



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Ronald Sklansky
Clearinghouse Director

Richard Sweet
Clearinghouse Assistant Director

Terry C. Anderson
Legislative Council Director

Laura D. Rose
Legislative Council Deputy Director

CLEARINGHOUSE RULE 07-049

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.]

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

a. The reference to s. 455.03, Stats., in the “explanation of agency authority” under the department’s analysis should be to s. 445.03, Stats.

b. In s. FD 4.04 (8), consideration should be given to referencing “sub. (1) (a) to (d)” in place of reference to “sub. (1).” In addition, consideration should be given to whether additional provisions in s. FD 4.04 should be cross-referenced; see subs. (5) to (7).

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

The rule is unclear. The rule states that a continuing education course, sponsored by specified entities, that satisfies specified criteria “shall be approved” by the examining board without receipt of the course approval application from the program provider otherwise required. The use of “shall be approved” can be read to mean that there will still be some preapproval by the board on a case-by-case basis. Is that the intent? In this regard, see references to receiving preapproval, obtaining approval, and receiving board approval in the department’s discussion under “analysis and supporting documents used to determined effect on small business or in preparation of economic impact report” in the department’s analysis. If preapproval is required, what is the procedure to be followed?

Note, also, that the department’s “plain language analysis” refers to funeral directors no longer being required to go through the course approval process under the rule. However, the provider is subject to the course approval process, not the individual funeral director.

It appears the rule as presented may not adequately convey what is intended.