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CLEARINGHOUSE RULE 00-063

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

Section 44.565 (3), Stats., provides that if the amount in the appropriation for arts challenge initiative grants in any fiscal year is insufficient to fund all requests for grants, the Arts Board must award grants on a prorated basis. Section AB 2.09 (5) provides that when proration is required, the maximum award will not exceed 12% of available board funds and the minimum award will be not less than the greater of \$1,000 or .1743% of available board funds. While the creation of minimum and maximum awards may be a reasonable way of ensuring that more recipients receive cost-effective grants from limited funds, the agency should explain its statutory authority for the rule. [See s. 44.565 (2) (c), (d) and (e), Stats., which evidence the ability of the Legislature to specify various minimum and maximum grant levels. Compare these provisions with s. 44.565 (3), Stats., which makes no reference to minimum or maximum grants.]

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

In the first paragraph of the analysis, the word “of” should be inserted before the phrase “one dollar” and the last occurrence of the phrase “raw award” should be placed within quotation marks.