



**VIRTUAL/TELECONFERENCE
RULES COMMITTEE
EXAMINING BOARD OF ARCHITECTS, LANDSCAPE ARCHITECTS,
PROFESSIONAL ENGINEERS, DESIGNERS, AND PROFESSIONAL LAND SURVEYORS
Virtual, 4822 Madison Yards Way, Madison, WI
Contact: Adam Barr (608) 266-2112
April 13, 2021**

The following agenda describes the issues that the Committee 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 Committee.

AGENDA

1:00 P.M.

OPEN SESSION – CALL TO ORDER – ROLL CALL

- A. Adoption of Agenda (1-2)**
- B. Approval of Minutes of December 17, 2020 (3-4)**
- C. 1:00 Public Hearing: CR 21-019 – A-E 8, Relating to Professional Conduct (5-14)**
 - 1. Review and Respond to Public Comments and Clearinghouse Report
- D. 1:00 Public Hearing: CR 21-020 – A-E 2, Relating to General Procedures (15-26)**
 - 1. Review and Respond to Public Comments and Clearinghouse Report
- E. Administrative Matters**
 - 1. Department, Staff and Committee Updates
- F. Legislation and Policy Matters – Discussion and Consideration**
- G. Administrative Rule Matters – Discussion and Consideration (27)**
 - 1. Administrative Rules Reporting Requirement Under 227.29, Stats.
 - 2. Pending or Possible Rulemaking Projects
 - a. A-E 4 and 13, Relating to Professional Engineers **(28)**
 - b. April 2021 A-E Board Report **(29-30)**
- H. Public Comments**

ADJOURNMENT

NEXT DATE: OCTOBER 5, 2021

MEETINGS AND HEARINGS ARE OPEN TO THE PUBLIC, AND MAY BE CANCELLED WITHOUT NOTICE.

Times listed for meeting items are approximate and depend on the length of discussion and voting. All meetings are held at 4822 Madison Yards Way, Madison, Wisconsin, unless otherwise noted. In order to confirm a meeting or to request a complete copy of the board's agenda, please call the listed contact person. The board may also consider materials or items filed after the transmission of this notice. Times listed for the commencement of disciplinary hearings may be changed by the examiner for the convenience of the parties. Requests for interpreters for the hard of hearing, or other accommodations, are considered upon request by contacting the Affirmative Action Officer, 608-266-2112, or the Meeting Staff at 608-266-5439.

**VIRTUAL/TELECONFERENCE
A-E RULES COMMITTEE
EXAMINING BOARD OF ARCHITECTS, LANDSCAPE ARCHITECTS,
PROFESSIONAL ENGINEERS, DESIGNERS AND LAND SURVEYORS
MEETING MINUTES
DECEMBER 17, 2020**

PRESENT: Daniel Fedderly (*arrived at 10:17 a.m.*), Michael Heberling, Steven Hook, Dennis Myers, Rosheen Styczinski, Steven Wagner

EXCUSED: Kristine Cotharn

STAFF: Valerie Payne, Acting Executive Director; Adam Barr, Executive Director; Dale Kleven, Administrative Rules Coordinator; Megan Glaeser, Bureau Assistant; and other DSPS staff

CALL TO ORDER

Rosheen Styczinski, Chairperson, called the meeting to order at 10:06 p.m. A quorum was confirmed with five (5) members present.

ADOPTION OF AGENDA

MOTION: Dennis Myers moved, seconded by Steven Wagner, to adopt the Agenda as published. Motion carried unanimously.

APPROVAL OF MINUTES OF OCTOBER 6, 2020

MOTION: Steven Wagner moved, seconded by Michael Heberling, to adopt the Minutes from October 6, 2020 as published. Motion carried unanimously.

(Daniel Fedderly arrived at 10:17 a.m.)

**PUBLIC HEARING: EMR 2038 AND CR 20-064 – A-E 1 TO 13, RELATING TO
RETIRED CREDENTIAL STATUS**

Review and Respond to Public Comments and Clearinghouse Report

MOTION: Steven Hook moved, seconded by Daniel Fedderly, to accept all Clearinghouse comments for Clearinghouse Rule CR 20-064, relating to retired credential status. Motion carried unanimously.

MOTION: Dennis Myers moved, seconded by Daniel Fedderly, to authorize the Chairperson to approve the Legislative Report and Draft for Clearinghouse Rule CR 20-064, relating to retired credential status, for submission to the Governor's Office and Legislature. Motion carried unanimously.

ADJOURNMENT

MOTION: Steven Hook moved, seconded by Michael Heberling, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 11:22 a.m.

