



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Scott Grosz and Jessica Karls-Ruplinger
Clearinghouse Co-Directors

Terry C. Anderson
Legislative Council Director

Laura D. Rose
Legislative Council Deputy Director

CLEARINGHOUSE RULE 14-022

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

The agency cites s. 38.04 (4), Stats., as statutory authority for the proposed rule. That section provides that the qualifications of educational personnel shall be approved by the board. In addition to s. 38.04 (4), Stats., the agency might consider also citing a statute that provides general rule-making authority to the agency or, if such a statute does not exist, the agency might consider also citing s. 227.11 (2) (a), Stats. [s. 1.02 (2m), Manual.]

2. Form, Style and Placement in Administrative Code

a. In the introductory clause, the relating clause should begin with “relating”, rather than “related”, and “chapter” should be inserted before “TCS 3”.

b. The text of the rule should be divided into SECTIONS with treatment clauses. [s. 1.04 (1), Manual.] In this rule, “SECTION 1. Chapter TCS 3 is repealed and recreated to read:” should be inserted before the title of ch. TCS 3.

c. The title of ch. TCS 3 should follow the format in s. 1.05 (2) (a), Manual. In addition, in the list of sections following the chapter title, “District” should be inserted before “Documentation” and “and” should be replaced with “of” in the title of s. TCS 3.03.

d. In s. TCS 3.03 (intro.), “all of the following” should be inserted after “provide”. [s. 1.03 (3), Manual.] A similar comment also applies to s. TCS 3.05 (1) (intro.), (2) (intro.), and (3) (intro.). Also, in ss. TCS 3.04 (3) and 3.05 (1) and (3), all subunits should end with a period. [s. 1.03 (4), Manual.]

e. In s. TCS 3.04 (3) (intro.), it is not clear whether an exception may be granted for any of the exceptions listed in pars. (a) to (e) or if all of these exceptions need apply. If any of the exceptions apply, insert “any of the following” after “for”. If all should apply, insert “all of the following” after “for”. [s. 1.03 (3), Manual.]

f. In s. TCS 3.05 (3), pars. (a), (b), and (c) should be displayed as separate paragraphs as was done in s. TCS 3.05 (2) (a) to (d). The word “includes” should be followed by a colon.

g. The text of the rule should conclude with an effective date following s. TCS 3.06. In this rule, it should read: “SECTION 2. EFFECTIVE DATE” and include the appropriate effective date of the rule. [s. 1.02 (4), Manual.]

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

a. In s. TCS 3.04 (3) (intro.), “s. TCS 3.04 (2)” should be replaced with “sub. (2)”. [s. 1.07 (2), Manual.]

b. In s. TCS 3.04 (4), “s. TCS 3.04 (3)” should be replaced with “sub. (3)”. [s. 1.07 (2), Manual.]

c. In s. TCS 3.05 (2) (c), “to” should be replaced with “s.”. [s. 1.07 (2), Manual.]

d. In s. TCS 3.06, “in this chapter under TCS 3.03, TCS 3.04, and TCS 3.05” should be replaced with “under ss. TCS 3.03, 3.04, and 3.05”.

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

a. Throughout the proposed rule, the agency should avoid using capital letters except for proper names. However, do not capitalize state or federal departments or agencies other than the University of Wisconsin System. [s. 1.01 (4), Manual.] For example, in s. TCS 3.02 (2), “Department of Education” should not be capitalized, and, in s. TCS 3.02 (3), “Technical College System Board” should not be capitalized.

b. In s. TCS 3.01 (2), there is a reference to “aid code 42, 47 or 60”. To the lay-reader, it may not be clear to what these codes refer. A note describing these codes and where they can be found would help clarify the reference. [s. 1.09 (1), Manual.]

c. In s. TCS 3.02 (4), do not use “(s)” to indicate that the word may be singular or plural. [s. 1.01 (9) (e), Manual.] This comment also applies to s. TCS 3.04 (2).

d. Section TCS 3.02 (13) and (16) define “postsecondary degree granting institution” and “verifiable occupational experience”, respectively. Are these phrases used in the proposed rule? If not, they should not be defined.

e. The definition in s. TCS 3.02 (14) should be placed after sub. (11) to ensure that definitions are arranged alphabetically. [s. 1.01 (7) (a), Manual.]

f. In s. TCS 3.04 (2), “also” should be deleted. In addition, a period should be inserted following “appointment” and the parentheses should be removed from the last clause. The contents of the last clause should be placed into a new sentence beginning with “Two”. Lastly,

the numbers in that subsection, except one, should be expressed using Arabic numerals. [s. 1.01 (5), Manual.]

g. Throughout ss. TCS 3.05 and 3.06, “System President” should be replaced with “director”. In s. TCS 3.02 (5), “director” is defined as the system president.

h. In s. TCS 3.05 (1) to (5), each subsection and paragraph should begin with a capital letter.

i. In s. TCS 3.05 (2) (a), the numbers in that paragraph should be expressed using Arabic numerals. [s. 1.01 (5), Manual.] In addition, “employed” should be inserted before “full-time” and “part-time” to be consistent with the definitions in s. TCS 3.02 (9) and (10).

j. In s. TCS 3.05 (3), “their” should be replaced with “the instructor’s”.

k. In s. TCS 3.05 (5), do not use the slashed alternatives “and/or”. [s. 1.01 (9) (a), Manual.]

l. In s. TCS 3.06, “three” should be replaced with “3”. [s. 1.01 (5), Manual.]