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# WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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## CLEARINGHOUSE RULE 02-030

### 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. The extent of the applicability of definitions in s. RL 128.015 should be clearly stated, e.g., by a phrase such as “In this chapter:” preceding the definitions. [See s. 1.01 (7), Manual.]

b. In s. RL 128.02 (1), “for the January 1, 2003 to December 31, 2004 biennium, and for each biennium thereafter,” should be deleted and replaced by an initial applicability clause. That clause would be placed before the effective date clause and would not become part of the permanent rule.

#### **3. Conflict With or Duplication of Existing Rules**

It appears that current s. RL 128.06 (1) conflicts with proposed s. RL 128.02 (1). The second and third sentence of s. RL 128.06 (1) state: “A registered auctioneer may take the education examination . . . *in lieu of* the educational program set forth in s. RL 128.03. A registered auctioneer who passes the education examination *shall not be required to complete the educational program*.” [Emphasis added.] However, the proposed rule deletes “Except as provided in s. RL 128.06” from s. RL 128.02 (1), and therefore appears to require even a registered auctioneer who has passed an education examination to complete an educational program.

Also, how does the examination in s. RL 128.06 (1), which is *in lieu* of the educational program, relate to the examination in s. RL 128.03 (2), which follows the educational program?

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

a. In the last sentence of s. RL 128.02 (1), “second renewal of the of the registration” includes “of the” one too many times.

b. Section RL 128.03 allows the department to “determine” the topics included in the six hours of instruction. Will this determination take the form of a rule? See ss. 227.01 (13) and 227.10 (1), Stats.

c. In ss. RL 128.03 (2) and 128.04 (1), the term “program provider” appears to mean not only a provider of a program, but also a provider of a course. Section RL 128.04 (1) implies a difference between a program and a course: “. . . approval from the department of an educational program *or a course.*” [Emphasis added.] Should the term “program provider” be defined as a provider of either a program or a course or both in s. RL 128.015?