



A-E JOINT BOARD
EXAMINING BOARD OF ARCHITECTS, LANDSCAPE ARCHITECTS,
PROFESSIONAL ENGINEERS, DESIGNERS AND LAND SURVEYORS
Room 121A, 1400 E. Washington Avenue, Madison
Contact: Brittany Lewin 608-266-2112
April 23, 2014

The following agenda describes the issues that the Board plans to consider at the meeting. At the time of the meeting, items may be removed from the agenda. Please consult the meeting minutes for a description of the actions of the Board.

AGENDA

9:00 A.M.

OPEN SESSION – CALL TO ORDER – ROLL CALL

A. Adoption of Agenda (1-2)

B. Approval of Minutes-October 9, 2013 (3-4)

C. Administrative Matters

- 1) July 18, 2014 Board Member Training
- 2) Election of Officers and Liaison Appointments

D. Liaison/Committee/Section Reports

- 1) Architects
- 2) Designers
- 3) Engineers
- 4) Land Surveyors
- 5) Landscape Architects

E. Legislative/Administrative Rule Matters – Discussion and Consideration

- 1) 2013 Wisconsin Act 114 **(5-6)**
- 2) Adoption of Rulemaking Order CR 12-039 Amending A-E 8.07 and 9.05 Relating to Landscape Architect Licensure and Practice **(7-14)**
- 3) Adoption of Rulemaking Order CR 13-064 Amending A-E 13.08 and 13.09 Relating to Comity Renewal Requirements **(15-19)**
- 4) Request for Statutory Change to Wis. Stat. 443.09 **(20)**
- 5) Discussion and Recommendation Regarding Retired License Status

F. Items Added After Preparation of Agenda:

- 1) Introductions, Announcements and Recognition
- 2) Presentations of Petition(s) for Summary Suspension
- 3) Presentation of Proposed Stipulation(s), Final Decision(s) and Order(s)
- 4) Presentation of Final Decisions
- 5) Disciplinary Matters
- 6) Executive Director Matters
- 7) Education and Examination Matters
- 8) Credentialing Matters
- 9) Class 1 Hearing(s)
- 10) Practice Matters
- 11) Legislation/Administrative Rule Matters
- 12) Liaison Report(s)
- 13) Informational Item(s)
- 14) Speaking Engagement(s), Travel, or Public Relation Request(s)

G. Public Comments

ADJOURNMENT

**A-E JOINT BOARD
MEETING MINUTES
OCTOBER 9, 2013**

PRESENT: Andy Albright, Joseph Eberle, Michael Eberle, Daniel Fedderly, Andrew Gersich, Steven Hook, Matt Janiak, Ruth G. Johnson, Mark Mayer, James Mickowski, James Rusch, Larry Schnuck, Rosheen Styczinski, Steven Tweed, Gary Kohlenberg (via GoTo Meeting), and Julia DeCicco

ABSENT: Bernie Abrahamson, Thomas Gasperetti, Charles Kopplin, Michael Kinney, and Mark Cook,

STAFF: Angela Hellenbrand, Executive Director; Joshua Archiquette, Bureau Assistant; Matthew Guidry, Bureau Assistant;

Rosheen Styczinski, Board Chair, called the meeting to order at 9:02 a.m. A quorum of sixteen (16) members was confirmed.

ADOPTION OF AGENDA

MOTION: Ruth G. Johnson moved, seconded by Larry Schnuck, to adopt the agenda as published. Motion carried unanimously.

APPROVAL OF MINUTES – April 24, 2013

MOTION: Larry Schnuck moved, seconded by Joe Eberle, to approve the minutes of April 24, 2013 as published. Motion carried unanimously.

APPROVAL OF MINUTES – CONTINUING EDUCATION SUBCOMMITTEE – July 30, 2013

MOTION: Andy Albright moved, seconded by Steven Tweed, to approve the minutes of July 30, 2013 as published. Motion carried unanimously.