DRAFT

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

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Dale Kleven Administrative Rules Coordinator		2) Date When Request Submitted: 4/1/21 Items will be considered late if submitted after 12:00 p.m. on the deadline date: ▪ 8 business days before the meeting														
3) Name of Board, Committee, Council, Sections: Rules Committee of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Professional Land Surveyors																
4) Meeting Date: 4/13/21	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? 1:00 P.M. Public Hearing: CR 21-019 – A-E 8, Relating to Professional Conduct 1. Review and Respond to Public Comments and Clearinghouse Report														
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? <input type="checkbox"/> Yes (Fill out Board Appearance Request) <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required:														
10) Describe the issue and action that should be addressed: 																
<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%; border-bottom: 1px solid black;"> 11) <i>Dale Kleven</i> </td> <td style="width: 40%; text-align: center; border-bottom: 1px solid black;"> Authorization </td> <td style="width: 30%; text-align: right; border-bottom: 1px solid black;"> <i>April 1, 2021</i> </td> </tr> <tr> <td style="border-bottom: 1px solid black;"> Signature of person making this request </td> <td colspan="2" style="text-align: right; border-bottom: 1px solid black;"> Date </td> </tr> <tr> <td style="border-bottom: 1px solid black;"> Supervisor (if required) </td> <td colspan="2" style="text-align: right; border-bottom: 1px solid black;"> Date </td> </tr> <tr> <td colspan="3" style="border-bottom: 1px solid black;"> Executive Director signature (indicates approval to add post agenda deadline item to agenda) </td> <td style="text-align: right; border-bottom: 1px solid black;"> Date </td> </tr> </table>				11) <i>Dale Kleven</i>	Authorization	<i>April 1, 2021</i>	Signature of person making this request	Date		Supervisor (if required)	Date		Executive Director signature (indicates approval to add post agenda deadline item to agenda)			Date
11) <i>Dale Kleven</i>	Authorization	<i>April 1, 2021</i>														
Signature of person making this request	Date															
Supervisor (if required)	Date															
Executive 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 Policy Development Executive 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
EXAMINING BOARD OF ARCHITECTS, LANDSCAPE ARCHITECTS,
PROFESSIONAL ENGINEERS, DESIGNERS, AND PROFESSIONAL LAND
SURVEYORS

IN THE MATTER OF RULEMAKING	:	PROPOSED 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 PROFESSIONAL	:	PROFESSIONAL LAND SURVEYORS
LAND SURVEYORS	:	ADOPTING RULES
	:	(CLEARINGHOUSE RULE)

PROPOSED ORDER

An order of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, and Professional Land Surveyors to amend A-E 8.04 (5), relating to professional conduct.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted:

Section 443.015 (2), Stats.

Statutory authority:

Sections 15.08 (5) (b) and 443.015 (2), Stats.

Explanation of agency authority:

Section 15.08 (5) (b), Stats., provides an examining board “[s]hall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains...”

Section 443.015 (2), Stats., provides that “[e]ach section of the examining board may promulgate rules governing the professional conduct of individuals, firms, partnerships, and corporations registered, permitted, certified, or granted a certificate of authorization by that section.”

Related statute or rule:

Section 443.11, Stats., gives the appropriate section of the Board the authority to, under specified circumstances, reprimand a credential holder or limit, suspend, or revoke a credential. One of the circumstances under which this authority may be exercised is any violation of the rules of professional conduct adopted and promulgated under s. 443.015 (2), Stats.

Plain language analysis:

The Board completed a comprehensive review of ch. A-E 8 to ensure that the rules are current with standards of practice and consistent with ch. 443, Stats. As a result, s. A-E 8.04 (5) has been revised to clarify that the common practice of representing a partnership or association in principal between parties within a proposal for the performance of services is not prohibited.

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

None.

Comparison with rules in adjacent states:**Illinois:**

Rules of the Illinois Department of Financial and Professional Regulation provide standards of professional conduct for architects [68 Ill. Adm. Code 1150.90], engineers [68 Ill. Adm. Code 1380.300], and professional land surveyors [68 Ill. Adm. Code 1270.57]. The rules require an architect to accurately represent to a prospective or existing client or employer the architect's qualifications and the scope of the architect's responsibility in connection with work for which the architect is claiming credit. The rules also provide that engineers and professional land surveyors soliciting employment may not misrepresent pertinent facts concerning employers, employees, associates, joint ventures, or past accomplishments with the intent or purpose of enhancing their qualifications or work.

Illinois does not issue permits or similar credentials for designers of engineering systems or landscape architects.

Iowa:

Rules of professional conduct for architects, engineers, professional land surveyors, and landscape architects are specified by the Iowa Architectural Examining Board [193B IAC 4.1], Iowa Engineering and Land Surveying Examining Board [193C IAC 8.1 to 8.5], and Iowa Landscape Architectural Examining Board [193D IAC 4.1 to 4.5]. The rules require an architect or landscape architect to accurately represent to a prospective or existing client or employer the scope of their responsibility in connection with work for which the architect is claiming credit. The rules also provide that presentations incident to the solicitation of employment as an engineer or professional land surveyor may not misrepresent pertinent facts concerning employers, employees, associates, firms, joint ventures, or past accomplishments.

Iowa does not issue permits or similar credentials for designers of engineering systems.

Michigan:

Rules of the Michigan Department of Licensing and Regulatory Affairs provide standards of professional conduct for architects [Mich Admin Code, R 339.15401], professional engineers [Mich Admin Code, R 339.16031 to R 339.16034], professional land surveyors [Mich Admin Code, R 339.17401 to R 339.17403], and landscape architects [Mich Admin Code, R 339.19041]. The rules for professional engineers, professional land

surveyors, and landscape architects do not specifically address misrepresenting the extent to which the performance of services will involve a partnership or association with another registrant or licensee or misrepresenting the identity of a registrant or licensee with whom a partnership or association will be engaged in for the performance of services. The rules for architects adopt by reference the National Council of Architectural Registration Boards (NCARB) model rules of conduct revised July 2018. The model rules prohibit an architect from misrepresenting or overstating the scope of the architect's responsibility in connection with work for which the architect or the architect's firm is claiming credit.

Michigan does not issue permits or similar credentials for designers of engineering systems.

Minnesota:

The Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience, and Interior Design provides rules of professional conduct for architects, engineers, land surveyors, and landscape architects [Minnesota Rules, parts 1805.0100 to 1805.1600]. The rules provide that, in connection with work for which the licensee or certificate holder is claiming credit, the licensee or certificate holder must accurately represent the licensee's or certificate holder's qualifications, education, and scope of responsibility for the work. The licensee or certificate holder must also accurately represent the qualifications, education, and scope of responsibility of any employer, employees, or associates.

