s. RL 196.02.”

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

- a. It is unclear how the requirement in s. RL 193.14 (3) works with the bond requirements in ss. RL 193.01 and 193.02.
- b. References to bouts, points, and day throughout ss. RL 195.04 and 196.02 should contain a hyphen between the number and word. For example, “5-round bout” or “7-day period”.
- c. The “when” in s. RL 195.04 (8) should be deleted from the sentence.
- d. May the eye examination in s. RL 193.05 (2) (b) 4. be conducted by an optometrist? [See subd. 5. a.]
- e. Section RL 196.01 (2) should be changed to read: “No person whose license has been suspended or revoked may...”. Throughout the rule, “may not” or “no person may” should be used to express prohibitions. [See s. 1.01 (2), Manual.] Also, if it is intended that a person may enter the areas described if a license is later reinstated, this should be specified.
- f. Section RL 196.03 (6) (a) should be modified to read, “The commissioner, inspector, department representative, or ringside physician observes the contestant or receives information that a contestant...”. Also, in sub. (6) (intro.), “under sub. (5) include all of the following:” should replace “include:”.
- g. Section RL 196.03 (7) should be modified to read: “The random testing of contestants competing in a bout shall be conducted by the inspector or department representative. The random testing may be witnessed by the contestant or his or her representative. The inspector or department representative shall determine the number of random tests for each event. Both contestants competing in a selected bout shall submit to a drug test.”