

WISCONSIN LEGISLATIVE COUNCIL STAFF

LCRC  
FORM 2

***RULES CLEARINGHOUSE***

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**CLEARINGHOUSE REPORT TO AGENCY**

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[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

**CLEARINGHOUSE RULE 98-200**

AN ORDER to amend VA 1.10 (7), relating to the release of information to a collection agency under contract with the state to collect delinquent department loans.

Submitted by **DEPARTMENT OF VETERANS AFFAIRS**

12-11-98 RECEIVED BY LEGISLATIVE COUNCIL.

01-14-99 REPORT SENT TO AGENCY.

RNS:RJC:kjf;jal

**LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT**

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]

Comment Attached      YES       NO

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]

Comment Attached      YES       NO

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]

Comment Attached      YES       NO

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS  
[s. 227.15 (2) (e)]

Comment Attached      YES       NO

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]

Comment Attached      YES       NO

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL  
REGULATIONS [s. 227.15 (2) (g)]

Comment Attached      YES       NO

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]

Comment Attached      YES       NO

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## CLEARINGHOUSE RULE 98-200

### Comments

**[NOTE: All citations to "Manual" in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated September 1998.]**

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

a. The treatment clause of SECTION 1 should be on one line and the colon should be replaced by a period, i.e., "SECTION 1. VA 1.10 (7) is amended to read:".

b. When sub. (7) of s. VA 1.10 is amended, the section number of the rule should be listed in the amendatory provision. Thus, after the treatment clause in SECTION 1 of the rule, "VA 1.10" should be inserted before "(7)."

c. Generally, periods are preserved in the material being amended. They are not stricken or underscored unless a new sentence is created or an old sentence is eliminated. Thus, in s. VA 1.10 (7), the underscored material should be inserted before the period after the word "loans." Doing so would eliminate the need to strike one period and underscore another. [See s. 1.06 (4), Manual.]

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

a. The analysis to the rule indicates that the loan information will be released to a party under contract with the state, "which would assure that the party maintain the confidentiality of the information." This confidentiality requirement is not made explicit in the rule. Will the contracts require confidentiality? The source of this confidentiality protection should be better identified.

b. Presumably, the phrase "under contract with" also applies to the department of administration. This could be clarified by inserting "either" after "with" in the new material.

PROPOSED ORDER OF THE  
DEPARTMENT OF VETERANS AFFAIRS  
CREATING RULES

The Wisconsin Department of Veterans Affairs proposes an order to amend VA 1.10(7) relating to the release of information to a collection agency under contract with the state to collect delinquent department loans.

ANALYSIS PREPARED BY THE  
DEPARTMENT OF VETERANS AFFAIRS

Statutory authority: ss.45.35(3) and 45.36(6), Stats.

Statute interpreted: s.45.36, Stats.

The amendment will allow the department to release pertinent information from a veteran's file to a party attempting to collect a delinquent debt from the veteran. The information may only be released to a party under contract with the state, which would assure that the party maintain the confidentiality of the information.

SECTION 1:

VA 1.10(7) is amended to read:

(7) DISCLOSURE OF LOAN INFORMATION. Information contained in loan files, information pertaining to action taken by the department on loan applications, or loan status information may be made available to any party having a security interest in the property securing such loans: or any party under contract with the department or the department of administration to pursue collection of delinquent department loans. Loan status information that is readily accessible from current department computer tapes on any loans on which balances are due and owing the department may be made available to a consumer reporting agency, as defined in 15 USC 1681a(f).

This rule shall take effect on the first day of the month following publication in the Wisconsin administrative register as provided in s.227.22(2)(intro.), Stats.

Dated at Madison, Wisconsin, December 9, 1998

STATE OF WISCONSIN  
DEPARTMENT OF VETERANS AFFAIRS



RAYMOND G. BOLAND, SECRETARY