



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 04-119

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated October 2002.]

1. Statutory Authority

It is assumed that, repeal of the barrier-free design part of the rule notwithstanding, the remaining examinations comply with the two requirements in s. 443.09 (5), Stats., concerning knowledge of the design needs of people with physical disabilities and the relevant statutes, codes, rules, and regulations.

2. Form, Style and Placement in Administrative Code

a. The department’s analysis raises two questions. First, the analysis notes that there are a variety of engineers who will never do design work that entails barrier-free designs. This implies that engineers in some fields will do such work. Should the examination be retained for those engineering fields that are likely to include design work entailing barrier-free designs? Second, the analysis further notes that in order to obtain a degree at the university level, engineers are thoroughly trained in barrier-free designs and, therefore, should not be required to take the barrier-free portion of the examination. However, it is noted that s. 443.04 (1) (b) and (c), Stats., only require work experience, not a university degree, for registration.

b. In the last paragraph of the preface to the rule, it appears that the word “Corrections” should be replaced by the word “Commerce.”

c. The April 13, 2004, memo from the Director of the Wisconsin Legislative Council Rules Clearinghouse regarding new rule-making requirements imposed by 2003 Wisconsin Acts 118 and 145 suggests, on page 2, a format for an analysis that prefaces a rule. The format lists

13 statutorily required items. The preface of this rule should be compared to the list of items to determine which items have yet to be completed.