



**TELECONFERENCE/VIRTUAL MEETING
RULES COMMITTEE
EXAMINING BOARD OF ARCHITECTS, LANDSCAPE ARCHITECTS,
PROFESSIONAL ENGINEERS, DESIGNERS, PROFESSIONAL LAND SURVEYORS,
AND REGISTERED INTERIOR DESIGNERS
Virtual, 4822 Madison Yards Way, Madison
Contact: Will Johnson (608) 266-2112
April 10, 2024**

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

10:00 A.M.

OPEN SESSION – CALL TO ORDER – ROLL CALL

A. Adoption of Agenda (1-2)

B. Approval of Minutes of February 6, 2024 (3-4)

C. Administrative Matters

1. Department, Staff and Committee Updates
2. Committee Membership
 - a. Committee Members:
 1. Cotharn, Kristine A. – Prof. Engineer Section
 2. Fedderly, Daniel J. – Prof. Land Surveyor Section
 3. Heberling, Michael J. – Designer Section
 4. Hook, Steven J. – Public Member
 5. Myers, Dennis – Public Member
 6. Sina, Christopher – Landscape Architect Section
 7. Stroebel, Robin – Registered Interior Designer Section
 8. Uselmann, Corissa – Public Member
 9. Wagner, Steven L. – Architect Section
 - b. Alternate Members
 1. Destree, Melissa – Registered Interior Designer Section Alternate
 2. Douglas, Gregory – Architect Section Alternate
 3. Linck, Karl L. – Prof. Engineer Section Alternate
 4. Martin, Christina C. – Prof. Land Surveyor Section Alternate
 5. Tweed, Steven – Designer Section Alternate

D. Legislation and Policy Matters – Discussion and Consideration

**E. 10:00 A.M. PUBLIC HEARING: Clearinghouse Rule 24-028 (A-E 2, 7, and 8)
Relating to Sealing and Stamping (5-14)**

F. Administrative Rule Matters – Discussion and Consideration (15-57)

1. Discussion of Clearinghouse comments and public hearing comments for rule A-E 2, 7, and 8, Relating to Sealing and Stamping **(16-27)**
2. Discussion of preliminary rule draft for A-E 8, Relating to Supervision **(28-31)**
3. Discussion of preliminary rule draft for A-E 3, Relating to Architect Registration **(32-37)**
4. Discussion of Interior Design Final Rule Draft **(38-56)**
5. Pending or Possible Rulemaking Project **(57)**

G. Public Comments

ADJOURNMENT

NEXT DATE: JUNE 20, 2024

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 virtually unless otherwise indicated. In-person meetings are typically conducted at 4822 Madison Yards Way, Madison, Wisconsin, unless an alternative location is listed on the meeting notice. In order to confirm a meeting or to request a complete copy of the board’s agenda, please visit the Department website at <https://dsps.wi.gov>. 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, or reach the Meeting Staff by calling 608-267-7213.

**VIRTUAL/TELECONFERENCE
A-E RULES COMMITTEE
EXAMINING BOARD OF ARCHITECTS, LANDSCAPE ARCHITECTS,
PROFESSIONAL ENGINEERS, DESIGNERS, PROFESSIONAL LAND SURVEYORS
AND REGISTERED INTERIOR DESIGNERS
MEETING MINUTES
FEBRUARY 6, 2024**

PRESENT: Gregory Douglas, Daniel Fedderly, Michael Heberling, Steve Hook, Karl Linck, Dennis Myers, Christopher Sina, Robin Stroebel, Corissa Uselmann

EXCUSED: Kristine Cotharn, Steven Wagner

STAFF: Will Johnson, Executive Director; Joseph Ricker, Legal Counsel; Jacob Pelegrin, Administrative Rule Coordinator; Brenda Taylor, Board Services Supervisor; and other Department Staff

CALL TO ORDER

Daniel Fedderly, Chairperson, called the meeting to order at 9:59 a.m. A quorum was confirmed with nine (9) members present.

ADOPTION OF AGENDA

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

APPROVAL OF MINUTES OF OCTOBER 10, 2023

MOTION: Steve Hook moved, seconded by Dennis Myers, to adopt the Minutes from October 10, 2023, as published. Motion carried unanimously.

Election of Officers

NOMINATION: Dennis Myers nominated the 2023 slate of officers to continue in 2024. All officers accepted their nominations.

Will Johnson, Executive Director, called for nominations three (3) times.

The Slate of Officers was elected by unanimous voice vote.

ELECTION RESULTS	
Chairperson	Daniel Fedderly
Vice Chairperson	Christopher Sina
Secretary	Dennis Myers

ADMINISTRATIVE RULE MATTERS

Accepting Clearinghouse comments for A-E 1 to 15

MOTION: Dennis Myers moved, seconded by Christopher Sina, to reject Clearinghouse comment numbers 3, 4, 5a, 5c, 5f, and 5l, and to accept all remaining Clearinghouse comments for rule A-E 1 to 15. Motion carried unanimously.

Approval of Final Rule Draft and Report to the Legislature for A-E 1 to 15

MOTION: Dennis Myers moved, seconded by Steve Hook, to authorize the Chair (or in absence of the Chairperson, the highest-ranking officer or longest serving committee member in that succession) to approve the Final Rule Draft and Report to the Legislature for rule A-E 1 to 15 for submittal to the Governor's Office and Legislature. Motion carried unanimously.

Approval of Scope Implementation for A-E 6

MOTION: Dennis Myers moved, seconded by Karl Linck, to approve Scope Statement SS-101-23 on rule A-E 6 for scope implementation. Motion carried unanimously.

Approval of Preliminary Rule Draft for A-E 2, 7, 8

MOTION: Karl Linck moved, seconded by Dennis Myers, to approve the preliminary rule draft of A-E 2, 7, 8 for posting for Economic Impact Analysis comments and submittal to the Clearinghouse. Motion carried unanimously.

ADJOURNMENT

MOTION: Dennis Myers moved, seconded by Christopher Sina, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 10:28 a.m.

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

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Jake Pelegrin Administrative Rules Coordinator		2) Date when request submitted: 3/28/24 Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting																
3) Name of Board, Committee, Council, Sections: A-E Rules Committee																		
4) Meeting Date: 4/10/24	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? The A-E Rules Committee will hold a public hearing on rule A-E 2, 7, and 8 related to Sealing and Stamping.																
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <i>(If yes, please complete Appearance Request for Non-DSPS Staff)</i> <input type="checkbox"/> Yes <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: Attachments: -Notice of Public Hearing and Final Rule Draft for A-E 2, 7, and 8																		
<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 10%;">11)</td> <td style="width: 60%; text-align: center;">Authorization</td> <td style="width: 30%;"></td> </tr> <tr> <td></td> <td style="text-align: center;"><i>Jake Pelegrin</i></td> <td style="text-align: center;">3/28/24</td> </tr> <tr> <td colspan="2" style="border-top: 1px solid black;">Signature of person making this request</td> <td style="border-top: 1px solid black;">Date</td> </tr> <tr> <td colspan="2" style="border-top: 1px solid black;">Supervisor (if required)</td> <td style="border-top: 1px solid black;">Date</td> </tr> <tr> <td colspan="2" style="border-top: 1px solid black;">Executive Director signature (indicates approval to add post agenda deadline item to agenda)</td> <td style="border-top: 1px solid black;">Date</td> </tr> </table>				11)	Authorization			<i>Jake Pelegrin</i>	3/28/24	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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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.																		

Notice of Public Hearing

The Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, Professional Land Surveyors, and Registered Interior Designers announces that it will hold a public hearing on the rule revising A-E 2, 7, and 8, relating to Sealing and Stamping, at the time and place shown below.

Hearing Information

Date: April 10, 2024

Time: 10:00 A.M.

Location: Information concerning the location of the hearing will be available at:

<https://dsps.wi.gov/Pages/BoardsCouncils/AE/Meetings.aspx>

Appearances at the Hearing and Submittal of Written Comments

The rule may be reviewed and comments submitted at:

<http://docs.legis.wisconsin.gov/code/chr/hearings>.

Comments may also be submitted to Jake Pelegrin, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 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 to be included in the record of rulemaking proceedings.

Initial Regulatory Flexibility Analysis

The proposed rule will not have an effect on small businesses, as defined under s. 227.114 (1).

Agency Small Business Regulatory Coordinator

The Department's Regulatory Review Coordinator may be contacted by calling (608) 266-2112.

STATE OF WISCONSIN
EXAMINING BOARD OF ARCHITECTS, LANDSCAPE ARCHITECTS,
PROFESSIONAL ENGINEERS, DESIGNERS, PROFESSIONAL LAND
SURVEYORS AND REGISTERED INTERIOR DESIGNERS

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,
DESIGNERS, PROFESSIONAL	:	PROFESSIONAL LAND
LAND SURVEYORS, AND REGISTERED	:	SURVEYORS, AND
INTERIOR DESIGNERS	:	REGISTERED INTERIOR
	:	DESIGNERS
	:	ADOPTING RULES
	:	(CLEARINGHOUSE RULE)

PROPOSED ORDER

An order of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, Professional Land Surveyors, and Registered Interior Designers to **repeal** A-E 2.02 (7) (a) and A-E 2.02 (7) (b) 2. (Note); to **amend** A-E 2.02 (5), A-E 2.02 (7) (b), A-E 2.02 (8) (a), A-E 2.04, A-E 7.05 (8), A-E 7.08 (3) (i), A-E 7.08 (4) (c), A-E 8.04 (1), (3), and (5), A-E 8.05 (1) (a), (c), and (2), A-E 8.06 (2) and (3), A-E 8.08 (3), A-E 8.10, and A-E 8.11 (intro), (1), (2), and (4); to **repeal and recreate** A-E 2.02 (3) and A-E 2.02 (7) (b) 1. and 2.; and to **create** A-E 2.02 (7) (b) 3. relating to sealing and stamping of documents.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted:

Sections 443.08 (4) (b), 443.11 (1) (b), 443.17, and 443.175, Stats.

Statutory authority:

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

Explanation of agency authority:

Section 15.08 (5) (b), Stats. provides that each examining board “[s]hall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains, and define and enforce professional conduct and unethical practices not inconsistent with the law relating to the particular trade or profession.”

Section 227.11 (2) (a), Stats. provides that “Each agency may promulgate rules interpreting the provisions of any statute enforced or administered by the agency, if the agency considers it necessary to effectuate the purpose of the statute, but a rule is not valid if the rule exceeds the bounds of correct interpretation.”

Section 443.015 (2), Stats. provides that “Each 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:

None.

Plain language analysis:

This rule provides clarification within code chapters A-E 2, 7, and 8 relating to sealing and signing and eliminates redundant words or sentences that might bring confusion to stakeholders. The words “stamp” or “stamping” are being removed and being replaced with “seal” or “sealing”, where it does not already exist. The rule makes clear that use of electronically applied seals and signatures are allowed. And the rule changes instances where “registrants”, “permit holders”, or “licensees” are used incorrectly, where the correct term is “credential holders”, because that term includes all professions covered by the A-E code.

