



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 19-073

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.]

1. Statutory Authority

In SECTION 4 of the proposed rule, is it the department’s intent to incorporate future amendments to the U.S. Code? If so, the department should review its authority to do so. [s. 2.08, Manual.]

2. Form, Style and Placement in Administrative Code

a. The order of treatments in the introductory clause to the proposed rule should conform to the style prescribed in s. 1.02 (1) (b), Manual.

b. In SECTION 12 of the proposed rule, a period should be placed at the end of the title.

c. In SECTIONS 13 and 17 of the proposed rule, the order of strike-throughs and underscores should be reviewed such that underscored material follows stricken material in the style prescribed by s. 1.06 (1), Manual.

d. In SECTIONS 17, 18, and 22 of the proposed rule, it is unnecessary to display the full citation of a rule provision for each provision treated. Instead, the department may use the style suggested in s. 1.04 (2) (a) 4., Manual.

e. In SECTION 18 of the proposed rule, the material “federal Section 5310 program” in s. Trans 2.06 (2) should be changed to “federal sec. 5310 program” to match the defined term used throughout the rule.

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

SECTIONS 14 and 15 of the proposed rule delete the current rule language that specifies certain application deadlines and replace those deadlines with material that states the department must specify the duration of the upcoming program cycle “in the corresponding application guidelines”. Should the duration of the upcoming program cycle be spelled out in the rule? The “corresponding application guidelines” are not referenced anywhere else in the rule and it is unclear how a prospective applicant acquires or is given notice of the guidelines. If the state program needs flexibility in announcing its program cycle date because of uncertainty with federal award announcements, consider providing more detail in the rule outlining how the department will allow a person to access the guidelines.

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

a. In SECTION 18 of the proposed rule, the material created for s. Trans 2.06 (2) uses the phrase “used consistent” but does not make clear what it means for the department to use its evaluation criteria consistent with the federal program.

b. In SECTION 18 of the proposed rule, the period after “1” under s. Trans 2.06 (2) (a) should not be in bold.

c. In SECTION 18 of the proposed rule, the word “elderly” is used six times under the material created for s. Trans 2.06 (2) (b), but other parts of the proposed rule delete the word “elderly” and replace it with “seniors”. Consider modifying the proposed rule for consistency.