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## WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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### CLEARINGHOUSE RULE 14-032

#### 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 November 2011.]**

#### 1. Statutory Authority

Section 106.05 (3) (a), Stats., allows the agency to reduce the reimbursement percentage or deny applications for completion awards if the amount of funds to be distributed exceeds the amount available under s. 20.445 (1) (d), Stats. However, it is unclear whether s. DWD 295.25 (4) (d) of the proposed rule is consistent with the two options provided by the statute. The agency should rewrite s. DWD 295.25 (4) (d) to ensure that it is consistent with the statute.

#### 2. Form, Style and Placement in Administrative Code

In s. DWD 295.25 (1), in the note that defines “tuition costs”, “106.01 (6)” should not be underscored. [s. 1.055, Manual.]

#### 3. Conflict With or Duplication of Existing Rules

It is not necessary, and is perhaps confusing, to provide the definition of “related instruction” as provided by s. DWD 295.001 (20) in the note for s. DWD 295.25 (1) (b). The definition in s. DWD 295.001 (20) applies to the entire ch. DWD 295.

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

a. In s. DWD 295.25 (1) (a), the term “sponsor” should have the meaning given under s. 106.001 (8), Stats., not s. 106.01 (8), Stats. [The reference to s. 106.01 (8), Stats., in s. DWD 295.25 (1) (b) (Note) should also be replaced with s. 106.001 (8), Stats.] Furthermore, the

agency should consider whether the definition of the term “sponsor” in s. DWD 295.001 (21) should be consistent with the definition given in s. 106.001 (8), Stats. If the definition of “sponsor” in s. DWD 295.001 (21) is made consistent with the statutory definition, it would avoid some confusion. If this change is made to s. DWD 295.001 (21), s. DWD 295.25 (1) (a) could read as follows: “‘Sponsor’ does not include a state agency or local governmental unit.”.

b. The examples in the second sentence of s. DWD 295.25 (1) (b) should be placed in a note. [s. 1.09 (1), Manual.]

c. In s. DWD 295.25 (2), if the sponsor applies for the program, it appears that the sponsor’s apprentice is required to meet the requirements in pars. (a) and (d). However, this should be clarified in the proposed rule.

d. In s. DWD 295.25 (2) (c), what is the notice provided by the department that the apprentice or sponsor is eligible for an award? Under what circumstances is the notice provided, and how is the notice provided? The agency might consider providing more detail about the notice in the proposed rule.

e. In s. DWD 295.25 (3) (c) 2. (Note), the agency should check the website link to ensure that it is correct.

f. In s. DWD 295.25 (4), pars. (a) to (c) should be rewritten to make it clear that if an apprentice or sponsor receives an award under par. (b), the total of that award combined with any award received after the first year may not exceed the amount specified in par. (a).