



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Scott Grosz
Clearinghouse Director

Anne Sappenfield
Legislative Council Director

Margit Kelley
Clearinghouse Assistant Director

Jessica Karls-Ruplinger
Legislative Council Deputy Director

CLEARINGHOUSE RULE 19-127

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 December 2014.]

2. Form, Style and Placement in Administrative Code

- a. In the relating clause, the word “and” should be added to the lists of rule subunits (e.g., 149.07 (1) (a) to (c), (2), “and” (3) (c)). In addition, “ss. DHS 149.18 (a) 1. & 2., (b), (c) 1 c., and 3.” are not included in the rule text and should be removed from the relating clause.
- b. The department should review the treatment clauses generally for accuracy and consistency with the Manual. For example, SECTION 50 of the proposed rule amends s. DHS 149.25 (1) (a) and (2) through (6).
- c. Section DHS 149.07 (1) (c) 5. and (d) do not belong in sub. (1). Each of these provisions should instead be placed into its own subsection.

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

- a. The department should consider clarifying how a vendor demonstrates business integrity under s. DHS 149.05 (6). What information does the department require a vendor to submit?
- b. The department should consider providing more clarity regarding what it means for a person to have an “acceptable history” with WIC and SNAP under s. DHS 149.05 (8).
- c. The department should consider using the phrase “may obtain” rather than “may apply for” in s. DHS 149.06 (1). An applicant would not necessarily know whether he or she meets all of the eligibility requirements.

d. Section DHS 149.07 (1) (d) should be revised to form a complete sentence when read with the introductory material (e.g., “Verifying that...”).

e. Section DHS 149.07 (3) (b) should be revised to state that “A vendor authorization terminates...”.

f. In s. DHS 149.08 (2) (a), insert the word “or” after “an alcoholic beverage” and remove the comma before “in exchange for”.

g. In s. DHS 149.08 (2) (b), replace “cash, credit” with “cash or credit” and remove the comma after the phrase “sell by”.

h. In s. DHS 149.10 (2) (a), insert a comma before the word “or”.

i. In s. DHS 149.10 (3) (a), insert a comma before the phrase “or a tobacco product”.

j. In s. DHS 149.10 (3) (b) 4., delete the semi-colon before the word “or”.

k. For consistency with other rule sections, remove the hyphen in the phrase “use-by-date” in s. DHS 149.11 (2) (c).

l. The department should consider clarifying when it might double the civil money penalties under s. DHS 149.12 (5).

m. In s. DHS 149.135, replace the words “will” and “must” with the word “shall”.

n. In s. DHS 149.14 (2), replace the phrase “it would result in” with “disqualification would result in”.

o. In s. DHS 149.18 (2) (intro), consider replacing the phrase “so that the written request is” with a new sentence beginning “The request must be...”.

p. In s. DHS 149.18 (2) (c), replace the phrase “and disqualify” with “or disqualify”.

q. For clarity, consider adding an introductory phrase to s. DHS 149.18 (3) such as “The following actions are not subject to appeal.”.

r. In s. DHS 149.24 (4) (c), replace “aWIC” with “a WIC”.