Minnesota does not issue permits or similar credentials for designers of engineering systems.

Summary of factual data and analytical methodologies:

The proposed rules were developed by conducting a comprehensive review of the provisions of ch. A-E 8 and obtaining input and feedback from the Rules Committee of the A-E Board.

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

The proposed rules were posted for a period of 14 days to solicit public comment on economic impact, including how the proposed rules may affect businesses, local government units, and individuals. No comments were received.

Fiscal Estimate and Economic Impact Analysis:

The Fiscal Estimate and Economic Impact Analysis document is 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 Daniel.Hereth@wisconsin.gov, or by calling (608) 267-2435.

Agency contact person:

Dale Kleven, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, Wisconsin 53708; telephone 608-261-4472; email at DSPSAdminRules@wisconsin.gov.

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

Comments may be submitted to Dale Kleven, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, WI 53708-8366, or by email to DSPSAdminRules@wisconsin.gov. Comments must be received at or before the public hearing scheduled for 1:00 PM on April 13, 2021 to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. A-E 8.04 (5) is amended to read:

A-E 8.04 (5) ~~May not represent that he or she is engaged in~~ misrepresent the extent to which the performance of services will involve a partnership or association with another unless there exists in fact registrant or licensee or misrepresent the identity of a registrant or licensee with whom a partnership or association will be engaged in for the performance of services.

SECTION 2. 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)

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis <input checked="" type="checkbox"/> Original <input type="checkbox"/> Updated <input type="checkbox"/> Corrected	2. Date October 29, 2020
3. Administrative Rule Chapter, Title and Number (and Clearinghouse Number if applicable) A-E 8	
4. Subject Professional conduct	
5. Fund Sources Affected <input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S	6. Chapter 20, Stats. Appropriations Affected
7. Fiscal Effect of Implementing the Rule <input checked="" type="checkbox"/> No Fiscal Effect <input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Increase Costs <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Indeterminate <input type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Could Absorb Within Agency's Budget	
8. The Rule Will Impact the Following (Check All That Apply) <input type="checkbox"/> State's Economy <input type="checkbox"/> Specific Businesses/Sectors <input type="checkbox"/> Local Government Units <input type="checkbox"/> Public Utility Rate Payers <input type="checkbox"/> Small Businesses (if checked, complete Attachment A)	
9. Estimate of Implementation and Compliance to Businesses, Local Governmental Units and Individuals, per s. 227.137(3)(b)(1). \$0	
10. Would Implementation and Compliance Costs Businesses, Local Governmental Units and Individuals Be \$10 Million or more Over Any 2-year Period, per s. 227.137(3)(b)(2)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
11. Policy Problem Addressed by the Rule The Board completed a comprehensive review of ch. A-E 8 to ensure that the rules are current with standards of practice and consistent with ch. 443, Stats. As a result, s. A-E 8.04 (5) has been revised to clarify that the common practice of representing a partnership or association in principal between parties within a proposal for the performance of services is not prohibited.	
12. Summary of the Businesses, Business Sectors, Associations Representing Business, Local Governmental Units, and Individuals that may be Affected by the Proposed Rule that were Contacted for Comments. The proposed rule was posted on the Department of Safety and Professional Services' website for 14 days in order to solicit comments from businesses, representative associations, local governmental units, and individuals that may be affected by the rule. No comments were received.	
13. Identify the Local Governmental Units that Participated in the Development of this EIA. No local governmental units participated in the development of this EIA.	
14. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred) The proposed rule will not have a significant impact on specific businesses, business sectors, public utility rate payers, local governmental units, or the state's economy as a whole.	
15. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule The benefit to implementing the rule is providing consistency with standards of practice and applicable Wisconsin statutes. If the rule is not implemented, the provisions of s. A-E 8.04 (5) will remain unclear.	
16. Long Range Implications of Implementing the Rule The long range implication of implementing the rule is consistency with standards of practice and applicable Wisconsin statutes.	
17. Compare With Approaches Being Used by Federal Government None.	

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

18. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

Illinois:

Rules of the Illinois Department of Financial and Professional Regulation provide standards of professional conduct for architects [68 Ill. Adm. Code 1150.90], engineers [68 Ill. Adm. Code 1380.300], and professional land surveyors [68 Ill. Adm. Code 1270.57]. The rules require an architect to accurately represent to a prospective or existing client or employer the architect's qualifications and the scope of the architect's responsibility in connection with work for which the architect is claiming credit. The rules also provide that engineers and professional land surveyors soliciting employment may not misrepresent pertinent facts concerning employers, employees, associates, joint ventures, or past accomplishments with the intent or purpose of enhancing their qualifications or work. Illinois does not issue permits or similar credentials for designers of engineering systems or landscape architects.

Iowa:

Rules of professional conduct for architects, engineers, professional land surveyors, and landscape architects are specified by the Iowa Architectural Examining Board [193B IAC 4.1], Iowa Engineering and Land Surveying Examining Board [193C IAC 8.1 to 8.5], and Iowa Landscape Architectural Examining Board [193D IAC 4.1 to 4.5]. The rules require an architect or landscape architect to accurately represent to a prospective or existing client or employer the scope of their responsibility in connection with work for which the architect is claiming credit. The rules also provide that presentations incident to the solicitation of employment as an engineer or professional land surveyor may not misrepresent pertinent facts concerning employers, employees, associates, firms, joint ventures, or past accomplishments. Iowa does not issue permits or similar credentials for designers of engineering systems.

