



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 12-053

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 November 2011.]

1. Statutory Authority

Section 443.04 (1m), Stats., provides that an applicant may submit evidence of “a diploma of graduation or degree from a technical college approved by the professional engineer section as of satisfactory standing in an *engineering-related course of study* of not less than 2 years”, combined with the experience in engineering work required in s. 443.04 (2m) (b), Stats., to apply for registration as a professional engineer. It appears that “engineering-related course of study” could also apply to programs other than an engineering technology program. Why does s. A-E 4.05 (2) (a) refer to an associate degree in *engineering technology*, rather than referring to an engineering-related course of study?

2. Form, Style and Placement in Administrative Code

- a. In s. A-E 4.05, the underscoring in “(1)” should be removed. [s. 1.055, Manual.]
- b. The new s. A-E 4.05 (1) and (2) lack introductory clauses. The agency should review current s. A-E 4.05 and s. 443.04, Stats., for examples of introductory clauses, and the agency should modify and restructure, as needed, s. A-E 4.05 to insert introductory clauses. [See also s. 1.03 (3), Manual.]
- c. The title of a subsection should end in a period. [s. 1.05 (2) (c), Manual.] The subsection titles used in s. A-E 4.05 should be corrected. In addition, a title should be inserted in s. A-E 4.05 (3). [s. 1.05 (1), Manual.]

d. SECTION 5 of the proposed rule does not follow the correct drafting conventions for the renumbering it does. In addition, subdivisions should be designated by a number followed by a period, not by parentheses. [s. 1.03 (2) (e), Manual.] Since the changes in SECTION 5 are as extensive as they are, it may be easier and more appropriate to repeal and recreate s. A-E 4.08 (2). [See also comment 2. e.]

e. Section A-E 4.08 (2), both in current law and as affected by this proposed rule, does not use the correct format for lists and accompanying introductory language. Paragraph (a) could be written as a single sentence, since it has only two alternatives, as affected by the rule. In par. (b), the introduction should end with “have one of the following:”. Each of the subdivisions that follow should end in a period. [s. 1.03 (3), Manual.]

f. The proposed rule does extensive renumbering, apparently to maintain sequential numbering of the code provisions. [See SECTIONS 4, 5, 7, 8, 9, and 11 of the proposed rule.] This is both unnecessary and discouraged. [s. 1.03 (5) (a), Manual.] In addition to being unnecessary, the renumbering in ss. A-E 4.08 and 4.09 is incorrect. If this kind of renumbering is to be done, the subunits of these sections should be treated in sequence, according to their numbering, by separate treatments in separate rule SECTIONS. If renumbering is avoided, SECTION 12 should create s. A-E 4.09 (2) (am), rather than s. A-E 4.08 (2) (b), and SECTION 13 should create s. A-E 4.09 (2) (c), rather than s. A-E 4.08 (2) (c). Lastly, the introductory clause should be modified to reflect any changes made by the agency in response to this comment.

g. In s. A-E 4.09 (1) (b), the first comma should not be underscored because it is in the current text, the second comma should be underscored because it is new text, and the period at the end of the sentence should not be underscored. In addition, in SECTION 12, the space after “engineers” should not be underscored. [s. 1.06, Manual.]

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

a. The correct format for references to the Wisconsin statutes, when drafting rules, is “s. xx.xx, Stats.” [s. 1.07 (2), Manual.] However, the references in s. A-E 4.05 (3) should be to the respective provisions of that rule section (i.e., subs. (1) (b) and (2) (b), or however those provisions are ultimately numbered), rather than the corresponding statutory language.

b. In SECTION 13, “A-E 13.09” should be replaced with “s. A-E 13.03” because the latter appears to be the correct reference to continuing education requirements. [See also s. 1.07 (2), Manual.]

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

In Section 12, “whom are” should be replaced with “the references shall be”.