



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 02-040

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.]

2. Form, Style and Placement in Administrative Code

a. The plain language analysis of this rule is over five pages long, making it difficult to readily grasp the content of the rule. Section 1.02 (2) (b), Manual, notes that the analysis is not intended to be an exhaustive discussion of the rule, but rather should contain sufficient detail to enable the reader to understand the content of the rule and the changes made, if any, in existing rules. It is suggested that the analysis be rewritten to accomplish this goal.

b. In s. DWD 19.03 (1) (b), the acronym “W-2” is used to refer to the Wisconsin Works program. Subsequently, the full name of the program is used in ss. DWD 19.05 (8) and 19.06 (4) (g). It is suggested that the term “W-2” be defined in s. DWD 19.02 and thereafter the acronym “W-2” may be used throughout the rule.

c. In s. DWD 19.03, the subsections beginning with sub. (4) are numbered improperly. Subsection (4) should be sub. (3), with the remaining subsections renumbered accordingly. Cross-references to the subsections would also have to be changed.

d. In s. DWD 19.03 (9), “shall” should replace “must.”

e. Section 1.03 (8), Manual, notes that introductory material which precedes subunits of a rule is always followed by a colon and should lead into the subunits. In s. DWD 19.03 (5) (as currently numbered), the introductory sentence should end with a phrase such as “; as follows:”. In s. DWD 19.03 (5), the language before par. (a) is not worded as an introductory clause. It should be labeled par. (a) and the remaining paragraphs should be relettered (b) through (d).

In s. DWD 19.08 (6), the introductory material preceding the colon should be in a par. (a) and end with the phrase “, the agency shall” and the phrase “The income maintenance agency shall” should be deleted from the beginning of pars. (a) through (c), which should be renumbered as subds. 1. to 3. The material currently found in par. (d) does not flow from the introductory material and should be placed in a par. (b).

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

a. In the rule analysis, and in various sections of the rule, a lengthy phrase is used to describe individuals other than custodial parents who live with and exercise parental control over a child under age 18 who has an absent parent, noncustodial parent or alleged father in the food stamp program in Wisconsin. In the analysis, the phrase occurs in the first and second sentences of the second paragraph. In the rule text, it occurs, among other places, in ss. DWD 19.02 (8) and 19.03 (1) (a) 1. To eliminate the necessity of repeating this lengthy phrase, it is suggested that the term “other individual exercising parental control” be defined in s. DWD 19.02 as an individual other than a custodial parent who lives with and exercises parental control over a child under age 18 who has an absent parent, noncustodial parent or alleged father under the food stamp program in Wisconsin. The defined phrase can then be substituted for the wordier version that currently occurs in the analysis and throughout the rule.

b. In s. DWD 19.02 (10), the word “it” on line 2 should be changed to “is.”

c. In s. DWD 19.03 (2) (c) and (d), the word “attending” could be changed to “submitting to.”

d. In s. DWD 19.03 (5) (intro.) (as currently numbered), what is meant by the phrase “not cooperating with child support services” on line 2? Also, in sub. (5) (e), on line 1, the abbreviation “par.” should be “pars.” and a comma should be inserted on line 3 after the word “amount.”

e. In s. DWD 19.04 (1), the second “and” on line 2 should be changed to “an.”

f. Section DWD 19.05 (1) refers to threats of *illegal* child kidnapping or domestic abuse. Are these activities ever legal?

g. In s. DWD 19.08 (1) (a), the word “When” on line 3 should be changed to “If.” The same comment pertains to the word “when” on line 1 of par. (b). Also, in par. (a), “applicant’s” should replace “applicant” at the beginning of line 3.

h. In s. DWD 19.08 (5) (intro.), the word “and” on line 4 should be changed to “or.” Also, in sub. (5) (a), the word “a” should be inserted after the first “to” on line 2.

i. Section DWD 19.08 (6) (c) requires the income maintenance agency to “promptly” notify the applicant or recipient of the determination. Within what time period must the agency act?