



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 14-058

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 November 2011.]

1. Statutory Authority

2013 Wisconsin Act 190 only grants authority for the program implemented by this proposed rule until July 1, 2015. If it is anticipated that the program implemented by this rule will not be reauthorized in the future, it may be advisable to include language that repeals the proposed rule changes on July 1, 2015.

2. Form, Style and Placement in Administrative Code

a. In the introductory clause, “to promulgate s. VA 2.07” should be replaced with “to amend ch. VA 2 (title); and to create VA 2.07”. [s. 1.02 (1), Manual.]

b. In the plain language analysis, the agency should provide more information about the contents of the proposed rule, including information about how an applicant is evaluated and how a grant is awarded. In addition, the plain language analysis lists four items that each grant applicant will be asked to provide. However, those four items do not appear to be included in the text of the proposed rule.

c. The rule summary should contain all of the headings described in s. 1.02 (2) (a), Manual, including: (1) a copy of any comments and opinion prepared by the Board of Veterans Affairs under s. 45.03 (2m), Stats.; and (2) the place where comments are to be submitted and the deadline for the submission.

d. In s. VA 2.07, the title “**Grants to Nonprofit Organizations**” should be replaced with “**Grants to nonprofit organizations.**”. [s. 1.05 (2) (b), Manual.]

e. In s. VA 2.07 (6) (a) (intro.), the last sentence should include the phrase “all of the following” or “any of the following”, whichever is appropriate. [s. 1.03 (3), Manual.] This comment also applies to s. VA 2.07 (11) (intro.).

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

In s. VA 2.07 (5) (c), “this section” should be replaced with “par. (b)”.

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

a. In s. VA 2.07 (4), the proposed rule sets forth the criteria a nonprofit organization must meet to be an eligible applicant for a grant. One of the criteria is that a nonprofit organization must be “financially viable”. This standard may be unclear.

b. In s. VA 2.07 (6) (a), the proposed rule requires the department to develop criteria to evaluate applicants and lists categories in which to evaluate applicants. Are the categories in subds. 1. to 11. the evaluation criteria, or will the department create additional evaluation criteria based on the categories in subds. 1. to 11.? If the categories are the evaluation criteria, there is no need to state that the “department shall develop criteria to evaluate...”. If the department will create additional evaluation criteria, the criteria should be included in the text of the proposed rule.

c. In s. VA 2.07 (6) (a) 2., “the target population (veterans and their dependents)” should be replaced with “veterans and their dependents”. [s. 1.01 (6), Manual.]

d. In the last sentence of s. VA 2.07 (6) (b), it may be clearer to reference “each solicitation for grant proposals under this section” rather than “each public notice”.

e. In s. VA 2.07 (8) (b), “is” should be inserted before “subject”.

f. In s. VA 2.07 (10) (c), “three” should be replaced with “3”. [s. 1.01 (5), Manual.]

g. In s. VA 2.07 (11) (b), it is unclear which grants may not exceed \$25,000. It may be clearer to state the following in sub. (11):

(11) AMOUNT OF GRANTS. (a) Subject to pars. (b) and (c), the amount of a grant award shall be based on the amount requested by the applicant and approved by the department.

(b) The maximum amount of a grant that the department may make to any nonprofit organization during any fiscal year is \$25,000.

(c) The amount of a grant award is subject to the availability of funds under s. 20.485 (2) (tf), Stats.

h. It is unclear whether the department will prorate grant awards, provide full awards to the top applicants, or use some other method to comply with the funding limitation provided in s. VA 2.07 (11) (c).

i. It is unclear at what point a grantee must comply with the requirements in s. VA 2.07 (12) and (13) (b).