Michigan:

Rules of the Michigan Department of Licensing and Regulatory Affairs provide standards of professional conduct for architects [Mich Admin Code, R 339.15401], professional engineers [Mich Admin Code, R 339.16031 to R 339.16034], professional land surveyors [Mich Admin Code, R 339.17401 to R 339.17403], and landscape architects [Mich Admin Code, R 339.19041]. The rules for professional engineers, professional land surveyors, and landscape architects do not specifically address misrepresenting the extent to which the performance of services will involve a partnership or association with another registrant or licensee or misrepresenting the identity of a registrant or licensee with whom a partnership or association will be engaged in for the performance of services. The rules for architects adopt by reference the National Council of Architectural Registration Boards (NCARB) model rules of conduct revised July 2018. The model rules prohibit an architect from misrepresenting or overstating the scope of the architect's responsibility in connection with work for which the architect or the architect's firm is claiming credit. Michigan does not issue permits or similar credentials for designers of engineering systems.

Minnesota:

The Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience, and Interior Design provides rules of professional conduct for architects, engineers, land surveyors, and landscape architects [Minnesota Rules, parts 1805.0100 to 1805.1600]. The rules provide that, in connection with work for which the licensee or certificate holder is claiming credit, the licensee or certificate holder must accurately represent the licensee's or certificate holder's qualifications, education, and scope of responsibility for the work. The licensee or certificate holder must also accurately represent the qualifications, education, and scope of responsibility of any employer, employees, or associates. Minnesota does not issue permits or similar credentials for designers of engineering systems.

19. Contact Name

Dale Kleven, Administrative Rules Coordinator

20. Contact Phone Number

(608) 261-4472

This document can be made available in alternate formats to individuals with disabilities upon request.

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

ATTACHMENT A

1. Summary of Rule's Economic and Fiscal Impact on Small Businesses (Separately for each Small Business Sector, Include Implementation and Compliance Costs Expected to be Incurred)

2. Summary of the data sources used to measure the Rule's impact on Small Businesses

3. Did the agency consider the following methods to reduce the impact of the Rule on Small Businesses?

- Less Stringent Compliance or Reporting Requirements
 - Less Stringent Schedules or Deadlines for Compliance or Reporting
 - Consolidation or Simplification of Reporting Requirements
 - Establishment of performance standards in lieu of Design or Operational Standards
 - Exemption of Small Businesses from some or all requirements
 - Other, describe:
-

4. Describe the methods incorporated into the Rule that will reduce its impact on Small Businesses

5. Describe the Rule's Enforcement Provisions

6. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

- Yes No
-



Wisconsin Legislative Council

RULES CLEARINGHOUSE

Scott Grosz
Clearinghouse Director

Anne Sappenfield
Legislative Council Director

Margit Kelley
Clearinghouse Assistant Director

CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

CLEARINGHOUSE RULE **21-019**

AN ORDER to amend A-E 8.04 (5), relating to professional conduct.

Submitted by **EXAMINING BOARD OF ARCHITECTS, LANDSCAPE ARCHITECTS, PROFESSIONAL ENGINEERS, DESIGNERS, AND PROFESSIONAL LAND SURVEYORS**

02-22-2021 RECEIVED BY LEGISLATIVE COUNCIL.

03-16-2021 REPORT SENT TO AGENCY.

SG:TK

LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]

Comment Attached YES NO

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]

Comment Attached YES NO

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]

Comment Attached YES NO

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS
[s. 227.15 (2) (e)]

Comment Attached YES NO

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]

Comment Attached YES NO

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL
REGULATIONS [s. 227.15 (2) (g)]

Comment Attached YES NO

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]

Comment Attached YES NO

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

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Dale Kleven Administrative Rules Coordinator		2) Date When Request Submitted: 4/1/21 Items will be considered late if submitted after 12:00 p.m. on the deadline date: ▪ 8 business days before the meeting	
3) Name of Board, Committee, Council, Sections: Rules Committee of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Professional Land Surveyors			
4) Meeting Date: 4/13/21	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? 1:00 P.M. Public Hearing: CR 21-020 – A-E 2, Relating to General Procedures 1. Review and Respond to Public Comments and Clearinghouse Report	
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? <input type="checkbox"/> Yes (Fill out Board Appearance Request) <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed: 			
11) <i>Dale Kleven</i>		Authorization <i>April 1, 2021</i>	
Signature of person making this request		Date	
Supervisor (if required)		Date	
Executive 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 Policy Development Executive 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
EXAMINING BOARD OF ARCHITECTS, LANDSCAPE ARCHITECTS,
PROFESSIONAL ENGINEERS, DESIGNERS, AND PROFESSIONAL LAND
SURVEYORS

IN THE MATTER OF RULEMAKING	:	PROPOSED 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 PROFESSIONAL	:	PROFESSIONAL LAND SURVEYORS
LAND SURVEYORS	:	ADOPTING RULES
	:	(CLEARINGHOUSE RULE)

PROPOSED ORDER

An order of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, and Professional Land Surveyors to amend A-E 2.03 (1) (a) and (3) and 2.05 (1) and (2) (a) and (b); and to create A-E 2.06, relating to general procedures.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted:

Sections 440.09 and 443.015 (2), Stats.

Statutory authority:

Sections 15.08 (5) (b), 440.09 (5), and 443.015 (2), Stats.

Explanation of agency authority:

Section 15.08 (5) (b), Stats., provides an examining board “[s]hall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains...”

Section 440.09 (5), Stats., states that “[t]he department or credentialing board, as appropriate, may promulgate rules necessary to implement this section.”

