



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 17-063

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 December 2014.]

2. Form, Style and Placement in Administrative Code

a. The examples following proposed s. DFI-CU 72.01 (2) (a) appear to be substantive to the definition of “a person or entity engaged in a common enterprise” and should be included under subd. 3., rather than as an example following the clause.

b. The note following proposed s. DFI-CU 72.01 (2) (b) 2. appears to be substantive to the definition and should be included in the definition under subd. 2., rather than as a note following the clause.

c. The example following proposed s. DFI-CU 72.01 (5) (a) appears to be substantive to the definition of a “construction or development loan” and should be included under subds. 1. and 2., as appropriate, rather than as an example following the clause.

d. The examples following proposed ss. DFI-CU 72.03 (1) (e) 1. a. and 72.12 (2) also appear to be substantive to the definition of a “construction or development loan” and should be included under that subdivision, as appropriate, rather than as an example following the clause.

e. The proposed rule must have an effective date clause. [See s. 1.02 (4), Manual.]

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

a. The portion of the definition proposed under s. DFI-CU 72.01 (5) (a) 2., refers back to the definition itself in a circular fashion. This creates unnecessary confusion and should be avoided. See Wisconsin Bill Drafting Manual, s. 2.03 (7) (b).

b. In the first sentence under proposed s. DFI-CU 72.02 (1), the word “to” should be inserted between “loan” and “any”.

c. Numerous definitions throughout the proposed rule, including “common enterprise” in proposed s. DFI-CU 72.01 (4), “loan secured by a one- to four-family residential property” in proposed s. DFI-CU 72.01 (11), “loan secured by a vehicle manufactured for household use” in proposed s. DFI-CU 72.01 (12), and “prospective market value” in proposed DFI-CU 72.03 (1) (b), appear to include a number of substantive rule provisions within each definition. These provisions should be expressed as rule provisions rather than part of a definition. The proposed rule should be reviewed in its entirety with regard to inclusion of substantive rule provisions in definitions.

d. Under proposed s. DFI-CU 72.08 (3) (c), it is incorrect punctuation to include quotation marks and parentheses around the acronym “CAMELS”. Also, see s. 1.01 (6), Manual, in regard to the avoidance of the use of parentheses.