



Wisconsin Legislative Council

RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 21-075

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. The proposed rule’s definition of “Basic training” contains extensive substantive requirements. Substantive provisions should not be incorporated as part of a rule’s definition. [s. 1.07 (1) (d), Manual.] The agency should place the substantive elements a basic training program must contain into a separate rule provision.

b. Paragraphs (a) through (d) within the proposed rule’s definition of “telecommunicator” also appears to expand on the general definition of “telecommunicator” in proposed s. DMA 2.02 (9) by adding substantive requirements regarding the skills a telecommunicator must have. These skills should also be placed in a provision, distinct from the definition of “telecommunicator”, that specifies the competencies a telecommunicator must possess.

c. Throughout the rule, the agency has included multiple requirements in single rule provisions that should be disaggregated into distinct rule provisions. For example, in proposed s. DMA 2.03 (1) (a), the rule provides that one eligibility requirement for a public safety answering point to receive a grant is that it be a “designated” public safety answering point. The rule does not otherwise define “designated public safety answering point”, but proposed s. DMA 2.03 (1) (a) suggests it is the single public safety answering point in a county that a county has designated for the purpose of receiving grants. The process for designating a “designated public safety answering point” should be specified in a provision that is separate from the provision that lists criteria for a public safety answering point to be eligible for a grant. It may also be beneficial to separately define “designated public safety answering point”.

d. Similarly, in proposed s. DMA 2.03 (2) (a), the agency specifies that to be eligible for a grant, a public safety answering point must have established and implemented a basic training program and requires all newly hired telecommunicators to finish the program within 12 months of hire. Proposed s. DMA 2.03 (2) (b) to (e) then specifies additional requirements that apply to the required basic training programs. These requirements should be consolidated with the substantive requirements the agency placed within the definition of “basic training” discussed

above and placed into a separate rule provision that outlines the basic training a public safety answering point must provide for the purposes of the grant program. The agency should then revise the grant eligibility requirements to refer to the separately delineated requirements for basic training programs by cross-reference.

e. The agency should revise the proposed rule to define terms used within the rule that have specific meanings, such as “the 911 subcommittee” and “Next generation 911”. These terms may be defined by cross-reference to the relevant statutes.

f. The proposed rule provides eligibility criteria for public safety answering points applying for grants but does not specify the criteria the agency shall apply when determining whether to award grants. Will all eligible applicants who apply receive a grant? If that is the case, the agency may wish to consider rephrasing the provision articulating eligibility requirements to instead specify that the agency shall award a grant to a public safety answering point that satisfies various requirements. If it is not the agency’s intent to award a grant to all public safety answering points that apply for a grant, the agency should articulate the criteria the agency will use when evaluating grant applications.

g. It is not clear why the proposed rule expressly provides that an applicant who was not awarded a grant and failed to persuade the agency to reconsider that determination may then request an administrative hearing under ch. 227, Stats. Is the agency’s intent to allow an applicant to appeal the agency’s determination that the applicant failed to meet the eligibility requirement?

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

a. The agency should revise throughout the proposed rule to ensure requirements are stated in complete sentences and appropriate punctuation is used.

b. Throughout the proposed rule, the agency should adhere to s. 1.11 of the Manual when using introductory material followed by subunits. When the all of the subunits apply to the introductory material, the agency should specify that by using the phrase “all of the following:”. The agency should ensure each subunit is followed by a period.

c. The agency should revise throughout the proposed rule to ensure that the rule uses the plural form of a word only when specifically referring to multiples of the word use. [s. 1.05 (c), Manual. Under s. 990.001 (1), Stats., the singular includes the plural, and the plural includes the singular.] For example, in proposed s. DMA 2.03 (2) (d), “Telecommunicators employed by ...” should be “A telecommunicator employed by ...”.

d. The agency should revise throughout the rule to phrase requirements in the active voice. [See, particularly, among other sections of the rule, proposed s. DMA 2.07 (1).]

e. Proposed s. DMA 2.07 (1) is grammatically incorrect. It appears the article “an” is missing before the word “applicant”.

f. Throughout the rule, the agency should revise the phrase “including, but not limited to” to “including”. [s. 1.07 (3) (b) 2., Manual.]

g. It is not readily apparent what the introductory clause in proposed s. DMA 2.03 (3) (e) means. The agency should clarify what is meant by “Within 3 years of the first grant application of a public safety answering point”. Is this intended to refer to the three years before a grant application or the three years after? Do the obligations that follow attach only if a grant is awarded

or are they conditions precedent to grant eligibility? The agency should also consider whether the phrase “in appropriate circumstances” is necessary; if it is necessary, the agency should clarify what constitutes appropriate circumstances.

h. It is not clear what the agency intends proposed s. DMA 2.06 (1) to mean. The agency should revise to more clearly specify the relationship between the local funding required and grant amounts.