



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 20-045

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.]

1. Statutory Authority

Section FD 4.03 (1) (i) appears to allow the agency to authorize new subjects of continuing education without amending the rule provision. The agency should explain its authority to recognize additional subjects of continuing education in the absence of future rulemaking, as s. 445.07 (1) (a), Stats., directs the agency to promulgate these permitted or required subjects of continuing education by rule.

2. Form, Style and Placement in Administrative Code

a. In s. FD 1.04 (1) (title), the agency should avoid the use of a slashed alternative; instead, it could amend the title as “English or Communication Skills”.

b. In the treatment clause of SECTION 4, it is unnecessary to refer to Clearinghouse Rule 19-163, as that Clearinghouse Rule took effect on October 1, 2020.

c. In SECTION 6, the cross-reference should be to “sub. (1) and s. FD 4.05” rather than “ss. FD 4.03 (1) and 4.05”.

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

a. In ss. FD 1.02 (4), 1.05 and 1.055, the agency appears to use the phrases “course in mortuary science”, “curriculum in funeral service education”, and “mortuary school” interchangeably. If so, the agency may wish to consistently use a single term.

b. In FD 1.055, the agency could consider revising the rule to read: “Prior to beginning the 1 year apprenticeship required under s. 445.095, Stats., the applicant ~~must~~ **shall** provide evidence...”. “Shall” and “must” both indicate a mandatory action, but “shall” is the word preferred in the administrative code. [s. 1.01 (2), Manual.]