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(FORM UPDATED: 08/11/2010)

WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

2009-10

(session year)

Joint

(Assembly, Senate or Joint)

Committee for Review of Administrative Rules ...

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* Contents organized for archiving by: Stefanie Rose (LRB) (June 2012)

**STATE OF WISCONSIN
EXAMINING BOARD OF ARCHITECTS, LANDSCAPE ARCHITECTS,
PROFESSIONAL ENGINEERS, DESIGNERS AND LAND SURVEYORS**

**IN THE MATTER OF RULE-MAKING : PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE : EXAMINING BOARD OF ARCHITECTS,
EXAMINING BOARD OF ARCHITECTS, : LANDSCAPE ARCHITECTS,
LANDSCAPE ARCHITECTS, : PROFESSIONAL ENGINEERS,
PROFESSIONAL ENGINEERS, : DESIGNERS AND LAND SURVEYORS
DESIGNERS AND LAND SURVEYORS : ADOPTING RULES
: (CLEARINGHOUSE RULE 09-081)**

TO: Senator Jim Holperin, Senate Co-Chairperson
Joint Committee for the Review of Administrative Rules
Room 409 South, State Capitol
Madison, Wisconsin 53702

PLEASE TAKE NOTICE that the EXAMINING BOARD OF ARCHITECTS, LANDSCAPE ARCHITECTS, PROFESSIONAL ENGINEERS, DESIGNERS AND LAND SURVEYORS is submitting in final draft form rules relating to continuing education for landscape architects.

Please stamp or sign a copy of this letter to acknowledge receipt. If you have any questions concerning the final draft form or desire additional information, please contact Pamela Haack at 266-0495.

Thank you.

**STATE OF WISCONSIN
EXAMINING BOARD OF ARCHITECTS, LANDSCAPE ARCHITECTS,
PROFESSIONAL ENGINEERS, DESIGNERS AND LAND SURVEYORS**

IN THE MATTER OF RULE-MAKING :
PROCEEDINGS BEFORE THE : **REPORT TO THE LEGISLATURE**
EXAMINING BOARD OF ARCHITECTS, : **ON CLEARINGHOUSE RULE 09-081**
LANDSCAPE ARCHITECTS, : **(s. 227.19 (3), Stats.)**
PROFESSIONAL ENGINEERS, :
DESIGNERS AND LAND SURVEYORS :

I. THE PROPOSED RULE:

The proposed rule, including the analysis and text, is attached.

II. REFERENCE TO APPLICABLE FORMS:

No new or revised forms are required by these rules.

III. FISCAL ESTIMATES:

The department estimates that this rule will require staff time in the Office of Exams. The total one-time salary and fringe costs are estimated at \$6,400. The total on-going salary and fringe costs are estimated at \$9,600. The department finds that this rule has no significant fiscal effect on the private sector.

IV. DETAILED STATEMENT EXPLAINING THE BASIS AND PURPOSE OF THE PROPOSED RULE, INCLUDING HOW THE PROPOSED RULE ADVANCES RELEVANT STATUTORY GOALS OR PURPOSES:

This proposed rule-making order creates continuing education requirements for renewal of a credential for landscape architects within the jurisdiction of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors as permitted in s. 443.015, Stats., as created by 2007 Wisconsin Act 47. Prior to the August 2012 biennial registration period, every registered landscape architect shall completed at least 24 hours of approved continuing education unless a waiver has been granted by the landscape architect section.

V. NOTICE OF PUBLIC HEARING:

A public hearing was held on October 13, 2009.

There were no appearances at the public hearing and no written comments were received.

VI. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:

Comment 5.c. The use of certain words, such as “program,” “seminar,” “course,” and “activity,” interchangeably throughout the proposed rule may create confusion. Such words should be used appropriately and in a consistent manner.

Response: The use of these words has been changed throughout the proposed rule. The majority of those words have been changed to “activity.” However, “program,” “course,” and “seminar” are still used in some instances where appropriate.

