



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 19-148

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

In the analysis for the proposed rule, the listing of s. 157.62 (5), Stats., under the related statutes or rules should be removed. That section is the statute that is being interpreted and is also one of the two statutes cited for purposes of statutory authority.

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

The board should consider replacing the term “indefinitely” with the term “permanently”. Pursuant to s. 16.61, Stats., the Public Records Board (PRB) approves records disposition authorizations (RDAs), for the length of time a state agency or local unit of government maintains a public record. The PRB approves either permanent retention or retention for a specific period of time; the PRB does not approve indefinite retention. While cemetery authorities are not required to retain records in accordance with PRB approval, the board could consider being consistent with those recognized standards and should consider clearly specifying how long a record of human remains should be retained. If the board intends that a record for all human remains buried within a cemetery is to be maintained “permanently”, then it should use this term because “indefinitely” implies that at some point the record could be destroyed or thrown away.