

# WISCONSIN LEGISLATIVE COUNCIL STAFF

## *RULES CLEARINGHOUSE*

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## CLEARINGHOUSE RULE 98-201

### 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

In s. DWD 14.11 (1) (b), the permissive language for the number of POS terminals that retailers have should be changed from permissive to mandatory, to conform with 7 CFR s. 274.12 (g) (4) (ii). For example, subd. 1. should read “the retailer shall have POS terminals for all checkout lanes.”

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

a. In the plain language analysis, under fraudulent activity, the reference “s. 49.127, Stat.” should be replaced by the reference “s. 49.127, Stats.”

b. In s. DWD 14.02 (6), the phrase “, for the purposes of this rule,” should be deleted.

c. In s. DWD 14.025, subs. (10) to (13) should be alphabetized. Also, in sub. (13), the hyphen should be replaced by the word “to.”

d. In s. DWD 14.02 (25), delete the last sentence and place it in a note. The sentence is not part of the definition.

e. In s. DWD 14.04 (1), insert the note after the text of that subsection rather than in the middle of it. Also, in sub. (2), the second set of parenthetical notations should be replaced by commas.

f. In s. DWD 14.08 (1), the phrase “is also responsible for reporting” should be replaced by the phrase “shall report.” Also, if the cardholder is the same person as the recipient, consistent terminology should be used throughout the subsection.

g. In s. DWD 14.09 (4), use pars. (a) and (b) to separately delineate the two paragraphs present in that subsection. In addition, delete “1:1” and replace it with the phrase “one to one.”

h. In s. DWD 14.10 (2), delete the abbreviation “etc.” and replace it with the phrase “and others.”

i. In s. DWD 14.11, sub. (1) should begin on a separate line and similarly, the subdivisions in sub. (1) (b) should be listed and numbered as subs. 1. and 2. Finally, in sub. (3), the paragraphs should be separately listed; in par. (a), the word “any” should be replaced with the word “Any”; and in par. (c), the phrase “be responsible to” should be deleted.

j. In s. DWD 14.12 (2), the note should not be inserted in the text of that subsection. Place it after the subsection in a separate note. Also, the remaining material either should be combined into one subsection or numbered as pars. (a) and (b).

k. In s. DWD 14.12 (3), the two paragraphs in that subsection should be labeled as pars. (a) and (b).

l. In s. DWD 14.12 (3), delete “see below” and insert “as provided in this subsection.”

m. In s. DWD 14.14, the phrase “are expected to” should be replaced by the word “shall.” Also, in the last sentence, the phrase “other than” should be replaced by the phrase “in addition to.”

n. In s. DWD 14.15, the first paragraph should be numbered sub. (1) and current subs. (1) and (2) should be renumbered subs. (2) and (3), respectively. Then, in that first subsection, delete the slashed alternative “and/or” and insert the phrase “or both” at the end of that sentence. Also, instead of the phrase “other than English,” insert the phrase “in addition to English.”

o. In s. DWD 14.15 (2), the items listed after the colon should be listed as pars. (a), (b) and (c).

p. The two paragraphs in s. DWD 14.16 should be labeled as subs. (1) and (2).

q. In s. DWD 14.19 (1), the acronym “ADH” is used to refer to an administrative disqualification hearing. This term does not appear to be used elsewhere in the rule. Therefore, the acronym is not needed and should be deleted.

r. In s. DWD 14.19 (1), the three paragraphs delineated in that subsection should be numbered pars. (a), (b) and (c). Furthermore, delete the parentheses in sub. (1) surrounding “7 CFR 273.16.” Instead of using parentheses, use the phrase “as provided in” prior to that citation. Further, in the second paragraph of sub. (1), which should be renumbered as par. (b), there should be a comma after the statute cited, and the notation “Stat.” should be “Stats.” The same comment applies to the statutory citation in the third paragraph.

s. The introduction to s. DWD 14.25 should be rewritten to read: “All food stamp benefits shall be expunged . . . if any of the following occur:”. The following subsections then should be listed and begin with a capitalized letter.

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

a. In s. DWD 14.11 (1) (b), a more precise reference to the code of federal regulations would be 7 CFR s. 274.12 (g) (4) (ii).

b. In s. DWD 14.11 (2), delete the information in the parentheses and cross-reference s. DWD 14.12 (3).

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

a. In the plain language analysis, first paragraph, insert a comma between s. 49.129 and the notation “Stats.”

b. In the plain language analysis, under program structure, use semicolons to separate the different components of the rule which are listed there.

c. In ss. DWD 14.01 and 14.02, insert periods after the titles and underscore the periods.

d. In s. DWD 14.02 (2), a “household” is referred to. Does this definition mean to refer to a “food stamp group”? If so, the terms should be used consistently.

e. In s. DWD 14.02 (12), do not capitalize any of the terms in that definition other than “U.S.”

f. In s. DWD 14.08 (1), specify how long the hold on card access will be in place.

g. In s. DWD 14.08 (2), should the word “authorized” be changed to “required”?

h. In s. DWD 14.09 (2) (a), separate the components of the recipient training with semicolons rather than commas for easier readability.

i. In s. DWD 14.10 (3), do not capitalize the words “administrative” and “register.”

j. In s. DWD 14.11 (2), delete the semicolon after the subsection title and insert a period.

k. In ss. DWD 14.12 (3) and 14.13 (1), certain actions are described as occurring within a “specified period of time” or occurring “by a specified day and time.” Where are these specifications stated? Why can’t a particular number of days or weeks be inserted in the rule?

l. In s. DWD 14.13 (2), before “food stamp application,” insert the phrase “the time of.”

m. In s. DWD 14.15 (1), use semicolons instead of commas to separate the different types of services which will be provided to retailers by the EBT vendor.