

98-179-DISABLED WORKER WK  
HANTS 10.24

WISCONSIN LEGISLATIVE COUNCIL STAFF

LCRC  
FORM 2

***RULES CLEARINGHOUSE***

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**CLEARINGHOUSE REPORT TO AGENCY**

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[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

**CLEARINGHOUSE RULE 98-179**

AN ORDER to create NR 10.40 (5), relating to disabled turkey hunts.

Submitted by **DEPARTMENT OF NATURAL RESOURCES**

11-06-98 RECEIVED BY LEGISLATIVE COUNCIL.

12-04-98 REPORT SENT TO AGENCY.

RS:GAA:jal;wu

**LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT**

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]

Comment Attached      YES       NO

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]

Comment Attached      YES       NO

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]

Comment Attached      YES       NO

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS  
[s. 227.15 (2) (e)]

Comment Attached      YES       NO

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]

Comment Attached      YES       NO

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL  
REGULATIONS [s. 227.15 (2) (g)]

Comment Attached      YES       NO

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]

Comment Attached      YES       NO

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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?

ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD  
CREATING RULES

The Wisconsin Natural Resources Board proposes an order to create NR 10.40(5), relating to disabled turkey hunts.

WM-34-98

Analysis Prepared by the Department of Natural Resources

Statutory authority: ss. 29.014, 29.053, and 227.11, Stats.  
Statutes interpreted: ss. 29.014 and 29.053(3), Stats.

In this order, section 1 creates expanded disabled turkey hunting opportunities in Wisconsin. Current disabled turkey hunting opportunities in Wisconsin are limited to 5 state parks. The only other option for disabled hunters is to enter the regular turkey permit drawing. As a result of the drawing system, the time period and zone in which a disabled hunter may hunt are variable and not entirely predictable. This rule change would allow disabled hunters to team with a landowner to set up a special hunt in a zone and time period of their choice. The hunter and landowner would be required to fill out an application similar to the special disabled deer hunt and a turkey hunting permit would be issued. The number of special permits allowed under this hunt would be limited to 1,000 per year and 50 in any one turkey management zone. The special hunt would be available only in the spring season.

SECTION 1. NR 10.40 (5) is created to read:

<sup>An</sup> NR 10.40(5) DISABLED TURKEY HUNTS ON PRIVATE LANDS. (a) Application requirements.  
1. ~~All~~ applications to conduct a disabled turkey hunt on private land shall be on department forms and be submitted to the department office designated on the application form for the county within which the hunt shall be conducted from September 10 to December 10.

<sup>all</sup>  
2. All applications shall include: ... what about permit?

a. The written authorization of the host landowner to conduct a disabled turkey hunt;

and

b. The turkey management zone and a legal description of the lands on which the hunt is to be conducted; and

c. A list of the names, addresses and Class A or C permit numbers of all participating hunters and the names of their designated assistants.

**Note:** Applications may be obtained from department regional offices and the department license section. The department license section address is 101 South Webster St., P.O. Box 7924, Madison, WI 53707.

(b) Participation limits. No person may hunt in more than one disabled turkey hunt in the same calendar year and all participant hunters shall possess a valid turkey hunting license and stamp and either a Class A or C permit as defined in s. 29.193, Stats., that was issued on or after August 9, 1989. Participants may hunt only on the land described in the application and only during the time period described in the application. A person who is on the list of participating hunters for a disabled turkey hunt may not apply for a permit through the regular spring turkey hunting drawing in that year.

(c) Participant selection. No person may be refused participation based on their age, race, religion, color, handicap, sex, physical conditions, development disability, creed, sexual orientation or national origin. *a/* *> X*

(d) Dates. Each disabled turkey hunt shall be conducted during any one of the 5 day time periods listed in s. NR10.01(2)(f)1. The dates of the disabled turkey hunt shall be listed on the application.

(e) Hunter participation limits. The department may not authorize disabled turkey hunts when the number of participating hunters will exceed 50 in any one wild turkey management zone or a total of 1,000 statewide in a calendar year. The department shall approve applications on a first-come, first-served basis. *waived?*

(f) Rule compliance. Unless otherwise provided by the department, all disabled hunters and accompanying persons shall comply with all hunting rules and laws applicable to the regular spring turkey season specified under s. NR10.01(2)(f)1. *in the sequence in which assistants were?*

(g) Authorizations to assistant. The designated assistants of a disabled turkey hunt participant shall possess a valid hunting license for hunting of any species and may use a firearm in compliance with s. NR10.09(1) while retrieving a turkey shot by a participant hunter. *?*

(h) Other hunting prohibited. No person other than the disabled turkey hunt participant may hunt on the lands described on the application during the disabled turkey hunt.

(i) Reports. If requested by the department, applicants shall complete a turkey hunt report on forms supplied by the department.

(k) No fees. The landowner or applicants shall not charge any form of a fee to a person participating in a disabled turkey hunt.

The foregoing rules were approved and adopted by the State of Wisconsin

*Small  
Saw  
deer  
Bear?*

Natural Resources Board on \_\_\_\_\_.

The rule shall take effect the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.22(2)(intro.), Stats.,.

Dated at Madison, Wisconsin \_\_\_\_\_.

STATE OF WISCONSIN  
DEPARTMENT OF NATURAL RESOURCES

By \_\_\_\_\_  
George E. Meyer, Secretary

(SEAL)