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 seal requirement standards for architects [68 Ill. Adm. Code 1150], professional engineers [68 Ill. Adm. Code 1380.295], and professional land surveyors [68 Ill. Adm. Code 1270.58]. Licensed Architects and Professional Engineers must have a reproducible seal, which may be electronically affixed, or, at the licensed professional’s discretion, an original signature in the licensee's handwriting, a scanned copy of documents bearing an original signature, or a signature generated by a computer.

Land surveyors must have a reproducible seal or facsimile, which may be computer generated, the impression of which shall contain the name of the land surveyor, his or her place of business, the license number of the professional land surveyor, and the words "Professional Land Surveyor, State of Illinois." They may also provide an original signature in the licensee's handwriting, a scanned copy of the document bearing an original signature, or a signature generated by a computer.

Iowa:

Rules covering seal requirements for architects, engineers, professional land surveyors, and landscape architects are specified by the Iowa Architectural Examining Board [193B IAC 4.6], the Iowa Engineering and Land Surveying Examining Board [193C IAC 6.1(1) to 6.1(9)], and the Iowa Landscape Architectural Examining Board [193D IAC 4.1(7)]. Iowa currently does not have seal requirements for Interior Designers [193G IAC]. Architects, Landscape Architects and Professional Land Surveyors may provide seals presented as a legible rubber stamp, an electronic image or any other facsimile of the seal. The information requested in each information block must be typed or legibly printed in permanent ink or a secure electronic signature which has been defined in Iowa Code section 554D.103(14), which includes digital signature technology.

Michigan:

Rules of the Michigan Department of Licensing and Regulatory Affairs provide seal requirements for architects [Mich Admin Code, R 339.15404], professional engineers [Mich Admin Code, R 339.16031 to R 339.16034], professional surveyors [Mich Admin Code, R 339.17301], and landscape architects [Mich Admin Code, R 339.19041]. In the State of Michigan rules, there are no differences specified between the types of seals or stamps.

Minnesota:

The Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience, and Interior Design provide seal requirements for licensed architects, licensed professional engineers, licensed land surveyors, and licensed landscape architects [Minnesota Rules, part 1800.4300].

Within the State of Minnesota, professional certifications and signatures on plans, drawings, specifications, plats, reports, and other documents may be electronic, or provided via facsimile or digitally. Plans, specifications, plats, reports, and other documents may be stamped with the seal during the life of a licensee's license or certificate holder's certificate if it remains unrevoked, has not expired, or has not been suspended.

Summary of factual data and analytical methodologies:

The proposed rule was developed by conducting a comprehensive review of the provisions of chapters A-E 2, 7, and 8, reviewing professional sealing and signing provisions from surrounding states, 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 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 at Jennifer.Garrett@wisconsin.gov or (608) 266-2112.

Agency contact person:

Jake Pelegrin, 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 608-267-0989; email at DSPSAdminRules@wisconsin.gov.

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

Comments may be submitted to Jake Pelegrin, 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 on or before the public hearing, scheduled for April 10, 2024, to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. A-E 2.02 (3) is repealed and recreated to read:

A-E 2.02 (3) The registration seal may be an embossing seal, an ink stamp seal, a digitally printed seal, or digitally embedded seal in an electronic file.

SECTION 2. A-E 2.02 (5) is amended to read:

A-E 2.02 (5) If more than one sheet is bound together in a volume, the ~~registrant or permit~~ credential holder who prepared or directed and controlled the preparation of the volume, may sign, seal and date only the title or index sheet if the signed sheet identifies clearly all other sheets comprising the bound volume and if any other sheets which are prepared by or under the direction and control of another ~~registrant or permit~~ credential holder are signed, sealed and dated by the other ~~registrant or permit~~ credential holder.

SECTION 3. A-E 2.02 (7) (a) is repealed.

SECTION 4. A-E 2.02 (7) (b) is amended to read:

A-E 2.02 (7) (b) All seals ~~and stamps~~ on plans, drawings, documents, specifications, and reports to be filed as public documents shall be signed and dated by the ~~registered professional~~ credential holder in one of the following manners:

SECTION 5. A-E 2.02 (7) (b) 1. and 2. are repealed and recreated to read:

A-E 2.02 (7) (b) 1. Physical placement of a seal and a handwritten signature in permanent ink containing the name of the credential holder and date.

2. Digital placement of a seal and a handwritten signature in permanent ink containing the name of the credential holder and date.

SECTION 6. A-E 2.02 (7) (b) 2. (Note) is repealed.

SECTION 7. A-E 2.02 (7) (b) 3. is created to read:

A-E 2.02 (7) (b) 3. Digital placement of a seal and an electronic signature containing the name of the credential holder and date.

SECTION 8. A-E 2.02 (8) (a) is amended to read:

A-E 2.02 (8) (a) The plans, specifications and calculations shall have been prepared by or under the supervision of an architect or professional engineer licensed in some state of the United States, and shall bear the ~~signature and seal or stamp~~ and signature of the architect or professional engineer who prepared them or under whose supervision and control they were prepared.

SECTION 9. A-E 2.04 is amended to read:

A-E 2.04 Change of address. Every ~~registrant or permit~~ credential holder shall notify the board in writing of a change of address within 30 days of the change. The notice shall include the person's or firm's former and new addresses and each ~~registration or permit~~ credential number held.

SECTION 10. A-E 7.05 (8) is amended to read:

A-E 7.05 (8) The map shall bear the ~~stamp or seal, name, and address,~~ and signature of the professional land surveyor under whose direction and control the property survey was made with a statement certifying that the property survey complies with this chapter and is correct to the best of the professional land surveyor's knowledge and belief.

SECTION 11. A-E 7.08 (3) (i) is amended to read:

A-E 7.08 (3) (i) The ~~stamp and signature or seal and signature~~ of the professional

land surveyor under whose direction and control the corner location was determined and a statement certifying that the U.S. public land survey monument record is correct and complete to the best of the professional land surveyor's knowledge and belief.

SECTION 12. A-E 7.08 (4) (c) is amended to read:

A-E 7.08 (4) (c) The ~~stamp and signature or seal and signature~~ of the professional land surveyor under whose direction and control the corner location was determined or witness monument established.

SECTION 13. A-E 8.04 (1), (3), and (5) are amended to read:

A-E 8.04 (1) Shall accurately and truthfully represent to a prospective client or employer the capabilities and qualifications which the ~~registrant or licensee~~ credential holder has to perform the services to be rendered.

(3) May not offer to perform, nor perform, services which the ~~registrant or licensee~~ credential holder is not qualified to perform by education or experience without retaining the services of another who is qualified.

(5) May not misrepresent the extent to which the performance of services will involve a partnership or association with another ~~registrant or licensee~~ credential holder or misrepresent the identity of a ~~registrant or licensee~~ credential holder with whom a partnership or association will be engaged in for the performance of services.

SECTION 14. A-E 8.05 (1) (a), (c), and (2) are amended to read:

A-E 8.05 (1) (a) Shall avoid conflicts of interest. If an unavoidable conflict of interest arises, the ~~registrant or licensee~~ credential holder shall immediately inform the client or employer of all the circumstances which may interfere with or impair the ~~registrant's or licensee's~~ credential holder's obligation to provide professional services. Under these circumstances a ~~registrant or licensee~~ credential holder may not proceed to provide professional services without the full approval and consent of the client or employer.

(c) May not agree to perform professional services for a client or employer if the ~~registrant or licensee~~ credential holder has a significant financial or other interest which would impair or interfere with the ~~registrant's or licensee's~~ credential holder's responsibility to faithfully discharge professional services on behalf of the client or employer.

(2) Nothing in these rules limits a ~~registrant's or a licensee's~~ credential holder's professional responsibility to an owner of a project when the ~~registrant or licensee~~ credential holder is employed by a person or firm under contract to construct and furnish design services for that project.

SECTION 15. A-E 8.06 (2) and (3) are amended to read:

A-E 8.06 (2) May not evade the professional or contractual responsibility which the ~~registrant or licensee~~ credential holder has to a client or employer.

(3) May not enter into an agreement which provides that a person not legally and actually qualified to perform professional services has control over the ~~registrant's or licensee's~~ credential holder's judgment as related to public health, safety or welfare.

SECTION 16. A-E 8.08 (3) is amended to read:

A-E 8.08 (3) Shall respond in a timely manner to a request by the board, a section of the board or the department for information in conjunction with an investigation of a complaint filed against a ~~registrant or licensee~~ credential holder. There is a rebuttable presumption that a ~~registrant or licensee~~ credential holder who takes longer than 30 days to respond to a request for information has not acted in a timely manner.

SECTION 17. A-E 8.10 is amended to read:

A-E 8.10 Plan stamping sealing.

A-E 8.10 (1) No architect, landscape architect, professional engineer or designer may ~~sign, seal or stamp~~ and sign any plans, drawings, documents, specifications or reports for architectural, landscape architectural, professional engineering or design practice which are not prepared by the ~~registrant~~ credential holder or under his or her personal direction and control.

A-E 8.10 (2) No professional land surveyor may ~~sign, seal or stamp~~ and sign any maps, plats, charts, or reports for professional land surveying practice which are not prepared by the professional land surveyor or under his or her personal direction and control.

A-E 8.10 (3) No architect, landscape architect, professional engineer, designer or professional land surveyor shall allow work performed by him or her or under his or her personal direction and control to be ~~signed, sealed or stamped~~ and signed by another except that an architect, landscape architect, professional engineer, designer or professional land surveyor working under the personal direction and control of another ~~registrant or licensee~~ credential holder may allow that ~~registrant or licensee~~ credential holder to ~~sign and seal or stamp~~ and sign the work.

SECTION 18. A-E 8.11 (intro), (1), (2), and (4) are amended to read:

A-E 8.11 Suspension of registration credential; effect. Any ~~registrant or licensee~~ credential holder whose ~~registration or license~~ credential has been suspended is prohibited during the term of the suspension from engaging in any of the following:

(1) Offering to perform any service which requires ~~registration or licensure~~ a credential.

(2) Performing any professional service which requires ~~registration or licensure~~ a credential.

(4) Entering into contracts the performance of which require ~~registration or licensure~~ a credential.

SECTION 19. 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)

DRAFT

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

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Jake Pelegrin Administrative Rules Coordinator		2) Date when request submitted: 3/28/24 Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting	
3) Name of Board, Committee, Council, Sections: A-E Rules Committee			
4) Meeting Date: 4/10/24	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. Discussion of Clearinghouse comments and public hearing comments for rule A-E 2, 7, and 8 related to Sealing and Stamping 2. Discussion of preliminary rule draft for AE 8 relating to Supervision 3. Discussion of preliminary rule draft for AE 3 relating to Architect Registration 4. FYI for the Board - Interior Design Final Rule Draft, which is currently with the Legislature for review 5. Pending or possible rulemaking items	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <i>(If yes, please complete Appearance Request for Non-DSPS Staff)</i> <input type="checkbox"/> Yes <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: Attachments: -Clearinghouse Report and Final Rule Draft for A-E 2, 7, and 8 -Preliminary rule draft for AE 8 relating to Supervision -Preliminary rule draft for AE 3 relating to Architect Registration -Final Rule Draft for Interior Design -AE Rules Chart			
11) <i>Jake Pelegrin</i>		Authorization 3/28/24	
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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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 **24-028**

AN ORDER to repeal A-E 2.02 (7) (a) (intro.) and 1., and (b) 2. (Note); to amend A-E 2.02 (5), (7) (b) (intro.), and (8) (a), 7.05 (8), 7.08 (3) (i) and (4) (c), and 8.10 (title), (1), (2), and (3); to repeal and recreate A-E 2.02 (3) and (7) (b) 1. and 2.; and to create A-E 2.02 (7) (b) 3., relating to sealing and stamping of documents.

