



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Ronald Sklansky
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CLEARINGHOUSE REPORT TO AGENCY

[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 03-045

AN ORDER to amend VA 13.05 (intro.) and (1), relating to the imposition of rental charges at regional transitional housing sites under the veterans assistance program.

Submitted by **DEPARTMENT OF VETERANS AFFAIRS**

05-07-2003 RECEIVED BY LEGISLATIVE COUNCIL.

05-30-2003 REPORT SENT TO AGENCY.

RS:MO

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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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.



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PROCESSING INSTRUCTIONS TO AGENCY HEADS

[ENCLOSED ARE THE SENATE AND ASSEMBLY RULE JACKETS CONTAINING THE LEGISLATIVE COUNCIL CLEARINGHOUSE REPORT. AN ADDITIONAL COPY OF THE CLEARINGHOUSE REPORT IS ENCLOSED FOR YOUR FILES.]

PLEASE NOTE: Your agency must complete the following steps in the legislative process of administrative rule review:

1. On the appropriate line on the face of both clearinghouse rule jackets, enter, in column 1, the appropriate date and, in column 2, "Report Received by Agency."
2. On the appropriate line or lines on the face of both clearinghouse rule jackets, enter, in column 1, the appropriate date or dates and, in column 2, "Public Hearing Held" OR "Public Hearing Not Required."
3. Enclose in both clearinghouse rule jackets, in triplicate, the notice and report required by s. 227.19 (2) and (3), Stats. [The report includes the rule in final draft form.]
4. Notify the presiding officer of the Senate and Assembly that the rule is in final draft form by hand delivering the Senate clearinghouse rule jacket to the Senate Chief Clerk and the Assembly clearinghouse rule jacket to the Assembly Chief Clerk. At the time of this submission, on the appropriate line on the face of the clearinghouse rule jacket, each Chief Clerk will enter, in column 1, the appropriate date and, in column 2, "Report Received from Agency." Each clearinghouse rule jacket will be promptly delivered to each presiding officer for referral of the notice and report to a standing committee in each house.
5. If the agency does not proceed with the rule-making process on this rule, on the appropriate line on the face of both clearinghouse rule jackets, enter, in column 1, the appropriate date and, in column 2, "Rule Draft Withdrawn by Agency" and hand deliver the Senate clearinghouse rule jacket to the Senate Chief Clerk and the Assembly clearinghouse rule jacket to the Assembly Chief Clerk.

FOR YOUR INFORMATION: A record of all actions taken on administrative rules is contained in the Bulletin of Proceedings of the Wisconsin Legislature. The clearinghouse rule jackets will be retained by the Legislature as a permanent record.

[See reverse side for jacket sample.]

WLCS
TCA:jal;kja
03/01

— *SAMPLE* —

CLEARINGHOUSE RULE ASSEMBLY _____ 02-149 _____

AN ORDER to repeal Accy 3.11 (1); to amend Accy 3.03 (1); and to repeal and recreate Accy 3.06 and 3.07, relating to a new computer-based examination.

Submitted by Department of Regulation and Licensing

12-13-02	Received by Legislative Council.		
01-16-03	Report sent to Agency.		

NOTE: EACH SUBSEQUENT ACTION TAKEN BY A STANDING COMMITTEE OR THE JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES WILL BE ENTERED ON THE JACKETS BY APPROPRIATE LEGISLATIVE STAFF.



*Jim Doyle, Governor
Raymond G. Boland, Secretary*

STATE OF WISCONSIN, DEPARTMENT OF VETERANS AFFAIRS

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DATE: June 26, 2003

TO: Representative John Gard, Speaker of the Assembly
Senator Alan Lasee, President of the Senate

FROM: Raymond G. Boland, Secretary
Wisconsin Department of Veterans Affairs

RE: Clearinghouse Rule 03-045

I am submitting three copies of the final draft of Clearinghouse Rule 03-045, as well as the report and analysis required under sec. 227.19, Stats. Please forward this material to the appropriate committees for review.

REPORT AND ANALYSIS OF CLEARINGHOUSE RULE 03-045

1. Statement explaining the need for the proposed rules.

The rationale for adopting the proposed rules is explained in the analysis section of the attached order.

2. Modifications made as a result of testimony presented at the public hearing.

The public hearing was conducted on June 20, 2003. No modifications were made as a result of the hearing.

3. Public hearing appearances and registration.

Vera Roddy testified at the hearing.

4. Response to Legislative Council Clearinghouse Report.

The comments of the Legislative council Clearinghouse were considered. Appropriate modifications were made to the language in the order.

5. Fiscal Estimate.

The rules will have the fiscal impact identified in the attached fiscal note.

STATE OF WISCONSIN
DEPARTMENT OF VETERANS AFFAIRS

BY: 
RAYMOND G. BOLAND, SECRETARY

**PROPOSED ORDER OF THE
DEPARTMENT OF VETERANS AFFAIRS
AMENDING RULES**

The Wisconsin Department of Veterans Affairs hereby proposes an order to amend VA 13.05 intro and 13.05 (1), relating to the imposition of rental charges at regional transitional housing sites under the veterans assistance program.