LEGISLATIVE/ADMINISTRATIVE RULE MATT JANIAKERS

MOTION: Joe Eberle moved, seconded Matt Janiak, to approve the adoption order for Clearinghouse Rule 13-053 relating to requirements for registration as a Professional Engineer as presented. Motion carried unanimously

EDUCATION AND EXAMINATION MATTERS

Gary Kohlenberg left the meeting at 9:30 a.m.

MOTION: Jim Rusch moved, seconded by Larry Schnuck, to request DSPS Staff create a form for each profession similar to the Professional Engineers section regarding Continuing Education Tracking Sheet and require submittal of the form with each application for reciprocity. Motion carried unanimously.

MOTION: Joe Eberle moved, seconded by Matt Janiak, to request DSPS Staff create a Scope Statement regarding Continuing Education for each section of the Joint Board allowing a Continuing Education unit to be counted towards multiple sections if it also meets the Continuing Education requirements of any other section. Motion carried unanimously.

CREDENTIALING MATT JANIAKERS

MOTION: Joe Eberle moved, seconded by Steven Tweed, to request DSPS Staff research the issue of Retired status regarding license holders. Motion carried unanimously.

SPEAKING ENGAGEMENT(S), TRAVEL, OR PUBLIC RELATION REQUEST(S)

MOTION: Daniel Fedderly moved, seconded by Ruth G. Johnson, to delegate Jim Rusch and Joe Eberle as the Board's representative to attend the NCEES 2014 Annual Meeting in Seattle, Washington on August 20-23, 2014. Motion carried unanimously.

ITEMS ADDED AFTER PREPARATION OF AGENDA

MOTION: Mike Eberle moved, seconded by Julia DeCicco, to appoint a new electronic signature task force to include Larry Schnuck, Joe Eberle, Andy Albright, and Jim Rusch and that the task force will submit research materials to DSPS to develop a recommendation to the Joint Board in the spring. Motion carried unanimously.

ADJOURNMENT

MOTION: Matt Janiak moved, seconded by Larry Schnuck, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 11:40 a.m.

**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Shawn Leatherwood		2) Date When Request Submitted: April 10, 2014	
		Items will be considered late if submitted after 12:00 p.m. and less than: ■ 8 work days before the meeting	
3) Name of Board, Committee, Council, Sections: Joint Board of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors			
4) Meeting Date: April 23, 2014	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Discussion of 2013 Wisconsin Act 114	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	8) Is an appearance before the Board being scheduled? If yes, who is appearing? <input type="checkbox"/> Yes by _____ (name) <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required: N/A	
10) Describe the issue and action that should be addressed: The Board will discuss 2013 Wisconsin Act 114 and its impact on each section.			
11) Shawn Leatherwood Signature of person making this request	Authorization	April 10, 2014 Date	
Supervisor (if required)		Date	
Bureau Director signature (indicates approval to add post agenda deadline item to agenda)			
Date			
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Board Services Bureau Director. 3. If necessary, Provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

State of Wisconsin



2013 Senate Bill 337

Date of enactment: **December 19, 2013**

Date of publication*: **December 20, 2013**

2013 WISCONSIN ACT 114

AN ACT to repeal 449.05 (intro.), 451.06 (2), 452.09 (3) (e), 454.07 (3), 454.24 (3) and 456.04 (intro.); to renumber 442.04 (4) (a), 449.05 (1m), 449.05 (2m), 451.06 (1), 456.04 (1), 456.04 (2), 456.04 (3) and 456.04 (4); to renumber and amend 441.04, 441.06 (1), 441.07 (1), 441.10 (1), 441.10 (3) (a), 442.04 (4) (bm), 442.04 (4) (c), 442.04 (5), 449.04 (1), 450.03 (2), 450.04 (3) (intro.), 450.04 (3) (a), 450.04 (3) (b) and 456.03; to amend 39.393 (1) (c), 253.10 (7), 441.15 (3) (a) (intro.), 441.16 (2), 445.045 (1) (g), 449.04 (title), 449.055 (5) and 459.26 (3); to repeal and recreate 441.07 (title); and to create 440.071, 441.07 (1c), 441.10 (3) (a) 6. and 456.03 (5) of the statutes; relating to: examination requirements for various professional credentials and powers of the Board of Nursing.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 39.393 (1) (c) of the statutes is amended to read:

39.393 (1) (c) A program in this state that confers a 2nd degree that will make the person eligible to sit for examination licensure under s. 441.04 441.06 or 441.10.

