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CLEARINGHOUSE RULE 95-159

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 October 1994.]

2. Form, Style and Placement in Administrative Code

a. The department’s analysis does not contain a reference to statutes that the rule interprets and each statute that authorizes promulgation of the rule. [See s. 10.02 (2) (a), Manual.]

b. The department’s goal of repealing unnecessary repetition of statutory language in the rule is laudable; however, because that goal is being addressed after the underlying rule has been promulgated and because the department’s analysis does not directly link repealed provisions to their specific statutory counterparts, it is difficult for interested persons to review the rule (this difficulty is exacerbated by the relocation of retained provisions through renumbering). It is suggested that the department’s analysis be revised to specifically indicate, in each instance, the statutory counterpart of the repealed rule and, if the provisions of the rule differ from the statutory language, why the repealed rule provision is no longer necessary.

c. In SECTION 7, is it intended, in addition, that s. DOD 12.06 (2) (h) be repealed?

d. In s. DOD 12.08 (2), the second sentence should conclude with the notation “, Stats.”