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RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 97-072

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.]

1. Statutory Authority

1995 Wisconsin Act 302 provided that the provisions relating to rehired annuitants took effect on July 1, 1996. However, the rule contains a proposed effective date of the first day of the month following publication in the Wisconsin Administrative Register. This discrepancy should be corrected, for example, by including an initial applicability provision in the rule. It is suggested that such an initial applicability provision be placed in the body of s. ETF 20.02 for the benefit of a future reader of the rule.

2. Form, Style and Placement in Administrative Code

a. The title of s. ETF 20.02 should not be shown. [See s. 1.05 (3) (d), Manual.]

b. In s. ETF 20.02 (1), the first three references to provisions in the Wisconsin statutes should be followed by “, Stats.”. The last reference should be followed by “, Stats.”.

Similarly, in s. ETF 20.02 (2) (intro.), the reference to “s. 40.23 (1) (a)” should be followed by “, Stats.”.

c. There are two SECTIONS identified as SECTION 4. The second of these, and the succeeding SECTION, should be renumbered as SECTIONS 5 and 6, respectively.

d. The Note in the first SECTION 4, which amends s. ETF 20.02 (3) (a) 3., should be underlined as it is new text. [See s. 1.06 (1), Manual.]

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

a. In s. ETF 20.02 (1), the reference to “s. 40.02 (2) (L)” should be changed to “s. 40.22 (2) (L)”.

b. The Note following s. ETF 20.02 (2) (c) refers to “s. ETF 10.08.” No such section currently exists. The correct cross-reference should be included.

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

The rule is inconsistent with respect to hyphenation of the word “rehired.” The word is hyphenated in s. ETF 20.02 (1), which defines “re-hired annuitant,” but it is not hyphenated in the Note following s. ETF 20.02 (3) (a) 3. The rule should be made consistent.