



Scott Walker, Governor
Laura Gutiérrez, Secretary

RULES COMMITTEE
EXAMINING BOARD OF ARCHITECTS, LANDSCAPE ARCHITECTS,
PROFESSIONAL ENGINEERS, DESIGNERS, AND PROFESSIONAL LAND SURVEYORS
Room 121A, 1400 E. Washington Avenue, Madison
Contact: Erin Karow 608-266-2112
April 24, 2018

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

AGENDA

1:00 PM

OPEN SESSION – CALL TO ORDER – ROLL CALL

A. Adoption of Agenda (1-2)

B. Approval of Minutes – October 3, 2017 (3-4)

C. Administrative Matters

1. Staff Updates

D. Legislative/Administrative Rule Matters – Discussion and Consideration (5-34)

1. A-E 1, Relating to Authority, Notice of Economic Impact Comment Period
2. A-E 3, Relating to Architect Registration, Notice of Economic Impact Comment Period
3. A-E 5, Relating to Designer Permit, Scope Statement
4. A-E 6, Relating to Professional Land Surveyor, Scope Statement
5. A-E 10, 11, 12, and 13, Relating to Continuing Education, Petition for Unauthorized Rule Repeal
6. A-E 13, Relating to Continuing Education for Professional Engineers, Legislative Report and Final Rule
7. Updates on Legislation and Pending and Possible Rulemaking Projects

E. Public Comments

ADJOURNMENT

NEXT MEETING DATE: SEPTEMBER 25, 2017

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

Times listed for meeting items are approximate and depend on the length of discussion and voting. All meetings are held at 1400 East Washington Avenue, Madison, Wisconsin, unless otherwise noted. In order to confirm a meeting or to request a complete copy of the board's agenda, please call the listed contact person. The board may also consider materials or items filed after the transmission of this notice. Times listed for the commencement of disciplinary hearings may be changed by the examiner for the convenience of the parties. Interpreters for the hearing impaired provided upon request by contacting the Affirmative Action Officer, 608-266-2112.

**A-E RULES COMMITTEE
EXAMINING BOARD OF ARCHITECTS, LANDSCAPE ARCHITECTS,
PROFESSIONAL ENGINEERS, DESIGNERS AND LAND SURVEYORS
MEETING MINUTES
OCTOBER 3, 2017**

PRESENT: Bruce Bowden, Joseph Frasch, Steve Hook, Rosheen Styczinski, Steven Wagner
(Via GoToMeeting)

EXCUSED: Tom Gasperetti, Mark Mayer, Ruth Johnson

STAFF: Erin Karow, Executive Director; Laura Smith, Bureau Assistant; Helen Leong,
Administrative Rules Coordinator

CALL TO ORDER

Rosheen Styczinski, Chair, called the meeting to order at 1:02 p.m. A quorum of five (5) members was confirmed.

ADOPTION OF AGENDA

MOTION: Bruce Bowden moved, seconded by Steve Hook, to adopt the agenda as published. Motion carried unanimously.

APPROVAL OF MINUTES OF APRIL 21, 2015

MOTION: Steve Hook moved, seconded by Joseph Frasch, to approve the minutes of April 21, 2015 as published. Motion carried unanimously.

LEGISLATIVE AND ADMINISTRATIVE RULE MATTERS

Request for Scope Statement on A-E 1 Regarding Authority

MOTION: Steve Hook moved, seconded by Steven Wagner, to recommend that the full A-E Board request DSPS staff draft a Scope Statement revising A-E 1 relating to authority. Motion carried.

Scope Statement for A-E 4 Relating to Professional Engineer Registration

MOTION: Steve Hook moved, seconded by Bruce Bowden, to approve the Scope Statement on A-E 4, relating to Professional Engineer Registration for submission to the A-E Board for approval. Motion carried unanimously.

Scope Statement for A-E 7 Relating to Minimum Standards for Property Surveys

MOTION: Steve Hook moved, seconded by Steven Wagner, to approve the Scope Statement on A-E 7, relating to minimum standards for property surveys for submission to the A-E Board for approval. Motion carried unanimously.

ADJOURNMENT

MOTION: Joseph Frasch moved, seconded by Steve Hook, to adjourn the meeting.
Motion carried unanimously.

The meeting adjourned at 2:00 p.m.

DRAFT

AGENDA REQUEST FORM

| | | | |
|---|--|---|--|
| 1) Name and Title of Person Submitting the Request: Helen Leong, Administrative Rules Coordinator | | 2) Date When Request Submitted: April 12, 2018 <small>Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting</small> | |
| 3) Name of Board, Committee, Council, Sections: Rules Committee of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, and Professional Land Surveyors | | | |
| 4) Meeting Date: April 24, 2018 | 5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | 6) How should the item be titled on the agenda page? Legislation and Rule Matters – Discussion and Consideration 1) A-E 1, relating to Authority, Notice of Economic Impact Comment Period 2) A-E 3, relating to Architect Registration, Notice of Economic Impact Comment Period 3) A-E 5, relating to Designer Permit, Scope Statement 4) A-E 6, relating to Professional Land Surveyor, Scope Statement 5) A-E 10, 11, 12, and 13, relating to Continuing Education, Petition for Unauthorized Rule Repeal 6) A-E 13, relating to Continuing Education for Professional Engineers, Legislative Report and Final Rule 7) Update on Legislation and Rulemaking Projects | |
| 7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session | | 8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes (Fill out Board Appearance Request) <input checked="" type="checkbox"/> No | |
| 9) Name of Case Advisor(s), if required: | | | |
| 10) Describe the issue and action that should be addressed: | | | |
| 11) Signature of person making this request <i>Helen Leong</i> Supervisor (if required) | | Authorization Date <i>April 12, 2018</i> Date | |
| Executive Director signature (indicates approval to add post agenda deadline item to agenda) Date | | | |
| Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting. | | | |

