

# WISCONSIN LEGISLATIVE COUNCIL STAFF

## ***RULES CLEARINGHOUSE***

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## **CLEARINGHOUSE RULE 00-170**

### **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 September 1998.]**

#### **1. Statutory Authority**

The board’s interpretation of “working day,” as used in s. 455.03, Stats., is open to question. While it is conceded that the phrase may be subject to varying interpretations, the language of the statute and its legislative history suggest that an argument can be made that the term refers to a standard, eight-hour workday. Under that interpretation, reference to a “working day” is equivalent to eight hours.

Had the Legislature intended that working day be interpreted as “any portion of a calendar day in which the psychologist provides services in this state,” as proposed in the rule, it would have been a simple matter to write the statutes as the rule interprets it. Further, 1989 Wisconsin Act 243 revised the statute by changing the prior references to 60 days and 20 days to 60 “working” days and 20 “working” days. This is indication that the Legislature intended to refer to 60 and 20 “eight-hour” days. It is suggested that the board thoroughly review legislative history and consider possible legislative intent in this regard.

#### **2. Form, Style and Placement in Administrative Code**

a. The last sentence of the first full paragraph in the department’s analysis is awkward and should be redrafted.

b. It is assumed that SECTION 2 intends to repeal Psy 4.02 (4) (b) in its entirety. If so, the treatment clause should state: “Psy 4.02 (4) (b) is repealed.”

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

The analysis indicates that “60 working days” might be interpreted as meaning “4,870 hours.” Is this a typographical error? Is “480 hours” intended?