



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 10-086

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

As a general comment, the procedures for warrant and execution under s. 49.195 (3m), Stats., and for levy under s. 49.195 (3n), Stats., should be reviewed to determine if some of the proposed rule provisions may simply cross-reference the statutory provisions.

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

a. In the summary of related federal requirements, it would be useful to insert a citation to either the public law or the U.S. Code provision relating to the child care and development fund.

b. In s. DCF 201.04 (5) (b) 1., there is a reference to s. DCF 201.04 (2g) (a) which appears to be erroneous.

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

a. In the summary of factual data and analytical methodologies, EmR should be spelled out.

b. In s. DCF 201.02 (7r), more explanation should be provided about what it means to be a “liable person.”

c. In s. DCF 201.04 (5) (bm), providers and parents are jointly and severally liable if the provider and parent “collude” to provide a requirement. The term “collude” should be defined or explained.

d. In s. DCF 201.04 (5) (cg), introductory paragraph, reference is made to the identification of a “specific date relating to a specific child.” Does this mean the specific date of an offense must be identified by the department? This should be clarified.

e. In s. DCF 201.04 (5) (cg) 2., the “extent” of the violation may be considered by the department in determining the amount of a forfeiture. What is meant by this term?