Comment 5.d. The agency might consider using either “continuing education unit” or “professional development hour,” rather than using both. The use of “continuing education unit” and “professional development hour” (or “hour”) interchangeably in the proposed rule creates confusion, especially with separate definitions. In addition, the agency should replace “hour” throughout the proposed rule with “professional development hour” where the agency intends “hour” to mean “professional development hour,” if “professional development hour” continues to be used.

Response: The landscape architect section has removed “professional development hour” and “continuing education unit” from the definition section and from the proposed rule. A definition is created for “continuing education hour.” The definition of “continuing education hour” is: “Continuing education hour” means 50 minutes of instruction or participation spent by the registrant in actual attendance or completion of an approved educational activity.” “Continuing education hour” has replaced both “professional development hour” and “continuing education unit” throughout the proposed rules. After reviewing the proposed rules it was determined that the correct terminology to use is “hour” rather than “unit.”

Comment 5.e. In s. A-E 11.02 (2), the language in the subsection should be combined into a single definition of “continuing education unit,” if “continuing education unit” continues to be used in the proposed rule. [See comment 5.d. above.] The two definitions of “continuing education unit” in the subsection may create confusion.

Response: See response to Comment 5.d. above.

Comment 5.f. In s. A-E 11.02 (3), the language in the subsection should be combined into a single definition of “health, safety and welfare.” The last sentence of the subsection is substantive and should be placed elsewhere in the rule.

Response to the second part of the comment: The last sentence of the definition of “health, safety and welfare” has been placed in s. A-E 11.03, continuing education requirements [s. A-E 11.03 (1) (b)].

Response to the first part of Comment 5.f. The definition of “health, safety and welfare” is renumbered s. A-E 11.02 (4) (intro.) and is amended to read:

A-E 11.02 (4) (intro.) “Health, safety and welfare” or “HSW” means any topics or subjects related to the practice of landscape architecture which are deemed appropriate to safeguard the public health, safety and welfare, including the proper planning, design and construction of buildings, structures, infrastructures, and the spaces within and surrounding buildings and structures that meet the following criteria:

- (a) Minimize the risk of injury to persons or property and comply with applicable building and safety codes.
- (b) Are durable, environmentally friendly, cost effective and conserve resources.
- (c) Are aesthetically appealing.
- (d) Function properly in all relevant respects.
- (e) Enhance the public’s sense of well-being, harmony and integration with the surrounding environment.

Comment 5.g. In s. A-E 11.02 (4), the language in the subsection should be combined into a single definition of “professional development hour,” if “professional development hour” continues to be used in the proposed rule. [See comment 5.d. above.] The two definitions of “professional development hour” in the subsection may create confusion.

Response: See response to Comment 5.d. above.

Comment 5.m. In s. A-E 11.03 (2) (b), what does the phrase “one quarter credit hour” mean?

Response: “One quarter credit hour” means one college or university quarter credit hour.

All of the remaining recommendations suggested in the Clearinghouse Report were accepted in whole.

VII. FINAL REGULATORY FLEXIBILITY ANALYSIS:

These rules will have no significant economic impact on small businesses, as defined in s. 227.114 (1), Stats.

STATE OF WISCONSIN
EXAMINING BOARD OF ARCHITECTS, LANDSCAPE ARCHITECTS,
PROFESSIONAL ENGINEERS, DESIGNERS AND LAND SURVEYORS

IN THE MATTER OF RULE-MAKING : PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE : EXAMINING BOARD OF
EXAMINING BOARD OF ARCHITECTS, : ARCHITECTS, LANDSCAPE
LANDSCAPE ARCHITECTS, : ARCHITECTS, PROFESSIONAL
PROFESSIONAL ENGINEERS, : ENGINEERS, DESIGNERS AND LAND
DESIGNERS AND LAND SURVEYORS : SURVEYORS ADOPTING RULES
: (CLEARINGHOUSE RULE 09-081)

PROPOSED ORDER

An order of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors to create ch. A-E 11, relating to continuing education for landscape architects.

Analysis prepared by the Department of Regulation and Licensing.

ANALYSIS

Statutes interpreted:

Section 443.015, Stats.