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

03-05-2024 RECEIVED BY LEGISLATIVE COUNCIL.

03-21-2024 REPORT SENT TO AGENCY.

MSK:AG

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



Wisconsin Legislative Council

RULES CLEARINGHOUSE

Scott Grosz
Clearinghouse Director

Margit Kelley
Clearinghouse Assistant Director

Anne Sappenfield
Legislative Council Director

CLEARINGHOUSE RULE 24-028

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

- a. The following comments apply to the agency’s analysis for the proposed rule:
 - (1) In the plain language analysis, consider elaborating on the nature of the changes made by the proposed rule. A plain language analysis should contain sufficient detail to enable a reader to understand the content of the proposed rule and the changes made from the existing rule. [s. 1.01 (2) (a) 5. and (b), Manual.]
 - (2) In the listing of the deadline to submit comments on the proposed rule, a specific date should be given, or a description of how a reader would determine that date, rather than stating “on a date to be determined”.
- b. In SECTION 3 of the proposed rule, the treatment clause can simply state, “A-E 2.02 (7) (a) is repealed”, as the treatment applies to the entire paragraph and its only subunit. Similarly, in the caption for the proposed rule, in the listing of affected provisions, s. A-E 2.02 (7) (a) can be listed without identifying the subunit.
- c. The following comments apply to SECTION 12 of the proposed rule, amending s. A-E 8.10:
 - (1) The treatment clause can simply state, “A-E 8.10 is amended to read”, as the treatment applies to the entire section. Similarly, in the caption for the proposed rule, in the listing of affected provisions, s. A-E 8.10 can be listed without identifying the subunits.
 - (2) In a number of the instances in which a word or phrase is shown with a strike-through and a new word or phrase is inserted with underscoring, the stricken word or phrase should be revised to precede the underscored word or phrase. For example, in s. A-E 8.10 (1), the text “~~and sign~~ or stamp” should be reversed and shown as “~~or stamp~~ and sign”. This also occurs in subs. (2) and (3).

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

In provisions of chs. A-E 2 and 8 that are not amended by the proposed rule, consider changing all references to “registrant or permit holder” to the phrase “credential holder”, in order to be consistent with the terminology used in the proposed rule. For example, references to a registrant or permit holder remain in ss. A-E 2.02 (4), 2.02 (6), 2.04, 8.04, 8.05, 8.06, 8.08, and 8.11. These provisions could be included and amended in the proposed rule. If added, the rule caption’s listing of affected provisions should also be updated.

STATE OF WISCONSIN
EXAMINING BOARD OF ARCHITECTS, LANDSCAPE ARCHITECTS,
PROFESSIONAL ENGINEERS, DESIGNERS, PROFESSIONAL LAND
SURVEYORS AND REGISTERED INTERIOR DESIGNERS

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,
DESIGNERS, PROFESSIONAL	:	PROFESSIONAL LAND
LAND SURVEYORS, AND REGISTERED	:	SURVEYORS, AND
INTERIOR DESIGNERS	:	REGISTERED INTERIOR
	:	DESIGNERS
	:	ADOPTING RULES
	:	(CLEARINGHOUSE RULE)

PROPOSED ORDER

An order of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, Professional Land Surveyors, and Registered Interior Designers to **repeal** A-E 2.02 (7) (a) and A-E 2.02 (7) (b) 2. (Note); to **amend** A-E 2.02 (5), A-E 2.02 (7) (b), A-E 2.02 (8) (a), A-E 2.04, A-E 7.05 (8), A-E 7.08 (3) (i), A-E 7.08 (4) (c), A-E 8.04 (1), (3), and (5), A-E 8.05 (1) (a), (c), and (2), A-E 8.06 (2) and (3), A-E 8.08 (3), A-E 8.10, and A-E 8.11 (intro), (1), (2), and (4); to **repeal and recreate** A-E 2.02 (3) and A-E 2.02 (7) (b) 1. and 2.; and to **create** A-E 2.02 (7) (b) 3. relating to sealing and stamping of documents.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted:

Sections 443.08 (4) (b), 443.11 (1) (b), 443.17, and 443.175, Stats.

Statutory authority:

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

Explanation of agency authority:

Section 15.08 (5) (b), Stats. provides that each examining board “[s]hall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains, and define and enforce professional conduct and unethical practices not inconsistent with the law relating to the particular trade or profession.”

Section 227.11 (2) (a), Stats. provides that “Each agency may promulgate rules interpreting the provisions of any statute enforced or administered by the agency, if the agency considers it necessary to effectuate the purpose of the statute, but a rule is not valid if the rule exceeds the bounds of correct interpretation.”

Section 443.015 (2), Stats. provides that “Each 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:

None.

Plain language analysis:

This rule provides clarification within code chapters A-E 2, 7, and 8 relating to sealing and signing and eliminates redundant words or sentences that might bring confusion to stakeholders. The words “stamp” or “stamping” are being removed and being replaced with “seal” or “sealing”, where it does not already exist. The rule makes clear that use of electronically applied seals and signatures are allowed. And the rule changes instances where “registrants”, “permit holders”, or “licensees” are used incorrectly, where the correct term is “credential holders”, because that term includes all professions covered by the A-E code.

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 seal requirement standards for architects [68 Ill. Adm. Code 1150], professional engineers [68 Ill. Adm. Code 1380.295], and professional land surveyors [68 Ill. Adm. Code 1270.58]. Licensed Architects and Professional Engineers must have a reproducible seal, which may be electronically affixed, or, at the licensed professional’s discretion, an original signature in the licensee's handwriting, a scanned copy of documents bearing an original signature, or a signature generated by a computer.

Land surveyors must have a reproducible seal or facsimile, which may be computer generated, the impression of which shall contain the name of the land surveyor, his or her place of business, the license number of the professional land surveyor, and the words "Professional Land Surveyor, State of Illinois." They may also provide an original signature in the licensee's handwriting, a scanned copy of the document bearing an original signature, or a signature generated by a computer.

Iowa:

Rules covering seal requirements for architects, engineers, professional land surveyors, and landscape architects are specified by the Iowa Architectural Examining Board [193B IAC 4.6], the Iowa Engineering and Land Surveying Examining Board [193C IAC 6.1(1) to 6.1(9)], and the Iowa Landscape Architectural Examining Board [193D IAC 4.1(7)]. Iowa currently does not have seal requirements for Interior Designers [193G IAC]. Architects, Landscape Architects and Professional Land Surveyors may provide seals presented as a legible rubber stamp, an electronic image or any other facsimile of the seal. The information requested in each information block must be typed or legibly printed in permanent ink or a secure electronic signature which has been defined in Iowa Code section 554D.103(14), which includes digital signature technology.

Michigan:

Rules of the Michigan Department of Licensing and Regulatory Affairs provide seal requirements for architects [Mich Admin Code, R 339.15404], professional engineers [Mich Admin Code, R 339.16031 to R 339.16034], professional surveyors [Mich Admin Code, R 339.17301], and landscape architects [Mich Admin Code, R 339.19041]. In the State of Michigan rules, there are no differences specified between the types of seals or stamps.

Minnesota:

The Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience, and Interior Design provide seal requirements for licensed architects, licensed professional engineers, licensed land surveyors, and licensed landscape architects [Minnesota Rules, part 1800.4300].

Within the State of Minnesota, professional certifications and signatures on plans, drawings, specifications, plats, reports, and other documents may be electronic, or provided via facsimile or digitally. Plans, specifications, plats, reports, and other documents may be stamped with the seal during the life of a licensee's license or certificate holder's certificate if it remains unrevoked, has not expired, or has not been suspended.

Summary of factual data and analytical methodologies:

The proposed rule was developed by conducting a comprehensive review of the provisions of chapters A-E 2, 7, and 8, reviewing professional sealing and signing provisions from surrounding states, 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 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 at Jennifer.Garrett@wisconsin.gov or (608) 266-2112.

Agency contact person:

Jake Pelegrin, 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 608-267-0989; email at DSPSAdminRules@wisconsin.gov.

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

Comments may be submitted to Jake Pelegrin, 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 on or before the public hearing, scheduled for April 10, 2024, to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. A-E 2.02 (3) is repealed and recreated to read:

A-E 2.02 (3) The registration seal may be an embossing seal, an ink stamp seal, a digitally printed seal, or digitally embedded seal in an electronic file.

SECTION 2. A-E 2.02 (5) is amended to read:

A-E 2.02 (5) If more than one sheet is bound together in a volume, the ~~registrant or permit~~ credential holder who prepared or directed and controlled the preparation of the volume, may sign, seal and date only the title or index sheet if the signed sheet identifies clearly all other sheets comprising the bound volume and if any other sheets which are prepared by or under the direction and control of another ~~registrant or permit~~ credential holder are signed, sealed and dated by the other ~~registrant or permit~~ credential holder.

SECTION 3. A-E 2.02 (7) (a) is repealed.

SECTION 4. A-E 2.02 (7) (b) is amended to read:

A-E 2.02 (7) (b) All seals ~~and stamps~~ on plans, drawings, documents, specifications, and reports to be filed as public documents shall be signed and dated by the ~~registered professional~~ credential holder in one of the following manners:

SECTION 5. A-E 2.02 (7) (b) 1. and 2. are repealed and recreated to read:

A-E 2.02 (7) (b) 1. Physical placement of a seal and a handwritten signature in permanent ink containing the name of the credential holder and date.

2. Digital placement of a seal and a handwritten signature in permanent ink containing the name of the credential holder and date.

SECTION 6. A-E 2.02 (7) (b) 2. (Note) is repealed.

SECTION 7. A-E 2.02 (7) (b) 3. is created to read:

A-E 2.02 (7) (b) 3. Digital placement of a seal and an electronic signature containing the name of the credential holder and date.

SECTION 8. A-E 2.02 (8) (a) is amended to read:

A-E 2.02 (8) (a) The plans, specifications and calculations shall have been prepared by or under the supervision of an architect or professional engineer licensed in some state of the United States, and shall bear the ~~signature and seal or stamp~~ and signature of the architect or professional engineer who prepared them or under whose supervision and control they were prepared.

SECTION 9. A-E 2.04 is amended to read:

A-E 2.04 Change of address. Every ~~registrant or permit~~ credential holder shall notify the board in writing of a change of address within 30 days of the change. The notice shall include the person's or firm's former and new addresses and each ~~registration or permit~~ credential number held.