**ANALYSIS PREPARED BY THE
DEPARTMENT OF VETERANS AFFAIRS**

Statutory authority: sec. 45.357 (2), Stats.

Statute interpreted: sec. 45.357 (2), Stats.

The amendment of VA 13.05 intro and 13.05 (1) will enable the Department or the regional transitional housing site vendor to assess rental charges of up to 30% of the monthly income of a resident of a regional transitional housing site, after deducting medical expenses, child care expenses, court ordered child support payments, or other court ordered payments. The assessment may be made against the first check received by a resident but will be limited to those unfunded operational costs incurred at the housing site during the period of time the resident actually resided at the site. The amendment does not affect the charges that are assessed against the resident of single room occupancy housing under 13.05 (2).

TEXT OF RULE

SECTION 1. VA 13.05 intro is amended to read:

VA 13.05 **Program fees and rental charges.** The department or regional transitional housing site vendor may collect a monthly fee or rental charge from a veterans assistance program participant residing in a regional transitional housing site in an amount calculated under the following schedule:

SECTION 2. VA 13.05 (1) is amended to read:

VA 13.05 (1) **RESIDENTS OF REGIONAL TRANSITIONAL HOUSING SITES.** A resident of a regional transitional housing site who ~~has a full-time, part-time or~~ |

seasonal employment is employed or who is receiving supplemental security income, social security disability insurance payments or any other disability or pension benefits, other than compensated work therapy or industrial/incentive therapy payments paid at a rate below the prevailing minimum wage, may be assessed a monthly program fee rental charge of not more than ~~10%~~ 30 percent of monthly gross income, after a deduction for debt service payments. Allowable debt service payments include recoupment of veterans affairs benefits, past due medical expenses repaid under a repayment agreement, child care expenses, court-ordered child support payments, and or any other court-ordered payment. The assessment shall be uniformly applied to each resident of a specific site. The total amount of the monthly assessments at a particular site may not exceed the site's monthly unfunded operational costs. The An individual assessment may begin upon the resident's receipt of a second pay or benefit check except when the resident receives a retroactive lump sum award of pension, compensation, or other entitlement payments. In that case, an assessment may be made against the lump sum award but shall be limited to the number of months the resident resided at the site prior to the month of receipt of the lump sum award.

The amendment of the rule contained in this order 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, June 20, 2003.

STATE OF WISCONSIN
DEPARTMENT OF VETERANS AFFAIRS



RAYMOND G. BOLAND, SECRETARY

LRB or Bill No./Adm. Rule No. VA 13.05 & 13.05 (1)
Amendment No. if Applicable

FISCAL ESTIMATE
DOA-2048 N(R10/94)

- ORIGINAL UPDATED
 CORRECTED SUPPLEMENTAL

Subject
Amending administrative rules to increase rental charges at regional transitional housing sites under the veterans assistance program.

Fiscal Effect
State: No State Fiscal Effect
Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation.

<input type="checkbox"/> Increase Existing Appropriation <input type="checkbox"/> Decrease Existing Appropriation <input type="checkbox"/> Create New Appropriation	<input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Decrease Existing Revenues	<input type="checkbox"/> Increase Costs - May be possible to Absorb Within Agency's Budget <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Decrease Costs
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Local: No local government costs


1. <input type="checkbox"/> Increase Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 2. <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	3. <input type="checkbox"/> Increase Revenues <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 4. <input type="checkbox"/> Decrease Revenues <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	5. Types of Local Governmental Units Affected: <input type="checkbox"/> Towns <input type="checkbox"/> Villages <input type="checkbox"/> Cities <input type="checkbox"/> Counties <input type="checkbox"/> Others _____ <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts
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Fund Sources Affected <input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input checked="" type="checkbox"/> SEG <input type="checkbox"/> SEG-S	Affected Ch. 20 Appropriations s.20.485(2)(rp)
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Assumptions Used in Arriving at Fiscal Estimate
This administrative rule admendment will allow the Department of Veterans Affairs to increase the employed resident a monthly rental charge residing in a regional transitional housing site of their monthly income from 10% to 30%.

The department contracts with private vendors to operate its veterans assistance centers. Under the administrative rules, the vendors are allowed to collect a monthly fee from residents of the transitional housing sites under the veterans assistance program based on 10% of their monthly income. The generated revenue is provided to the vendors to cover part of their operational costs. The proposed increase in charges will increase revenues for the vendors and cover cost increases in their programs. In FY02, the total annual income from the sites was \$771,662 and 10% (\$77,162) of that amount was paid in fees. The fiscal estimate is based on FY02, and it is projected that the 30% increase will generate an estimated \$154,324 in fees (\$771,662 x .30 = \$231,486 - \$77,162 = \$154,324) for the vendors. Since the fees are paid to vendors and not the state, there is no state fiscal effect.

Long-Range Fiscal Implications

Agency/Prepared by: (Name & Phone No.) Zolonda Eubanks 264-7072 Dept. of Veterans Affairs	Authorized Signature/Telephone No. John A. Scocos 266-2256 	Date 5/2/03
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