



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Scott Grosz
Clearinghouse Director

Margit Kelley
Clearinghouse Assistant Director

Terry C. Anderson
Legislative Council Director

Jessica Karls-Ruplinger
Legislative Council Deputy Director

CLEARINGHOUSE RULE 17-060

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

a. In the rule summary’s description of the analysis and supporting documents used to determine the effect on small business, the Board states that the information is being solicited. However, this information appears to have been provided, as is required by s. 227.137, Stats. The rule summary should be updated to reflect that information.

b. The names of federal agencies should not be capitalized. [s. 1.01 (4), Manual.] As such, only the first word at the beginning of the sentence, in which each name of a federal agency is listed in s. A-E 13.05 (1m) (b), (k), (L), (m), and (n), should be capitalized.

c. Section A-E 13.05 (1m) (intro.) states that the “professional engineer section may approve providers, including the following:”. Paragraph (r) provides that one of the following is “Other providers as approved by the professional engineer section or its designee”. These two provisions are redundant because the phrase “including the following” means that the list is not exhaustive and allows for other providers. The Board should review the intent of this section and consider revising the introduction and par. (r) to work together. For example, the introduction could state that, “The professional engineer section may approve any of the following providers for continuing education programs:”; and then par. (r) should list: “Any other provider approved by the professional engineer section or its designee whose continuing education program meets the criteria under sub. (1).”.

3. Conflict With or Duplication of Existing Rules

a. In SECTIONS 2 and 9, cross-references to s. A-E 2.05 are stricken and repealed, respectively. Is it the Board's intent that s. A-E 2.05 does not apply to professional engineers? If so, then s. A-E 2.05 should be amended to specify that it does not apply to professional engineers. If not, then ch. A-E 13 should be amended to specify how s. A-E 2.05 still applies to professional engineers.

b. Under s. A-E 13.05 (1m) (a), the professional engineer section may approve a school of engineering to provide continuing education programs if the school is "approved by the educational approval board". However, in s. A-E 13.03 (2) (a), a course taken at a school or college of engineering must be "accredited by the EAC/ABET" in order to qualify for continuing education credit. The Board should review the intent of these two sections.

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

The rule repeals s. A-E 13.10, and replaces all cross-references to this section with the phrase, "based upon compliance with the continuing education requirements under this chapter". When making references to another part of a rule, however, references should be specific. [s. 1.07 (1) (a), Manual.] The Board should review the intent of these changes and cite to specific provisions of ch. A-E 13.

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

a. In s. A-E 13.05 (1) (b), it is unclear how an "accrediting agency" may be "published" by the U.S. Department of Education. For example, most references in the code to an "accrediting agency" do so by stating that the accrediting agency is "recognized" by the U.S. Department of Education. [See ss. EAB 1.01 (19m), HAS 8.02 (2), Ins 26.03 (1), MTB 1.02 (1) (a), and PI 34.01 (1).] Alternatively, in one provision, an "accrediting agency" is referred to as being "listed by the United States department of education as a nationally recognized accrediting agency". [s. PI 5.02 (2).] The Board should review and clarify the intent of this section.

b. Section A-E 13.06 (1m) states that the professional engineer section may require additional evidence demonstrating compliance with the continuing education requirement. It is unclear when and under what circumstances this additional evidence may be requested. Is it the intent of the Board to request additional evidence when conducting a random audit under s. A-E 13.06 (2)? If so, the Board should include a cross-reference to the audit under sub. (2), and number sub. (1m) as sub. (2m). The Board should review the intent of this section and specify what would trigger the need to request additional evidence, and the timing for when the evidence may be requested.

c. Section A-E 13.10, which is repealed in SECTION 9, among other things, explains the maximum number of professional development hours (PDHs) a delinquent registrant must obtain if the registrant has been delinquent for more than two biennia. Section A-E 13.10 is also cross-referenced in s. A-E 13.08 (5) to explain how many PDHs a professional engineer must obtain if the person received a waiver based upon retirement. With this section repealed, it is unclear whether a delinquent or retired registrant only has to complete 30 PDHs or the total number of PDHs for each biennium for which the person is delinquent. For example, if the registrant has been

delinquent or retired for three biennia, does the person need to complete 90 PDHs to be eligible to register? The Board should review the intent of this SECTION and specify how many PDHs a delinquent or retired registrant must complete.