



---

# Wisconsin Legislative Council

## RULES CLEARINGHOUSE

---

**Scott Grosz**  
Clearinghouse Director

**Anne Sappenfield**  
Legislative Council Director

**Margit Kelley**  
Clearinghouse Assistant Director

### CLEARINGHOUSE RULE 24-018

#### Comments

**[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Council Staff and the Legislative Reference Bureau, dated November 2020.]**

#### 1. Statutory Authority

a. In the statutes interpreted section of the department’s rule analysis, the department should reference s. 118.19 (7), Stats.

b. In the explanation of agency authority section, the department states that “a rule is required to establish specific criteria for the issuance of an industrial arts subject license under ss. 118.19 (7) (a) and 118.191, Wis. Stats.”. The following comments apply to this statement:

- (1) The reference to s. 118.191, Stats., seems inappropriate and unnecessary for two reasons. First, the department has already promulgated a different rule, s. PI 34.037, governing issuance of a license under s. 118.191, Stats. Second, the proposed rule is not making changes to the license under s. PI 34.037 and s. 118.191, Stats. Consider instead citing s. 118.191, Stats., and s. PI 34.037 in the section for related statutes or rules.
- (2) The department could consider referring a little more broadly to s. 118.19 (7), Stats., rather than the narrower reference to s. 118.19 (7) (a), Stats., because the entire subsection appears to be relevant to the proposed rule.

#### 2. Form, Style and Placement in Administrative Code

a. The plain language analysis for the proposed rule should be revised to provide a brief summary of the proposed rule with an understandable and objective description of the effect of the proposed rule. A plain language analysis should contain sufficient detail to enable a reader to understand the content of the proposed rule and the changes made from the existing rule. [s. 1.01 (2) (a) 5. and (b), Manual.]

b. In s. PI 34.0375 (1) (b) 1. of the proposed rule, the department uses the acronym “CMC”. The department should define this acronym by spelling it out. This could be done in a note, as described in the next comment. Additionally, it appears that the department intended to refer to a “CNC” machinist, rather than a “CMC” machinist. [s. 1.08 (2), Manual.]

c. In s. PI 34.0375 (1) (b) 5. and 10. of the proposed rule, the rule text should be revised to avoid the use of parenthetical clauses. Instead, consider adding a note to explain that each term is commonly referred to by another word or by an acronym. For example, “Note: The welder category includes fitters.”, or “Note: Heating, ventilating and air conditioning is commonly referred to by its acronym, “HVAC.”. [ss. 1.06 (1) (c) and 1.12 (1) (a), Manual.]

d. The following comments apply in s. PI 34.0375 (3) (a):

(1) The phrase “as defined in” should be revised to “which has the meaning given in”. [s. 1.07 (4) (a), Manual.]

(2) Rather than formatting the statutory cross-reference as “Wisconsin 106.001”, the department should refer to the statute in the following format: s. 106.001, Stats. [s. 1.15 (2) (b) 1., Manual.]

e. In s. PI 34.0375 (3) (c), the reference to the Wisconsin Technical College System should be shown as “Wisconsin technical college system”, without capitalization. [s. 1.06 (2), Manual.]

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

In s. PI 34.0375 (3) (a) of the proposed rule, the department should more specifically refer to s. 106.001 (4), Stats., which defines “apprenticeship program”.

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

a. The phrase “apprenticeship program” is given two different meanings in the proposed rule. In s. PI 34.0375 (1) (a) of the proposed rule, the phrase means “a registered apprenticeship program in an industrial art subject”. In s. PI 34.0375 (3) (a) of the proposed rule, “apprenticeship program” means “as defined in Wisconsin 106.001 or pursuant to other states’ apprenticeship laws”. The department should consider revising the rule to make the use and definition of the phrase “apprenticeship program” consistent throughout.

b. In s. PI 34.0375 (1) (c) of the proposed rule, there appears to be a typo in the definition of “institutional training”. It seems this definition should read “‘Institutional training’ means completion of a program in the industrial art subject **at** an accredited institution of higher education”. [Bolded word added.]

c. The definition of “institutional training” under s. PI 34.0375 (1) (c) of the proposed rule and the use of that term in the eligibility criteria under s. PI 34.0375 (3) (b) of the proposed rule could cause confusion. Where “institutional training” means “completion of a program in the industrial art subject [at] an accredited institution of higher education” in the definitions of this rule, the eligibility criteria requires that an individual “verifies completion of four years of institutional training in the industrial art subject”. Reading these two provisions together it seems that the department intends to require an individual to complete a four-year program in the industrial art subject. Because the term “institutional training” is only used in s. PI 34.0375 (3) (b) of the proposed rule, the department could clarify this requirement by eliminating the definition of “institutional training” and incorporating the phrasing into s. PI 34.0375 (3) (b). For example, the provision could be revised to read: “Verifies completion of a four-year program in the industrial art subject at an accredited institution of higher education.”.

d. In s. PI 34.0375 (1) (d) of the proposed rule, “practical experience” means “work experience in the trade area”. The phrase “trade area” is not defined. The phrase “industrial art subject” is defined in the proposed rule, and is used throughout. If “trade area” has the same meaning as “industrial art subject”, the department should amend the definition of “practical experience” to mean work experience in the industrial art subject. If the two phrases have different meanings, the department should clearly define “trade area”. Alternatively, because the term “practical experience” is only used in s. PI 34.0375 (3) (a) of the proposed rule, the department could revise the proposed rule to eliminate the definition of “practical experience” and instead incorporate the phrasing into s. PI 34.0375 (3) (a). For example, the provision could be revised to read: “... and verifies 3 years of work experience in the industrial art subject beyond the apprenticeship”.

e. The following comments apply in s. PI 34.0375 (2):

- (1) Review the use of the word “license”. It appears that in this provision, the word “license” should be revised to the word “permit”.
- (2) It appears that the phrase “trade subject” should be revised to “industrial art subject” in order to consistently use the defined term.
- (3) Revise the word “through” to “to”. [s. 1.08 (1) (h), Manual.]
- (4) Consider clarifying whether the permit holder is authorized to teach only the industrial art subject in which the person has the specific training, or is authorized to teach in all industrial art subject areas. Compare, for example, s. PI 34.047 (3) (intro.).

f. In s. PI 34.0375 (3) of the proposed rule, an applicant may demonstrate eligibility in a variety of ways. Each method of demonstrating eligibility requires verification of something: practical experience, completion of training, or certification by the Wisconsin Technical College District board. The department should consider clarifying how an applicant verifies each of these criteria (i.e., must the applicant submit an official transcript to demonstrate completion of training?).

g. In s. PI 34.0375 (5) of the proposed rule, to maintain consistency in language throughout ch. PI 34, the department should consider revising the word “listed” to “issued”.

h. In s. PI 34.0375 (6) of the proposed rule, to maintain consistency in language throughout ch. PI 34, the department should consider revising the sentence to read: “A permit **issued** under this section is renewable.”. [Bolded word added.]