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CLEARINGHOUSE RULE 98-037

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 headings to ss. VA 1.17 and 1.18 are not in proper format. They should be shown as in all capital letters and underscored. [See s. 1.05 (2) (b), Manual.]

b. The subsections to s. VA 1.17 are not shown in proper format. The numbers preceding each subsection should be shown in parentheses with no period following the number. [See s. 1.03 (intro.), Manual.]

c. In s. VA 1.17 (3), the phrase “hereinafter set forth” should be replaced by the phrase “described in this subsection.” In the second sentence, the numeral 1 should be replaced by “one.” [See s. 1.01 (5), Manual.] Finally, “therefor” should be deleted. [See s. 1.01 (9) (c), Manual.]

d. In SECTION 7, the extra parenthesis preceding “(b)” should be deleted.

e. In SECTION 8, the title is not shown in proper format. The title to a subdivision should be written with an initial capital letter, not underscored and enclosed in single quotation marks. [See s. 1.05 (2) (e), Manual.] The same problem occurs with respect to the title contained in SECTION 11 for s. VA 2.01 (2) (b) 13. and in SECTION 13, the titles for s. VA 2.01 (2) (b) 18. and 19. Also, with respect to the title to s. VA 2.01 (2) (b) 13., see s. 1.05 (3) (c), Manual. The title to a subdivision should be amended by showing the title as it will appear without strike-throughs and underscores.

f. The title to s. VA 2.03 (2) (b) is not in proper format. This same problem occurs with respect to the title to s. VA 2.03 (2) (d), (g) and (h). These titles are paragraph titles which should be shown as written with an initial capital letter and underscored. [See s. 1.05 (2) (d), Manual.]

g. The titles for s. VA 2.03 (3) (a) and (b) are not in proper format. Both titles are to paragraphs which are written with an initial capital letter and underscored and in addition, "GRANT APPLICATION" should be deleted since only the paragraphs are being amended. [See s. 1.05 (3), Manual.]

h. In s. VA 2.03 (3) (c), the cross-references should be replaced by a reference to "sub. (5)." [See, also, s. VA 4.03 (13), in which the reference to "VA 4.03 (14)" should be replaced by a reference to "sub. (14)."]

i. In s. VA 2.03 (5), the word "The" should be replaced by the phrase "All of the."

j. The title to s. VA 13.05 is not in proper format. The title to a section is written in solid capital letters and underscored. [See s. 1.05 (2) (b), Manual.]

k. In s. 13.05 (1), "shall" should be deleted from the second sentence.

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

a. Sections VA 1.17 (2) and 1.18 refer to a mortgagor's equity that is "greater than 10%." The rule would be clearer if this expression were more fully described. For example, does 10% refer to 10% of the property's purchase price, assessment for property taxation or current appraised value?

b. In s. VA 4.03 (15), is the phrase "securing the mortgage" necessary? Can it be deleted?

c. In s. VA 13.05, should the word "may" in the last sentence of subs. (1) and (2) be replaced by the word "shall"?