

Report From Agency

**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.