



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Ronald Sklansky
Clearinghouse Director

Richard Sweet
Clearinghouse Assistant Director

Terry C. Anderson
Legislative Council Director

Laura D. Rose
Legislative Council Deputy Director

CLEARINGHOUSE RULE 10-101

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.]

2. Form, Style and Placement in Administrative Code

a. The plain language analysis in the rule summary should highlight the basic changes made to the current code. A listing of provisions that are repealed, amended, repealed and recreated, and created is not informative. Similarly, citations to the law in states adjacent to Wisconsin are not informative without, again, comparing and contrasting the highlights between Wisconsin provisions and those in the adjacent states.

b. The entire rule should be reviewed for the use of the phrase “these rules.” An appropriate cross-reference to “this chapter” or “this section” should be used instead.

c. The entire rule should be reviewed for the method by which introductory clauses are structured. Generally, these clauses should use phrases such as “any of the following” or “all of the following” in order to indicate to the reader whether at least one condition should be met or all conditions should be met.

d. The provisions of SECTIONS 1 and 2 should be combined in SECTION 1 of the rule.

e. Section RL 110.11 (1) includes a title to the provision. If one subsection contains a title, all of the subsections in that section should contain a title.

f. Section RL 111.01 (intro.) should read: “A promoter or a club that has been issued a permit...” Subsection (4) should begin with the word “Submit”; sub. (8) should begin with the

word “Obtain”; subs. (18) and (19) should begin with the word “Provide”; sub. (21) should begin with the word “Compensate”; and sub. (22) should begin with the word “Pay.”

g. In s. RL 111.07 (1) (d) 1., the notation “; or” should be replaced by a period.

h. Section RL 115.02 (1) (a) 8. and 9. should be rewritten in a format that is consistent with the format of subs. 1. to 7.

i. Section RL 116.04 (2) should read: “A boxer shall provider written notice...” Subsection (14) should read: “The promoter shall pay the costs relating to drug testing boxers. Any requests for follow-up or additional testing shall be paid by the boxer.”

j. Section RL 110.11 (2) (c) 6. should be rewritten to read: “The department grants a permit for the contest, but withholds approval of one or more boxers scheduled to compete in a contest.”

k. In s. RL 114.095 (4), the last sentence should be rewritten to read: “The department may also test any boxer who it believes is in violation.” The last sentence of sub. (5) should be rewritten to read: “A suspension may be appealed to the department in writing within 30 days after notification of a suspension.”

l. An introductory clause is needed in s. RL 116.03, or subs. (1) and (2) require modification.

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

Section RL 111.05 (1) refers to forms provided by the department. The requirements of s. 227.14 (3), Stats., should be met.

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

a. Section RL 110.03 seems to contain the same requirement set forth in the last sentence of s. RL 110.05 (1). If so, why are these provisions repeated?

b. Under s. RL 110.05 (2) (c), is it the department’s intent that a person or club who has committed an act which would subject a licensee to discipline under the chapter never be able to obtain a license, no matter the severity of the infraction or the time that has passed since the act?

c. Under ss. RL 110.06 (2) (b), 110.07 (2) (b), and 110.08 (2) (b), by what standards will the department determine if license denial is appropriate for individuals who have committed such acts?

d. In s. RL 110.11 (1) (e), following “for the professional contest” insert “which.”

e. In s. RL 110.11 (1) (e) 3., the word “Commission’s” should be replaced by the word “Commissions’.”

f. The purpose of s. RL 110.11 (5) should be clarified.

g. Section RL 110.12 (2) refers to the “commissioner.” Neither the term “boxing commissioner” nor “boxing commission” appears in the statutes or administrative code. Who is the commissioner? The term should be defined.

h. In s. RL 111.01 (17) (intro.), the word “of” should be replaced by the word “after.”

i. In s. RL 111.05 (2), it appears that the word “emergent” should be replaced by the word “emergency.” In sub. (5), to what does the phrase “records and reports” refer?

j. In s. RL 113.02 (1) (b), the word “of” should be replaced by the word “before.” See also par. (c) and s. RL 113.04 (3) (intro.).

k. The requirements under ss. RL 113.02 (1) and 115.02 (1) (a) should be clarified. A number of the requirements are not things that can be affirmed by physical exam or laboratory results, and do not follow from the introductory language of subs. (1) and (1) (a), respectively.

l. What is meant by “an extensive losing record” in s. RL 113.02 (1) (e) 3. and 115.02 (1) (a) 5. c.

m. Is it the department’s intent to prohibit the promoter or club from cancelling a bout if a boxer does not make weight under s. RL 113.04 (4)?

n. Sections RL 114.09 and 114.095 appear to conflict on the question of whether a boxer may be provided with only water, or water or an electrolyte-replacement drink during a bout.

o. What amount of caffeine is intended by the phrase “an excessive amount of caffeine” under s. RL 114.095 (6) and what type of test would be administered to determine the amount of caffeine?

p. Section RL 114.10 (1) provides that at least one inspector must be present at ringside. It seems that the phrase “at least” should be incorporated into subs. (2) to (4), and (7), as well. [See s. RL 111.07 (1).]

q. In s. RL 116.01 (1) (e), what is meant by the phrases “associates or consorts with bookmakers or gamblers” and “has engaged in similar pursuits” and do these requirements only apply to promoters, professional club members, officers, representatives, or others who have illegally engaged in those pursuits?

r. Section RL 116.01 (1) (f) and (g) provides that the department may discipline a person who has been found guilty of, or has violated any, law related to fraud or misrepresentation substantially related to boxing or any crime defined in chs. 939 to 948, Stats. What is the difference between having been “found guilty” and “violated” with respect to a crime?

s. What is meant by “an adverse action” in s. RL 116.01 (2) (f)?

t. In s. RL 116.03 (6), what is meant by “Fight fax” and the phrase “another jurisdiction”?

u. Does s. RL 116.04 (1) apply only to “illegal” drugs?