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RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 98-008

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. The department’s analysis could be more comprehensive. It is recognized that most of the rule consists of technical revisions; however, the technical nature of the revision and the rationale for the revision are not always obvious, particularly regarding repeals. The department’s analysis gives the reader very little specific information on the rule, forcing the reader to review the text of the rule simply to determine what the rule does.

b. The title to s. RL 12.01 (1) (a) is incorrectly formatted. [See s. 1.05 (1) (d), Manual.]

c. In s. RL 12.01 (2) (a), “may” should be substituted for “will.”

d. In s. RL 12.02 (2) (b), first sentence, “A first-time applicant” should replace the language that precedes “who.” In the last sentence, “may not” should replace “cannot.” It appears “supplemented” is not the appropriate word; the last sentence could end with a period after “competency.”

e. In s. RL 12.026, second sentence, “for a violation of this section” should follow “department.” The last sentence should begin with “An action.”

f. The new sentence in s. RL 15.03 (1) should be in a separate definition section for the chapter.

g. In SECTIONS 22 and 23, it appears that the renumbering should be revised so that in SECTION 22, s. RL 16.02 (3) is renumbered s. RL 16.02 (5); in SECTION 23, s. RL 16.02 (2), (3) and (4) should be created.

h. Section RL 16.07 would be improved if the clause “, for purposes of s. 452.14 (3) (i), Stats.,” followed “demonstrates.”

i. In the treatment clause of SECTION 30, “(intro.)” should follow “(1).”

j. It is suggested that s. RL 22.01 (1) (intro.) be made a paragraph of sub. (1) rather than an introductory clause. The paragraphs that follow do not necessarily relate back to the introductory clause. The paragraph would read simply: “(a) A broker may employ a person as an apprentice under a temporary salesperson’s permit.”

k. It is suggested that s. RL 22.01 (1) (e) begin with the clause “Before the application for an apprentice person may be accepted by the department . . .”, rather than ending with that clause. Also, “shall” should replace “must.”

l. Section RL 22.01 (7) (c) should be revised so that it begins: “An apprentice may use business cards if the business cards clearly state”

m. In s. RL 22.01 (7) (d), “, at no time,” should be stricken and “not” should follow the first underscored “may.”

n. In s. RL 22.01 (6) (e), “may” should replace “shall.”

o. In s. RL 22.01 (6) (f), first sentence, the semicolon should be stricken, the underscored “the” deleted, “20 hours” stricken and “;” should follow the stricken “20 hours.”

p. In s. RL 22.01 (7) (h), the underscored comma should be deleted.

q. In s. RL 22.01 (7) (j), “except if” should be stricken and replaced by “unless.”

r. In s. RL 22.01 (7) (m) (intro.), the second comma should be stricken, “provided” should be replaced by “if” and “further provided” should be stricken and replaced by “if.”

s. In s. RL 22.01 (8) (d), there is a typographical error: “repair” should be “prepare.” The current reference to “hours to be spent by the apprentice” is awkward.

t. The treatment clause of SECTION 40 can simply read: “RL 23.02 is amended to read:”.

u. Section RL 24.03 (2) (a) should begin: “A licensee”

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

a. In s. RL 22.01 (10) (d), is reference to “any other law substantially related to real estate practice” too broad? See s. 452.14 (3), Stats.

b. The reference in s. RL 23.04 (1) to “as provided in s. 452.12 (2), Stats.,” is inaccurate in the context of that subsection. It appears the cross-reference can be deleted.

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

- a. In s. RL 12.026, last sentence, are the specified actions intended to be illustrative or inclusive? If inclusive, “are” should replace “may include.”
- b. In s. RL 16.02 (5), should the definition indicate how a sale by the owner is handled?
- c. Section RL 16.06 (4) is still awkwardly worded, despite the attempt to improve the subsection. For example, it is not clear to what the first “which” in the first sentence refers. Further clarification would be helpful. In the second sentence, “relates” should be “relate.”
- d. In s. RL 22.01 (7) (b), “or” should replace each of the first two commas.
- e. In s. RL 22.01 (8) (c), should “state and federal” precede “law”?
- f. In s. RL 22.01 (9) (e), is the continuing reference to “log book” antiquated?
- g. Section RL 24.02 (7) continues to be unclear. Instead of referring in the second line to “2 or more of the corporations,” should the definition refer to “each of the corporations”?
- h. In s. RL 24.17 (3), the first “or” should be replaced by a comma and a comma should follow the second “of.”
- i. Section RL 25.02 (1) (a) and (b) should end with periods. It appears that “do one of the following” should precede the colon in sub. (1) (intro.).