



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 20-026

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. In the caption for the proposed rule, the enumeration of treated provisions should be revised to reflect the treatment given in the text of the rule. The listing should appear as follows: “to repeal FD 1.056 (1) (i), and to amend FD 1.055; relating to...”. [s. 1.02 (1), Manual.]

b. In SECTION 1 of the proposed rule, the title for s. FD 1.055 should be shown with the text of the rule, to show the provision in its entirety.

c. The board should consider revising the effective date provision to account for the following considerations.

- (1) As the rule has only two SECTIONS, the board could consider addressing the effective date of each directly, rather than giving general language and then an exception. Consider the following structure, for example: “SECTION 3. EFFECTIVE DATES. (1) SECTION 1 of the proposed rule shall take effect on.... (2) SECTION 2 of the proposed rule shall take effect on....”.
- (2) The effective date provision specifies that SECTION 1 of the proposed rule takes effect on the effective date of CHR 19-163, but what if that rule has already taken effect? Consider specifying an alternative, such as, “or on the first day following publication in the Wisconsin Administrative Register if CR 19-163 has taken effect prior to the publication of this rule”.

- (3) SECTION 2 of the proposed rule repeals s. FD 1.056 (1) (i), but that provision is also repealed in CHR 19-163. What occurs if CHR 19-163 has been promulgated prior to this rule? Consider giving the general effective date language for this provision and then specifying an alternative, such as, “except if CR 19-163 has taken effect prior to the publication of this rule, SECTION 2 of this rule is void”.