



Wisconsin Legislative Council

RULES CLEARINGHOUSE

Scott Grosz
Clearinghouse Director

Anne Sappenfield
Legislative Council Director

Margit Kelley
Clearinghouse Assistant Director

CLEARINGHOUSE RULE 24-001

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. Section 443.015 (1m) (a) 1., Stats., requires that each section of the examining board promulgate rules that relate to a retired status credential. The proposed rule does not address retired status.

b. Consider whether the board has the authority to exempt continuing education requirements for new registrants, as it proposes in s. A-E 15.03 (1), and to waive continuing education requirements for hardship reasons, as it proposes in s. A-E 15.07. Section 443.015 (1e), Stats., which modifies the general power to establish continuing education requirements, requires “a Wisconsin registered interior designer to complete at least 15 hours of continuing education during the 2-year period immediately preceding the renewal date specified under s. 440.08 (2) (a)”. The statutes do not allow for exceptions with respect to new registrants or hardships in this two-year period.

2. Form, Style and Placement in Administrative Code

Throughout ch. A-E 15, revise the title form for each section to be consistent with the Manual by adding a period at the end of the title. [s. 1.10 (2) (b), Manual.]

3. Conflict With or Duplication of Existing Rules

Because the statutory authority for ch. SPS 130 was repealed, consider repealing that chapter.

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

In s. A-E 15.04, the proposed rule references s. A-E 14.03 and implies that provision relates to retired status. However, retired status is not dealt with in s. A-E 14.03 or anywhere in the proposed rule. [See, also, comment 1. a., above.]

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

a. In SECTION 6, consider replacing “which” with “that”. [s. 1.08 (1) (c), Manual.] This comment also applies to the other paragraphs currently in s. A-E 2.03 (2).

b. In ch. A-E 14, consider how “registered interior designer” is defined and used. Note that by defining the term in reference to s. 443.01 (9), Stats., the term means a person registered as a Wisconsin registered interior designer under ch. 443. However, in s. A-E 14.03 (1) (b), the term is used in a context that suggests that the registered interior designer could be from a state other than Wisconsin. Consider deleting “Wisconsin” in s. A-E 14.03 (1) (b) to address this concern. This revision would also align the provision with a similar one in s. A-E 14.03 (2).

c. In s. A-E 14.03 (1) (c), consider specifying how an applicant would know that the additional information must be submitted. This consideration applies to s. A-E 14.03 (2) (e) as well.

d. In s. A-E 14.03 (2) (c), consider whether the listed areas of practice are sufficiently descriptive for an applicant to understand what must be submitted. For example, “Professional practice” may be too general of a description. Also, consider using a comma before “including at least ...”.

e. In s. A-E 14.03 (2) (e), use a comma after “exhibits”. [s. 1.06 (1) (b), Manual.] In s. A-E 15.02 (3), use a comma after “design”.

f. In s. A-E 15.02 (2), consider whether “licensee” should be “registrant”. This consideration also applies throughout the chapter, including ss. A-E 15.03 (1) and 15.07 (3).

g. In s. A-E 15.02 (4), consider whether the defined term should be capitalized.

h. In s. A-E 15.03 (1), consider the use of “professional development hours”, because this is not a defined term. “Continuing education”, which is defined, includes “professional development activities”. Also, consider revising the exception to continuing education requirements for new registrants. For example, delete the language beginning with “except” and ending with “period”.

i. In s. A-E 15.03 (2), consider deleting “will”.

j. In s. A-E 15.05 (1), consider specifying how to find the renewal application.

k. In s. A-E 15.05 (2), consider adding a comma after “requirements” and before “including”.

l. In s. A-E 15.06, use “A registrant” instead of “Registrants”. Also, consider deleting “or professional development” because “continuing education” is a defined term that includes professional development activities. Additionally, consider the use of “bienniums” in specifying how long records must be kept. Because it is a defined term, a registrant could be required to maintain records for almost six years.

m. In s. A-E 15.07 (3), consider using commas before “who” and after “license”.