



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 20-015

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

a. Sections DWD 802.04 and 802.05 create an application procedure, specify required content, and establish evaluation criteria for a grant application, while s. DWD 802.09 enumerates information that a grantee must include in reports to the agency. However, apart from specific requirements already present in the statute, the proposed rule provisions generally provide that procedure, content, evaluation criteria, and reported information will be determined within a “Grant Program Announcement” (GPA) document issued by the agency.

Because s. 106.275 (4), Stats., specifically directs the department to promulgate rules to establish application procedures and requirements, as well as award procedures and criteria, the department should explain what authority it has to create such requirements within a GPA, rather than promulgating the requirements within the rule.

2. Form, Style and Placement in Administrative Code

a. In s. DWD 802.05 (2), identification of the provision as par. (a) is unnecessary as there is no subsequent par. (b).

b. In s. DWD 802.09, subdivisions of the proposed rule should be identified as subs. (1) to (5) rather than pars. (a) to (e). The cross-reference to par. (c) in the fourth subdivision should also be updated to sub. (3).