



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 04-073

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 October 2002.]

2. Form, Style and Placement in Administrative Code

a. In the introductory clause, the enumeration of sections treated should be rewritten to group the sections in the order set forth in s. 1.02 (1), Manual.

b. Section GAME 44.03 (3) (intro.) should be rewritten to read: “All of the following requirements...?”. The appropriate use of the phrase “all of” also should be considered in subs. (3) (e) and (4) (intro.).

c. Section GAME 44.09 is created in this rule. Consequently, there should be no strikethroughs or underscoring in sub. (1).

d. In s. GAME 44.09 (2) to (6), to properly express the prohibition in each subsection, the word “shall” should be changed to “may,” as noted in s. 1.01 (2), Manual. [Note that in s. GAME 44.09 (2), only the first “shall” should be changed to “may.”]

e. The statement of initial applicability and effective date provisions on page 10 of the rule should be redrafted as follows:

SECTION 14. INITIAL APPLICABILITY. The treatment of section GAME 41.03 first applies to the sale of bingo cards by a licensed bingo supplier on January 1, 2005.

SECTION 15. EFFECTIVE DATE. This rule shall take effect on the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.77 (2) (intro.), Stats.

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

a. In the explanation of agency authority, the word “to” should be inserted after “Department” on line 4 and the phrase “under a class A raffle license” should be inserted at the end of line 5.

b. The first paragraph of the plain language analysis states that the department proposes to revise its administrative code relating to charitable gaming and crane games. Since crane games are not mentioned in the rule, reference to them should be eliminated from the analysis.

c. In the analysis’ description of SECTION 2, the first sentence would be more accurate if it noted that an alternative security system may not be used without the approval of the department.

d. In the analysis’ description of SECTIONS 8, 10, 11, and 12, a colon should replace the semi-colon on line 2.

e. In the analysis’ description of SECTION 13, the word “organization” in the third sentence should be replaced by the word “organizations.” Also, in the fourth sentence, the word “prices” should be replaced by the word “prizes.”

f. In the comparison with rules in adjacent states, the word “organization” should be replaced by the word “organizations.”

g. In s. GAME 42.17, to improve readability, the phrase “that has been approved by the department” could replace “and approved by the department.” Also, in the second sentence, the word “receipt” should be amended to read “receipts.”

h. In s. GAME 42.18 (1), the word “is” should be replaced by the phrase “has been.”

i. Given the definition of the term “calendar” in s. 563.03 (4e), Stats., why is the definition in s. GAME 44.02 (1) amended?

j. Since ch. GAME 44 is being expanded to pertain to all raffles rather than just calendar raffles, it would be helpful to include a scope provision (in repealed and recreated s. GAME 44.01), stating in general terms the types of raffle activities covered by the chapter.

k. As amended by this rule, ch. GAME 44 will include definitions of the terms “calendar,” “calendar raffle,” “drawing,” and “raffle ticket.” It is suggested that the following terms also be defined: “class A raffle,” “class A raffle ticket,” and “raffle.” The latter could be defined by reference to the statutory definition in s. 563.03 (12m), Stats. The analysis indicates that there are two types of class A raffles: calendar and single event. The definition of “class A raffle” should indicate that those are the two types. Perhaps “single event raffle” should also be defined, to distinguish it from the “calendar raffle.”

l. In the definition of “raffle ticket” in s. GAME 44.02 (4), what is meant by “a single instrument”? Could a more descriptive term be used?

m. In s. GAME 44.03 (1), it is confusing that the word “calendars” is replaced by “class A raffle tickets” in the title, while in sub. (1), the phrase “or class A raffle tickets” is inserted after “calendars,” indicating that they are two distinct items that may be sold by a licensed organization.

n. In s. GAME 44.03 (3):

1. In par. (c), for clarity, the end of the sentence should read: “the share purchaser’s portion and the organization’s portion.”
2. In par. (f), the first part of the sentence could be rewritten to read: “For a raffle in which shares are sold, all prizes awarded by a licensed organization shall be....”

o. In the last sentence of s. GAME 44.03 (4) (c), it should be clarified whether “the portions” of sold raffle tickets that must be provided to the department upon request are only the organization’s portions or both the organization’s and the purchaser’s portions of the tickets.

p. In s. GAME 44.07 (1), the word “a” should be inserted after “for” on line 2. In sub. (2), should “raffle ticket” be changed to “class A raffle ticket”?

q. In s. GAME 44.09 (2), the comma on line 2 should be deleted. To improve readability, the beginning of the second sentence could be rewritten to read: “If a licensed organization offers a prize....”

o. In s. GAME 44.09 (6), the word “as” should be inserted after “than” on line 2.