SECTION 2. 253.10 (7) of the statutes is amended to read:

253.10 (7) AFFIRMATIVE DEFENSE. No person is liable under sub. (5) or (6) or under s. 441.07 (1) (1g) (f), 448.02 (3) (a), or 457.26 (2) (gm) for failure under sub. (3) (c) 2. d. to provide the printed materials described in sub. (3) (d) to a woman or for failure under sub. (3) (c) 2. d., e., f., fm., or g. to describe the contents of the printed materials if the person has made a reasonably diligent effort to obtain the printed materials under sub. (3) (e) and s. 46.245 and the department and the county department under s. 46.215, 46.22, or 46.23 have not made the printed materials available at the time that the person is required to give them to the woman.

SECTION 3. 440.071 of the statutes is created to read: 440.071 No degree completion requirement to sit for examination.

(1) Except as provided under sub. (2), the department or a credentialing board or other board in the department may not require a person to complete any postsecondary education or other program before the person is eligible to take an examination for a credential the department or credentialing board or other board in the department grants or issues.

(2) This section does not apply to an examination for a real estate appraiser certification under s. 458.06 or license under s. 458.08.

SECTION 4. 441.04 of the statutes is renumbered 441.06 (1) (a) and amended to read:

441.06 (1) (a) *Requisites for examination as a registered nurse.* Any person who has graduated The applicant graduates from a high school or its equivalent as determined by the board, does.

(b) The applicant does not have an arrest or conviction record, subject to ss. 111.321, 111.322 and 111.335, holds.

(c) The applicant holds a diploma of graduation from an accredited school of nursing and, if the school is

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

**State of Wisconsin
Department of Safety & Professional Services**

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3) Name of Board, Committee, Council, Sections: Joint Board of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors			
4) Meeting Date: April 23, 2014	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Adoption of Rulemaking order CR 12-039 amending A-E 8.07 and 9.05 relating to Landscape Architect Licensure and Practice	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	8) Is an appearance before the Board being scheduled? If yes, who is appearing? <input type="checkbox"/> Yes by _____ (name) <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required: N/A	
10) Describe the issue and action that should be addressed: The Board will adopt the rulemaking order.			
11) Shawn Leatherwood Signature of person making this request		Authorization 04/09/2014 Date	
Supervisor (if required)		Date	
Bureau Director signature (indicates approval to add post agenda deadline item to agenda) Date			
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STATE OF WISCONSIN
EXAMINING BOARD OF ARCHITECTS, LANDSCAPE ARCHITECTS, PROFESSIONAL
ENGINEERS, DESIGNERS AND LAND SURVEYORS

IN THE MATTER OF RULE-MAKING	:	ORDER OF THE
PROCEEDINGS BEFORE THE	:	EXAMINING BOARD OF
EXAMINING BOARD OF ARCHITECTS,	:	ARCHITECTS, LANDSCAPE
LANDSCAPE ARCHITECTS,	:	ARCHITECTS, PROFESSIONAL
PROFESSIONAL ENGINEERS,	:	ENGINEERS, DESIGNERS AND
DESIGNERS AND LAND SURVEYORS	:	LAND SURVEYORS ADOPTING RULES
	:	CLEARINGHOUSE RULE 12-039

ORDER

An order of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors to repeal ss. A-E 9.05 (1) (b) and (6), to renumber s. A-E 9.03 (1) as 9.03 (1) (a), to amend ss. A-E 8.07 (1) and (2), 9.05 (1) (a), and 9.06 (3), and to create s. 9.03 (1) (b), relating to Landscape Architect licensure and practice.

