

# WISCONSIN LEGISLATIVE COUNCIL STAFF

## *RULES CLEARINGHOUSE*

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## CLEARINGHOUSE RULE 98-202

### 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.]**

#### 1. Statutory Authority

For consistency with s. 49.138 (1m) (intro.), Stats., s. DWD 16.07 (2) should specify that the maximum payment amount does not apply to cases of need due to an energy crisis.

#### 2. Form, Style and Placement in Administrative Code

a. Instead of renumbering all of s. DWD 11.055 as ch. DWD 16, each provision of s. DWD 11.055 should be renumbered, renumbered and amended, or repealed. Because the drafter is renumbering a section as a chapter, it is confusing and at times unclear what is being changed.

b. All of the titles in the rule should follow the format in s. 1.05 (2), Manual. For example, the title of ch. DWD 16 should be written in solid capital letters. The section titles should be shown with only the initial letter capitalized.

c. Section DWD 16.03 (7) refers to the “other programs eligibility manual.” Does this manual include any substantive provisions that are not included in statute or rule? If so, the department should determine whether they should be promulgated as a rule under s. 227.10 (1), Stats.

d. Section DWD 16.05 (1) (intro.) is not written as an introduction to pars. (a) to (f). The department should retain “following” and the colon and delete the underscored language

that immediately precedes the colon. This comment also applies to s. DWD 16.06 (1) (intro.) and (3) (intro.).

- e. In s. DWD 16.06 (3) (b), “Any of the following” should follow “~~grant~~.”

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

- a. In ss. DWD 16.01 and 16.02, all instances of “section” should be stricken and “chapter” should be inserted.

- b. In s. DWD 16.05 (1) (b), “12.09 (1) (c)” should be replaced with “12.09 (2) (c).”

- c. In s. DWD 16.05 (2) (e), “(a)” should be inserted after “s. 968.075 (1).”

- d. In s. DWD 16.08 (1), “sub. (5) (b)” should be stricken and “s. DWD 16.05 (2)” should be inserted.

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

- a. In s. DWD 16.02, “~~s.~~” should not be stricken and “s.” should be deleted.

- b. In s. DWD 16.03 (8), it would be clearer if “qualified relative” in the last sentence were replaced with “qualified caretaker relative.”

- c. In s. DWD 16.05 (1) (a), it is not clear what is meant by “Once established, residence shall be retained until abandoned.” Can it be clarified as to how a person abandons residence?

- d. In s. DWD 16.06 (1) (a), it would be clearer to replace “amount” with “cost.”

- e. In s. DWD 16.03 (3) (b), the supplemental payment under s. 49.775, Stats., is a payment for children of recipients. It should be clarified that this is the payment that is not counted.