



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Ronald Sklansky
Clearinghouse Director

Richard Sweet
Clearinghouse Assistant Director

Terry C. Anderson
Legislative Council Director

Laura D. Rose
Legislative Council Deputy Director

CLEARINGHOUSE RULE 01-106

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.]

2. Form, Style and Placement in Administrative Code

a. In s. HFS 90.06 (1) (b), the parenthetical term should be deleted. A note could explain that maintenance is the same as alimony.

b. In s. HFS 90.06 (2) (i), the first three subdivisions could be consolidated to one introductory paragraph. The subdivision paragraphs could then be renumbered as subdivisions.

c. In s. HFS 90.06 (2) (i) 3. b., all the material after “adjusted annual income” should be deleted. Because “adjusted annual income” is defined in the definitions section of the rule, it is not necessary to include the additional material.

d. Section HFS 90.06 (2) (i) 3. (intro.) should be rewritten in the active voice. It could begin with: “A county administrative agency shall make”

e. In s. HFS 90.06 (2) (i) 3. c., the word “federal poverty threshold” is initially used. It may be useful to define this term since it, as well as its acronym, “FPT,” is used several times throughout this provision of the rule.

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

The analysis to the rule states that federal policies governing “Birth to 3” programs require participating states to administer a statewide early intervention system and do not allow a

county to bill a family's insurance without the family's consent. It might be useful to provide a citation to the policy that prohibits counties from billing a family's insurance without the family's consent. In addition, it may also be useful to provide citations to the relevant provisions in the Code of Federal Regulations governing policies related to payment for services, especially 34 C.F.R. ss. 303.520, 303.521 and 303.527.

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

There are gaps between the adjusted income levels shown in Table HFS 90.06. For example, adjusted income of 200.5% of the federal poverty threshold (FPT) is not covered, nor is 300%. It is suggested that the second listing be "over 200% of the FPT and at or below 300% of the FPT. Other listings should be redrafted in a similar manner, so that there are no gaps.