Statutory authority:

Sections 15.08 (5) (b), 227.11 (2) and 443.015, Stats.

Explanation of agency authority:

The Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors may approve and adopt rules proposed by any section of the board.

Related statute or rule:

There are no other statutes or rules other than those listed above.

Plain language analysis:

This proposed rule-making order creates continuing education requirements for renewal of a credential for landscape architects within the jurisdiction of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors as permitted by s. 443.015, Stats., as created by 2007 Wisconsin Act 47.

Section A-E 11.03 describes the continuing education requirements. Beginning in the August 2012 biennial registration period, every registered landscape architect shall have completed at least 24 hours of approved continuing education unless a waiver has been granted by the landscape architect section. Between initial registration and the first renewal period a new registrant is not required to comply with the requirements for the first renewal of registration. The topics or subject areas that will meet the requirements of continuing education are listed. Section A-E 11.03 also describes what continuing education activities will be approved for credit and continuing education activities that will meet the continuing education requirements

Section A-E 11.04 describes the standards for approval of continuing education requirements and lists providers of continuing education that the landscape architect section may approve, such as the American Society of Landscape Architects.

Section A-E 11.05 instructs each registrant that they must retain evidence of compliance with the continuing education activities, and shall certify on their renewal application that they are in full compliance with the requirements. The landscape architect section may conduct random audits of registrants on a biennial basis for compliance. The registrant would need to provide evidence of compliance with the continuing education requirements if they are included in an audit. If a registrant appears to lack compliance with the continuing education requirements, the landscape architect section will notify the registrant in writing and request submission of evidence of compliance within 30 days of the written notice.

Section A-E 11.06 requires the registrants to maintain records of continuing education for at least 4 years from the date of the program.

Section A-E 11.07 relates to what constitutes "extreme hardship" and the circumstances that would allow for a waiver of continuing education.

Section A-E 11.08 relates to an applicant for registration from another state and whether continuing education completed in another jurisdiction will be accepted.

Summary of, and comparison with, existing or proposed federal regulation:

This is not an area which is regulated by federal law or subject to any proposed federal legislation. The standards for state licensure are regulated by each state.

Comparison with rules in adjacent states:

Illinois: There are no continuing education requirements for landscape architects.
www.idfpr.com

Iowa: Landscape architect continuing education requirements are 24 hours for each biennial renewal. www.state.ia.us/government/com/prof

Michigan: There are no continuing education requirements for landscape architects.
www.michigan.gov/dleg

Minnesota: Landscape architects require 24 hours of continuing education for each biennial renewal. www.aelslagid.state.mn.us

Summary of factual data and analytical methodologies:

The Landscape Architect Section of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors examined models of continuing education from neighboring states and national organizations related to the landscape architecture profession, including the American Society of Landscape Architects.

The comparison information with the rules in adjacent states was obtained directly from contact with those states and a review of their rules. The comparison to the adjacent states demonstrates that the proposed rules are substantially consistent with the rules in those states.

Analysis and supporting documents used to determine effect on small business or in preparation of economic impact report:

Data was obtained from the Department of Regulation and Licensing's Credentialing Division Renewal Unit and research was conducted regarding the availability of continuing education credits offered via online courses, trade association sponsored seminars and other means, as well as the costs associated therewith. That data was compared with the requirements outlined in the proposed rules and based thereon, it appears that these rules will have no significant impact on a substantial number of small businesses.

Section 227.137, Stats., requires an "agency" to prepare an economic impact report before submitting the proposed rule-making order to the Wisconsin Legislative Council. The Department of Regulation and Licensing is not included as an "agency" in this section.

Anticipated costs incurred by the private sector:

The department finds that this rule has no significant fiscal effect on the private sector.

Fiscal estimate:

The department estimates that this rule will require staff time in the Office of Exams. The total one-time salary and fringe costs are estimated at \$6,400. The total on-going salary and fringe costs are estimated at \$9,600.

