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## WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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### CLEARINGHOUSE RULE 09-032

#### 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**

The parenthetical acronyms should be deleted in s. A-E 10.04 (2). [See s. 1.01 (6) and (8), Manual.]

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

Section A-E 10.01 “Authority and purpose” includes an incorrect cite. Section 443.06, Stats., is incorrect and should be changed to s. 443.015, Stats.

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

a. Comparison with rules in Iowa and Illinois do not specify what licenses are required to comply with the hours for continuing education. Do these requirements apply to all licenses or just land surveyors? The agency should specify who is required to comply with these continuing education requirements.

b. The definition of “professional development hour” is unclear. It is unclear what the following phrase in the definition means or why it is needed: “*If a program awards a continuing education unit rather than a “PDH,” one continuing education unit equals 10 “PDHs” of an approved educational activity.*” What is a unit and when would someone receive these units? Section A-E 10.03 (2) directs the land surveyor section on how to count classes, technical meetings, and courses taught, so it appears that this sentence is superfluous. Because these

additional directions on how to count PDHs appear to cover all scenarios, the entire definition should be rewritten to read:

“Professional development hour” or “PDH”, unless specified otherwise, means 50 minutes of instruction or participation spent by the registrant in actual attendance or completion of an approved educational activity.

c. Section A-E 10.03 (1) (a) is unclear. First, in the second line, the word “and” should be removed as it is not necessary.

Second, it is unclear as to when a land surveyor is supposed to have completed the continuing education requirements. Is the land surveyor supposed to have the continuing education requirements by the time the license is renewed in February 2012? Or are the continuing education requirements required when the license is renewed in 2014? The specified date and year should be used to clarify this question.

d. The meaning of s. A-E 10.03 (1) (b) is unclear. Is the person required to complete professional development hours in each of the three categories every two years? If so, is there a minimum number of hours in each category?

e. The usage of the word “and” in s. A-E 10.03 (2) (a) appears to be improper. The usage here implies that a person must successfully complete every type of short course or tutorial. If a person may select which types of courses to complete, “and” should be replaced by “or”. A similar comment applies to “and” in the first sentence of A-E 10.03 (2) (b).

f. Section A-E 10.03 (2) (e) and (f) are inconsistent with the definition of a professional development hour. According to the definition, a professional development hour means “50 minutes”. However, pars. (e) and (f) use the word “hour”, which appears to mean 60 minutes.

g. In s. A-E 10.03 (2) (f), credits are not “valid”, they are counted. “Valid” should be replaced by “counted”.

h. The phrase “preceding 2-year registration period” in s. A-E 10.03 (3) should be replaced with “preceding biennium” to be consistent with the definition.

i. A reference to where the renewal date is located in the statutes should be included in s. 10.03 (4). After “renewal date” the agency should insert “, as specified in s. 440.08 (2) (a) 39., Stats.”.

j. In s. A-E 10.04 (1) (a), the phrase “program of instruction” is unclear. What is supposed to constitute an organized method of learning? It appears that the instruction is what must be organized. The section could be rewritten to say: “The program includes instruction in an organized method of learning, contributing directly to...”.

k. It is unclear who has the authority to approve continuing education providers. Section A-E 10.04 (2) refers only to “[a]pproved providers”. Does the land surveyor section have the authority to approve the providers? This subsection should be rewritten to read:

The land surveyor section may approve providers for continuing education programs including, but not limited to the following....

Also, the phrase “but not be limited to” in s. A-E 10.04 (2) should be deleted since “include” means “include, but not be limited to” and since s. A-E 10.04 (2) (f) allows “[o]ther technical or professional societies or organizations” to be approved as continuing education providers. Throughout the rule, “but not limited to” and similar phrases should be deleted.

l. Section 10.04 (4) is unclear. The placement and usage of the word “approved” is grammatically incorrect. Are the courses approved? Also, who is approving the courses? The schools or the land surveyor section? The subsection should be rewritten to read:

Credit for college or technical school courses approved by the land surveyor section shall be based upon the course credit established by the college or technical school.

m. Section A-E 10.04 (5) is confusing and inconsistent with the definition of professional development hours. As previously stated, the definition refers to 50 minutes; par. (5) uses the word “hour”. Why is this sentence even needed, as the definition already directs how to count attendance at an event?

n. It is unclear who is required to notify a person who is not in compliance with continuing education or professional development requirements. Section A-E 10.05 (4) only states “a registrant shall be notified”. Who is required to make the notification? This phrase could be rewritten to read: “the land surveyor section shall notify a registrant...”.

o. The duration of time a person is required to maintain records of continuing education or professional development hours in s. A-E 10.06 is four years from the date the certificate or statement of attendance is signed. These four years may not align with the biennium. The phrase “4 years” could be replaced by “two bienniums”.

p. The definition of “extreme hardship” is unclear. Section A-E 10.07 (2) states how it is determined as well as the definition. The phrase “Extreme hardship shall be determined on an individual basis by the land surveyor section” should be removed from s. A-E 10.07 (2) and inserted in sub. (1) so that sub. (2) only defines “extreme hardship”. Subsection (2) could then read: “(2) In this section, “extreme hardship” means...”.

q. Section A-E 10.07 (2) (a) states that full-time service in the armed services for a “substantial part of the biennium” may be considered an extreme hardship. What is a “substantial part of the biennium”? Could this phrase be defined?

r. Section A-E 10.07 (2) (b) and (c) use the word “currently”. This word should be removed. [See s. 1.01 (9) (b), Manual.]

s. The verb “is applying” in s. A-E 10.08 should be replaced with “applies”.