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CLEARINGHOUSE RULE 97-147

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 1994.]

2. Form, Style and Placement in Administrative Code

a. In s. VA 12.01 (intro.), the material after the word “chapter” is unnecessary and should be deleted.

b. Section VA 12.01 (2) should be restructured so that it consists of at least two sentences. The first sentence could conclude with the phrase “common elements.” The second sentence should read:

“Annual shelter payment” includes monthly mobile home parking fees if the homestead is a mobile home located on land not owned by the applicant and includes holding tank pumping fees if the applicant’s homestead has a septic disposal system which relies on a holding tank.

c. Section VA 12.01 (5) should define the terms “personal loan program loan” or “loan,” since both terms are used interchangeably throughout ch. VA 12.

d. In s. VA 12.01 (7), the notation “s. VA” should appear before the cross-reference. [See, also, s. VA 12.06 (2).]

e. In s. VA 12.01 (10), the quotation marks should be deleted around “annual shelter payment.” The same problem occurs in s. VA 12.02 (3) (c) with respect to “income.” Finally, the second sentence should be rewritten to read: ““Total debt payments” includes”

f. In s. VA 12.02 (1), the word “must” should be replaced by the word “shall.” [See, also, ss. VA 12.02 (12) and (15), 12.03 (2) and 12.05 (2).]

g. In s. VA 12.03, the first sentence should be a numbered subsection. The remaining subsections should be renumbered accordingly as should internal cross-references. [See, also, ss. VA 12.04 and 12.06.] Finally, in this sentence, the phrase “shall be” should be replaced by the word “is.” [See, also, ss. VA 12.05 (2) and 12.06 (1).]

h. Terms such as “hereinafter,” “such” and “therefor” should be avoided. Examples of these terms are contained in s. VA 12.06 (1). With respect to the use of the term “hereinafter,” the first sentence of s. VA 12.06 (1) could be rewritten to read: “Subject to sub. (2) . . . a part-time study course of instruction only in cases described in this subsection”

i. In s. VA 12.06 (2), the cross-references should read “sub. (1)” and “ss. 45.351 (2), 1995 Stats., and 45.356, Stats.”

j. Section VA 12.06 (3) should be rewritten to read: “The criteria contained in s. VA 12.02 (10) or (11) do not apply to the underwriting of an educational loan.”

k. The plain language analysis of the rule affords the reader absolutely no understanding of the changes made by the department to current Wisconsin Administrative Code language. The analysis should be expanded.

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

a. In s. VA 12.01 (4), “the” should be inserted before the last use of “applicant.”

b. In s. VA 12.02 (2), “defined” should be replaced by “required.” Also, for the purpose of clarity, it appears that the last sentence should be rewritten to read:

A loan application which has been accepted by the department, but which is determined to lack the necessary information or documentation for the department to approve a loan, shall be denied, unless the applicant corrects the deficiency within 30 days’ notice of the deficiency by the department to the county veterans service office.

c. In s. VA 12.02 (3) (b), an applicant is required to submit a complete copy of “the state and federal tax return including all schedules.” Are the tax returns the most recent tax returns?

d. It should be noted that almost all of the chapter as repealed and recreated is substantially the same as it existed prior to the repeal and recreation. It would have been preferable if the rule had renumbered and amended the appropriate provisions since many of the existing provisions were not changed.