



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 17-099

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.]

2. Form, Style and Placement in Administrative Code

a. The note created in SECTION 1 references the fact that the EBT card is used to make payments if the provider has a point-of-sale device. This appears to either be a requirement of the EBT card or a substantive provision. For example, for purposes of the FoodShare program, the definition of “EBT” includes reference to the use of a “POS device” and the terms “POS” and “POS terminal” are defined in s. DHS 252.02 (5), (21), and (22). The agency should consider eliminating the reference to the EBT card being used if the provider has a point-of-sale device that is found in the Note and either place it in the definition of “EBT card” or include it in a substantive provision of ch. DCF 201.

b. In SECTIONS 1 and 2, the term “account number” is used but is undefined. However, for purposes of the FoodShare program, a similar term, “EBT account”, is defined in s. DHS 252.02 (6). The agency should consider defining this term.

c. In SECTION 2, the term “personal identification number” is undefined. For purposes of the FoodShare program, this term is defined in s. DHS 252.01 (21). The agency should consider defining this term.

d. Section DCF 201.038 (6) of the proposed order uses the term “private pay parent” but does not define this term. The agency should consider defining this term.

e. SECTIONS 2 and 3 of the proposed order uses the term “subsidy for the child” or “subsidy funds” without clarifying what the subsidy is. The term in ch. DCF 201 appears to be

“child care subsidy”. The agency should consider replacing the terms “subsidy for the child” and “subsidy funds” with the term “child care subsidy”.

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

a. In the rule summary’s sections titled “Statutory authority” and “Explanation of Agency Authority”, the department should consider citing specific provisions from ss. 49.151 and 49.155 (7m), Stats., that explicitly authorize the department to promulgate certain rules in the proposed order, such as ss. 49.151 (2) (a) and 49.155 (7m) (a), Stats. [s. 1.02 (2m) (a), Manual.]

b. In the rule summary’s section titled “Related statutes and rules”, the agency should consider citing EmR1709 and CR 17-033, as these are both being amended by the proposed order.

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

It is unclear what the intent is of the proposed amendment to s. DCF 201.06 (3) (c) 2. The amended language appears to be grammatically incorrect. For example, may the agency exclude the child care prices if the center or day camp has not established a “full-time weekly” or “full-time monthly” child care price? If so, the amended usage of commas appears to be grammatically incorrect. The agency should review the intent of this proposed language and revise accordingly.