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## WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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### CLEARINGHOUSE RULE 04-003

#### 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.]**

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

The section created in this rule (s. VA 1.20) is placed at the end of ch. VA 1, which contains a number of general provisions relating to the department. It is recommended that the new section be placed instead in ch. VA 2, which contains the rules relating to the three education grant programs to which the new section applies: correspondence and part-time study, retraining, and tuition and fee reimbursement grants.

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

a. In s. VA 1.20 (3), the reference to “subs. (1) and (2)” on lines 1 and 2 should be changed to “sub. (2),” since only sub. (2) pertains to the *amount* of repayment due.

b. Section VA 1.20 (4) refers to the department waiving “its authority to recover payments or suspend benefits *under sub. (3).*” The authority to suspend benefits is in sub. (3), but the authority to recover payments is in sub. (1). Therefore, the phrase “under sub. (1)” should be inserted after the word “payments” on line 2.

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

a. In s. VA 1.20 (1) (c), the word “effect” should be changed to “affects.”

b. Section VA 1.20 (2) could be rewritten as follows for purposes of clarity:

The department may recover only the portion of the grant to which the applicant would not have been entitled if the correct information had been provided or the grant had been properly calculated, or as a change in circumstances warrants.

c. Section VA 1.20 (5) refers to “appeal and review” under s. VA 1.03. Only appeal, and not review, is mentioned in s. VA 1.03. Why is “review” included here and to what does it refer? Should it be stricken?