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

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|-----------------------------------|---|--------------------------|
| IN THE MATTER OF RULEMAKING | : | NOTICE OF TIME PERIOD |
| PROCEEDINGS BEFORE THE | : | FOR COMMENTS FOR THE |
| EXAMINING BOARD OF ARCHITECTS, | : | ECONOMIC IMPACT ANALYSIS |
| LANDSCAPE ARCHITECTS, | : | |
| PROFESSIONAL ENGINEERS, | : | |
| DESIGNERS, AND PROFESSIONAL LAND: | : | |
| SURVEYORS | : | |

NOTICE IS HEREBY GIVEN of the time period for public comment on the economic impact of this proposed rule of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, and Professional Land Surveyors, A-E 1, relating to authority, including how this proposed rule may affect businesses, local government units and individuals. The comments will be considered when the Department of Safety and Professional Services prepares the Economic Impact Analysis pursuant to § 227.137. Written comments may be submitted to:

Helen Leong, Administrative Rules Coordinator
Division of Policy Development
Department of Safety and Professional Services
PO Box 8366
Madison, WI 53708-8935
DSPSAdminRules@wisconsin.gov

The deadline for submitting economic impact comments is May 17, 2018.

PROPOSED ORDER

An order of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, and Professional Land Surveyors to amend A-E 1.02 (1) and 1.03 (2) (b), relating to authority.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted:

s. 15.405 (2), Stats.

Statutory authority:

ss. 15.08 (5) (b), 15.405 (2), 227.11 (2) (a), 440.035 (1m) (a), and Chapter 443, Stats.

Explanation of agency authority:

Under s. 15.08 (5) (b), Stats., the Examining Board “shall promulgate rules for its own guidance ...”

The Examining Board is established under s. 15.405 (2), and “all matters of joint interest shall be considered by joint meetings of all sections of the examining board ...”

Section 227.11 (2) (a), Stats., authorizes the Examining Board to “promulgate rules interpreting the provisions of any statute enforced or administered by the agency.”

Section 440.035 (1m) (a), Stats., states that the Examining Board shall, “independently exercise its powers, duties and functions prescribed by law with regard to rule-making ...”

Chapter 443, Stats., Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, and Professional Land Surveyors, further defines the Examining Board and establishes each section with its duties and authority.

Related statute or rule:

Chapters A-E 2 through A-E 13

Plain language analysis:

Section 1 inserts a comma to conform the definition to drafting standards.

Section 2 amends A-E 1.03 to clarify that the A-E Rules Committee is an optional step in the rule process. Currently, rule projects undergo three layers of review within the Board structure: the Section, the A-E Rules Committee, and the full A-E Board. Many recent rule projects have focused on one profession, and the respective Section has been able to determine what rule projects are needed and draft preliminary rules during their meetings. Thus, under this change, it is clarified that if the Rules Committee has limited business or no quorum, having no A-E Rules Committee review will not prevent rule projects from being considered by the full A-E Board.

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

None.

Comparison with rules in adjacent states:

Illinois:

Illinois has several boards that oversee these professions, including the Architecture Licensing Board, Board of Professional Engineers, Structural Engineering Board, Landscape Architect Registration Board, and the Land Surveyors Licensing Board. Additional boards work under the Illinois Department of Financial and Professional Regulation, but there is no specific board for designers. There are no standing Rule Committees as a part of these Boards.

Iowa:

Iowa has several boards that oversee these professions, including the Engineering & Land Surveying Examining Board, Architectural Examining Board, and the Landscape Architectural Examining Board. Additional boards work under the Iowa Professional Licensing Bureau, but there is no specific board for designers. There are no standing Rule Committees as a part of these boards.

Michigan:

Michigan has several boards that oversee the various professions, including the Board of Architects, Board of Professional Engineers, and the Board of Professional Surveyors. These three boards require members from each of these professions, so each board has a representative from each of the above-listed professions. Additional boards work under the Department of Licensing and Regulatory Affairs, but there is no specific board for designers or landscape architects. There are no standing Rule Committees as a part of these boards.

Minnesota:

Minnesota has a similar joint board, the Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience and Interior Design. The Board has a standing Rules Committee, however, it is not required by administrative rule or statute.

Summary of factual data and analytical methodologies:

The proposed rule amendments were developed in consultation with the A-E Rules Committee and approved by 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 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.

Fiscal Estimate and Economic Impact Analysis:

The department is currently soliciting information and advice from businesses, local government units and individuals in order to prepare the Economic Impact Analysis.

Effect on small business:

These proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department's Regulatory Review Coordinator may be contacted by email at Kirsten.Reader@wisconsin.gov, or by calling (608) 267-2435.

Agency contact person:

Helen Leong, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708; telephone 608-266-0797; email at DSPSAdminRules@wisconsin.gov.

