



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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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.”