SECTION 10. A-E 7.05 (8) is amended to read:

A-E 7.05 (8) The map shall bear the ~~stamp or seal, name, and address,~~ and signature of the professional land surveyor under whose direction and control the property survey was made with a statement certifying that the property survey complies with this chapter and is correct to the best of the professional land surveyor's knowledge and belief.

SECTION 11. A-E 7.08 (3) (i) is amended to read:

A-E 7.08 (3) (i) The ~~stamp and signature or seal and signature~~ of the professional

land surveyor under whose direction and control the corner location was determined and a statement certifying that the U.S. public land survey monument record is correct and complete to the best of the professional land surveyor's knowledge and belief.

SECTION 12. A-E 7.08 (4) (c) is amended to read:

A-E 7.08 (4) (c) The ~~stamp and signature or seal and signature~~ of the professional land surveyor under whose direction and control the corner location was determined or witness monument established.

SECTION 13. A-E 8.04 (1), (3), and (5) are amended to read:

A-E 8.04 (1) Shall accurately and truthfully represent to a prospective client or employer the capabilities and qualifications which the ~~registrant or licensee~~ credential holder has to perform the services to be rendered.

(3) May not offer to perform, nor perform, services which the ~~registrant or licensee~~ credential holder is not qualified to perform by education or experience without retaining the services of another who is qualified.

(5) May not misrepresent the extent to which the performance of services will involve a partnership or association with another ~~registrant or licensee~~ credential holder or misrepresent the identity of a ~~registrant or licensee~~ credential holder with whom a partnership or association will be engaged in for the performance of services.

SECTION 14. A-E 8.05 (1) (a), (c), and (2) are amended to read:

A-E 8.05 (1) (a) Shall avoid conflicts of interest. If an unavoidable conflict of interest arises, the ~~registrant or licensee~~ credential holder shall immediately inform the client or employer of all the circumstances which may interfere with or impair the ~~registrant's or licensee's~~ credential holder's obligation to provide professional services. Under these circumstances a ~~registrant or licensee~~ credential holder may not proceed to provide professional services without the full approval and consent of the client or employer.

(c) May not agree to perform professional services for a client or employer if the ~~registrant or licensee~~ credential holder has a significant financial or other interest which would impair or interfere with the ~~registrant's or licensee's~~ credential holder's responsibility to faithfully discharge professional services on behalf of the client or employer.

(2) Nothing in these rules limits a ~~registrant's or a licensee's~~ credential holder's professional responsibility to an owner of a project when the ~~registrant or licensee~~ credential holder is employed by a person or firm under contract to construct and furnish design services for that project.

SECTION 15. A-E 8.06 (2) and (3) are amended to read:

A-E 8.06 (2) May not evade the professional or contractual responsibility which the ~~registrant or licensee~~ credential holder has to a client or employer.

(3) May not enter into an agreement which provides that a person not legally and actually qualified to perform professional services has control over the ~~registrant's or licensee's~~ credential holder's judgment as related to public health, safety or welfare.

SECTION 16. A-E 8.08 (3) is amended to read:

A-E 8.08 (3) Shall respond in a timely manner to a request by the board, a section of the board or the department for information in conjunction with an investigation of a complaint filed against a ~~registrant or licensee~~ credential holder. There is a rebuttable presumption that a ~~registrant or licensee~~ credential holder who takes longer than 30 days to respond to a request for information has not acted in a timely manner.

SECTION 17. A-E 8.10 is amended to read:

A-E 8.10 Plan stamping sealing.

A-E 8.10 (1) No architect, landscape architect, professional engineer or designer may ~~sign, seal or stamp~~ and sign any plans, drawings, documents, specifications or reports for architectural, landscape architectural, professional engineering or design practice which are not prepared by the ~~registrant~~ credential holder or under his or her personal direction and control.

A-E 8.10 (2) No professional land surveyor may ~~sign, seal or stamp~~ and sign any maps, plats, charts, or reports for professional land surveying practice which are not prepared by the professional land surveyor or under his or her personal direction and control.

A-E 8.10 (3) No architect, landscape architect, professional engineer, designer or professional land surveyor shall allow work performed by him or her or under his or her personal direction and control to be ~~signed, sealed or stamped~~ and signed by another except that an architect, landscape architect, professional engineer, designer or professional land surveyor working under the personal direction and control of another ~~registrant or licensee~~ credential holder may allow that ~~registrant or licensee~~ credential holder to ~~sign and seal or stamp~~ and sign the work.

SECTION 18. A-E 8.11 (intro), (1), (2), and (4) are amended to read:

A-E 8.11 Suspension of registration credential; effect. Any ~~registrant or licensee~~ credential holder whose ~~registration or license~~ credential has been suspended is prohibited during the term of the suspension from engaging in any of the following:

(1) Offering to perform any service which requires ~~registration or licensure~~ a credential.

(2) Performing any professional service which requires ~~registration or licensure~~ a credential.

(4) Entering into contracts the performance of which require ~~registration or licensure~~ a credential.

SECTION 19. 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)

DRAFT

STATE OF WISCONSIN
EXAMINING BOARD OF ARCHITECTS, LANDSCAPE ARCHITECTS,
PROFESSIONAL ENGINEERS, DESIGNERS, PROFESSIONAL LAND
SURVEYORS AND REGISTERED INTERIOR DESIGNERS

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,
DESIGNERS, PROFESSIONAL	:	PROFESSIONAL LAND
SURVEYORS, AND REGISTERED	:	SURVEYORS, AND REGISTERED
INTERIOR DESIGNERS	:	INTERIOR DESIGNERS
DESIGNERS	:	ADOPTING RULES
	:	(CLEARINGHOUSE RULE)

PROPOSED ORDER

An order of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, Professional Land Surveyors, and Registered Interior Designers to **amend** A-E 8.03 (5) (b) and to **create** A-E 8.03 (5) (b) 6. and 8.06 (4) relating to direct supervision.

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

Explanation of agency authority:

Section 15.08 (5) (b), Stats., provides that each examining board “[s]hall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains, and define and enforce professional conduct and unethical practices not inconsistent with the law relating to the particular trade or profession.”

Section 227.11 (2) (a), Stats., provides that “Each agency may promulgate rules interpreting the provisions of any statute enforced or administered by the agency, if the agency considers it necessary to effectuate the purpose of the statute, but a rule is not valid if the rule exceeds the bounds of correct interpretation.”

Section 443.015 (2), Stats.: “Each 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:

None.

Plain language analysis:

The Board completed a comprehensive review of ch. A-E 8 to ensure that rules are consistent with standards of professional practice and to update the definition of supervision and provide improved rule clarification and interpretation.

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], professional engineers [68 Ill. Adm. Code 1380.300], and professional land surveyors [68 Ill. Adm. Code 1270.57]. None of these rules address direct supervision of subordinate employees.

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], the Iowa Engineering and Land Surveying Examining Board [193C IAC 8.1 to 8.5], the Iowa Landscape Architectural Examining Board [193D IAC 4.1 to 4.5] and the Iowa Interior Design Board [193G IAC 4.1]. None of these rules address direct supervision of subordinate employees.

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 339.17404], and landscape architects [Mich Admin Code, R 339.19001 to R 339.19049]. None of these rules address direct supervision of subordinate employees.

Minnesota:

The Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience, and Interior Design provide rules of professional conduct for architects, engineers, land surveyors, and landscape architects [Minnesota Rules, parts 1805.0100 to 1805.1600]. The Minnesota rules define a direct supervisor as an individual who “directs the work of other licensees, unlicensed professionals, technicians, and clerical persons assigned to that work and is in responsible charge of the project comprising the work being supervised.”

Summary of factual data and analytical methodologies:

The proposed rule was developed by conducting a comprehensive review of the provisions of ch. A-E 8, reviewing professional supervision standards from other states, and obtaining input and feedback from the A-E Board.

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

The proposed rule will be 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.

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 at Jennifer.Garrett@wisconsin.gov or (608) 266-2112.

Agency contact person:

Jake Pelegrin, 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 608-267-0989; email at DSPSAdminRules@wisconsin.gov.

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

Comments may be submitted to Jake Pelegrin, 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 on or before the public hearing, held on a date to be determined, to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. A-E 8.03 (5) (b) is amended to read:

A-E 8.03 (5) (b) ~~The terms in par. (a) include~~ Any of the activities in par. (a) may be accomplished using any of the following:

SECTION 2. A-E 8.03 (5) (b) 6. is created to read:

6. Use of appropriate technology that is functionally equivalent to in-person supervision to provide oversight remotely.

SECTION 3. A-E 8.06 (4) is created to read:

A-E 8.06 (4) Shall be held to the same standards of practice and conduct regardless of whether their professional duties under this chapter are performed in-person or by utilizing remote technology.

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)

This Proposed Order of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, Professional Land Surveyors, and Registered Interior Designers is approved for submission to the Governor and Legislature.

Dated _____ Agency _____
Chair _____

STATE OF WISCONSIN
EXAMINING BOARD OF ARCHITECTS, LANDSCAPE ARCHITECTS,
PROFESSIONAL ENGINEERS, DESIGNERS, PROFESSIONAL LAND
SURVEYORS AND REGISTERED INTERIOR DESIGNERS

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,
DESIGNERS, PROFESSIONAL	:	PROFESSIONAL LAND
SURVEYORS, AND REGISTERED	:	SURVEYORS, AND REGISTERED
INTERIOR DESIGNERS	:	INTERIOR DESIGNERS
DESIGNERS	:	ADOPTING RULES
	:	(CLEARINGHOUSE RULE)

PROPOSED ORDER

An order of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, Professional Land Surveyors, and Registered Interior Designers to **create** A-E 3.02 (1) (b) 3. and A-E 3.07 relating to architect registration.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted:

Sections 443.03, 443.10 (1) (b), 443.10 (1) (d), and 443.10 (2) (a) to (d), Stats.

Statutory authority:

Sections 15.08 (5) (b), 227.11 (2) (a), 443.03 (1), 443.09, and 443.10 (1), Stats.

Explanation of agency authority:

Section 15.08 (5) (b), Stats. provides that each examining board “[s]hall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains, and define and enforce professional conduct and unethical practices not inconsistent with the law relating to the particular trade or profession.”

Section 227.11 (2) (a), Stats. provides that “Each agency may promulgate rules interpreting the provisions of any statute enforced or administered by the agency, if the agency considers it necessary to effectuate the purpose of the statute, but a rule is not valid if the rule exceeds the bounds of correct interpretation.”

Section 443.03 (1), Stats. provides that architect applicants must submit satisfactory evidence “that he or she has acquired a thorough knowledge of sound construction, building hygiene, architectural design and mathematics,” including, “one of the following: 1m. A diploma of graduation, or a certificate, from an architectural school or college approved by the architect section as of satisfactory standing, together with at least 2 years' practical experience of a character satisfactory to the architect section in the design and construction of buildings. 2. A specific record of 7 or more years of experience in architectural work of a character satisfactory to the architect section in the design and construction of buildings.”

