



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 06-022

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 January 2005.]

3. Conflict With or Duplication of Existing Rules

a. The information in the second sentence of s. NR 47.93 (1) sets forth grant eligibility criteria. That information should be moved to a section of the rule that pertains to eligibility criteria and that is appropriately identified by its title as doing so.

b. The use of the term “contractor” to refer to a grant recipient is inappropriate and confusing. A grantee receives grant money for a particular purpose or activity which is not carried out for the direct benefit of the grantor. In contrast, a contractor receives payments as direct compensation for particular services carried out for the direct and sole benefit of the person making the payment. The misuse of the term contractor is especially confusing because the rule does contain material that pertains to persons who are acting as contractors with the department, namely the “program administrator.” The rule should use the term “grantee,” “recipient,” or a similar term to refer to a grant recipient.

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

a. Section NR 47.93 (3) (f) incorrectly states that a grant received under the program is to be used by the recipient “for the purpose of implementing a forestry research and development grants program.” The rule should be rewritten to eliminate this inaccuracy.

b. The rule should set forth the criteria and procedures the department will follow in selecting a program administrator.

c. What are the “policies and goals of the forestry research and development grants program issued by the department” referred to in s. NR 47.93 (5) (a) 4.? These should be set forth in the rule.

d. What is meant by the requirement, in s. NR 47.93 (4) (b) 1., that the notice period for grant solicitations “shall be commensurate with the scope of the grant”? This appears to be so vague as to provide no guidance to the program administrator. Also, in that sentence, “as” should replace “a”.

e. Section NR 47.93 (4) (a) states that the program administrator shall ensure that all solicitations are conducted “in a manner that provides for fairness and competition whenever practicable.” Under what circumstances would it be “impracticable” to provide for fairness and competition in soliciting grant proposals?