Section 443.015 (2), Stats., provides that “[e]ach section of the examining board may promulgate rules governing the professional conduct of individuals, firms, partnerships, and corporations registered, permitted, certified, or granted a certificate of authorization by that section.”

Related statute or rule:

Section 440.09, Stats., specifies the requirements for issuing reciprocal credentials to service members, former service members, and the spouses of service members and former service members.

Plain language analysis:

The Board completed a comprehensive review of ch. A-E 2 to ensure the rules are current with standards of practice and consistent with statute. As a result, the following revisions have been made:

- The definition of “firm” in s. A-E 2.03 (1) (a) is updated to include a limited liability company or limited liability partnership located in Wisconsin that provides or offers to provide architectural, landscape architectural, professional engineering, design or professional land surveying services to the public.
- Section A-E 2.03 (3) is amended to clarify that it is upon request of the Board that a firm must provide notification of at least one resident who is in charge of and responsible for each separate business location.
- Section A-E 2.05 is updated to reflect that the applicable section of the Board makes determinations relating to the late renewal or reinstatement of a credential.
- Section A-E 2.06 is created to implement s. 440.09, Stats., as amended by 2019 Wisconsin Act 143. Section 440.09, Stats., specifies the requirements for issuing reciprocal credentials to service members, former service members, and the spouses of service members and former service members.

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

None.

Comparison with rules in adjacent states:**Illinois:**

Rules of the Illinois Department of Financial and Professional Regulation do not specify general requirements and procedures that apply to architects, engineers, and professional land surveyors. Instead, the rules separately specify requirements and procedures that apply to architects [68 Ill. Adm. Code 1150.10 to 1150.110], engineers [68 Ill. Adm. Code 1380.210 to 1380.325], and professional land surveyors [68 Ill. Adm. Code 1270.5 to 1270.65]. Illinois does not issue permits or similar credentials for designers of engineering systems or landscape architects.

The Illinois Statutes provide for the expedited licensure of service members and their spouses (20 ILCS 5/5-715). “Service member” includes a person whose active duty service concluded within the 2 years preceding application for licensure. A license issued to a service member or the spouse of a service member may be renewed.

Iowa:

The Iowa Administrative Code does not specify general requirements and procedures that apply to architects, engineers, professional land surveyors, and landscape architects. Instead, requirements and procedures for these professions are separately specified in rules of the Iowa Architectural Examining Board [193B IAC], Iowa Engineering and Land Surveying Examining Board [193C IAC], and Iowa Landscape Architectural Examining Board [193D IAC]. Iowa does not issue permits or similar credentials for designers of engineering systems.

Rules of the Professional Licensing and Regulation Bureau of the Iowa Department of Commerce provide for the expedited reciprocal licensure of a veteran or a spouse of an active duty service member (193 IAC 193.14.3). A reciprocal license issued to a veteran or a spouse of an active duty service member may be renewed.

Michigan:

Rules of the Michigan Department of Licensing and Regulatory Affairs do not specify general requirements and procedures that apply to architects, professional engineers, professional land surveyors, and landscape architects. Instead, the rules separately specify requirements and procedures that apply to architects [Mich Admin Code, R 339.15101 to R 339.15506], professional engineers [Mich Admin Code, R 339.16001 to R 339.16044], professional land surveyors [Mich Admin Code, R 339.17101 to R 339.17506], and landscape architects [Mich Admin Code, R 339.19023 to R 339.19041]. Michigan does not issue permits or similar credentials for designers of engineering systems.

The Michigan Statutes provide for temporary licensure of the spouse of an active duty service member (MCL 339.213). A temporary license is valid for 6 months and may be renewed for one additional 6-month term if it is determined the licensee continues to meet the requirements for temporary licensure and needs additional time to fulfill the requirements for initial licensure.

Minnesota:

Rules of the Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience, and Interior Design specify general requirements and procedures that apply to architects, engineers, land surveyors, and landscape architects [Minnesota Rules, parts 1800.0050 to 1800.0900]. Minnesota does not issue permits or similar credentials for designers of engineering systems.

The Minnesota Statutes provide for temporary licensure of an individual who is an active duty military member, the spouse of an active duty military member, or a veteran who has left service in the 2 years preceding the date of license application (2019 Minnesota Statutes, Section 197.4552). A temporary license allows a qualified individual to perform regulated professional services for a limited length of time as determined by the applicable licensing board. During the temporary license period, the individual must complete the full application procedure as required by applicable law.

Summary of factual data and analytical methodologies:

The proposed rules were developed by conducting a comprehensive review of the provisions of ch. A-E 2 and s. 440.09, Stats., as amended by 2019 Wisconsin Act 143, and obtaining input and feedback from the Rules Committee of the A-E Board.

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

The proposed rules were posted for a period of 14 days to solicit public comment on economic impact, including how the proposed rules may affect businesses, local government units, and individuals. No comments were received.

Fiscal Estimate and Economic Impact Analysis:

The Fiscal Estimate and Economic Impact Analysis document is 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 Daniel.Hereth@wisconsin.gov, or by calling (608) 267-2435.

Agency contact person:

Dale Kleven, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, Wisconsin 53708; telephone 608-261-4472; email at DSPSAdminRules@wisconsin.gov.

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

Comments may be submitted to Dale Kleven, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, WI 53708-8366, or by email to DSPSAdminRules@wisconsin.gov. Comments must be received at or before the public hearing scheduled for 1:00 PM on April 13, 2021 to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. A-E 2.03 (1) (a) and (3) are amended to read:

A-E 2.03 (1) (a) “Firm” means any sole proprietorship, partnership, ~~or~~ corporation, limited liability company, or limited liability partnership located in ~~Wisconsin~~ this state which provides or offers to provide architectural, landscape architectural, professional engineering, design, or professional land surveying services to the public.