Effect on small business:

These proposed rules will have no significant economic impact on a substantial number of small businesses, as defined in s. 227.114 (1), Stats. The Department's Regulatory Review Coordinator may be contacted by email at hector.colon@wisconsin.gov, or by calling 608-266-8608.

Agency contact person:

Pamela Haack, Paralegal, Department of Regulation and Licensing, 1400 East Washington Avenue, Room 152, P.O. Box 8935, Madison, Wisconsin 53708; telephone 608-266-0495; email at pamela.haack@wisconsin.gov.

Place where comments are to be submitted and deadline for submission:

Comments may be submitted to Pamela Haack, Paralegal, Department of Regulation and Licensing, 1400 East Washington Avenue, Room 152, P.O. Box 8935, Madison, Wisconsin 53708-8935, or by email to pamela.haack@wisconsin.gov. Comments must be received on or before October 23, 2009, to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. Chapter A-E 11 is created to read:

CHAPTER A-E 11
CONTINUING EDUCATION FOR LANDSCAPE ARCHITECTS

A-E 11.01 Authority and purpose. The rules in this chapter are adopted under the authority in ss. 15.08 (5) (b), 227.11 (2) and 443.015, Stats., and govern biennial continuing education of landscape architect registrants.

A-E 11.02 Definitions. As used in this chapter:

(1) "Biennium" means a 2-year period beginning August 1 of each even numbered year.

(2) "Continuing education" means the planned, professional development activities designed to contribute to the advancement, extension and enhancement of the professional skills and scientific knowledge of the registrant in the practice of landscape architecture for the benefit of the health, safety and welfare of the public.

(3) "Continuing education hour" means 50 minutes of instruction or participation spent by the registrant in actual attendance or completion of an approved educational activity.

(4) "Health, safety and welfare" or "HSW" means any topics or subjects related to the practice of landscape architecture which are deemed appropriate to safeguard the public health, safety and welfare, including the proper planning, design and construction of buildings, structures, infrastructures, and the spaces within and surrounding buildings and structures that meet the following criteria:

(a) Minimize the risk of injury to persons or property and comply with applicable building and safety codes.

(b) Are durable, environmentally friendly, cost effective, and conserve resources.

(c) Are aesthetically appealing.

(d) Function properly in all relevant respects.

(e) Enhance the public's sense of well-being, harmony and integration with the surrounding environment.

A-E 11.03 Continuing education requirements. (1) (a) Prior to the August 2012 biennial registration period and in each biennial registration period thereafter, unless granted a waiver under s. A-E 11.07, every registrant shall complete at least 24 hours of approved continuing education except that between initial registration and the first renewal period a new registrant is not required to comply with the requirements for the first renewal of registration.

(b) Continuing education shall be in the topics or subject areas of landscape architecture, building design, landscape design, environmental or land use analysis, life safety, landscape architectural programming, site planning, site and soils analyses, plant material, accessibility, lateral forces, selection of building systems and structural systems, construction methods, contract documentation and construction administration, or the Wisconsin statutes and rules regulating landscape architects.

(c) No less than 16 hours shall be in HSW topics.

(d) No less than 2 hours shall be in professional conduct and ethics.

(2) Continuing education activities that will meet the requirements of sub. (1) include the following:

(a) Online, correspondence, televised, videotaped, or other short courses or tutorials.

(b) A college or university course in the area of landscape architecture or related sciences. One college or university semester credit hour of course

work is equivalent to 16 continuing education hours and one college or university quarter credit hour of course work is equivalent to 12 continuing education hours.

(c) Landscape architecture programs, seminars, tutorials, workshops, short courses or in-house courses conducted by an instructor where the student and instructor interact simultaneously in real-time, including traditional classroom or live events.

(d) Presentations at related technical or professional meetings at which at least one hour is spent discussing landscape architecture or attending a lecture on related topics, or both. Each qualified meeting may be awarded one continuing education hour.

(e) Teaching courses or programs on landscape architecture topics. Teaching credit may be counted for teaching a course for the first time only and does not apply to faculty in the performance of their regularly assigned duties. Three continuing education hours shall be awarded for every 50 minutes of teaching or presentation, not to exceed a total of 6 hours per biennium.