Section 443.09, Stats., relating to examination and experience requirements, states “(1) In considering the qualifications of an applicant as an architect...responsible charge of architectural...teaching may be construed as experience. (2) Subject to ss. 111.321, 111.322 and 111.335, no person who has an arrest or conviction record is eligible for registration as an architect...” and “(4) Written or written and oral examinations shall be required of every applicant for registration as an architect...Only one form of examination may be required for all applicants. The examination shall be reasonably related to the skills likely to be needed by an applicant practicing the profession at the time of examination and seek to determine the applicant's preparedness to exercise such skills.”

Section 443.10 (1), Stats., relating to registration and reciprocity, states, “(a) The appropriate section of the examining board may, upon application and the payment of the required fee, grant a certificate of registration as an architect...to any person who holds an unexpired certificate of similar registration issued to the person by the proper authority in any state or territory or possession of the United States or in any country in which the requirements for the registration of architects...are of a standard not lower than specified in this chapter. (b) The appropriate section of the examining board may, upon application and payment of the required fee, grant a certificate of registration as an architect..., to any person who holds an unrevoked card or certificate of national reciprocal registration, issued by any state, territory, or possession of the United States or by any country, which is in conformity with the regulations of the national council of state board of architectural...examiners, and who complies with the regulations of the appropriate section, except as to qualifications and registration fee.” “(d) The appropriate section of the examining board may, upon application and payment of the required fee, grant a permit to practice or to offer to practice architecture...to a person who is not a resident of and has no established place of business in this state, or who has recently become a resident of this state, if the person holds an unexpired certificate of similar registration issued to the person by the proper authority in any state or territory or possession of the United States or in any country in which the requirements for the registration of architects...are of a standard not lower than specified in this chapter.”

Related statute or rule:

None.

Plain language analysis:

At the 2022 National Council of Architectural Registration Boards (NCARB) Annual Business Meeting, member licensing boards ratified a mutual recognition agreement (MRA) between NCARB and its counterpart in the United Kingdom, the Architects Registration Board (ARB). This MRA allows for reciprocal licensure between residents of the United States and the United Kingdom, effective April 25, 2023.

The objective of the proposed rule is to review, clarify and update current architect registration requirements. This is to ensure that experience, education, and examination requirements for architect registration reflect current best practices and to make any amendments required to prevent confusion for both Wisconsin applicants seeking foreign reciprocity and foreign applicants seeking Wisconsin reciprocity.

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 registration for architects [68 Ill. Adm. Code 1150.10]. Illinois has ratified and is a participant in the MRA for reciprocal licensure with the United Kingdom.

Iowa:

Rules of architect registration are specified by the Iowa Architectural Examining Board [193B IAC 2.2 to 2.4]. Iowa has ratified and is a participant in the MRA for reciprocal licensure with the United Kingdom.

Michigan:

Rules of the Michigan Department of Licensing and Regulatory Affairs provide standards of registration for architects [Mich Admin Code, R 339.15201, R 339.15202, and R 339.15204]. Michigan has ratified and is a participant in the MRA for reciprocal licensure with the United Kingdom.

Minnesota:

The Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience, and Interior Design provide standards of registration for architects [Minnesota Rules, parts 1800.0800 to 1800.1200]. Minnesota has ratified and is a participant in the MRA for reciprocal licensure with the United Kingdom.

Summary of factual data and analytical methodologies:

The proposed rule was developed by conducting a review of the provisions of ch. A-E 3, reviewing the Mutual Recognition Agreement with the United Kingdom, and obtaining input and feedback from the Architect Section 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 rule will be 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.

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 at Jennifer.Garrett@wisconsin.gov or (608) 266-2112.

Agency contact person:

Jake Pelegrin, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, Wisconsin 53708; email at DSPSAdminRules@wisconsin.gov.

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

Comments may be submitted to Jake Pelegrin, 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 on or before the public hearing, held on a date to be determined, to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. A-E 3.02 (1) (b) 3. is created to read:

A-E 3.02 (1) (b) 3. If a diploma of graduation, or a certificate, from an architectural school or college is from an educational institution located outside the United States or its territories, the applicant shall provide an official evaluation by a transcript evaluation service acceptable to the architecture section which compares the degree to an architecture standard acceptable to the architecture section. The architecture section may approve the degree if it finds equivalence.

SECTION 2. A-E 3.07 is created to read:

A-E 3.07 (1) Application for reciprocity. An application for registration by reciprocity from another state shall include all of the following:

(a) Verification of registration submitted directly from all states, territories, or provinces of Canada where the applicant is or has been registered, including a statement regarding any disciplinary action taken.

(b) References from at least 5 individuals having personal knowledge of the applicant's architectural work 3 or more of the references shall be registered professional architects, one of whom has served as a supervisor in responsible charge of the applicant's architecture work.

(c) Verification of meeting the continuing education requirements set forth in s. A-E 12.

(d) Any additional data, exhibits or references showing the extent and quality of the applicant's experience that may be required by the section.

(2) Submission of a record that is properly executed and issued with verification by NCARB may be accepted as evidence of the information that is required by the architect section.

(3) Reciprocity may be granted, in accordance with ss. 443.10 (1) (b) and 443.10 (1) (d), Stats., to a person who holds an unexpired registration issued by an authority in any state or territory or possession of the United States or in any country in which the requirements for registration are of a standard not lower than required by the architect section.

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)

This Proposed Order of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, Professional Land Surveyors, and Registered Interior Designers is approved for submission to the Governor and Legislature.

Dated _____

Chairperson

**STATE OF WISCONSIN
EXAMINING BOARD OF ARCHITECTS, LANDSCAPE ARCHITECTS,
PROFESSIONAL ENGINEERS, DESIGNERS, PROFESSIONAL LAND SURVEYORS,
AND REGISTERED INTERIOR DESIGNERS**

IN THE MATTER OF RULEMAKING : REPORT TO THE LEGISLATURE
PROCEEDINGS BEFORE THE : CR 24-001
EXAMINING BOARD OF :
ARCHITECTS, LANDSCAPE :
ARCHITECTS, PROFESSIONAL :
ENGINEERS, DESIGNERS, :
PROFESSIONAL LAND SURVEYORS, :
AND REGISTERED INTERIOR :
DESIGNERS :

I. THE PROPOSED RULE:

The proposed rule, including the analysis and text, is attached.

II. REFERENCE TO APPLICABLE FORMS:

N/A

III. FISCAL ESTIMATE AND EIA:

The Fiscal Estimate and EIA is attached.

IV. DETAILED STATEMENT EXPLAINING THE BASIS AND PURPOSE OF THE PROPOSED RULE, INCLUDING HOW THE PROPOSED RULE ADVANCES RELEVANT STATUTORY GOALS OR PURPOSES:

Wisconsin Administrative Code Chapter SPS 130 currently outlines requirements for registered interior designers. The authority for the rules in SPS 130 was removed and transferred to the newly created Registered Interior Designers Section of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, Professional Land Surveyors, and Registered Interior Designers with the enactment of 2021 Wisconsin Act 195. The objective of this rule project is to implement the statutory changes from the act by creating chapters A-E 14 and 15 as a new part of the Wisconsin Administrative Code and by amending chapters A-E 1, 2, and 8 to add registered interior designers to the general provisions of the board. The new chapters cover the registration and continuing education requirements for registered interior designers.

V. SUMMARY OF PUBLIC COMMENTS AND THE BOARD'S RESPONSES, EXPLANATION OF MODIFICATIONS TO PROPOSED RULES PROMPTED BY PUBLIC COMMENTS:

The A-E Rules Committee held a public hearing on the proposed rule on February 6, 2024. No written or verbal comments were received.

VI. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:

All Legislative Council recommendations except 3, 4, 5a, 5c, 5f, and 5l have been accepted and incorporated into the proposed rules.

Comment: 3. Because the statutory authority for ch. SPS 130 was repealed, consider repealing that chapter.

Response: The board rejected comment 3, because it is not within the statutory authority of the A-E board to repeal rules promulgated by the Department.

Comment: 4. In s. A-E 15.04, the proposed rule references s. A-E 14.03 and implies that provision relates to retired status. However, retired status is not dealt with in s. A-E 14.03 or anywhere in the proposed rule.

Response: The board rejected comment 4, as retired credential status for all sections of the board, including the Registered Interior Designer Section, is addressed in the existing code at s. A-E 2.045. However, the board did change the reference in A-E 15.04 from A-E 14.03 to A-E 2.045.

Comment: 5a. In SECTION 6, consider replacing “which” with “that”. [s. 1.08 (1) (c), Manual.] This comment also applies to the other paragraphs currently in s. A-E 2.03 (2).

Response: The board rejected comment 5a, since changing the other paragraphs in A-E 2.03 is outside the scope of this project because they do not relate to implementing the registered interior designer legislation, and if those paragraphs are not modified the use of “which” maintains consistency with the existing sections.

Comment: 5c. In s. A-E 14.03 (1) (c), consider specifying how an applicant would know that the additional information must be submitted. This consideration applies to s. A-E 14.03 (2) (e) as well.

Response: The board rejected comment 5c, to keep consistency with language in similar provisions in A-E 3.06 (4), 4.08 (2) (d), 5.05 (4), and 6.06 (4).

Comment: 5f. In s. A-E 15.02 (2), consider whether “licensee” should be “registrant”. This consideration also applies throughout the chapter, including ss. A-E 15.03 (1) and 15.07 (3).

Response: The board rejected comment 5f, but it is addressing this comment by changing all these instances to “credential holder” to keep consistency with all professions included in A-E rules.

Comment: 5l. In s. A-E 15.06, use “A registrant” instead of “Registrants”. Also, consider deleting “or professional development” because “continuing education” is a defined term that includes professional development activities. Additionally, consider the use of “bienniums” in specifying how long records must be kept. Because it is a defined term, a registrant could be required to maintain records for almost six years.

Response: For comment 5l, the board accepts the suggestion to delete “or professional development”. But it rejects the use of “Registrants” because these are changing to “Credential holders”, and it rejects changes to the records retention time, because the language as it is currently written reflects the board’s intentions.

VII. REPORT FROM THE SBRRB AND FINAL REGULATORY FLEXIBILITY ANALYSIS:

N/A

STATE OF WISCONSIN
EXAMINING BOARD OF ARCHITECTS, LANDSCAPE ARCHITECTS,
PROFESSIONAL ENGINEERS, DESIGNERS, PROFESSIONAL LAND
SURVEYORS, AND REGISTERED INTERIOR DESIGNERS

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,
DESIGNERS, PROFESSIONAL	:	PROFESSIONAL LAND
LAND SURVEYORS, AND REGISTERED	:	SURVEYORS, AND
INTERIOR DESIGNERS	:	REGISTERED INTERIOR
	:	DESIGNERS
	:	ADOPTING RULES
	:	(CLEARINGHOUSE RULE 24-001)

PROPOSED ORDER

An order of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, Professional Land Surveyors, and Registered Interior Designers to **amend** A-E 1.01, 1.02 (intro), (1), and (3), 1.03 (2) (a), 2.01, 2.02 (1) and (2) and (4) and (6), and (8) (intro), (a), and (b), 2.03 (1) (a) and (b), 8.02, 8.03 (intro), (1) and (2), (2) (a), (3), (3) (a), (5) (c) 4. and 5., 8.04 (intro), 8.05 (1) (intro), 8.06 (intro), 8.07 (intro), (1), and (2), 8.08 (intro) and (4), 8.09 (intro), (1), and (2), 8.10 (1) and (3), 8.11 (3), and 12.01; and to **create** A-E 2.03 (2) (f), 2.06 (1) (g), 14, and 15, relating to registered interior designers.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted:

Sections 443.015 (1) and (2), 443.075, 443.17, 443.175, Stats.