TEXT OF RULE

SECTION 1. A-E 1.02 (1) is amended to read:

A-E 1.02 (1) "Board" or "joint board" means the examining board of architects, landscape architects, professional engineers, designers, and professional land surveyors.

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

A-E 1.03 (2) (b) *Authority and responsibility.* The rules committee ~~shall~~ may act for the joint board in rulemaking proceedings except for final approval as specified in sub. (1).

SECTION 3. **EFFECTIVE DATE.** The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, pursuant to s. 227.22 (2) (intro.), Stats.

(END OF TEXT OF RULE)

Dated _____

Agency _____

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

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

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| LANDSCAPE ARCHITECTS, | : | |
| PROFESSIONAL ENGINEERS, | : | |
| DESIGNERS, AND PROFESSIONAL | : | |
| LAND SURVEYORS | : | |

NOTICE IS HEREBY GIVEN of the time period for public comment on the economic impact of this proposed rule of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, and Professional Land Surveyors, A-E 3, relating to architect registration, including how this proposed rule may affect businesses, local government units and individuals. The comments will be considered when the Department of Safety and Professional Services prepares the Economic Impact Analysis pursuant to § 227.137. Written comments may be submitted to:

Helen Leong, Administrative Rules Coordinator
Division of Policy Development
Department of Safety and Professional Services
PO Box 8366
Madison, WI 53708-8935
DSPSAdminRules@wisconsin.gov

The deadline for submitting economic impact comments is May 17, 2018.

PROPOSED ORDER

An order of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, and Professional Land Surveyors to amend A-E 3.03 (1), relating to architectural experience.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted:

s. 443.03 (1), Stats.

Statutory authority:

ss. 15.08 (5) (b), 227.11 (2) (a), and 443.03 (1), Stats.

Explanation of agency authority:

Section 15.08 (5) (b), Stats., provides examining boards, “shall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains...”

Section 227.11 (2) (a), Stats., sets forth the parameters of an agency’s rule-making authority, stating an agency, “may promulgate rules interpreting provisions of any statute enforced or administered by the agency. . .”

Section 443.03 (1), Stats., provides that the architect applicant 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.”

Related statute or rule:

s. 443.10, Stats.

Plain language analysis:

Section 1 replaces the name of the Intern Architect Development Program with the Architectural Experience Program, the new name for the same program adopted by the National Council of Architectural Registration Boards (NCARB) in June 2016.

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

None.

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

The Illinois Architecture Licensing Board updated Title 68, Section 1150.10, Illinois Administrative Code, to update the name of the Architect Experience Program, formerly known as the Intern Development Program. In the rule project, which became effective on April 7, 2017, Illinois did not change the title of “architectural intern.” However, the Illinois statutes state that an unlicensed person who has completed their education and is actively participating in professional training is an “architectural intern.” *See 225 ILCS 305/4.*

Iowa

On September 21, 2016, the Architectural Examining Board updated Chapter 193B, Iowa Administrative Code, to replace and clarify that the Intern Development Program has been renamed the Architectural Experience Program. During this rule project, the Architectural Examining Board did not change the designation of “Architectural Intern.”

Michigan

The Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing has a pending rule project (2015-086 LR) to update the rules relating to Architects to change the name of the professional training program from the Intern Development Program to the NCARB Architectural Experience Program, abbreviated as NCARB AXP. The rule update also uses the description of “internship program” and “internship” to describe the NCARB Architectural Experience Program.

Minnesota

The Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience and Interior Design (AELSLAGID) has a pending rule project to amend chapter 1800.1000, Minnesota Administrative Code. The project is to update the name of the Intern Development Program to Architectural Experience Program, which is incorporated by reference as part of the requirements for determining qualifying experience for the purposes of licensure. *See R-04374*. While the title “architectural intern” is not listed in statute or rule, the Board has issued a position statement identifying “architectural designer,” “architectural intern,” or other “architectural” derivatives as legal titles under existing law and statute. *See “Suitable Titles for Architectural Interns,” mn.gov/aelslagid*.

Summary of factual data and analytical methodologies:

The proposed rules were developed in consultation with the Architect Section of the A-E Board. The Architect Section reviewed the statements of the National Council of Architectural Registration Boards (NCARB) and research conducted by the American Institute of Architects (AIA) in consideration of the proposed revisions, including the NCARB decision to rename the Intern Development Program the Architectural Experience Program.

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

The proposed rules 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.

Fiscal Estimate and Economic Impact Analysis:

The department is currently soliciting information and advice from businesses, local government units and individuals in order to prepare the Economic Impact Analysis.

Effect on small business:

These proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department’s Regulatory Review Coordinator may be contacted by email at Kirsten.Reader@wisconsin.gov, or by calling (608) 267-2435.

Agency contact person:

Helen Leong, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708; telephone 608-266-0797; email at DSPSAdminRules@wisconsin.gov.

TEXT OF RULE

SECTION 1. A-E 3.03 (1) is amended to read:

(1) In satisfaction of the 2 year experience requirement of s. 443.03 (1) (b) 1m., Stats., or in satisfaction of 2 years of the 7 year requirement of s. 443.03 (1) (b) 2., Stats., applicants for registration as an architect shall complete the ~~intern architect development program~~ architectural experience program, or its successor, sponsored by the national council of architectural registration boards ~~and the American institute of architects~~, or shall submit evidence of experience in architectural work which the board finds is substantially equivalent to the experience obtained by completing the ~~intern architect development program~~ architectural experience program, or its successor.

