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CLEARINGHOUSE RULE 05-051

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 treatment of s. MPSW 16.03 that follows the amendment of the first sentence is not mentioned in the department's analysis or in the explanation of agency authority.

b. The elimination of the last two sentences of s. MPSW 17.01 is likewise not mentioned in the department's analysis or explanation of agency authority.

c. Is there any utility in retaining in s. MPSW 17.01 language to the effect that a temporary license expires when examination scores are released if the term of the license has not already expired?

d. Is the repeal of the last two sentences of current s. MPSW 17.01 intended to imply that a temporary license may continue in effect despite an examination failure by the temporary license holder?

e. Does substituting "shall" for "may" in the new language concerning renewal of a temporary license better reflect the intent of the revisions? The same comment applies to the use of "may" in the last sentence of s. MPSW 17.01. (If "may" is retained, what standards or criteria are to be used to determine when to grant or deny a renewal or reissuance?)

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

It is helpful to be as precise as possible when referencing related statutes in the analysis. For example, under "statutes interpreted," reference to s. 457.14, Stats., could be to s. 457.14 (1)

(c) and (2), Stats.; and in the first paragraph of "explanation of agency authority," reference to s. 457.03 could be to s. 457.03 (1), Stats.