Analysis prepared by the Wisconsin Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted:

Sections 443.01 (3r), 443.02 (2) and (3), 443.035, 443.09 (4m) and (5) as amended by 2011 Wisconsin Act 146, 443.10 (2) (c), Stats.

Statutory authority:

Sections 227.11 (2) (a), 443.015 (2), Stats.

Explanation of agency authority:

Section 227.11 (2) (a), Stats., authorizes state agencies to promulgate rules interpreting the statutes they enforce or administer, when deemed necessary to effectuate the purpose of those statutes. Section 443.015 (2), Stats., authorizes the Landscape Architect Section of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors (Joint Board) to promulgate rules governing the practice of landscape architecture.

Related statute or rule:

No statutes or administrative rules beyond those referenced above are related to this proposed rule-making.

Plain language analysis:

The rule amendments in this proposal are based primarily on statutory changes made in 2009 Wisconsin Act 123, but include changes effected by 2009 Wisconsin Act 350 and 2011 Wisconsin Act 146 as well. The proposal also makes a clarification in and removes obsolete date references from the rules regarding the registration requirements for landscape architects.

Before the effective date of 2009 Wisconsin Act 123, no Wisconsin statute prohibited a person not licensed as a landscape architect from offering to, or engaging in, the practice of landscape architecture. Former s. 443.02 (5), Stats., only prohibited a person not so licensed or registered from using the title "landscape architect" or any other such reference in representing his or her professional capacity. 2009 Wisconsin Act 123, which took effect February 26, 2010, repealed s. 443.02 (5), Stats., and amended subs. (2) and (3) of the same statute to include, respectively, a prohibition against the practice of, or offer to, practice landscape architecture without a license or registration in that profession. The proposed updates to A-E 8.07, addressing unauthorized professional practice, are based on these statutory amendments.

2009 Wisconsin Act 350 became effective on May 28, 2010. Act 350 repealed s. 443.09 (6), Stats., which had allowed applicants for registration as an architect, landscape architect, or professional engineer who failed the relevant examination to request review thereof within one year of the date it was taken. Act 350 thus requires the repeal of A-E rules provisions related to examination review for all such applicants, including those provisions regarding registration as a landscape architect found in A-E 9.05 (6).

2011 Wisconsin Act 146, effective May 4, 2012, transferred full authority for the content of the landscape architect licensure examination from the Joint Board to the Landscape Architect Section in s. 443.09 (4m), Stats. The transfer of statutory authority prompts the proposed substitution of "landscape architecture section" for "examining board" in A-E 9.05 (1) (a). The same statutory change obviated the need for a separate examination on barrier design, militating the repeal of A-E 9.05 (1) (b).

Aside from updates based on statutory changes, the Section seeks to clarify A-E 9.03 (1), regarding the types of work that will satisfy the landscape architect experience requirements set forth in s. 443.035 (1), Stats. The proposed renumbering of A-E 9.03 (1) to 9.03 (1) (a) and the creation of A-E 9.03 (1) (b) makes clear that for landscape architect licensure applicants who follow the registration path described in s. 443.035 (1) (a), Stats., work experience acquired before completion of the educational programs specified therein will not count toward the licensure experience requirement. Lastly, this proposal removes the unnecessary reference to December 31, 1995 in ss. A-E 9.05 (1) (a) and (b), A-E 9.06 (3), as they are no longer necessary.

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

None.

Comparison with rules in adjacent states:

Illinois:

The Illinois Landscape Architecture Act of 1989, incorporated into the Illinois Compiled Statutes (ILCS) at 225 ILCS 315, prohibits any person from representing him or herself as a landscape architect, or from using "landscape architect" or "landscape architecture" in a title associated with his or her name unless licensed by the Department of Financial and Professional Regulation (DFPR). 225 ILCS 315/4. However, any person may engage in the practice of landscape architecture so long as he or she complies with the title prohibition. 225 ILCS 315/5.