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

(END OF TEXT OF RULE)

Dated _____

Agency _____

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

STATEMENT OF SCOPE

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

Rule No.: A-E 5

Relating to: Designer Permit

Rule Type: Permanent

1. Finding/nature of emergency (Emergency Rule only):

N/A

2. Detailed description of the objective of the proposed rule:

The Designer Section of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, and Professional Land Surveyors (A-E Board) has determined that chapter A-E 5, relating to Designer Permit, needs to be reviewed and potentially amended to provide clarification on qualifications for the permit. A full review of the chapter will be undertaken to examine the education, experience, and specific types of permit requirements to ensure consistency and clarity for applicants.

3. Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives:

A comprehensive review will be undertaken to evaluate and potentially amend A-E 5 to provide clarification for designer permit applicants. There has been confusion in the applications related to experience and how it is defined in the rules for the different fields of the designer permit. The Designer Section would like to provide improved guidance on how the applicant's education and experience needs to relate to the field of the specific designer permit. A comprehensive review of the chapter is required to ensure consistency and clarity in the review and approval of applications for designers. The alternative of not reviewing and potentially amending the rules would be less beneficial to affected entities.

4. Detailed explanation of statutory authority for the rule (including the statutory citation and language):

Section 15.08 (5) (b), Stats., provides an examining board, "shall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains..."

Section 440.035 (1m), Stats., states that, "each examining board or affiliated credentialing board attached to the department or an examining board shall ... independently exercise its powers, duties and functions prescribed by law with regard to rule-making, credentialing and regulation."

Section 443.07 (1), Stats., provides that, "an applicant for a permit as a designer shall submit as evidence satisfactory to the designer section of the examining board ... to indicate that he or she is competent to be..." a designer. Subsection (3) states, "permits shall be granted, designated, and limited to the fields and subfields of technology as are determined by the designer section and recognized in engineering design practice." Subsection (5) states, "the permit shall, on its face, restrict the holder thereof to the specific field and subfields of designing in which the permittee acquired his or her experience in designing. If qualified in more than one type of designing, persons may receive permits for more than one field or subfield of designing as may be determined by the designer section."

5. Estimate of amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule:

The Department estimates approximately 120 hours will be needed to perform the review and develop any rule changes. The Department will assign existing staff to perform the review and develop the rule changes. No additional resources will be required.

6. List with description of all entities that may be affected by the proposed rule:

Those who plan to apply for a designer permit.

7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule:

None.

8. Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses):

The rule changes contemplated in this project are not expected to have any negative economic impacts on any of the affected entities.

Contact Person: Helen Leong, Administrative Rules Coordinator
Division of Policy Development, Department of Safety and Professional Services
(608) 266 – 2112 DSPSAdminRules@wisconsin.gov

Department Head or Authorized Signature

Date Submitted

STATEMENT OF SCOPE

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

Rule No.: A-E 6

Relating to: Professional Land Surveyor Licensure

Rule Type: Permanent

1. Finding/nature of emergency (Emergency Rule only):

Not applicable.

2. Detailed description of the objective of the proposed rule:

The Professional Land Surveyor Section of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, and Professional Land Surveyors (A-E Board) has determined that chapter A-E 6, relating to Professional Land Surveyor Licensure, needs to be reviewed and potentially amended to provide clarification for professional land surveyor applicants.

3. Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives:

A comprehensive review will be undertaken to evaluate and potentially amend A-E 6 to provide clarification for applicants for professional land surveyor licensure. Section members have raised concerns regarding how to consistently apply the code language on experience requirements for applications to be a professional land surveyor, such as how to appropriately weigh Wisconsin-based experience. Additionally, the Section would like to further review A-E 6 to ensure that 2013 Wisconsin Act 358 has been fully implemented in this chapter.

4. Detailed explanation of statutory authority for the rule (including the statutory citation and language):

Section 15.08 (5) (b), Stats., provides an examining board, "shall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains..."

Section 443.02 (4), Stats., provides that "no person may engage in or offer to engage in the practice of professional land surveying in this state or use or advertise any title or description tending to convey the impression that the person is a professional land surveyor unless the person has been granted a license under this chapter to engage in the practice of professional land surveying."

Section 443.06 (1) (a), Stats., provides that applications "for a license to engage in the practice of professional land surveying shall be made to the professional land surveyor section of the examining board ... which shall require the applicant to submit such information as the professional land surveyor section deems necessary."

Section 443.06 (2) (am) to (cm) requires that applicants submit "evidence satisfactory to the professional land surveyor section" for education that is "approved by the professional land surveyor section" and

experience that “has demonstrated practice of satisfactory character that indicates that the applicant is competent to engage in the practice of professional land surveying.”

5. Estimate of amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule:

The Department estimates approximately 120 hours will be needed to perform the review and develop any rule changes. The Department will assign existing staff to perform the review and develop the rule changes. No additional resources will be required.

6. List with description of all entities that may be affected by the proposed rule:

Applicants to be a professional land surveyor in the state of Wisconsin

7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule:

None.

8. Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses):

The rule changes contemplated in this project are not expected to have any negative economic impacts on any of the affected entities.