(3) NOTICE. ~~Every firm shall notify~~ Upon request from the board, a firm shall provide notification of at least one resident who is in charge of and responsible for each separate business location.

SECTION 2. A-E 2.05 (1) and (2) (a) and (b) are amended to read:

A-E 2.05 (1) If a licensee an individual who fails to renew ~~his or her~~ a credential by the established renewal date applies for renewal of the credential less than 5 years after its expiration, the credential shall be renewed upon payment of the renewal fee specified in s. 440.08, Stats.

(2) (a) If a licensee an individual applies for renewal of ~~his or her~~ a credential more than 5 years after its expiration, the applicable section of the board shall determine whether the applicant is competent to practice under the credential in this state. The inquiry shall include a review of the applicant's practice within the previous 5 years, if any, in other licensing jurisdictions.

(b) After inquiry, the applicable section of the board shall impose any reasonable conditions on reinstatement of the credential as the ~~board~~ section deems appropriate, including a requirement that the applicant complete any current requirement for original licensure.

SECTION 3. A-E 2.06 is created to read:

A-E 2.06 Reciprocal credentials for service members, former service members, and their spouses.

(1) In this section, “reciprocal credential” means all of the following:

- (a) Registration as an architect.
- (b) Registration as a landscape architect.
- (c) Registration as a professional engineer.
- (d) Certification as an engineer-in-training.
- (e) A license to engage in the practice of professional land surveying.
- (f) A permit as a designer of engineering systems.

(2) A reciprocal credential shall be granted to a service member, former service member, or the spouse of a service member or former service member who the appropriate section of the board determines meets all of the requirements under s. 440.09 (2), Stats. Subject to s. 440.09 (2m), Stats., the section may request verification necessary to make a determination under this section.

SECTION 4. 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)

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis <input checked="" type="checkbox"/> Original <input type="checkbox"/> Updated <input type="checkbox"/> Corrected	2. Date October 29, 2020
3. Administrative Rule Chapter, Title and Number (and Clearinghouse Number if applicable) A-E 2	
4. Subject General procedures	
5. Fund Sources Affected <input type="checkbox"/> GPR <input type="checkbox"/> FED <input checked="" type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S	6. Chapter 20, Stats. Appropriations Affected 20.165 (1) (g)
7. Fiscal Effect of Implementing the Rule <input type="checkbox"/> No Fiscal Effect <input type="checkbox"/> Increase Existing Revenues <input checked="" type="checkbox"/> Increase Costs <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Indeterminate <input type="checkbox"/> Decrease Existing Revenues <input checked="" type="checkbox"/> Could Absorb Within Agency's Budget	
8. The Rule Will Impact the Following (Check All That Apply) <input type="checkbox"/> State's Economy <input type="checkbox"/> Specific Businesses/Sectors <input type="checkbox"/> Local Government Units <input type="checkbox"/> Public Utility Rate Payers <input type="checkbox"/> Small Businesses (if checked, complete Attachment A)	
9. Estimate of Implementation and Compliance to Businesses, Local Governmental Units and Individuals, per s. 227.137(3)(b)(1). \$0	
10. Would Implementation and Compliance Costs Businesses, Local Governmental Units and Individuals Be \$10 Million or more Over Any 2-year Period, per s. 227.137(3)(b)(2)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
11. Policy Problem Addressed by the Rule The Board completed a comprehensive review of ch. A-E 2 to ensure the rules are current with standards of practice and consistent with statute. As a result, the following revisions have been made: <ul style="list-style-type: none">• The definition of "firm" in s. A-E 2.03 (1) (a) is updated to include a limited liability company or limited liability partnership located in Wisconsin that provides or offers to provide architectural, landscape architectural, professional engineering, design or professional land surveying services to the public.• Section A-E 2.03 (3) is amended to clarify that it is upon request of the Board that a firm must provide notification of at least one resident who is in charge of and responsible for each separate business location.• Section A-E 2.05 is updated to reflect that the applicable section of the Board makes determinations relating to the late renewal or reinstatement of a credential.• Section A-E 2.06 is created to implement s. 440.09, Stats., as created by 2019 Wisconsin Act 143. Section 440.09, Stats., specifies the requirements for issuing reciprocal credentials to service members, former service members, and the spouses of service members and former service members.	
12. Summary of the Businesses, Business Sectors, Associations Representing Business, Local Governmental Units, and Individuals that may be Affected by the Proposed Rule that were Contacted for Comments. The proposed rule was posted on the Department of Safety and Professional Services' website for 14 days in order to solicit comments from businesses, representative associations, local governmental units, and individuals that may be affected by the rule. No comments were received.	
13. Identify the Local Governmental Units that Participated in the Development of this EIA. No local governmental units participated in the development of this EIA.	
14. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred) The proposed rule will not have a significant impact on specific businesses, business sectors, public utility rate payers, local governmental units, or the state's economy as a whole.	

ADMINISTRATIVE RULES

Fiscal Estimate & Economic Impact Analysis

The Department estimates one-time administrative costs of \$112.14. These costs may be absorbed in the agency budget.

15. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule

The benefit to implementing the rule is providing consistency with standards of practice and applicable Wisconsin statutes. If the rule is not implemented, this consistency will not be achieved.

16. Long Range Implications of Implementing the Rule

The long range implication of implementing the rule is consistency with standards of practice and applicable Wisconsin statutes.

17. Compare With Approaches Being Used by Federal Government

None.

18. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

Illinois:

Rules of the Illinois Department of Financial and Professional Regulation do not specify general requirements and procedures that apply to architects, engineers, and professional land surveyors. Instead, the rules separately specify requirements and procedures that apply to architects [68 Ill. Adm. Code 1150.10 to 1150.110], engineers [68 Ill. Adm. Code 1380.210 to 1380.325], and professional land surveyors [68 Ill. Adm. Code 1270.5 to 1270.65]. Illinois does not issue permits or similar credentials for designers of engineering systems or landscape architects.

The Illinois Statutes provide for the expedited licensure of service members and their spouses (20 ILCS 5/5-715).

“Service member” includes a person whose active duty service concluded within the 2 years preceding application for licensure. A license issued to a service member or the spouse of a service member may be renewed.

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ADMINISTRATIVE RULES
Fiscal Estimate & Economic Impact Analysis

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19. Contact Name	20. Contact Phone Number
Dale Kleven, Administrative Rules Coordinator	(608) 261-4472

This document can be made available in alternate formats to individuals with disabilities upon request.

ADMINISTRATIVE RULES
Fiscal Estimate & Economic Impact Analysis

ATTACHMENT A

1. Summary of Rule's Economic and Fiscal Impact on Small Businesses (Separately for each Small Business Sector, Include Implementation and Compliance Costs Expected to be Incurred)

2. Summary of the data sources used to measure the Rule's impact on Small Businesses

3. Did the agency consider the following methods to reduce the impact of the Rule on Small Businesses?

- Less Stringent Compliance or Reporting Requirements
 - Less Stringent Schedules or Deadlines for Compliance or Reporting
 - Consolidation or Simplification of Reporting Requirements
 - Establishment of performance standards in lieu of Design or Operational Standards
 - Exemption of Small Businesses from some or all requirements
 - Other, describe:
-

4. Describe the methods incorporated into the Rule that will reduce its impact on Small Businesses

5. Describe the Rule's Enforcement Provisions

6. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

- Yes No
-



Wisconsin Legislative Council

RULES CLEARINGHOUSE

Scott Grosz
Clearinghouse Director

Anne Sappenfield
Legislative Council Director

Margit Kelley
Clearinghouse Assistant Director

CLEARINGHOUSE RULE 21-020

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.]

2. Form, Style and Placement in Administrative Code

In the analysis for the proposed rule, under the heading for related statutes or rules, the board should consider adding citations to the regular credentialing provisions for architects, landscape architects, professional engineers, engineers in training, professional land surveyors, and designers of engineering systems in ss. A-E 3.02 (1), 4.025 (1), 4.026, 5.05, 6.02 (1), and 9.02 (1).

3. Conflict With or Duplication of Existing Rules

The current administrative rules, in ss. A-E 3.02 (1), 4.025 (1), 4.026, 5.05, 6.02 (1), and 9.02 (1), specify the materials that an applicant must submit to apply for regular credentialing. As these materials are different from the information that must be submitted under the provision created in the proposed rule, in s. A-E 2.06 (2), the current text of s. A-E 3.02 (1) and each of the other regular credentialing provisions should be amended to add the phrase, “Except as provided in s. A-E 2.06 (2),”.

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

Section 440.09 (2) (a), Stats., requires an individual who is applying for a reciprocal credential to apply using a form prescribed by the Department of Safety and Professional Services or the credentialing board. Accordingly, s. A-E 2.06 should be revised to include a note to indicate where the form may be found or how it may be obtained. [s. 227.14 (3), Stats.; and s. 1.12 (3), Manual.]

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

a. In s. A-E 2.03 (3), consider inserting the word “written” before “request”, to read: “Upon written request from the board.”

b. In s. A-E 2.06 (1) (intro.), it appears that the word “all” should be revised to “any”. Also, it is unclear why the word “reciprocal” is used in that portion of the definition, as there is nothing in the list of credentials that indicates any aspect of reciprocity. Is the subsection intended instead to define the term “credential”, as used in that section?

c. In s. A-E 2.06 (2), the board should use the active voice in the sentence structure, to clearly identify who must do what at what time. For example, “the board shall grant a license to an applicant who meets...”. The board could likewise consider revising the provision to first identify the materials that an applicant must submit to apply for the reciprocal credential. Lastly, the board should specify whether the required application materials are in addition to or notwithstanding the materials that an applicant must submit under s. A-E 3.02 (1) and each of the other regular credentialing provisions.

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

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Dale Kleven Administrative Rules Coordinator		2) Date When Request Submitted: 4/1/21 Items will be considered late if submitted after 12:00 p.m. on the deadline date: ▪ 8 business days before the meeting														
3) Name of Board, Committee, Council, Sections: Rules Committee of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Professional Land Surveyors																
4) Meeting Date: 4/13/21	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Administrative Rule Matters – Discussion and Consideration 1. Pending or Possible Rulemaking Projects a. A-E 4 and 13, Relating to Professional Engineers b. April 2021 A-E Board Report														
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? <input type="checkbox"/> Yes (Fill out Board Appearance Request) <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required:													
10) Describe the issue and action that should be addressed: 																
<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%; border-bottom: 1px solid black;"> 11) <i>Dale Kleven</i> </td> <td style="width: 40%; border-bottom: 1px solid black; text-align: center;"> Authorization </td> <td style="width: 30%; border-bottom: 1px solid black; text-align: right;"> <i>April 1, 2021</i> </td> </tr> <tr> <td style="border-bottom: 1px solid black;"> Signature of person making this request </td> <td colspan="2" style="border-bottom: 1px solid black; text-align: right;"> Date </td> </tr> <tr> <td style="border-bottom: 1px solid black;"> Supervisor (if required) </td> <td colspan="2" style="border-bottom: 1px solid black; text-align: right;"> Date </td> </tr> <tr> <td colspan="3" style="border-bottom: 1px solid black;"> Executive Director signature (indicates approval to add post agenda deadline item to agenda) </td> <td style="border-bottom: 1px solid black; text-align: right;"> Date </td> </tr> </table>				11) <i>Dale Kleven</i>	Authorization	<i>April 1, 2021</i>	Signature of person making this request	Date		Supervisor (if required)	Date		Executive Director signature (indicates approval to add post agenda deadline item to agenda)			Date
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Supervisor (if required)	Date															
Executive 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 Policy Development Executive Director. 3. If necessary, Provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.																

