STATEMENT OF SCOPE

Department of Transportation

Rule No.: Executive Order 15

Relating to: Inclusive Language in Administrative Rules

Rule Type: Permanent

1. Finding/nature of emergency (Emergency Rule only):

N/A

2. Detailed description of the objective of the proposed rule:

Executive Order 15 (2019) directed each state agency to review its administrative rules and replace any outdated, derogatory or offensive terminology used to refer to groups of people with current, inclusive terminology. Additionally, writing style guides prepared or adopted under statutes disfavor certain other language that may be contained in the Department's existing administrative rules.

3. Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives:

The alternatives are: 1) Do nothing. This would retain current language that may include outdated, derogatory or offensive terminology used to refer to groups of people; or 2) Replace any derogatory or offensive terminology with current, inclusive terminology with updated terms that do not minimize or devalue the subject groups.

4. Detailed explanation of statutory authority for the rule (including the statutory citation and language):

Section 227.14 (1) of the statutes requires agencies to prepare administrative rules adhering substantially to the form and style used by the legislative reference bureau in preparation of bill drafts and the form and style specified in the manual prepared by the legislative council staff and the legislative reference bureau under s. 227.15 (7). To the greatest extent possible, agencies shall prepare rules in plain language that can be easily understood.

Section 13.92 of the statutes requires bills to omit language that discriminates on the basis of sex, including avoiding use of any masculine or feminine pronoun or adjective, except where the statute clearly applies to one sex only, in favor of terminology that does not discriminate on the basis of sex.

The Wisconsin Bill Drafting Manual 2019 – 2020 used by the legislative reference bureau in the preparation of bill drafts requires the use of gender-neutral terms and, further, says if a question of style, grammar, or usage is not answered in the Drafting Manual, consult The Chicago Manual of Style.

The Administrative Rules Procedures Manual prepared by the legislative council staff, requires the use of sex neutral terms.

5. Estimate of amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule:

200 hours.

6. List with description of all entities that may be affected by the proposed rule:

This rulemaking is intended to accomplish only terminology changes in existing rules to eliminate outdated language, to replace language that discriminates on the basis of sex or gender with sex-neutral and gender-neutral terminology, and to conform with the usage and style prescribed in drafting guides prepared or adopted under statutes. This rulemaking is intended to leave the scope and subjects of existing rules unchanged, resulting in no substantive effect on any entity.

7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule:

The Department is unaware of any existing or proposed federal language that would affect terminology used in this state's administrative code.

8. Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses):

The Department anticipates no economic impact as result of updating terminology.

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Department Head or Authorized Signature

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Date Submitted