(f) Authoring landscape architecture related papers or articles that appear in circulated journals or trade magazines. One continuing education hour may be awarded for every 50 minutes spent in authoring a landscape architecture related paper or article which is published in a circulated journal, not to exceed a total of 6 hours per biennium.

(g) Serving as a jury panel member on a professional landscape architect work or design competition.

(h) Providing professional service to the public by serving as an officer or committee member of a technical or professional society, board, commission or other organization related to landscape architecture. Two continuing education hours shall be awarded for one full year of service, not to exceed a total of 2 hours per biennium.

(i) Educational tours of landscape architecturally significant projects which are sponsored by a college, professional organization or system supplier, not to exceed 8 continuing education hours per biennium.

(3) Continuing education hours shall be completed within the 2 year period prior to the registration renewal date.

(4) A landscape architect who fails to meet the continuing education requirements by the renewal date, as specified in s. 440.08 (2) (a) 38m., Stats., may not engage in the practice of landscape architecture until the registration is renewed based upon compliance with the continuing education requirements, unless granted a waiver under s. A-E 11.07.

A-E 11.04 Standards for approval. (1) To be approved for credit, a continuing education activity shall meet all of the following criteria:

(a) The activity constitutes an organized method of instruction which contributes directly to the professional competency of the registrant and pertains to subject matters which integrally relate to the practice of the profession.

(b) The activity is conducted by individuals who have specialized education, training or experience and are considered qualified concerning the subject matter of the program.

(c) The activity provides proof of attendance or completion by the registrant and fulfills pre-established goals and objectives.

(2) Approved providers of continuing education programs may include the following:

(a) American Society of Landscape Architects.

(b) Council of Landscape Architectural Registration Boards.

(c) Urban Land Institute.

(d) American Nursery and Landscape Association.

(e) American Planning Association.

(f) National Society of Professional Engineers.

(g) National Recreation and Park Association.

(h) American Institute of Architects.

(i) Construction Specifications Institute.

(j) State or federal training programs.

(k) Colleges, universities or other educational institutions.

(3) The landscape architect section or its designee may make recommendations as to approval of continuing education hour value for activities and other methods of earning credit offered by providers not listed in sub. (2) (a) to (k).

A-E 11.05 Certificate of completion, proof of attendance. (1) Each registrant shall certify on the renewal application full compliance with the continuing education requirements set forth in this chapter.

(2) The landscape architect section may conduct a random audit of its registrants on a biennial basis for compliance with these requirements. If audited, a registrant shall provide evidence of compliance.

(3) The landscape architect section may require additional evidence demonstrating compliance with the continuing education requirements including a certificate of attendance or documentation of completion or credit for the courses completed.

(4) If a registrant appears to lack compliance with the continuing education requirements, the landscape architect section shall notify a registrant in writing and request submission of evidence of compliance within 30 days of the notice.

(5) The landscape architect section may require a registrant to appear for an interview to address any deficiency or lack of compliance with the continuing education requirements.

A-E 11.06 Recordkeeping. The registrant shall maintain records of continuing education for at least 4 years from the date of the program. The recordkeeping shall include all of the following:

- (1) The name and address of the sponsor or provider.
- (2) A brief statement of the subject matter.
- (3) Printed schedules, registration receipts, certificates of attendance, or other proof of participation.
- (4) The number of hours attended in each activity and the date and place of the activity.

A-E 11.07 Waiver of continuing education. (1) In this section, "extreme hardship" means an inability to fulfill the continuing education requirements during the applicable renewal period because of one of the following:

- (a) Full-time service in the uniformed services of the United States of America for a period of one year during the biennium.
- (b) An incapacitating illness documented by a statement from a licensed health care provider resulting in an inability to participate in a continuing education activity.

(c) A retirement from the occupation of landscape architecture whereby the renewal applicant no longer receives remuneration from providing landscape architecture services.

(d) Any other extenuating circumstances.

