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## WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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### CLEARINGHOUSE RULE 02-091

#### 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.]**

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

a. In the proposed order, analysis and text of the rule, reference is made to the “Wisconsin *Department* of Disabled American Veterans” (emphasis added), giving the erroneous impression that the organization is a state agency. Either “department” should be lower case, as it is in s. 45.43 (7m), Stats., or, if appropriate, a different term such as “the Wisconsin *chapter* of Disabled American Veterans” should be used.

b. As passed by the Legislature, the 2001-03 Budget Reform Bill (January 2002 Special Session Assembly Bill 1) deletes the current limitation in s. 45.43 (7m), Stats. (enacted in 2001 Wisconsin Act 16), that the transportation services are only for “disabled” veterans, thereby allowing the grants to be used for transportation services for any veteran. It appears that the department anticipated this change, as the rule does not define or otherwise refer to disabled veterans, but rather to veterans, as receiving services under the program. Assuming the Governor signs the budget reform bill into law with that provision intact, the rule analysis should mention this change. If the Governor vetoes the change, the proposed order, analysis and rule text should include appropriate references to disabled veterans.

c. In s. VA 16.01 (1), the phrase “several counties” should be changed to “two or more counties together,” so that it is clear that two or more counties could apply together, rather than only “several counties,” which implies more than two. Also, the word “service” should be plural, for consistency with the language of s. 45.43 (7m), Stats.

d. In s. VA 16.01 (5), to avoid redundancy, the phrase “means a veteran as defined” could be changed to “has the meaning given,” as suggested in s. 1.01 (7) (c), Manual.

e. The following comments pertain to s. VA 16.02 (1):

(1) Sub. (1) (intro.) requires that applicants apply for program grants for a *calendar* year, but subs. (1) (a) and (c) require applicants to include specified information in the application “for the most recently completed *fiscal* year” (emphasis added). Is this the *state* fiscal year? What is the rationale for not providing the grants on a fiscal year basis? Also, for the grant application due by March 1, 2003, what is the time period for which the data required in subs. (1) (a) and (c) must be submitted? Is it the state fiscal year that ended on June 30, 2002? If so, will there be any data available for that time period?

(2) Will the department develop a standard application form to be used by all program applicants? If so, sub. (1) (intro.) should state that an applicant shall apply “on a form provided by the department . . .” and a note explaining where to obtain the form should be inserted after sub. (1). [See s. 227.14 (3), Stats.]

(3) In sub. (1) (intro.) and (b), “sought” would appear to be a better word choice than “claimed.”

(4) Also in sub. (1) (intro.), the requirements of the last sentence would be clearer if rewritten to read: “The application shall provide sufficient information to establish that the applicant meets the eligibility criteria in sub. (2) and shall be submitted with the following items:”.

(5) In subs. (1) (a) and (2) (b), the term “United States” could be abbreviated “U.S.”.

(6) Sub. (1) (b) requires a statement outlining the transportation program for the year for which the grant is “claimed.” To clarify that this is to be a prospective description, the phrase “*proposed* transportation program” could be used. Also for clarification, reference could be to the *calendar* year, rather than just “the year” for which the grant is claimed, if the calendar year is maintained as the grant period. Finally, if two or more counties are applying together to provide multicounty cooperative transportation services, as permitted under s. 45.43 (7m), Stats., should the counties be required to explain how they intend to work together to provide these services on a multicounty basis?

f. The following comments pertain to s. VA 16.02 (2):

(1) Par. (b) refers to the *fiscal* year for which a grant is paid. This conflicts with sub. (1) (intro.), which provides that grants are paid on a *calendar* year basis. Unless the grant period is changed to the fiscal year, the word “fiscal” in par. (b) should be changed to “calendar.” Also, par. (b) states, as an eligibility criterion, that an applicant agree to provide transportation services to veterans going to medical appointments arranged or conducted by the U.S. Department of Veterans Affairs.

Why are these particular appointments singled out? Section 45.43 (7m), Stats., refers generally to using grants “to develop, maintain, and expand transportation services for disabled veterans” (or veterans in general, under the budget reform bill). Does the rule language mean that the applicant does not have to agree to transport a veteran to other types of appointments, medical or otherwise?

(2) In par. (d), “for a purpose that is” should be inserted before “not” on line 3.

g. The following comments pertain to s. VA 16.02 (3):

(1) Sub. (3) refers to “the grant year” (emphasis added), which appears to be the same as the calendar year for which funds are received. Consistent terminology should be used, to avoid the impression that the grant year is something different from the calendar year. This problem also occurs in s. VA 16.03.

(2) The word “it” on line 4 should be “its.”

(3) Sub. (3) provides that the grant amount for each applicant shall be determined based on the number of miles that eligible veterans are expected to be transported by the applicant during the grant year, as determined by the department. Will the department’s determination be based solely on the number of miles veterans were transported in the previous fiscal year, as reported by the applicant under sub (1) (c)? Alternatively, should applicants be required to include an estimate of the number of miles they expect to transport eligible veterans in the calendar year for which funds are sought? Currently, under sub. (1) (c), applicants need only provide mileage information for the most recently completed fiscal year and are not asked to provide anticipated total mileage in the materials they must submit under sub. (1) (b) about their program for the year for which funding is sought.

h. In s. VA 16.03, “any portion” on line 1 should be replaced by “all or a portion of,” to clarify that the *entire* grant, as well as a portion of the grant, may be recovered.