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## WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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### CLEARINGHOUSE RULE 13-064

#### 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.]**

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

a. The department may wish to include an initial applicability section to clarify whether the rule change will first apply to applications from comity applicants or renewal applications from retired engineers filed on or after the effective date, or to applicants who have already submitted their applications but whose approval by the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors is pending. [s. 1.02 (3m), Manual.]

b. In the rule text, the department should include the heading, “EFFECTIVE DATE”, following the rule SECTION number. [See the example in s. 1.02 (4), Manual.]

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

a. In the Plain Language Analysis on page 2, the very last sentence states that “retired engineers seeking waiver from the continuing education requirements are eligible for the waiver if they have not performed any engineering services *nor received remuneration for services rendered.*” [Emphasis added.] This phrase may be confusing in relation to the treatment of the rule text. The rule deletes the phrase “receiving remuneration” from s. A-E 13.08 (4), which results in a retired engineer being able to receive a waiver as long as he or she has not provided engineering services, regardless of whether he or she received remuneration. The department may wish to amend its Plain Language Analysis to more accurately reflect the treatment of the rule text.

b. The amendment to s. A-E 13.09 has a subject/pronoun disagreement, stating, “an *applicant*...received *their* first license”. The department should replace the word “their” with the phrase “his or her”.

c. Section A-E 13.03 (1) (a) to (c) lists a number of continuing education requirements, specifying that a registrant shall meet the 30 PDH requirement; complete a minimum of 2 PDHs in the area of professional conduct; and obtain 13 PDHs via courses in a traditional classroom setting, computer conferencing, or interactive video conference. However, in amending s. A-E 13.09, the rule only states that the applicant “shall be exempt from meeting the 30 PDHs”. Should the department consider rewriting its references to 30 PDHs in s. A-E 13.09 to clarify that the applicant “shall be exempt from satisfying the continuing education requirements specified in s. A-E 13.03 (1)”?