Contact Person: Helen Leong, Administrative Rules Coordinator
Division of Policy Development, Department of Safety and Professional Services
(608) 266 – 2112 DSPSAdminRules@wisconsin.gov

Department Head or Authorized Signature

Date Submitted

April 25, 2018

Senator Stephen Nass, Senate Co-Chairperson
Joint Committee for Review of Administrative Rules
Room 10 South, State Capitol
Madison, WI 53702

Representative Joan Ballweg, Assembly Co-Chairperson
Joint Committee for Review of Administrative Rules
Room 210 North, State Capitol
Madison, WI 53702

RE: Petition for Authorization to Repeal Administrative Rules

Dear Senator Nass and Representative Ballweg:

I am petitioning for authorization to repeal portions of A-E Chapters 10, 11, 12, and 13, relating to continuing education for Professional Land Surveyors, Landscape Architects, Architects, and Professional Engineers, respectively. A copy of the proposed rule is attached.

2017 Wisconsin Act 59, section 1904, limits the authority of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, and Professional Land Surveyors to conduct audits of credential holders. A-E Chapters 10, 11, 12, and 13 authorize random audits of credential holders, thus these subsections are being repealed or amended to comply with 2017 Wisconsin Act 59, section 1904.

Therefore, the Board is requesting authorization to amend these chapters by utilizing the expedited process under s. 227.26 (4), Stats.

Thank you.

Sincerely,

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

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

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

The board is petitioning the Joint Committee for Review of Administrative Rules to
repeal rules the board has determined to
be an unauthorized rule using the process under s. 227.26 (4), Stats.

PROPOSED ORDER

An order of the board to repeal A-E 10.05 (2), A-E 11.05 (2), and A-E 13.06 (2); and to amend A-E 12.06 (3).

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted:

2017 Wisconsin Act 59, Section 1904

Statutory authority:

ss. 15.08 (5) (b), 15.405 (2), 227.11 (2) (a), 440.03 (4m), 440.035 (1m) (a), 443.015 (1), Stats.

Explanation of agency authority:

Under s. 15.08 (5) (b), Stats., the Examining Board “shall promulgate rules for its own guidance ...”

The Examining Board is established under s. 15.405 (2), Stats., and “all matters of joint interest shall be considered by joint meetings of all sections of the examining board ...”

Section 227.11 (2) (a), Stats., authorizes the Examining Board to “promulgate rules interpreting the provisions of any statute enforced or administered by the agency.”

2017 Wisconsin Act 59, section 1904, created s. 440.03 (4m), Stats., to state that the Examining Board, “may require a credential holder to submit proof of the continuing education programs or courses that he or she has completed only if a complaint is made against the credential holder.”

Section 440.035 (1m) (a), Stats., states that the Examining Board shall, “independently exercise its powers, duties and functions prescribed by law with regard to rule-making ...”

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

Related statute or rule:

None.

Plain language analysis:

Section 1 repeals the subsection in chapter A-E 10, relating to continuing education for professional land surveyors, authorizing random audits to ensure continuing education compliance.

Section 2 repeals the subsection in chapter A-E 11, relating to continuing education for landscape architects, authorizing random audits to ensure continuing education compliance.

Section 3 amends A-E 12.06 (3) in chapter A-E 12, relating to continuing education for architects, repealing the authorization of random audits to ensure continuing education compliance.

Section 4 repeals the subsection in chapter A-E 13, relating to continuing education for professional engineers, authorizing random audits to ensure continuing education compliance.

Agency contact person:

Helen Leong, Administrative Rules Coordinators, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, Room 151, P.O. Box 8366, Madison, Wisconsin 53708; telephone 608-266-0797; email at DSPSAdminRules@wisconsin.gov.

TEXT OF RULE

SECTION 1. A-E 10.05 (2) is repealed.

SECTION 2. A-E 11.05 (2) is repealed.

SECTION 3. A-E 12.06 (3) is amended to read:

~~(3) The architect section may conduct a random audit on a biennial basis of its registrants for compliance with these requirements. It is the responsibility of each registrant to retain or otherwise provide evidence of compliance.~~ A registrant may use the American Institute of Architects continuing education system transcript service to document and record his or her continuing education and as evidence of compliance with the continuing education requirements.

SECTION 4. A-E 13.06 (2) is repealed.

SECTION 5. EFFECTIVE DATE. The rules repealed 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)

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

**IN THE MATTER OF RULEMAKING :
PROCEEDINGS BEFORE THE EXAMINING : REPORT TO THE LEGISLATURE
BOARD OF ARCHITECTS, LANDSCAPE : CR 17-060
ARCHITECTS, PROFESSIONAL ENGINEERS, :
DESIGNERS AND PROFESSIONAL LAND :
SURVEYORS :**

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:**

The Professional Engineer Section of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Professional Land Surveyors determined that a full review of chapter A-E 13, relating to continuing education for professional engineers, needed to be undertaken to provide more transparency and consistency in the approval of continuing education for professional engineers. The rule revision provides a list of continuing education providers that are approved by the professional engineers section, amends late renewal requirements to be consistent with other A-E chapters, and includes drafting changes for clarity and consistency.