Statutory authority:

Sections 15.08 (5) (b), 443.015 (1), (1e), (1m) (b), and (2), 443.17 (2) (a), Stats.

Explanation of agency authority:

Section 15.08 (5) (b) states that each examining board “[s]hall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains, and define and enforce professional conduct and unethical practices not inconsistent with the law relating to the particular trade or profession.”

Section 443.015 (1) states that “[e]ach section of the examining board may establish continuing education requirements for renewal of a credential issued by that section under this chapter.”

Section 443.015 (1e) states that “[t]he rules promulgated under sub. (1) by the registered interior designer section of the examining board shall require a Wisconsin registered interior designer to complete at least 15 hours of continuing education during the 2-year period immediately preceding the renewal date specified under s. 440.08 (2) (a). At least 10 of the 15 hours shall be in subjects related to the practice of interior design that safeguard the public's health, safety, and welfare.”

Section 443.015 (1m) (b) states that “[a]ny rules a section of the examining board promulgates under sub. (1) shall exempt a credential holder whose credential is classified as retired status under par. (a) from continuing education requirements.”

Section 443.015 (2) states 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.”

Section 443.17 (2) (a) states that “[t]he registered interior designer section of the examining board shall promulgate rules establishing specifications for seals and stamps used by Wisconsin registered interior designers.”

Related statute or rule:

Chapter SPS 130.

Plain language analysis:

Wisconsin Administrative Code Chapter SPS 130 currently outlines requirements for registered interior designers. The authority for the rules in SPS 130 was removed and transferred to the newly created Registered Interior Designers Section of the Examining board of architects, landscape architects, professional engineers, designers, professional land surveyors, and registered interior designers with the enactment of 2021 Wisconsin Act 195. The objective of this rule project is to implement the statutory changes from the act by creating chapters A-E 14 and 15 as a new part of the Wisconsin Administrative Code and by amending chapters A-E 1, 2, and 8 to add registered interior designers to the general provisions of the board. The new chapters cover the registration and continuing education requirements for registered interior designers.

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

None.

Summary of public comments received on statement of scope and a description of how and to what extent those comments and feedback were taken into account in drafting the proposed rule:

The Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, Professional Land Surveyors, and Registered Interior Designers held a preliminary hearing on the statement of scope for this rule on June 13, 2023. The following comment was received from James Gersich, Wisconsin Registered Interior Designer:

“Today I am writing as a member of the public, registered as a Wisconsin Registered Interior Designer (WRID). You may also know me as the Vice Chair of the Joint Examining Board (JEB) of Architects, Landscape Architects, Professional Engineers, Professional Land Surveyors, Designers of Engineering Systems, and Registered Interior Designers; but this message is not intended to represent the views of the JEB but rather, my personal views; I have been credentialed in Wisconsin as an Architect and a Landscape Architect in addition to WRID, three all for many years, and have served for more than 12 years on the JEB and Architect Section.

As you develop Rules for the WRID/RID Section, please consider these:

1. The State of Wisconsin has in effect granted WRID registrants a monopoly over the practice and the title, and the rationale for this is solely the protection of the public's health, safety, and welfare (HSW).
2. Many years ago, Continuing Education (CE) requirements were initiated for some disciplines within the JEB, for continued licensure via biennial renewal.
3. Several years ago, DSPS (at the time, Department of Commerce) performed random audits for CE compliance by credential holders; but due to budget constraints, auditing was eliminated shortly thereafter.
4. The DSPS has no "policing" activity or staff that assures compliance with CE requirements, or conformance with any Rules. Hence, each licensee is obligated under A-E 8.08 to report possible violations. Within any disciplinary action investigated by DSPS staff supporting the Architect Section, compliance with CE requirements has been undertaken. But please note, only if a licensee is the subject of a disciplinary investigation does compliance with the CE requirements stipulated within the Rules, occurs.
5. So as you undertake WRID rulemaking, please strongly consider these recommendations:
 - a. The number of biennial contact hours for registrants should match those of Architect. Details are found in A-E 12.03. This requires a combination of mostly HSW and then other “non-HSW” Learning Units (LUs) in addition; 24 hours (of which 16 shall be HSW topics) is required biennially.
 - b. The quality of approvable CE is important. For example, lunch-n-learns that are blatant sales pitches for specific manufacturer's products, should not be allowed. The American Institute of Architects (AIA) is the only design discipline professional organization (via JEB) that currently reviews all pre-submitted CE course content, for approval in advance for HSW designation. Consequently, courses approved by AIA as LU vs HSW should be allowed as acceptable CE for WRID renewal.
 - c. The AIA has a CE Transcript service for its members, and it is available to other design professionals at a reasonable cost. This Transcript has been widely (including in Wisconsin) accepted without question, in support of proof of CE. Rulemaking within WRID CE should recognize AIA, IIDA, ASID, and similar professional organizations who document CE for their members.

d. Lastly, please also consider requiring Professional Conduct and Ethics subject content when contemplating CE requirements for WRIDs. While JEB Architects (under 12.03) do not presently have such a requirement, it is required by the Professional Landscape Architects under A-E 11.03 in the quantity of 2 hours per biennium; these are not in addition to the minimum. I am licensed in Minnesota as an Architect and Certified Interior Designer. The State of Minnesota already requires Ethics CE for Architects, Landscape Architects, Professional Engineers and Certified Interior Designers, 2 hours per two-year renewal period being currently required.

Thank you for considering my recommendations.”

Comparison with rules in adjacent states:

Illinois:

Interior Designers in Illinois are registered through the Illinois Department of Financial and Professional Regulation. The Registered Interior Designer Act empowers the Board of Registered Interior Design Professionals, governs the practice of interior designers in Illinois, and includes statutory direction regarding interior designer practice, examination, registration and renewal, continuing education, and penalty for unregistered practice [225 Illinois Compiled Statutes ch. 310].

Interior Designers in Illinois are required to complete 10 hours of continuing education per biennium, including one hour in sexual harassment prevention training and one hour pertaining to the subjects of professional conduct or interior design professional ethics. Finally, “All CE programs, activities or courses shall emphasize health, safety and welfare subjects” and meet certain other requirements. [Illinois Administrative Code Title 68 Part 1255 s. 1255.61]. Part 1255 of the Illinois Administrative Code further details rules for interior designers in the areas of registration, examination, seal and signature requirements, endorsement, continuing education, and granting variances. [Illinois Administrative Code Title 68 Part 1255 s. 1255.10 to 1255.90].

Iowa:

Interior Designers in Iowa are registered through the Iowa Department of Inspections, Appeals, and Licensing. The Iowa Interior Design Examining Board regulates the practice of registered interior designers. Chapter 544C of the Iowa Code includes statutes on registration, reciprocal registration, continuing education, penalty for violations of unlawful use of title, and grants administrative rulemaking authority to the board [Iowa Code ch. 544C.1 to 544C.13].

Section 193G of the Iowa Administrative Code for the Interior Design Examining Board further details rules for interior designers in the areas of registration, continuing education, professional conduct, and discipline. Interior designers are required to complete at least 10 hours of continuing education “in acceptable health, safety, and welfare subjects” per biennium. Carryover hours are not permitted. [193G Iowa Administrative Code ch. 3].

Michigan:

Michigan does not register, certify, nor license interior designers.

Minnesota:

Interior designers in Minnesota are certified through the Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience, and Interior Design. Chapter 326 of the Minnesota Statutes includes requirements for all professions within the board in regard to their scope of practice, certification requirements, grounds for disciplinary action, and continuing education.

Interior designers in Minnesota must complete at least 24 hours of approved continuing education, of which two must be in professional ethics, within the two years preceding renewal. Interior designers are allowed to carry over up to 50 percent of the biennial requirement of hours towards the next renewal period [Minnesota Statutes 326.107].

The Minnesota Administrative Rules have two chapters that include interior designers. Chapter 1800 is dedicated to licensing and operation for all professions on the board. Subsections 1800.2100 and 1800.2200 detail the provisions for education and experience, and procedures related to the practice of interior design. Chapter 1805 further explains the provisions of unprofessional conduct for all professions within the board.

Summary of factual data and analytical methodologies:

The proposed rules were developed by conducting a comprehensive review of the provisions of chs. A-E 1 to 13 and obtaining input and feedback from the Rules Committee of the A-E Board and the Registered Interior Designer Section. The Board also reviewed the statutory changes from 2021 Wisconsin Act 195 and promulgated rules as needed for the profession.

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

The proposed rules were posted for 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 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 at Jennifer.garrett@wisconsin.gov or (608) 266-2112.

Agency contact person:

Jake Pelegrin, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, P.O. Box 8366, Madison, Wisconsin 53708-8366; telephone 608-267-7139; email at DSPSAdminRules@wisconsin.gov.

TEXT OF RULE

SECTION 1. A-E 1.01 is amended to read:

A-E 1.01 Authority. The rules in chs. A-E 1 to ~~13~~15 are adopted under authority in ss. 15.08 (5) (b), 227.11 and ch. 443, Stats.

SECTION 2. A-E 1.02 (intro), (1), and (3) are amended to read:

A-E 1.02 Definitions. In chs. A-E 1 to ~~13~~15:

(1) "Board" or "joint board" means the examining board of architects, landscape architects, professional engineers, designers, ~~and~~ professional land surveyors, and registered interior designers.

(3) "Section of the board" means either the architect section, the landscape architect section, the professional engineer section, the designer section, ~~or~~ the land surveyor section, or the registered interior designer section.

SECTION 3. A-E 1.03 (2) (a) is amended to read:

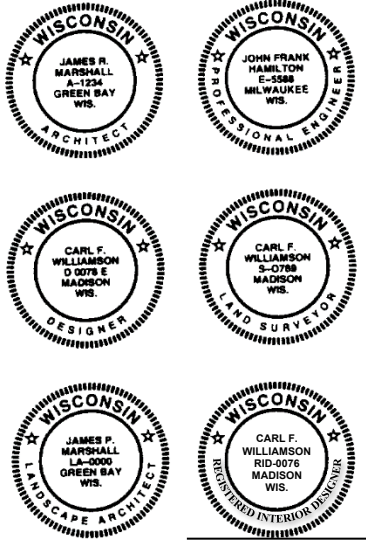
A-E 1.03 (2) (a) Composition. The rules committee of the board is comprised of one member from each section and 3 public members. The board chair shall appoint the 3 public members from any of the ~~5~~ 6 sections of the board.

SECTION 4. A-E 2.01, 2.02 (1) and (2) and (4) and (6), and (8) (intro), (a), and (b) are amended to read:

A-E 2.01 Purpose. The purpose of the rules in this chapter is to specify general requirements and procedures which apply to persons credentialed by any section of the board. Requirements specific to architects, landscape architects, professional engineers, designers, ~~or~~ professional land surveyors, or registered interior designers are specified in chs. A-E 3, 4, 5, 6, 7, 9, 10, 11, 12, ~~and~~ 13, 14, and 15. Rules of professional conduct for all ~~registrants or permit~~ credential holders are specified in ch. A-E 8.