Pending or Possible Rulemaking Projects

The following is a summary of comments concerning chs. A-E 4 and 13, which have been provided by Karl Linck in his capacity as liaison to DSPPS staff for developing the report required under s. 227.29, Stats. The Professional Engineer Section reviewed the comments, and recommended they be presented to the Committee to determine if chs. A-E 4 and 13 should be opened for review and possible updates.

Chapter A-E 4: Professional Engineer Registration

A-E 4.025 Application for certification as an engineer-in-training

Engineers require either a two year or a four year degree in order to obtain licensure. However, part (b) of this section refers to 443.05 which allows in 443.05(b) an EIT to obtain a certificate without any degree. It should also be noted that 443.05 uses incorrect terminology by referring to approved schools or colleges. Programs are ABET/EAC accredited, not the school or college.

A-E 4.026 Application for registration as a profession engineer

This section becomes very confusing as to the status of a 4-year ABET/ETAC accredited program. WI approves a 4-year ABET/EAC program plus 4 years engineering experience and a 2-year ABET/ETAC program with 6 years experience. Isn't a 4-year ABET/ETAC program with 4 years experience equivalent to a 2-year ABET/ETAC program with 6 years experience? There are only 9 states in the US that currently do not accept an ETAC accredited engineering degree for licensure. As long as WI accepts the 2-year degree option, it seems that the 4-year ETAC should be considered equivalent to the 4- year EAC programs. NSPE currently lists WI as accepting an ETAC degree due to the 2-year option.

The inconsistent language and problems within 4.025 & 4.026 listed above could cause substantial economic disadvantage for a person seeking engineering licensure but turned down due to lack of proper approved program of study. Cost to correct issue due to misunderstanding of language could be overwhelming and make licensure not possible for some individuals.

A-E 4.07 (b) Principles and Practice Examination

NCEES actually offers 16 different Principles and Practice exams. The structural is the only one that is a two day versus one day exam. Seems like the proper wording would be something more in line with: "The required principles and practices of engineering examination is any one the offered NCEES Principle and Practices exams completed in entirety. Exam should reflect applicant's area of practice." Seems like some leftover wording from when WI had a different structure in exams where people selected questions within their area of expertise versus taking an exam within their area of expertise.

Chapter A-E 13: Continuing Education for Professional Engineers

A-E 13.03 (2)(a)

These paragraphs specifically call out ABET/EAC coursework as being college credit used for continuing education. However, it is allowable to graduate from an ABET/ETAC program for licensure under the two year option. Seems like for the purposes of continuing education ABET/EAC or ETAC courses should be allowed since they are both allowed for original licensure. Plus, many of the courses within an ETAC program may be significantly the same as a corresponding EAC course.

If an existing professional engineer who graduated from a two year ABET/ETAC program wishes to complete their 4 year degree under a ABET/ETAC program and wishes to use those same courses for continuing education, they would not be allowed to do so.

Administrative Rule	Status of Current Project	Anticipated Next Steps	Comments
A-E 1 to 13, relating to retired credential status	Emergency rules went into effect December 1, 2020. The final draft permanent rule is under Legislative review.	Once approved by the Legislature, the final permanent rule may be adopted.	
A-E 2, relating to general requirements and procedures: Act 108 review	A public hearing on the rules has been scheduled for the April 13, 2021 meeting of the Rules Committee.	The proposed rule will be finalized and submitted to the Governor’s Office for approval.	
A-E 3, relating to architect registration examination: In response to the Act 108 report, correcting outdated exam provisions	The final rules have been approved by the Legislature.	The Board may adopt the final rules at its April 14, 2021 meeting.	
A-E 5, relating to the designer permit: Updating the chapter to provide clarification on experience requirements	The final rules have been approved by the Legislature.	The Board may adopt the final rules at its April 14, 2021 meeting.	<i>The Designer Section does not have quorum.</i>
A-E 6, relating to professional land surveyor licensure: Updating the chapter to provide clarification on Wisconsin experience requirements	The final rules have been approved by the Legislature.	The Board may adopt the final rules at its April 14, 2021 meeting.	
A-E 7, relating to minimum standards for property surveys: Updating the chapter to provide clarification for licensees	The final rules have been approved by the Legislature.	The Board may adopt the final rules at its April 14, 2021 meeting.	

Administrative Rule	Status of Current Project	Anticipated Next Steps	Comments
A-E 8, relating to professional conduct: Act 108 Review	A public hearing on the rules has been scheduled for the April 13, 2021 meeting of the Rules Committee.	The proposed rule will be finalized and submitted to the Governor’s Office for approval.	
A-E 9, relating to landscape architect registration: Update to ensure compliance with 2017 Act 278.	The final rules have been approved by the Legislature.	The Board may adopt the final rules at its April 14, 2021 meeting.	

Pending Bills	Status	Anticipated Next Steps	Comments
N/A			