



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 08-077

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 department should prepare a rule summary as specified in s. 1.02 (2), Manual. The department may wish to include the comments following each section of the rule in the plain language analysis section of the rule summary.

b. In SECTION 3 of the rule, “covert” should be replaced by “covered.”

c. In s. DFI-Sec 1.02 (1), the correct reference is “s. 551.202 (24) and (25), Stats., and s. DFI-Sec 2.01 (4) and (5).” The entire rule should be reviewed for the correct and consistent use of the notations “s.,” “ss.,” and “Stats.” The notation “s.” or “ss.” should precede every reference to the statutes or to a provision in the administrative code. The notation “s.” should precede every list of references that uses the disjunctive form “or.” The notation “ss.” should precede every list of references that uses the conjunctive form “and.” The notation “Stats.” should follow every reference to the statutes.

d. In SECTION 13 of the rule, the strike-through should extend through the comma following “Stats.” Also, a comma should be placed after “s. DFI-Sec 5.12.”

e. SECTION 14 of the rules simply should repeal “DFI-Sec 1.02 (5) (c) 2.”

f. In the comment to SECTION 15, the word “subsections” should be replaced by the notation “par.”

g. Generally, the department should not use the words “rule” or “rules” to precede a referenced section of the administrative code. Instead, the department should use the abbreviation “s.” or “ss.” as appropriate.

h. The treatment clause of SECTION 22 should read: “DFI-Sec 2.01 (1) (a), (b), and (c) (intro.) are amended to read:”.

i. SECTIONS 26 to 28 create two subdivisions in s. DFI-Sec 2.01 (4) (a) and repeals current s. 2.01 (4) (b). A rule unit should be divided into two or more subunits. Thus, there should not be only one paragraph in s. DFI-Sec 2.01 (4). The two new subdivisions should be shown as pars. (a) and (b) of s. DFI-Sec 2.01 (4).

j. In s. DFI-Sec 2.02 (5) (d) 2., “Stats.” should not follow “DFI-Sec 2.029 (3) (a) 1. to 4.” Also, in the comment, the notation “par.” should be inserted before the reference to “(d) 2.”

k. In s. DFI-Sec 2.01 (5) (intro.), the phrase “of this subsection” should be deleted. In par. (a) 1., it appears that the second occurrence of the word “is” should be replaced by the word “are.” In par. (a) 2., the phrase “shall be made” should be inserted after the phrase “satisfactory to the division.”

l. In the comment to SECTION 41, the notation “par.” should be replaced by the notation “sub.” and a closing parenthesis should be inserted after the second occurrence of the phrase “current/repealed Law.”

m. In s. DFI-Sec 2.02 (9) (d), the word “through” should be replaced by the word “to.”

n. In ss. DFI-Sec 2.027 (1) (d), 2.028 (3), and 3.07 (2), the department should remove letters (ZZZ and XX) that appear to be intended as placeholders in the rule.

o. In s. DFI-Sec 2.029 (2), (3), and (4), does the department mean to refer to sub. (1) instead of par. (a)? Similarly, does the department mean to refer to sub. (4) instead of par. (d)? Also, sub. (5) (b) should be rewritten to read: “The failure to satisfy the conditions of par. (a) as to a purchaser does not affect the availability of the exemption under par. (a) [again, is the correct reference sub. (1)?] as to other purchasers.”

p. The comment to s. DFI-Sec 2.04 (2) should conclude with a bracket.

q. In s. DFI-Sec 4.01 (6) (b), “Stats.,” should follow s. 551.406 (3) (b), and the section should be rewritten to recognize the use of the word “includes” as described in s. 1.01 (7) (c), Manual. The section should end with a period.

r. In s. DFI-Sec 4.04 (7) (c), the notation “pars.” should be replaced by the notation “par.”

s. In the comment to s. DFI-Sec 4.05 (k) 2., the notation “par.” should be replaced by the notation “sub.”

t. It appears that s. DFI-Sec 4.07 should be restructured by numbering the introduction as sub. (1), renumbering subs. (1) to (3) to pars. (a) to (c), renumbering sub. (4) as sub. (2), and, in the new sub. (2), inserting the word “by” after the word “may.”

u. In s. DFI-Sec 5.01 (2) (a), should the department refer to sub. (1) rather than sub. (1) (a)?

v. In s. DFI-Sec 5.01 (3) (a), each occurrence of the notation “subd.” should be replaced by the notation “par.”

w. In s. DFI-Sec 5.01 (4) (a), it appears that the number “3” should be replaced by the notation “(3).” In sub. (4) (f) 2., the cross-reference “sub. 3 of this section” should be replaced by the reference “sub. (3).”

x. In s. DFI-Sec 5.06 (17), since the introductory material does not grammatically lead into the following subunits, the material should be renumbered as par. (a) and the remaining paragraphs renumbered accordingly. Also, currently numbered par. (d) (intro.) should read: “In this subsection:”. [See also sub. (19) (g), which should begin: “In this subsection, the term “advertisement” includes....”]

y. In s. DFI-Sec 5.07 (2) (b), the word “must” should be replaced by the word “shall.”

z. Section DFI-Sec 5.09 (1) (title) should be written in bold typeface.

aa. Section DFI-Sec 5.12 (title) should not be underlined.

bb. In s. DFI-Sec 5.13 (2), it appears that the word “to” should be replaced by the phrase “for or to.” Also, to what does “subd. 1” refer?

cc. In the comment to SECTION 136, to what does “s. 501 (1) and (3)” refer?

dd. In s. DFI-Sec 7.01, the department should adopt a consistent manner of punctuation in sentences associated with the fees.

ee. SECTION 149 of the rule should be split into two separate sections.

ff. In s. DFI-Sec 8.08 (2), the phrase “shall not be prohibited from using” should be replaced by the phrase “may use.”

gg. In the comment to SECTION 150, the notation “par.” should precede both cross-references.

hh. In the effective date provision, the correct citation is “s. 227.22 (2) (b), Stats.”

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

a. A colon should be inserted at the end of s. DFI-Sec 1.02 (14) (intro.) and at the end of s. DFI-Sec 7.02 (1) (intro.).

b. The word “section” should be placed before “203 (b) (3) 1” in s. DFI-Sec 1.02 (14) (a).

c. It is unnecessary to include the word “subdivisions” in s. DFI-Sec 2.01 (1) (a) (intro.). In the same section, should “occur” replace “met?”

d. In s. DFI-Sec 3.02 (2), a comma should follow “s. 551.304 (2).”

e. Is it necessary to capitalize “central” in s. DFI-Sec 4.01 (2) (c)?

f. In s. DFI-Sec 4.08 (1), the department should spell out central registration depository. Generally, the department should review the rule to ensure consistent reference to the depository, including consistent capitalization of the references to central registration depository. [See s. 101 (4), Manual.]