DFPR is required to consult the Illinois Landscape Architect Registration Board when promulgating rules regarding the licensure and practice of landscape architects. 225 ILCS 315/8 (c). Although the DFPR may seek the expert knowledge of the Board on any matter related to the administration of the 1989 Act, it retains final authority over all such matters, which includes content of examination for initial licensure. 225 ILCS 315/8 (b) and (d), 315/11 (a). The statutes do not address examination review for applicants who fail the required examination.

<http://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=1342&ChapterID=24>

DFPR's administrative rules provide that applicants for licensure as a landscape architect must pass the Landscape Architect Registration Examination of the Council of Landscape Architectural Registration Boards (CLARB). 68 Ill. Reg. 1275.50 (a). The Illinois rules also do not address examination review for applicants who fail the required examination.

<http://www.ilga.gov/commission/jcar/admincode/068/06801275sections.html>

Iowa:

The Iowa statutes, referred to as the Iowa Code, prohibit any person from engaging in the practice of landscape architecture, or using a title containing those words or any variation thereof to represent himself or herself, without a license issued by the Iowa Landscape Architectural Examining Board. XIII Iowa Code 544B.2. The Board, which is part of the Iowa Department of Commerce, has rule-making authority for all matters related to landscape architect licensure, including examination content and administration. XIII Iowa Code 544B.5., B.8. An applicant who fails the required examination may submit a written request for information concerning his or her grade or questions answered incorrectly, unless a uniform, standardized examination is used. In that event, the Board is only required to provide the examination grade and such other information as is made available to the Board. XIII Iowa Code 544B.8.

<http://search.legis.state.ia.us/nxt/gateway.dll/ic?f=templates&fn=default.htm>

The rules of the Iowa Landscape Architectural Examining Board provide that, within 30 days of notification of a failing grade, the landscape architect examinant may submit a written request to the Board to review his or her own graded examination. 193D—2.5(3)a., Iowa Admin. Code.

<http://www.legis.state.ia.us/asp/ACODocs/DOCS/08-08-2012.193D.pdf>

Michigan:

Under Michigan's statutes, known as the Michigan Compiled Laws (MCL), no person may engage in the practice of landscape architecture unless duly licensed in that profession. See MCL ss. 339.2201 (a) and (b), and 339.2202 (3). Additionally, no person may use the title "landscape architect" or use the phrase "landscape architecture" in representing him or herself unless that person is so licensed. MCL s. 339.2211.

The Department of Licensing and Regulatory Affairs (LARA) has authority for the examination content and licensure of landscape architects. MCL s. 339.2204. The Michigan statutes do not address examination review for applicants who fail the required examination.

<http://legislature.mi.gov/doc.aspx?mcl-299-1980-22>

LARA requires an applicant for landscape architect licensure to pass either the uniform national examination of CLARB or a state licensing examination deemed by LARA to be equivalent thereto. R 339.19025 (1), Mich. Admin. Code.¹ The Michigan rules also do not address examination review for applicants who fail the required examination.

http://www7.dleg.state.mi.us/orr/Files/AdminCode/105_23_AdminCode.pdf

Minnesota:

In Minnesota, no person may practice, offer to practice, or use a title representing the professional capacity to practice, landscape architecture unless licensed by the Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience, and Interior Design. Sections 326.02 (1), (4a), 326.06, Minn. Stats. The Board has rule-making authority for all aspects of the regulation of its associated professions, including licensure examination content. Section 326.06, Minn. Stats. The Minnesota statutes do not address examination review or re-examination for applicants who fail the required examination.

<https://www.revisor.mn.gov/statutes/?id=326>

By administrative rule, the Minnesota Board requires applicants for licensure as a landscape architect to pass the Landscape Architect Registration Examination administered by CLARB. Sections 1800.0800 E.; 1800.1500, Subp. 1.; 1800.1700, Subp. 1.; Minn. Admin. Code. While the Minnesota rules allow an applicant who fails the required licensing examination to retake it for another fee, s. 1800.0900, Subp. 4., they do not address review of failed examinations.

