



Wisconsin Legislative Council

RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 22-042

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Council Staff and the Legislative Reference Bureau, dated November 2020.]

2. Form, Style and Placement in Administrative Code

a. In proposed s. VA 2.08 (3), consider designating the subunit for the definition of “CIC” as par. (cm) rather than par. (c). A designation for par. (c) is skipped in the subunit sequence in the current text of the rule, and was previously repealed in CHR 21-012. Designation as par. (cm) is preferred, in order to avoid confusion from the reuse of a formerly used designation. [s. 1.10 (3) (a), Manual.] This comment also applies to the reuse of the designation for par. (p), for the definition of “VHA”.

b. In proposed s. VA 2.08 (6) (f) 2. c., the abbreviation “subd.” should be changed to “par.”. [s. 1.15 (2) (Table), Manual.] This comment also applies to the abbreviation “subd.” that appears in par. (g) 2. b.

c. The rule caption’s listing of provisions affected in the proposed rule should be updated to reflect any treatment changes made in response to these comments.

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

Proposed s. VA 2.08 (6) (c) 1. refers to submitting an application on a form approved by the department. A note should be added to identify where a reader may obtain the form. [s. 1.12 (3), Manual.] This comment also applies to pars. (c) 12. and (d) 2.

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

a. Throughout the proposed rule, the department refers to “grant awards” and “grant award” when “grants” or “grant” would be sufficient. “Grant” is defined in s. VA 2.08 (3) (i) for the purposes of s. VA 2.08, and the defined term should be used consistently when this meaning is intended. [s. 1.07 (1) (b), Manual.]

b. In proposed s. VA 2.08 (3) (mg), the department might reconsider whether it is necessary to define the term “program”. The department uses the term “program” in a manner consistent with the definition it provides, as the grant program, in a number of places throughout

the proposed rule, but there are also instances in which the department uses the word “program” to refer to a program that receives a grant (see, e.g., proposed s. VA 2.08 (6) (f) 2. c.). A defined term should only be used when the defined meaning is intended. Additionally, although the department defines “program” to mean “the veterans employment and transition support grant program”, the rule nevertheless uses the full phrase “veterans employment and transition support grant program” within the text of proposed s. VA 2.08 (6) (a). A defined term should be used consistently.

c. Proposed s. VA 2.08 (3) (mr) defines “transitioning service member” as a veteran who has separated from active service in the U.S. Armed Forces to return to life as a civilian and meets any one of three enumerated criteria. The third criterion is that “The veteran has been approved by the department to receive services from a CIC.”. The rule should specify the procedures and the circumstances under which the department may approve a veteran to receive services.

d. Proposed s. VA 2.08 (6) (a) contains a broad statement of purpose, but does not directly state that the functional purpose of the program is to award grants to CICs to provide the specified types of services. The department might consider clearly stating that this is the purpose of the program.

e. Proposed s. VA 2.08 (6) (b) 5. specifies that, to be eligible for a grant, a CIC must have “a signed agreement between the VHA and the VA Great Lakes Health Care System”. It is not clear what this provision requires. Is it the department’s intent that the CIC be a party to an agreement with both the VHA and the VA Great Lakes Health Care System? If so, the rule should clarify this. The rule should also specify the purpose for which the CIC must have an agreement with the VHA and the VA Great Lakes Health Care System.

f. Proposed s. VA 2.08 (6) (b) 6. specifies that, to be eligible for a grant, a CIC must be “listed as an active community partner by the National Center for Healthcare Advancement and Partnerships”. Is it necessary to specify where a CIC would be listed as an active community partner by the National Center for Healthcare Advancement and Partnerships?

g. In proposed s. VA 2.08 (6) (c) 10. c., the present tense of the word “possesses” is awkward when combined with the introductory material that refers to what the applicant has achieved during the previous year.

h. In proposed s. VA 2.08 (d) 4., the timing for the new grant application is not clear. Is the rule intended to allow a grantee to apply for a new grant only after the initial three-year period has expired, or may a grantee submit an application prior to the expiration of the three-year grant period, for a new grant to begin after that period has expired?

i. In proposed s. VA 2.08 (6) (d) 4., the term “grant recipient” should be changed to use the term “grantee”, which is defined for the purposes of s. VA 2.08 in sub. (3) (j). Similarly, the following instances could be changed to the term “grantee”:

(1) In sub. (6) (e), the phrase “recipient nonprofit organization”.

(2) In sub. (6) (g) 1. (title), the phrase “Grant recipients”.

(3) In sub. (6) (g) 1. a., the phrase “CIC receiving a grant award”.

j. Proposed s. VA 2.08 (6) (f) 1. c. provides that “In the initial fiscal year, an applicant may apply for a one-time grant up to \$50,000 to assist in launching a program that achieves the required goals as specified in subd. (c) 10.”. Proposed par. (c) 10., however, requires that an

applicant submit information demonstrating the applicant has achieved these goals in the previous year. If the department intends to exempt applicants beginning new programs from the requirement to provide this information, it should include language indicating that an applicant must provide the information specified in par. (c) 10., except as provided in par. (f) 1. c.

k. Proposed s. VA 2.08 (6) (g) 1. a. provides that “A CIC receiving a grant award shall be awarded by the department in coordination with the VHA regional office.”. It is not clear what this means. Is it the department’s intent that it will make grant decisions jointly with the VHA regional office? Is it the department’s intent that CICs be preapproved by the department and the VHA regional office prior to receiving a grant from the department? Or is some other meaning intended?

l. The meaning of proposed s. VA 2.08 (6) (h) 1., which provides that “A grantee shall verify that its services are only provided to a transitioning service member” is unclear. This suggests that a CIC may only receive a grant if the only individuals to whom it provides services are transitioning service members. However, proposed par. (h) 2., which specifies that “Only an eligible transitioning service member shall receive services funded by a grant awarded under this subsection”, suggests a CIC might serve populations other than transitioning service members, but may only use grant funds with respect to services provided to transitioning service members. Is it the department’s intention that a CIC that provides services to individuals other than transitioning service members may receive a grant, but that it may only use grant funds to provide services to transitioning service members? If it is, the department should modify par. (h) 1. to make this clear.

m. In proposed s. VA 2.08 (6) (h) 2., the word “eligible” should be removed, as the phrase “transitioning service member” is defined to include that the service member has specifically been approved to receive services.

n. In proposed s. VA 2.08 (6) (i), the phrase “receiving a grant under this subsection” is unnecessary and could be removed. The provision already uses the defined term “grantee”, which means an organization receiving a grant.