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

The Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Professional Land Surveyors held a public hearing on October 4, 2017. No one testified at the hearing. The following people submitted written comments:

- Michael Gitter, Chief of Operations, Racine Water and Wastewater Utilities, Racine, WI
- Daniel H. Brady, Germantown, WI

- James R. Meverden, Meverden Environmental, Inc., Whitefish, WI
- Stacy L. Anich, Vice President, Meverden Environmental, Inc.
- Richard Fulk, River's Bend Engineering, Inc., Sturtevant, WI
- Kenneth Fries, Owner, Fries EH&S Consulting, LLC, Muskego, WI
- Scott Hartay, Environmental Engineer, Briggs & Stratton Corp.
- John T. Mourand, Director of Environmental & Safety, Briggs & Stratton Corp., Milwaukee, WI
- Thomas A. Henning, Sheboygan, WI
- Ken W. Yass, Technical Regulatory Services Manager, Hydrite Chemical Co., Brookfield, WI
- Daniel Kuhn, Principal Environmental Engineer, Environmental Engineering Resources, Green Bay, WI
- Renee Smits, Vice President, Spectrum Engineering Incorporated, Brookfield, WI
- Farhad Mohsenian, President, Spectrum Engineering Incorporated, Brookfield, WI
- Jeffrey Noll, Senior Project Manager, Spectrum Engineering Incorporated, Brookfield, WI

The Board summarizes the comments received by written submission as follows:

Most of the testimony received was based on a form letter requesting that the Federation of Environmental Technologists, Inc. be included in the list of continuing education providers. All of the testimony was concerned with adding continuing education providers for environmental engineering. Testifiers identified the following providers of continuing education relating to environmental management topics: Water Environment Federation (WEF), National Association of Clean Water Agencies (NACWA), American Water Works Association (AWWA), Wisconsin Wastewater Operators' Association (WWOA), Institute of Hazardous Materials Management (IHMM), American Academy of Environmental Engineers and Scientists, Central States Water Environment Association (CSWEA), and The National Association of Environmental Professionals (NAEP).

The Board explains modifications to its rule-making proposal prompted by public comments as follows:

After careful consideration and discussion, the Board modified the rule in response to the testimony received by incorporating two of the requested organizations who provide continuing education for environmental engineers:

- American Water Works Association (AWWA)
- Water Environment Federation (WEF)

The full list of providers, including the two added above, now stands at nineteen categories or organizations. The Board determined that this list encompasses

organizations for varying types of professional engineers and is a list of commonly used providers. This list is not exclusive, and professional engineers may still attend qualifying programs from other providers not listed in this rule.

VI. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:

Comment: 2.c.

Response: Accept in part

The Board did not accept, "whose continuing education program meets the criteria under sub. (1)". The reason is that the proposed subsection (1m) relates to providers and not specific programs, and sub. (1) is the criteria for specific programs, which must be individually evaluated to be approved CE. Any provider listed in subsection (1m) must have their individual programs evaluated under subsection (1), and not just those approved under para. (r).

Comment: 3.a.

Response: Not accept

The Board did not accept this comment. The intention of this amendment is to remove specific code references to avoid confusion. The change is not intended to make A-E 2.05 not apply to PEs. This is a drafting preference to ensure that code users read the entire chapter and not miss relevant sections. This is also consistent with A-E 10 (Continuing education for professional land surveyors), A-E 11 (Continuing education for landscape architects), and A-E 12 (Continuing education for architects), which do not refer specifically to A-E 2.05 despite its applicability to those licensees.

Comment: 3.b.

Response: Not accept

The Board did not accept this comment. The intent of A-E 13.03 (2) is to define varying ways that a licensee can obtain CE, including continuing their education by enrolling in regular coursework with accredited engineering schools or colleges. However, this is distinct from the intent of A-E 13.05 (1m) which is identifying approved providers of CE short courses, tutorials, or distance education courses. There are schools that are not accredited by EAC/ABET but are approved by the Wisconsin Educational Approval Board. Any program submitted under this subsection would be evaluated according to A-E 13.05 (1).

Comment: 4.

Response: Not accept

The Board did not accept this comment. The intention of this amendment is to remove specific code references to avoid confusion, and because s. 13.10 is repealed. This is a drafting preference to ensure that code users read the entire chapter and not miss relevant

sections. This is also consistent with A-E 10 (Continuing education for professional land surveyors), A-E 11 (Continuing education for landscape architects), and A-E 12 (Continuing education for architects) which do not refer specifically to rule sections but rather refer to continuing education requirements.

Comment: 5.b.

Response: Not accept

The Board did not accept this comment. This is a drafting preference. The purpose of this addition to the code chapter is to make A-E 13 consistent with chapters A-E 10 (Continuing education for professional land surveyors), A-E 11 (Continuing education for landscape architects), and A-E 12 (Continuing education for architects). The comment suggests adding specific references which is not included in any other chapter.

Comment: 5.c.

Response: Accept in part

The Board did accept in part this comment. The Board intentionally removed the 60 PDH maximum during the drafting process for revising A-E 13. Chapters A-E 10 (Continuing education for professional land surveyors), A-E 11 (Continuing education for landscape architects), and A-E 12 (Continuing education for architects) do not have a separate section for late renewal. A-E 2.05 addresses late renewal for all professions. However, in reviewing the comment with the revisions to A-E 13, it is recommended that we remove "unless granted a waiver under s. A-E 13.08" in A-E 13.03 (1) (a) to avoid confusion. If a registrant is granted a waiver for CE under A-E 13.08 and they decide to return to the practice of PE, the section that establishes the base CE requirements is A-E 13.03 (1) and the removed language suggests that a person who has a waiver should look elsewhere for information. To capture the exemptions and waivers provided in A-E 13.08, there is language in A-E 13.03 (3) to explain that any registrant who wants to return to the practice of PE needs to complete their CE requirements. Therefore, amending A-E 13.03 (1) to remove "unless granted ... s. A-E 13.08," should prevent the redirection and let those who were granted waivers under s. A-E 13.08 know that the CE requirements apply to them in full.