<https://www.revisor.mn.gov/rules/?id=1800>

¹ It should be noted here that, information received through e-mail contact on August 7, 2012 with LARA's Bureau of Commercial Services at bcslc@michigan.gov indicates that the Michigan Board of Landscape Architects, referred to both in the Michigan statutes and on LARA's website, was "dissolved several years ago." That information was confirmed through a follow-up telephone call on August 8, 2012 to the author of the e-mail, a Licensing Analyst with the telephone number (517) 241-8720.

Summary of factual data and analytical methodologies:

No factual data was required for the rule-making in this proposal, as the changes were necessitated by statute. For that reason, no analysis was involved in the preparation of these proposed rules.

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

Pursuant to s. IV, 3. a., of EO # 50, the changes proposed herein were posted on both the state's and the department's administrative rules websites for 14 days to solicit comments regarding their potential economic impact on businesses, business sectors, professional associations, local government units, or potentially interested parties. In addition, e-mail solicitations were sent to several potentially interested parties. No responses to any of the solicitations were received.

The Landscape Architect Section of the Joint Board concludes that the proposed rules will have no economic impact on small businesses. This proposal tracks statutory changes made in 2009 Wisconsin Acts 123 and 350, which became effective on February 26, 2010 and May 28, 2010, respectively, both over two years ago. Both Acts have been in place long enough to produce the resulting economic or fiscal impact experienced by private businesses or public entities, if any, and for such impact to have been fully absorbed by those entities as a part of routine operations. The transfer of authority for licensure examination content from the Joint Board to the Landscape Architect Section effected by 2011 Wis. Act 146 will have no economic impact on any individual or entity. The final two amendments of this proposal are matters of clarifying an existing rule and removing obsolete date references, neither of which carry an economic impact.

Fiscal Estimate and Economic Impact Analysis:

The Fiscal Estimate and Economic Impact Analysis are attached.

Effect on small business:

Because the statutory changes that prompted this proposal took effect over two years ago, these proposed rules will not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats., beyond that which such businesses have already experienced and absorbed. The Department's Regulatory Review Coordinator may be contacted by email at Greg.Gasper@wisconsin.gov, or by calling (608) 266-8608.

Initial Regulatory Flexibility Analysis or Summary:

As noted above, the proposed rules will have no effect on small businesses.

Agency contact person:

Shawn Leatherwood, Rules Coordinator, Department of Safety and Professional Services, Division of Board Services, 1400 East Washington Avenue, Room 117, P.O. Box 8935, Madison, Wisconsin 53708; telephone (608) 261-4438; email at Shancethea.L Leatherwood@wisconsin.gov.

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

Comments may be submitted to Shawn Leatherwood, Rules Coordinator, Department of Safety and Professional Services, Division of Board Services, 1400 East Washington Avenue, Room 117, P.O. Box 8935, Madison, WI 53708-8935, or by email to Shancethea.L Leatherwood@wisconsin.gov. Comments must be received on or before October 18, 2012, at 9:30 a.m., to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. A-E 8.07 is amended to read:

A-E 8.07 Unauthorized practice. An architect, landscape architect, professional engineer, designer, or land surveyor:

(1) Shall assist in enforcing laws which prohibit the unlicensed practice of architecture, landscape architecture, professional engineering, designing, and land surveying by reporting violations to the board.

(2) May not delegate professional responsibility to unlicensed persons and may not otherwise aid or abet the unlicensed practice of architecture, landscape architecture, professional engineering, designing, or land surveying.

SECTION 2. A-E 9.03 (1) is renumbered to A-E 9.03 (1) (a).

SECTION 3. A-E 9.03 (1) (b) is created to read:

A-E 9.03 (1) (b) To qualify as satisfactory experience in landscape architecture for the purposes of s. 443.035 (1) (a), Stats., an applicant's experience must be obtained subsequent to completion of the education requirements.

