



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 05-012

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 January 2005.]

2. Form, Style and Placement in Administrative Code

a. The definition of “loan solicitor” in s. DFI-Bkg 40.02 (9) contains a great deal of substantive material that describes what a loan solicitor is authorized to do or not to do. This type of material should not be placed in a definition. [See s. 1.01 (7) (b), Manual.]

b. The prefix “DFI-Bkg” and the section number should precede the text in each SECTION. For example, line 32 should read: “DFI-Bkg 40.02 (2) “Division” means the division of banking.”

c. SECTIONS 11 and 12 could be combined. “(3) ~~MORTGAGE BANKER SERVICE PROVIDER~~. A person who services loans or land . . .” would be changed to “(3) ~~MORTGAGE BANKER SERVICE PROVIDER~~. (a) ~~Service of mortgage loans or land contracts~~. A person who services loans or land . . .” SECTION 12 would be deleted.

d. In s. DFI-Bkg 41.01 (4), “10” should replace “ten (10).”

e. SECTIONS 23 TO 26 repeal, or renumber and amend, portions of s. DFI-Bkg 42.02. However, SECTION 22 repeals and recreates all of s. DFI-Bkg 42.02. These provisions need to be reconciled. This comment also applies to SECTIONS 11 to 13.

f. In s. DFI-Bkg 42.03 (4), the subdivisions should end with periods. This comment also applies to s. DFI-Bkg 44.02 (1); in that subsection, all of the paragraphs should begin with a capital letter and end with a period.

g. In s. DFI-Bkg 42.03 (6), “as amended” should be deleted in two places. Also, “thereto” should be changed to “to that law.” Finally “*et seq*” should be replaced by the final section number in the law cited. [See s. 1.07 (1) (a), Manual.]

h. In the treatment clause of SECTION 50, “DFI-Bkg 44 is created to read:” should be “Chapter DFI-Bkg 45 is created to read:”

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

a. Throughout the rule, all of the statutory citations should be followed by “, Stats.”.

b. In s. DFI-Bkg 45.01 (2), the first rule citation should be “sub. (1) (a) to (e) and the second should be “sub. (1) (d).”

c. In s. DFI-Bkg 45.05 (2), “s. DFI-Bkg 45.02 (1) (a) to (e) should replace “45.02 (1) (a) - (e).”

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

a. In ss. DFI-Bkg 45.01 (2) and 45.02 (2), is it the intent that, as long as two hours of education are in the sub. (1) (d) subjects, the other hours could be in any of the other subjects? Thus, could the educational requirement be satisfied if some of the areas were not covered at all?

b. In s. DFI-Bkg 45.09 (1), the first sentence should be broken up. “. . .of course attendees, which includes the loan originator’s name. . .” could be changed to “. . . of course attendees who satisfactorily completed continuing education programs. The list shall include the loan originator’s name. . . .” “. . .of all persons satisfactorily completing continuing education programs” could be deleted.

c. In s. DFI-Bkg 45.09 (1), last sentence, should “withdrawal” replace “discontinuation” for consistency with s. DFI-Bkg 45.10 (2)?