



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 03-045

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 October 2002.]

3. Conflict With or Duplication of Existing Rules

a. There appears to be some conflict between the introductory material in s. VA 13.05, which states that a monthly fee or rental charge “*may*” be collected, and s. VA 13.05 (2), which sets forth conditions under which a resident of single room occupancy housing “*shall* be assessed” a monthly program fee. [Emphasis added.]

b. As a matter of consistency, should “has a full-time, part-time or seasonal employment” under s. VA 13.05 (2) be changed to “is employed,” so as to be consistent with the amendment to that language in the first sentence of s. VA 13.05 (1)? Also, is the “other than compensated work therapy or industrial/incentive therapy payments paid at a rate below the prevailing minimum wage” language in the first sentence of s. VA 13.05 (1) also intended to be included in s. VA 13.05 (2)?

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

The change in monthly charge from 10% to no more than 30% of monthly income under s. VA 13.05 (1) would not affect the monthly charge of 25% of monthly income or \$250, whichever is less, to a resident of single room occupancy housing under s. VA 13.05 (2). As a result, a resident of a regional transitional housing site could apparently go from paying significantly less than a resident of single room occupancy housing to paying significantly more. Is this consistent with the intent of the rule? If so, the fact that a resident of single room

occupancy housing cannot be assessed more than 25% of monthly gross income should be noted in the analysis as an exception to the first sentence of the analysis.

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

a. The fiscal note states that the monthly charge may be collected by private vendors that contract with the department to operate the veterans assistance centers. The introductory material in s. VA 13.05 states that the department or “regional transitional housing site” may collect the monthly charge. If the “regional transitional housing sites” and the private vendors referred to in the fiscal note are the same entities, it would be clearer to add “vendor” after “site” in the introductory material to s. VA 13.05.

b. Whereas the first sentence of the analysis states that the rule will enable “the Department” to assess rental charges, the introductory material in s. VA 13.05 states that the department or “*regional transitional housing site*” may collect the rental charge. [Emphasis added.] If the vendors “assess” as well as “collect” the rental charges, then “or the regional transitional housing site vendor” should be inserted after “the Department” and before “to assess rental charges” in the first sentence of the analysis.