SECTION 4. A-E 9.05 (1) (a) is amended to read:

A-E 9.05 Examinations. (1) SCOPE OF WRITTEN EXAMINATIONS. (a) ~~After December 31, 1995, a~~An applicant for initial registration as a landscape architect shall pass an examination determined by the ~~examining board~~ landscape architecture section to assess knowledges required for the professional practice of landscape architecture.

SECTION 5. A-E 9.05 (1) (b) is repealed

SECTION 6. A-E 9.05 (6) is repealed.

SECTION 7. A-E 9.06 (3) is amended to read:

A-E 9.06 (3) References from at least 5 individuals, 3 of whom have personal knowledge of the applicant's experience in landscape architecture and are engaged in the practice of landscape architecture. If 3 references from individuals who are engaged in the practice of landscape architecture are not available, the section may accept references from individuals actively engaged in the practice of an allied profession. ~~After December 31, 1995, o~~ One of the 3 references having personal knowledge of the applicant's experience in landscape architecture shall be licensed or registered as a landscape architect by the licensing authority of some licensing jurisdiction in the United States or Canada.

SECTION 8. EFFECTIVE DATE. The rules adopted in this order shall take on the first day of the month following publication in the Wisconsin administrative register, pursuant to s. 227.22 (2) (intro.), Stats.

(END OF TEXT OF RULE)

Dated _____

Agency _____

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

**State of Wisconsin
Department of Safety & Professional Services**

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4) Meeting Date: April 23, 2014	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Adoption of Rulemaking order CR 13-064 amending A-E 13.08 and 13.09 relating to comity renewal requirements	
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10) Describe the issue and action that should be addressed: The Board will adopt the rulemaking order.			
11) Shawn Leatherwood <small>Signature of person making this request</small>		<small>Authorization</small> 04/09/2014 <small>Date</small>	
<small>Supervisor (if required)</small>		<small>Date</small>	
<small>Bureau Director signature (indicates approval to add post agenda deadline item to agenda)</small>		<small>Date</small>	
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STATE OF WISCONSIN
EXAMINING BOARD OF ARCHITECTS, LANDSCAPE ARCHITECTS,
PROFESSIONAL ENGINEERS, DESIGNERS AND LAND SURVEYORS

IN THE MATTER OF RULE-MAKING	:	ORDER OF THE
PROCEEDINGS BEFORE THE	:	EXAMINING BOARD OF
EXAMINING BOARD OF ARCHITECTS,	:	ARCHITECTS, LANDSCAPE
LANDSCAPE ARCHITECTS,	:	ARCHITECTS, PROFESSIONAL
PROFESSIONAL ENGINEERS,	:	ENGINEERS, DESIGNERS AND
DESIGNERS AND LAND SURVEYORS	:	SURVEYORS ADOPTING RULES
	:	(CLEARINGHOUSE RULE 13-064)

ORDER

An order of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors to amend ss. A-E 13.08 (4) and A-E13.09, relating to comity renewal requirements.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted:

s. 443.015, Stats.

Statutory authority:

ss. 15.08 (5) (b), 227.11 (2) (a), 443.015, Stats.

Explanation of agency authority:

Examining boards are generally empowered by the legislature pursuant to ss. 15.08 (5) (b), and 227.11 (2) (a), Stats., to promulgate rules that govern their profession. The Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, and Land Surveyors has been specifically empowered by s. 443.015, Stats., to promulgate rules regarding continuing education requirements for renewal of a credential. Therefore, the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, and Land Surveyors is authorized both generally and specifically to promulgate these proposed rules.

Related statute or rule:

None.

Plain language analysis:

The proposed rule seeks to revise A-E 13 to ensure comity applicants are treated the same as newly registered engineers. Comity applicants are applicants from another state who apply for registration to practice professional engineering in Wisconsin. As of now, the rule requires comity applicants to complete 30 professional development hours of qualifying continuing education during the first two years prior to licensure while regular in-state applicants are not required to do so. The proposed rule will also address retired engineers. Retired engineers seeking a waiver from the continuing education requirement are eligible for the waiver if they are retired and have not performed any engineering services. The term "receiving remuneration" was stricken from s. A-E13.08 (4) to indicate that retired engineers are no longer performing engineering services with or without compensation.