A-E 2.02 (1) Each architect, landscape architect, professional engineer, designer, ~~and~~ professional land surveyor, and registered interior designer shall obtain a seal that complies with board specifications for registration seals. The overall diameter may not be less than 15/8 inches nor more than 2 inches. Each seal shall include the ~~registrant's~~ credential holder's name, ~~registration or permit~~ credential number and city.

(2) The following designs for registration seals have been approved:



(4) Each sheet of plans, drawings, documents, specifications, and reports for architectural, landscape architectural, professional engineering, design, ~~or~~ professional land surveying, and registered interior design practice shall be signed, sealed, and dated by the ~~registrant~~ ~~or permit~~ credential holder who prepared, or directed and controlled preparation of, the written material, except as specified in sub. (5).

(6) Any addition, deletion or other revision to each sheet of plans, drawings, documents, specifications and reports for architectural, landscape architectural, professional engineering, design, ~~or~~ professional land surveying, ~~or registered interior design~~ practice which affects public health and safety or any state or local code requirements may not be made unless signed, sealed and dated by the ~~registrant~~ ~~or permit~~ credential holder who made or directed and controlled the making of the revision.

(8) Plans, specifications and calculations for buildings and structures not exempt under s. 443.15, Stats., which have been prepared by an architect, ~~or~~ professional engineer, or registered interior designer other than the Wisconsin registered architect, ~~or~~ engineer, or registered interior designer who is submitting the plans, specifications and calculations for filing as public documents, may be submitted if all of the following conditions are satisfied:

(a) The plans, specifications and calculations shall have been prepared by or under the supervision of an architect, ~~or~~ professional engineer, or registered interior designer ~~licensed~~ credentialed in some state of the United States, and shall bear the signature and seal or stamp of the architect, ~~or~~ professional engineer, or registered interior designer who prepared them or under whose supervision and control they were prepared.

(b) A certificate, dated, signed, and sealed by the Wisconsin registered architect, ~~or~~ professional engineer, or registered interior designer who is submitting the plans, specifications, and calculations for filing as public documents, shall be attached to the plans, specifications, and calculations. The certificate shall indicate that the plans, specifications and calculations were prepared by an architect, ~~or~~ professional engineer, or registered interior designer other than the submitting registered architect, ~~or~~ professional engineer, or registered interior designer; shall describe the

work performed by the submitting registered architect, ~~or~~ professional engineer, or registered interior designer; and shall include statements to the effect that the plans and specifications have been reviewed and comply with all applicable local and state building codes, and that the reviewing registered architect, ~~or~~ professional engineer, or registered interior designer will be responsible for the supervision of construction in accordance with the requirements of the state, and of the county and municipality where the building or structure is to be erected. If the registered architect, ~~or~~ professional engineer, or registered interior designer who originally prepared the plans, specifications and calculations was registered in Wisconsin at the time they were prepared, the certificate shall also specify why the original architect, ~~or~~ professional engineer, or registered interior designer is not submitting the plans, specifications, and calculations for approval.

SECTION 5. A-E 2.03 (1) (a) and (b) are amended to read:

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

(b) “Resident” means a currently-~~registered~~ credentialed architect, landscape architect, professional engineer, designer, ~~or~~ professional land surveyor, or registered interior designer who spends the majority of his or her working schedule in one firm location and who is in charge of and responsible for the type of services offered or provided from that location.

SECTION 6. A-E 2.03 (2) (f) is created to read:

A-E 2.03 (2) (f) A resident registered interior designer in each separate business location which provides or offers to provide registered interior design services.

SECTION 7. A-E 2.06 (1) (g) is created to read:

A-E 2.06 (1) (g) Registration as a registered interior designer.

SECTION 8. A-E 8.02, 8.03 (intro), (1) and (2), (2) (a), (3), (3) (a), and (5) (c) 4. and 5. are amended to read:

A-E 8.02 Intent. The intent of the examining board in adopting this chapter is to establish rules of professional conduct for the professions of architecture, landscape architecture, professional engineering, designing, ~~and~~ professional land surveying, and registered interior design. A violation of any standard specified in this chapter may result in disciplinary action under ss. 443.11 to 443.13, Stats.

A-E 8.03 Definitions. In ch. 443, Stats., and chs. A-E 1 to 9, and 14:

(1) “Gross negligence in the practice of architecture, landscape architecture, professional engineering, designing, ~~or~~ professional land surveying, or registered interior design” means the performance of professional services by an architect, landscape architect, professional engineer, designer, ~~or~~ professional land surveyor, or registered interior designer which does not comply with an acceptable standard of practice that has a significant relationship to the protection of health, safety or public welfare and is performed in a manner indicating that the professional knew or should have known, but acted with indifference to or disregard of, the accepted standard of practice.

(2) "Incompetency in the practice of architecture, landscape architecture, professional engineering, designing, ~~or~~ land surveying, or registered interior design" means conduct which demonstrates any of the following:

(a) Lack of ability or fitness to discharge the duty owed by an architect, landscape architect, professional engineer, designer, ~~or~~ land surveyor, or registered interior designer to a client or employer or to the public.

(3) "Misconduct in the practice of architecture, landscape architecture, professional engineering, designing, ~~or~~ professional land surveying, or registered interior design" means an act performed by an architect, landscape architect, professional engineer, designer, ~~or~~ professional land surveyor, or registered interior designer in the course of the profession which jeopardizes the interest of the public, including any of the following:

(a) Violation of federal or state laws, local ordinances or administrative rules relating to the practice of architecture, landscape architecture, professional engineering, designing, ~~or~~ professional land surveying, or registered interior design.

(5) (c) 4. Mere assumption by an architect, landscape architect, professional engineer, designer, ~~or~~ professional land surveyor, or registered interior designer of responsibility for work without having control of the work.

5. Assuming charge, control, or direct supervision of work in which the architect, landscape architect, professional engineer, designer, ~~or~~ professional land surveyor, or registered interior designer does not have technical proficiency.

SECTION 9. A-E 8.04 (intro) is amended to read:

A-E 8.04 Offers to perform services shall be truthful. When offering to perform professional services, an architect, landscape architect, professional engineer, designer, ~~or~~ professional land surveyor, or registered interior designer:

SECTION 10. A-E 8.05 (1) (intro) is amended to read:

A-E 8.05 (1) An architect, landscape architect, professional engineer, designer, ~~or~~ professional land surveyor, or registered interior designer:

SECTION 11. A-E 8.06 (intro) is amended to read:

A-E 8.06 Professional obligations. An architect, landscape architect, professional engineer, designer, ~~or~~ professional land surveyor, or registered interior designer:

SECTION 12. A-E 8.07 (intro), (1), and (2) are amended to read:

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

(1) Shall assist in enforcing laws which prohibit the unlicensed practice of architecture, landscape architecture, professional engineering, designing, ~~and~~ professional land surveying, and registered interior design 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~~ professional land surveying, or registered interior design.

SECTION 13. A-E 8.08 (intro) and (4) are amended to read:

A-E 8.08 Maintenance of professional standards. An architect, landscape architect, professional engineer, designer, ~~or~~ professional land surveyor, or registered interior designer:

(4) Shall notify the department in writing if the ~~registrant or licensee~~ credential holder has been disciplined for unprofessional conduct in other states where the ~~registrant or licensee~~ credential holder holds a credential or has violated federal or state laws, local ordinances or administrative rules, not otherwise reportable under s. SPS 4.09 (2), which are related to the practice of an architect, landscape architect, professional engineer, designer, ~~or~~ professional land surveyor, or registered interior designer. The notification shall be submitted within 48 hours of the disciplinary finding or violation of law and shall include copies of the findings, judgments, and orders so that the department may determine whether the circumstances are substantially related to the practice of the ~~registrant or licensee~~ credential holder.

SECTION 14. A-E 8.09 (intro), (1), and (2) are amended to read:

A-E 8.09 Adherence to statutes and rules. An architect, landscape architect, professional engineer, designer, ~~or~~ professional land surveyor, or registered interior designer:

(1) Shall comply with the requirements in ch. 443, Stats., rules in this chapter and all other federal, state, and local codes which relate to the practice of architecture, landscape architecture, professional engineering, designing, ~~and~~ professional land surveying, and registered interior design.

(2) May not engage in conduct that may adversely affect his or her fitness to practice architecture, landscape architecture, professional engineering, designing, ~~or~~ professional land surveying, or registered interior design.

SECTION 15. A-E 8.10 (1) and (3) are amended to read:

A-E 8.10 (1) No architect, landscape architect, professional engineer, ~~or~~ designer, or registered interior designer may sign, seal or stamp any plans, drawings, documents, specifications or reports for architectural, landscape architectural, professional engineering, ~~or~~ design, or registered interior design practice which are not prepared by the registrant or under his or her personal direction and control.

(3) No architect, landscape architect, professional engineer, designer, ~~or~~ professional land surveyor, or registered interior designer shall allow work performed by him or her or under his or her personal direction and control to be signed, sealed or stamped by another except that an architect, landscape architect, professional engineer, designer, ~~or~~ professional land surveyor, or registered interior designer working under the personal direction and control of another registrant or licensee may allow that registrant or licensee to sign and seal or stamp the work.

SECTION 16. A-E 8.11 (3) is amended to read:

A-E 8.11 (3) Signing or sealing plans, specifications, reports, maps, plats, or charts prepared for the practice of architecture, landscape architecture, professional engineering, designing, ~~or~~ professional land surveying, or registered interior design.

SECTION 17. A-E 12.01 is amended to read:

A-E 12.01 Authority and purpose. The rules in this chapter are adopted by the examining board of architects, landscape architects, professional engineers, designers, ~~and~~ land surveyors, and registered interior designers pursuant to ss. 15.08 (5) (b), 227.11 (2) and 443.015, Stats., and govern the biennial continuing education requirements for architect registrants.

SECTION 18. A-E 14 and 15 are created to read:

Chapter A–E 14 INTERIOR DESIGNER REGISTRATION

A–E 14.01 Authority and purpose. The rules in this chapter are adopted under authority in ss. 15.08 (5) (b), 227.11, 443.075, and 443.10, Stats. The purpose of the rules in this chapter is to interpret basic requirements for registration as a registered interior designer as specified in ss. 443.075, and 443.10, Stats.

A–E 14.02 Definitions. In this chapter:

- (1) “Architect” has the meaning in s. 443.01 (1), Stats.
- (2) “Practice of interior design” has the meaning in s. 443.01 (5m) (a), Stats.
- (3) “Registered interior designer” has the meaning in s. 443.01 (9), Stats.

A–E 14.03 Requirements for registration as a registered interior designer.

