



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 12-035

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Reference Bureau and the Legislative Council Staff, dated November 2011.]

2. Form, Style and Placement in Administrative Code

a. The introductory clause of the proposed rule should conform to the format prescribed by s. 1.02 (1) (b), Manual. Additionally, the contents of the introductory clause should be revised to account for the changes suggested below.

b. In SECTION 5, the department refers to s. DFI-Bkg 75.03 (3). The section should be changed to refer to s. DFI-Bkg 75.03 (3) (intro.).

c. In SECTION 6, the reference to “Sub. 3” in s. DFI-Bkg 75.03 (5) should not be abbreviated since it appears at the beginning of a sentence.

d. In SECTION 10, the department refers to s. DFI-Bkg 75.07 (a) and omits the subsection number. The section should refer to s. DFI-Bkg 75.07 (1) (a). Additionally, the title that appears in SECTION 10 should conform to the format prescribed in s. 1.05 (2), Manual.

e. In SECTION 11, the section contains a cross-reference to a subdivision that does not exist. Section DFI-Bkg 75.08 (1) (e) refers to a “lender’s compliance with par. (a) 1.” The rule, as repealed and recreated, no longer contains a par. (a) 1. It appears that the correct reference is to par. (c) 1.

f. In SECTION 12, the department refers to s. DFI-Bkg 75.08 (4). The section should be changed to refer to s. Bkg 75.08 (4) (intro.).

g. In SECTION 14, the treatment clause refers to “DFI-Bkg 75.09 (3) (a) 3.,” while the following rule text refers to “DFI-Bkg 75.10 (3) (a) 3.” It appears that the treatment clause should also read “DFI-Bkg 75.10 (3) (a) 3.”

h. In SECTION 16, the department rennumbers s. DFI-Bkg 75.10 (7) and (8) as s. DFI-Bkg 75.10 (6) and (7). Renumbering of rule divisions should generally be avoided in order to allow a reader to more easily trace the history of a particular rule. [s. 1.065, Manual.]

i. The section heading in SECTION 17 should be indented.

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

COMPARISON WITH RULES IN ADJACENT STATES. The rule analysis lists the topics covered by the Minnesota administrative rule regarding payday lenders. The analysis states that: “Their rules cover the following topics: licensed office, maximum loan applies to multiple offices, licensees to be responsible for acts of assignees, management and control, transferred accounts, and computing date and time.” The enumerated items appear to be headings for sections of the Minnesota rule, rather than topics. The description should be changed to improve readability.

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

a. In SECTION 11, quotation marks appearing in s. Bkg 75.08 (1) (c) 1. should be moved. The subdivision should read: “Be on white paper sized “8 ½ x 11”...”

b. PLAIN LANGUAGE ANALYSIS. The plain language analysis explains that the rule changes are necessary “to address conflicts that may exist between the current law and the existing rule”. The type of conflicts that currently exist and the nature of the rule changes should be noted.

7. Compliance With Permit Action Deadline Requirements

DEADLINE FOR SUBMISSION OF COMMENTS. The rule analysis states that comments may be submitted “until the deadline given in the upcoming notice of public hearing”. The public hearing is scheduled for October 1, 2010. The rule analysis should provide the specific date by which comments must be submitted.