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

None.

Comparison with rules in adjacent states:

Illinois: Illinois grants licensure by endorsement for applicants who are licensed in other states. 225 ILCS 325/19. There are no specific professional development hours required for endorsement applicants. Illinois does not grant a waiver for retired professional engineers.

Iowa: Iowa grants licensure by comity. 193C IAC 4.2 (542B). Comity applicants are judged on the applicants' record of education, references, experiences and completion of exams. 193C IAC 4.2 (2). The administrative rules are silent on whether comity applicants are required to fulfill their renewal by way of continuing education requirements or professional development hour requirements.

Waivers may be granted by written request. Hardship or extenuating circumstances are considered before granting a waiver. There are no specific waiver requirements for retired engineers. 193C IAC 7.7 (542B, 272C).

Michigan: Michigan grants licensure by reciprocity for out-of-state applicants. Mich. Admin. Code R339.16025. The statutes and administrative rules are silent on whether reciprocity applicants are required to fulfill their renewal by way of continuing education requirements or professional development hour requirements.

There are no specific provisions regarding granting waivers for retired engineers.

Minnesota: Minnesota grants licensure by comity. Minn. R. 1800.0800. Comity applicants that are licensed or certified in another state, may meet continuing education requirements, without completing the entire renewal form, if the other state of which the comity applicant is coming from is listed by the Minnesota board as having continuing education requirements acceptable to the Minnesota board and the license or certificate

holder, "certifies in the appropriate section [on the form] that all continuing education and licensing or certification requirements for that state, province, or district have been met." Minn. Stat. § 326.107 Subd. 5.

There are no specific provisions regarding granting waivers for retired engineers.

Summary of factual data and analytical methodologies:

Drafting of these proposed rules was initiated by the Engineering Section of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, and Land Surveyors as a result of a review of the current rules. No other factual data or analytical methodologies were used in drafting these proposed rules.

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

These proposed rules do not have an economic impact on small businesses as defined in s. 227.114 (1), Stats. The Department's Regulatory Review Coordinator may be contacted by email at Tom.Engels@wisconsin.gov, or by calling (608) 266-8608.

Fiscal Estimate and Economic Impact Analysis:

The Fiscal Estimate and Economic Impact Analysis are attached.

Effect on small business:

These proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department's Regulatory Review Coordinator may be contacted by email at Greg.Gasper@wisconsin.gov, or by calling (608) 266-8608.

Agency contact person:

Shawn Leatherwood, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, Room 151, P.O. Box 8935, Madison, Wisconsin 53708; telephone 608-261-4438; email at Shancethea.L Leatherwood@wisconsin.gov.

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

Comments may be submitted to Shawn Leatherwood Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, Room 151, P.O. Box 8935, Madison, WI 53708-8935, or by email to Shancethea.L Leatherwood@wisconsin.gov. Comments must be received on or before August 29, 2013 to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. A-E 13.08 (4) is amended to read:

A-E 13.08 (4) A renewal applicant who has maintained an active Wisconsin license for a minimum of 30 consecutive years may, at the discretion of the professional engineer section or its designee, receive a waiver upon request and certification that the applicant has retired from the profession and is no longer receiving remuneration for providing engineering services.

SECTION 2. A-E 13.09 is amended to read:

A-E 13.09 An applicant for registration from another state who applies for registration to practice professional engineering under s. ~~A-E 4.09 (2)~~ A-E 4.08 (2), shall submit proof of completion of 30 PDHs of qualifying continuing education that complies with the requirements of ch. A-E 13 within the 2 year period prior to their application. However, an applicant by comity who has received his or her first license as a professional engineer within the last two years shall be exempt from meeting the 30 PDHs specified in s. A-E 13.03 (1) as required for continuing education requirements and shall not be required to comply with the continuing education requirements for their first renewal of registration.

SECTION 3. EFFECTIVE DATE. 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.

(END OF TEXT OF RULE)

Dated _____

Agency _____

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