(2) A renewal applicant seeking renewal of registration without having fully complied with the continuing education requirements shall file a renewal application along with the required fee, and a statement setting forth the facts concerning non-compliance and requesting a waiver of the requirements. The request for waiver shall be submitted to the landscape architect section prior to the renewal date. Extreme hardship shall be determined on an individual basis by the landscape architect section. If the landscape architect section finds, based upon the affidavit or any other evidence submitted by the registrant that extreme hardship has been shown, the enforcement of the continuing education requirements for the applicable renewal period shall be waived or the time frame for completion extended.

(3) A renewal applicant who prior to the expiration of the license submits a request for a waiver, shall be deemed to be in good standing until the final decision on the application by the landscape architect section.

A-E 11.08 Reciprocity. An applicant for registration from another state who applies for registration to practice landscape architecture under s. A-E 9.06, may receive credit for completion of continuing education obtained in another jurisdiction within the 2 years prior to application if the landscape architect section determines that the continuing education is substantially equivalent to the requirements of this chapter.

(END OF TEXT OF RULE)

The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin administrative register, pursuant to s. 227.22 (2) (intro.), Stats.

Dated _____

Agency _____

Chairperson
Examining Board of Architects, Landscape
Architects, Professional Engineers,
Designers and Land Surveyors



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Ronald Sldansky
Clearinghouse Director

Terry C. Anderson
Legislative Council Director

Richard Sweet
Clearinghouse Assistant Director

Laura D. Rose
Legislative Council Deputy Director

CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

CLEARINGHOUSE RULE **09-081**

AN ORDER to create chapter A-E 11, relating to continuing education for landscape architects.

Submitted by **DEPARTMENT OF REGULATION AND LICENSING**

09-16-2009 RECEIVED BY LEGISLATIVE COUNCIL.
10-12-2009 REPORT SENT TO AGENCY.

RS:JK

LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]
Comment Attached YES NO

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]
Comment Attached YES NO

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]
Comment Attached YES NO

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS [s. 227.15 (2) (e)]
Comment Attached YES NO

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]
Comment Attached YES NO

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL REGULATIONS [s. 227.15 (2) (g)]
Comment Attached YES NO

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]
Comment Attached YES NO



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Ronald Sklansky
Clearinghouse Director

Richard Sweet
Clearinghouse Assistant Director

Terry C. Anderson
Legislative Council Director

Laura D. Rose
Legislative Council Deputy Director

CLEARINGHOUSE RULE 09-081

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 September 2008.]

2. Form, Style and Placement in Administrative Code

a. In the “Explanation of agency authority” section of the rule summary, the agency should describe its authority under s. 443.015, Stats. [s. 1.02 (2), Manual.]

b. In the “Plain language analysis” section of the rule summary, the agency should briefly explain the specific continuing education requirements in the proposed rule. [s. 1.02 (2), Manual.]

c. Section A-E 11.03 (2) may be more appropriately placed in s. A-E 11.04.

d. Section A-E 11.07 (1) and (2) should be reversed. The definition should be located at the beginning of the section. [s. 1.02 (3), Manual.]

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

a. In the “Summary of factual data and analytical methodologies” section of the rule summary, “the landscape architecture” should replace “their.”

b. In the “Analysis and supporting documents” section of the rule summary, it appears that the phrase “with therewith” should be replaced by the word “therewith” and “it” should be inserted after “thereon.”

c. The use of certain words, such as "program," "seminar," "course," and "activity," interchangeably throughout the proposed rule may create confusion. Such words should be used appropriately and in a consistent manner.

d. The agency might consider using either "continuing education unit" or "professional development hour," rather than using both. The use of "continuing education unit" and "professional development hour" (or "hour") interchangeably in the proposed rule creates confusion, especially with separate definitions. In addition, the agency should replace "hour" throughout the proposed rule with "professional development hour" where the agency intends "hour" to mean "professional development hour," if "professional development hour" continues to be used.

e. In s. A-E 11.02 (2), the language in the subsection should be combined into a single definition of "continuing education unit," if "continuing education unit" continues to be used in the proposed rule. [See comment 5. d. above.] The two definitions of "continuing education unit" in the subsection may create confusion.

