



Wisconsin Legislative Council

RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 24-049

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Council Staff and the Legislative Reference Bureau, dated November 2020.]

2. Form, Style and Placement in Administrative Code

a. In the introductory clause of the proposed rule, the enumeration of provisions treated should be grouped in the order specified in s. 1.01 (1) (b) of the Manual. Treatments spanning multiple rule subdivisions should be enumerated using “to” or “and” instead of a dash (e.g., “73.02 (2) (f) to (j)” and “73.03 (4) and (5)”.

b. In SECTION 3, the agency should use “may not” rather than “cannot”. [s. 1.08 (1) (b), Manual.]

c. In SECTION 4, stricken and underscored material should be indicated as specified in s. 1.04 (4) of the Manual. In s. DFI-Bkg 73.02 (2) (b) and (d), underscored text should follow stricken text rather than appear in between. In s. DFI-Bkg 73.02 (2) (c), the amendment should be indicated as “~~licensees~~ licensee’s”.

d. In SECTIONS 5 and 9, “s.” should precede citations to other rule provisions.

e. In SECTION 9, the proposed rule should state that a trust account “may” be used only for the purpose described, rather than “shall” be used only for that purpose.

f. In the lists in proposed ss. DFI-Bkg 73.02 (2) (j) (intro.), 73.04 (10) (b) (intro.), and 73.05 (1) (intro.), the agency should specify that “all of the following” apply, as the agency did in SECTION 9. A similar change could be made to the existing s. DFI-Bkg 73.02 (2) (intro.) [s. 1.11 (2), Stats.]

g. In SECTION 10, the agency should consider using active voice. For example, the proposed rule could provide that a licensee shall prepare a record showing the date when any payment is received from a debtor or other person and maintain that record in the licensee’s office. [s. 1.05 (1) (d), Manual.]

h. In SECTION 13, the agency’s citation to s. 73.02 (2) (i) should more clearly cite to s. DFI-Bkg 73.02 (2) (i), as the agency did in SECTION 12. [s. 1.15 (2), Manual.]

i. In SECTION 13, formatting of rule subunits should conform to the format described in s. 1.10 (1) of the Manual. Specifically, subdivisions following s. DFI-Bkg 73.04 (10) (b) (intro.) should be indicated as subs. 1. to 3.

j. In SECTION 14, the agency should more clearly cite to ss. 218.02 (7) (c) and 220.04 (9) (b), Stats. [s. 1.15 (2) (b) 1., Manual.]

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

a. The agency should ensure proper spacing when text is added or deleted throughout the rule. For example, in SECTION 8, two spaces precede the added text of “may”.

b. Though the term is already used in s. DFI-Bkg 73.03 (3), the agency could consider defining the term “approved bank”, as that term is also used in SECTION 9.

c. In SECTION 12, it is unclear how s. DFI-Bkg 73.03 (3) (b) authorizes a licensee to sell insurance or another item to a customer. Does a debtor’s placement of funds in an account to be used in part for the licensee’s fees constitute the sale of an “item”?

d. In SECTION 14, the agency may wish to specify that a licensee shall maintain records of **all** activity related to each debtor.