All of the remaining recommendations suggested in the Clearinghouse Report have been accepted in whole.

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

This rule will not have an impact on small business.

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

| | | |
|--------------------------------|---|-----------------------------|
| IN THE MATTER OF RULE-MAKING | : | PROPOSED ORDER OF THE |
| PROCEEDINGS BEFORE THE | : | EXAMINING BOARD OF |
| EXAMINING BOARD OF ARCHITECTS, | : | ARCHITECTS, LANDSCAPE |
| LANDSCAPE ARCHITECTS, | : | ARCHITECTS PROFESSIONAL |
| PROFESSIONAL ENGINEERS, | : | ENGINEERS, DESIGNERS, AND |
| DESIGNERS, AND PROFESSIONAL | : | PROFESSIONAL LAND |
| LAND SURVEYORS | : | SURVEYORS ADOPTING |
| | : | RULES |
| | : | (CLEARINGHOUSE RULE 17-060) |

PROPOSED ORDER

An order of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, and Professional Land Surveyors to repeal A-E 13.05 (2) (a) to (d) and 13.10; to renumber and amend A-E 13.05 (2) (intro.); to amend A-E 13.03 (1)(a) and (3), 13.08 (5) and (6), and 13.09; and to create A-E 13.05 (1m) and 13.06 (1m), relating to continuing education.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted:

s. 443.015 (1), Stats.

Statutory authority:

ss. 15.08 (5) (b), 227.11 (2) (a), and 443.015 (1), Stats.

Explanation of agency authority:

Section 15.08 (5) (b), Stats., provides examining boards, "shall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains..."

Section 227.11 (2) (a), Stats., sets forth the parameters of an agency's rule-making authority, stating an agency, "may promulgate rules interpreting provisions of any statute enforced or administered by the agency. . .but a rule is not valid if the rule exceeds the bounds of correct interpretation."

Section 443.015 (1), Stats., provides that each section of the examining board "may establish continuing education requirements for renewal of a credential issued by that section under this chapter."

Related statute or rule:

Chapter A-E 10 provides continuing education requirements for professional land surveyors. Chapter A-E 11 provides continuing education requirements for landscape architects. Chapter A-E 12 provides continuing education requirements for architects.

Plain language analysis:

The proposed rules specify approved providers of continuing education, which will result in more transparent and consistent approval of continuing education. This change also will provide professional engineers greater assurance that the time and money spent on obtaining continuing education will satisfy the requirements set in administrative code.

Current rules require late renewal applicants to submit a record with information providing proof of compliance with the continuing education requirements. The proposed rules require late renewal applicants to follow the same procedures as those applicants who renew prior to the established renewal date. The change would require late renewal applicants to 1) certify on the application full compliance with the continuing education requirements and 2) maintain records of completed continuing education.

There are other proposed amendments for drafting preferences to provide clarity and consistency with related chapters.

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

None.

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

Professional development hour (PDH) requirements for professional engineers are set forth in 68 Ill. Adm. Code 1380.325. The following are identified as acceptable providers for structured educational activities:

- National Council of Examiners for Engineering and Surveying (NCEES)
- National Society of Professional Engineers (NSPE)
- Illinois Society of Professional Engineers (ISPE)
- American Council of Engineering Companies of Illinois (ACEC-IL)
- Technical or professional societies or organizations relating to professional engineering, including the American Society of Civil Engineers (ASCE)
- Colleges, universities, or other educational institutions
- Other technical or professional societies or organizations, including manufacturers

Upon satisfactory evidence of compliance with PDH requirements, a nonrenewed license is restored upon payment of the required fee.

Iowa:

Professional development hour (PDH) requirements for professional engineers and land surveyors are set forth in 193C IAC 7.1 to 7.8. The rules do not specifically identify acceptable or approved providers of education nor provide requirements for late renewal of a license different than those for timely renewal.

Michigan:

Continuing education requirements for professional engineers are set forth in Mich Admin Code, R 339.16040 to R 338.7150. The rules do not specifically identify acceptable or approved providers of education nor provide requirements for late renewal of a license different than those for timely renewal.

Minnesota:

Professional development hour (PDH) requirements for professional engineers, land surveyors, landscape architects, geoscientists, and interior designers are set forth in MN Statute 326.107. The statutes do not specifically identify acceptable or approved providers of education nor provide requirements for late renewal of a license different than those for timely renewal.

Summary of factual data and analytical methodologies:

The proposed rules were developed in consultation with the Professional Engineer Section. A department-prepared list of current education providers was reviewed, as well as adjacent states' statutes and administrative rules relating to continuing education.

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 is attached.

Effect on small business:

These proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department's Regulatory Review Coordinator may be contacted by email at Kirsten.Reader@wisconsin.gov, or by calling (608) 267-2435.

Agency contact person:

Helen Leong, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, P.O. Box

8935, Madison, Wisconsin 53708; telephone 608-266-0797; email at DSPSAdminRules@wisconsin.gov.