f. In s. A-E 11.02 (3), the language in the subsection should be combined into a single definition of "health, safety and welfare." The last sentence of the subsection is substantive and should be placed elsewhere in the rule.

g. In s. A-E 11.02 (4), the language in the subsection should be combined into a single definition of "professional development hour," if "professional development hour" continues to be used in the proposed rule. [See comment 5. d. above.] The two definitions of "professional development hour" in the subsection may create confusion.

h. In s. A-E 11.03 (1) (a), the agency should clarify what the "August 2012 biennial registration period" is. Is this the biennium before August 2012 or the biennium after August 2012?

i. In s. A-E 11.03 (1) (a), the language "pertinent to the practice of landscape architecture" is repetitive of the definitions of "continuing education unit" and "professional development hour." The agency should remove this language.

j. In s. A-E 11.03 (1) (a), the phrase "shall not be required to comply" should be replaced by the phrase "is not required to comply."

k. In s. A-E 11.03 (2) (intro.), the phrase "shall include the following" should be replaced by the phrase "that will meet the requirements of sub. (1) include all of the following."

l. In s. A-E 11.03 (2), the agency might consider redrafting some of the paragraphs in the subsection to remove language such as "successful completion of," "active participation and successful completion of," and "attending." The subsection imposes requirements on providers, and the above phrases seem more appropriate for the program participants.

m. In s. A-E 11.03 (2) (b), what does the phrase "one quarter credit hour" mean?

n. In s. A-E 11.03 (2) (e), if 100 minutes of the lecture is spent on landscape architecture, can a participant receive two professional development hours, or is the participant limited to one professional development hour? The language should be clarified to convey the agency's intent.

o. In s. A-E 11.03 (2) (f), it appears that "may be" should replace "is" on line 2 of the paragraph and that "may" or "shall," whichever is more appropriate, should replace "will" on line 4 of the paragraph. [s. 1.01 (2), Manual.]

p. In s. A-E 11.03 (2) (g), how is the amount of continuing education credit determined for authoring a paper or article? [See also sub. (2) (e).] Also, "may" should replace "will" on line 3 of the paragraph. [s. 1.01 (2), Manual.]

q. In s. A-E 11.03 (2) (i), "shall be" should replace "are" on line 4 of the paragraph. [s. 1.01 (2), Manual.]

r. Section A-E 11.04 (2) (intro.) should read: "The...section shall approve..., which may include all of the following:"

s. In s. A-E 11.04 (2) (b), it appears that "registration" should be inserted after "architectural."

t. In s. A-E 11.04 (2) (j), the description should be framed as a provider, to follow sub. (2) (intro.).

u. In s. A-E 11.04 (2) (k), the language "approved by the landscape architect section" is repetitive of the language in sub. (2) (intro.).

v. In s. A-E 11.04 (3), "shall" should replace "will." [s. 1.01 (2), Manual.]

w. How does s. A-E 11.04 (4) and (5) relate to similar provisions in s. A-E 11.03 (2)? See comment 2. c., above.

x. In s. A-E 11.05 (2), the last sentence of the subsection should be replaced with the following: "Each registrant shall retain or otherwise produce evidence of compliance."

y. In s. A-E 11.05 (4), "a registrant appears to lack compliance" should replace "there appears to be a lack of compliance."

z. In s. A-E 11.06 (intro.), "The registrant shall maintain records" should replace "It shall be the responsibility of the registrant to maintain records." Also, the section provides for a signed certificate or statement of attendance. The rule does not appear to contain a requirement that a registrant obtain a signed certificate or statement of attendance.

aa. In s. A-E 11.07 (2) (intro.), "extreme hardship" should be in quotations. [s. 1.01 (7), Manual.]

bb. In s. A-E 11.08, does the landscape architect section determine whether continuing education obtained in another jurisdiction is substantially equivalent under this section? If so, "if

the landscape architect section determines that the continuing education is substantially equivalent” should replace “and which is deemed to be substantially equivalent.”