



Wisconsin Legislative Council

RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 21-090

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. A heading for “Text of Rule” should be inserted before SECTION 1 of the proposed rule, similar to the title for the “Analysis Prepared by the Department of Children and Families”.

b. In the treatment clause for SECTION 2 of the proposed rule, there should be a period in “(intro)”. It also appears that “(title),” should be inserted between “(3)” and “(intro.)”. SECTION 2 repeals s. DCF 101.09 (3) (intro.) and (a), but does not repeal the title for sub. (3). If the department intends to repeal or renumber all of sub. (3), in combination with the treatment in SECTION 3, then it should amend the treatment clause for SECTION 2 to repeal s. DCF 101.09 (3) (title), (intro.), and (a). The listing of affected provisions in the caption for the proposed rule should also be revised to reflect the treatment of sub. (3) (title).

c. The proposed rule uses the terms “Wisconsin works employment position” and “W-2 employment position”. While s. DCF 101.03 (37) defines “Wisconsin works” and “W-2” to have the same meaning, the department should consider drafting the rule to be internally consistent by picking one term and using it throughout the rule. [s. 1.07 (1) (b), Manual.]

d. The definition of “gross income”, which is applicable to all of s. DCF 101.09 (4), is included among the substantive provisions in par. (a). The department should consider defining this term in its own paragraph, at the beginning of sub. (4). [s. 1.07 (2) (a) and (b) 2., Manual.]

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

a. In s. DCF 101.09 (3m) (c) 2., it is unclear what “support” means. Does it refer to child support, spousal support, or both? The department should review its intent and clarify what this term means.

b. In s. DCF 101.09 (3m) (c) 3. and 4., it is unclear how it will be determined that a group member is “incapacitated” or that “an individual is or had been a victim of domestic abuse or at risk of further domestic abuse”. The department should review its intent and consider clarifying how these hardships will be determined.