(1) REGISTRATION BY EXAMINATION. An applicant for registration as a registered interior designer under s. 443.075 (1), Stats., shall submit all of the following:

- (a) Evidence of a passing score on the National Council for Interior Design Qualification Examination of the Council for Interior Design Qualification.
- (b) References from at least 3 individuals having personal knowledge of the applicant’s work in the practice of interior design, 2 of whom are registered interior designers, and 1 of whom is either a registered interior designer or a registered architect.
- (c) Any additional data, exhibits, or references showing the extent and quality of the applicant’s experience that may be required by the registered interior designer section.

(2) REGISTRATION FOR REGISTERED ARCHITECTS. An applicant for registration as a registered interior designer under s. 443.075 (2), Stats., shall submit all of the following:

- (a) Evidence of current registered status as an architect under s. 443.03, Stats.
- (b) Evidence that the applicant is a graduate of a 4-year architecture program.
- (c) Evidence of at least 6 years of demonstrated practical experience in the practice of interior design, including at least all of the following areas:
 1. Programming and pre-design.
 2. Schematic design.
 3. Design development.

4. Production of construction documents.

5. Construction administration.

(d) References from at least 3 individuals having personal knowledge of the applicant's work in the practice of interior design, 2 of whom are registered interior designers, and 1 of whom is either a registered interior designer or a registered architect.

(e) Any additional data, exhibits, or references showing the extent and quality of the applicant's experience that may be required by the registered interior designer section.

Chapter A-E 15

CONTINUING EDUCATION FOR INTERIOR DESIGNERS

A-E 15.01 Authority and Purpose. The rules in this chapter are adopted under the authority in ss. 15.08 (5) (b), 227.11 (2) and 443.015, Stats., and govern biennial continuing education of registered interior designers.

A-E 15.02 Definitions. In this chapter:

(1) "Biennium" means a 2-year period beginning February 1 of each even-numbered year.

(2) "Continuing education" means the planned, professional development activities designed to contribute to the advancement, extension and enhancement of the professional skills and scientific knowledge of the credential holder in the practice of registered interior design and for improvement of the safety and welfare of the public.

(3) "Health, safety and welfare" or "HSW" means any topics or subjects related to the practice of registered interior design which are deemed appropriate to safeguard the public health, safety, and welfare, including the proper planning, design, and construction of buildings, structures, infrastructures, and the spaces within and surrounding buildings and structures that meet the following criteria:

(a) Minimize the risk of injury to persons or property and comply with applicable building and safety codes.

(b) Are durable, environmentally friendly, cost effective, and conserve resources.

(c) Are aesthetically appealing.

(d) Function properly in all relevant respects.

(e) Enhance the public's sense of well-being, harmony, and integration with the surrounding environment.

(4) "Continuing education hour" means 50 minutes of instruction or participation spent by the credential holder in actual attendance or completion of an approved educational activity.

A-E 15.03 Continuing Education Requirements.

(1) During each biennial registration period, every credential holder shall complete at least 15 continuing education hours pertinent to the practice of registered interior design. At

least 10 of the required 15 hours shall be in subjects related to the practice of registered interior design that safeguard the public's health, safety, and welfare.

(2) Continuing education activities that meet the requirements of sub. (1) include any continuing education course or program approved by any of the following:

- (a) International Design Continuing Education Council.
- (b) American Institute of Architects.
- (c) Green Business Certification Inc.

A-E 15.04 Exemption for Retired Credential Status. Notwithstanding s. A-E 15.03, the continuing education requirements under this chapter do not apply to the renewal of a credential classified as retired status under s. A-E 2.045.

A-E 15.05 Certificate of completion, proof of attendance.

(1) Each credential holder shall certify on the renewal application full compliance with the continuing education requirements set forth in this chapter.

Note: Instructions for renewal applications can be found on the website of the department of safety and professional services at <http://dsps.wi.gov>.

(2) The registered interior designer section may require additional evidence demonstrating compliance with the continuing education requirements, including a certificate of attendance or documentation of completion or credit for the courses completed.

(3) If a credential holder appears to lack compliance with the continuing education requirements, the registered interior designer section shall notify a credential holder in writing and request submission of evidence of compliance within 30 days of the notice.

(4) The registered interior designer section may require a credential holder to appear for an interview to address any deficiency or lack of compliance with the continuing education requirements.

A-E 15.06 Recordkeeping. A credential holder shall maintain records of continuing education activities for at least 2 bienniums from the date the certificate or statement of attendance is signed. The recordkeeping shall include all of the following:

- (1) The name and address of the sponsor or provider.
- (2) A brief statement of the subject matter.
- (3) Printed program schedules, registration receipts, certificates of attendance, or other proof of participation.
- (4) The number of hours attended in each program and the date and place of the program.

A-E 15.07 Reciprocity. An applicant for registration from another state who applies for registration to practice interior design under s. 443.10 (1) (e), Stats., shall submit proof of completion of continuing education obtained in another jurisdiction within the 2 years prior to application.

SECTION 19. 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)

This Proposed Order of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, Professional Land Surveyors, and Registered Interior Designers is approved for submission to the Governor and Legislature.

Dated 02/14/2024

Daniel J Fedderly P.E.; P.L.S.
Chairperson
A-E Rules Committee

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 December 29, 2023
3. Administrative Rule Chapter, Title and Number (and Clearinghouse Number if applicable) A-E 1 to 15	
4. Subject Registered Interior Designers	
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 s.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 checked="" 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 Wisconsin Administrative Code Chapter SPS 130 currently outlines requirements for registered interior designers. The authority for the rules in SPS 130 was removed and transferred to the newly created Registered Interior Designers Section of the Examining board of architects, landscape architects, professional engineers, designers, professional land surveyors, and registered interior designers with the enactment of 2021 Wisconsin Act 195. The objective of this rule project is to implement the statutory changes from the act by creating chapters A-E 14 and 15 as a new part of the Wisconsin Administrative Code and by amending chapters A-E 1, 2, and 8 to add registered interior designers to the general provisions of the board. The new chapters cover the registration and continuing education requirements for registered interior designers.	
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. N/A	
13. Identify the Local Governmental Units that Participated in the Development of this EIA. N/A	
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) DSPS estimates a total of \$14,400 in one-time costs and \$4,600 in annual costs for staffing and an indeterminate one-time IT impact to implement the rule. The estimated need for 0.3 limited term employees (LTE) is attributed rule promulgation, staff training, and website and forms updates. The estimated annual staffing need for 0.1 full time employee (FTE) accounts for staff tasks such as responding to inquiries, processing applications, and issuing licenses. The one-time estimated costs cannot be absorbed in the currently appropriated agency budget.	
15. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule	

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

If new rules are not implemented as a result of this statute change, the practice of Registered Interior Designers will remain out of compliance with current state statute and may adversely affect the ability of Registered Interior Designers to practice in Wisconsin.

16. Long Range Implications of Implementing the Rule

The long range implication of implementing the rule is ensuring that registered interior designers are compliant 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:

Interior Designers in Illinois are registered through the Illinois Department of Financial and Professional Regulation. The Registered Interior Designer Act empowers the Board of Registered Interior Design Professionals, governs the practice of interior designers in Illinois, and includes statutory direction regarding interior designer practice, examination, registration and renewal, continuing education, and penalty for unregistered practice [225 Illinois Compiled Statutes ch. 310].

Interior Designers in Illinois are required to complete 10 hours of continuing education per biennium, including one hour in sexual harassment prevention training and one hour pertaining to the subjects of professional conduct or interior design professional ethics. Finally, "All CE programs, activities or courses shall emphasize health, safety and welfare subjects" and meet certain other requirements. [Illinois Administrative Code Title 68 Part 1255 s. 1255.61]. Part 1255 of the Illinois Administrative Code further details rules for interior designers in the areas of registration, examination, seal and signature requirements, endorsement, continuing education, and granting variances. [Illinois Administrative Code Title 68 Part 1255 s. 1255.10 to 1255.90].

Iowa:

Interior Designers in Iowa are registered through the Iowa Department of Inspections, Appeals, and Licensing. The Iowa Interior Design Examining Board regulates the practice of registered interior designers. Chapter 544C of the Iowa Code includes statutes on registration, reciprocal registration, continuing education, penalty for violations of unlawful use of title, and grants administrative rulemaking authority to the board [Iowa Code ch. 544C.1 to 544C.13].

Section 193G of the Iowa Administrative Code for the Interior Design Examining Board further details rules for interior designers in the areas of registration, continuing education, professional conduct, and discipline. Interior designers are required to complete at least 10 hours of continuing education "in acceptable health, safety, and welfare subjects" per biennium. Carryover hours are not permitted. [193G Iowa Administrative Code ch. 3].

Michigan:

Michigan does not register, certify, nor license interior designers.

Minnesota:

Interior designers in Minnesota are certified through the Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience, and Interior Design. Chapter 326 of the Minnesota Statutes includes requirements for all professions within the board in regard to their scope of practice, certification requirements, grounds for disciplinary action, and continuing education.

Interior designers in Minnesota must complete at least 24 hours of approved continuing education, of which two must be in professional ethics, within the two years preceding renewal. Interior designers are allowed to carry over up to 50 percent of the biennial requirement of hours towards the next renewal period [Minnesota Statutes 326.107].

The Minnesota Administrative Rules have two chapters that include interior designers. Chapter 1800 is dedicated to licensing and operation for all professions on the board. Subsections 1800.2100 and 1800.2200 detail the provisions for

ADMINISTRATIVE RULES
Fiscal Estimate & Economic Impact Analysis

education and experience, and procedures related to the practice of interior design. Chapter 1805 further explains the provisions of unprofessional conduct for all professions within the board.

19. Contact Name Jake Pelegrin, Administrative Rules Coordinator	20. Contact Phone Number (608) 267-0989
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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
-

Architects, Landscape Architects, Professional Engineers, Designers, Professional Land Surveyors, and Registered Interior Designers

Clearinghouse Rule Number	Scope #	Scope Expiration	Code Chapter	Relating clause/ Summary	Current Stage	Next Step
CR 24-028	112-21	6/20/2024	A-E 2, 7, and 8	Sealing and Signing of Documents. Clarification on definitions of seal and stamps, requirements for electronic signatures, and clean up redundant words or sentences.	Editing draft to incorporate Clearinghouse comments and holding public hearing on rule at A-E Rules Committee.	Discussion of public comments and Clearinghouse comments received; preparation of Final Rule Draft to submit to Gov’s Office and Legislature.
	071-22	2/22/2025	A-E 8	Supervision. Clarification on definitions of supervision to ensure requirements are current with standards of practice.	Rule Drafting.	Board approval of Preliminary Rule Draft.
	038-23	12/5/2025	A-E 3	Architect Registration. Clarification of Architect Registration language and practices	Rule Drafting.	Board approval of Preliminary Rule Draft.
CR 24-001	028-23	11/1/2025	A-E 1 to 15	Registered Interior Designers. The objective of the proposed rules is to implement the statutory changes from 2021 Wisconsin Act 195 to allow for the licensure, discipline, and practice of Registered Interior Designers.	The Final Rule Draft is with the Legislature for review.	Approval by the Legislature and rule adoption.
	101-23	05/20/2026	A-E 6	Education. Clarification of Land Surveyor education requirements.	Rule drafting.	Board approval of Preliminary Rule Draft.