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

Comments may be submitted to Helen Leong, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, Room 121A, Madison, WI 53708-8366, or by email to: DSPSAdminRules@wisconsin.gov.

TEXT OF RULE

SECTION 1. A-E 13.03 (1) (a) is amended to read:

~~A-E 13.03 (1) (a) Beginning in the biennial registration period commencing August 1, 2012 and ending July 31, 2014, unless granted a waiver under s. A-E 13.08, During each biennial registration period,~~ every registrant shall complete at least 30 hours of approved PDHs or equivalent continuing education units, pertinent to the practice of professional engineering, except that between initial registration and the first renewal period, a new registrant shall not be required to comply with the continuing education requirements for the first renewal of registration.

SECTION 2. A-E 13.03 (3) is amended to read:

~~A-E 13.03 (3) Except as provided in s. A-E 13.08, a professional engineer who fails to meet the continuing education requirements by the renewal date, as specified in s. 440.08 (2) (a) 35., Stats., may not engage in the practice of professional engineering until the registration is renewed in accordance with ss. A-E 2.05 and 13.10. based upon compliance with the continuing education requirements under this chapter.~~

SECTION 3. A-E 13.05 (1m) is created to read:

A-E 13.05 (1m) The professional engineer section may approve any of the following providers for continuing education programs:

- (a) A school of engineering approved by the educational approval board.
- (b) Colleges, universities, and other degree granting institutions approved by an accrediting agency recognized by the United States department of education.
- (c) National Council of Examiners for Engineering and Surveying or its affiliates.
- (d) National Society of Professional Engineers or its affiliates.
- (e) National Council of Structural Engineers Association or its affiliates.
- (f) American Council of Engineering Companies or its affiliates.
- (g) American Society of Civil Engineers or its affiliates.
- (h) American Society of Mechanical Engineers or its affiliates.
- (i) American Society of Plumbing Engineers or its affiliates.

(j) American Society of Heating, Refrigerating, and Air-Conditioning Engineers or its affiliates.

(k) Occupational safety and health administration training institute education centers.

(l) Federal highway administration.

(m) Federal emergency management agency.

(n) National highway institute.

(o) Homeland Security Systems Engineering and Development Institute.

(p) National Fire Protection Association.

(q) Institute of Electrical and Electronics Engineers.

(r) American Water Works Association.

(s) Water Environment Federation.

(t) Any other provider approved by the professional engineer section or its designee.

SECTION 4. A-E 13.05 (2) (intro.) is renumbered A-E 13.05 (2) and amended to read:

A-E 13.05 (2) The professional engineer section has final authority with respect to acceptance of activities, courses, credit, PDH value for courses, and other methods of earning PDHs, ~~except the following are examples of accepted providers for continuing education programs:~~

SECTION 5. A-E 13.05 (2) (a) to (d) are repealed.

SECTION 6. A-E 13.06 (1m) is created to read:

A-E 13.06 (1m) The professional engineer section may require additional evidence demonstrating compliance with the continuing education requirements under this chapter, including a certificate of attendance or documentation of completion or credit for the courses completed.

SECTION 7. A-E 13.08 (5) and (6) are amended to read:

A-E 13.08 (5) A renewal applicant who receives a waiver under sub. (4) may not engage in the practice of professional engineering until ~~he or she meets the requirements of s. A-E 13.10;~~ the registration is renewed based upon compliance with the continuing education requirements under this chapter.

(6) A renewal applicant, who prior to the expiration date of the license submits a request for a waiver, pays the renewal fee and provides a statement setting forth the facts concerning noncompliance and the basis of the request, shall be deemed to be in good standing until the final decision on the application is issued by the professional engineer

section. If a finding of extreme hardship is not determined, an applicant may not engage in the practice of professional engineering until ~~he or she meets the requirements of s. A-E 13.10~~ the registration is renewed based upon compliance with the continuing education requirements under this chapter.

SECTION 8. A-E 13.09 is amended to read:

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

SECTION 9. A-E 13.10 is repealed.

SECTION 10. 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, and Professional Land Surveyors is approved for submission to the Governor and Legislature.

Dated 10-19-17

Agency

Rosheen Styzeninski
Board Chair *EK*

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

ADMINISTRATIVE RULES

Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis

☒ Original ☐ Updated ☐ Corrected

2. Administrative Rule Chapter, Title and Number

A-E 13

3. Subject

Continuing Education for Professional Engineers

4. Fund Sources Affected

☐ GPR ☐ FED ☒ PRO ☐ PRS ☐ SEG ☐ SEG-S

5. Chapter 20, Stats. Appropriations Affected

20.165(1)(g)

6. Fiscal Effect of Implementing the Rule

☐ No Fiscal Effect ☐ Increase Existing Revenues ☒ Increase Costs
☐ Indeterminate ☐ Decrease Existing Revenues ☒ Could Absorb Within Agency's Budget
☐ Decrease Cost

7. The Rule Will Impact the Following (Check All That Apply)

☐ State's Economy ☐ Specific Businesses/Sectors
☐ Local Government Units ☐ Public Utility Rate Payers
☐ Small Businesses (if checked, complete Attachment A)

8. Would Implementation and Compliance Costs Be Greater Than \$20 million?

☐ Yes ☒ No

9. Policy Problem Addressed by the Rule

The proposed rules specify approved providers of continuing education, which will result in more transparent and consistent approval of continuing education. This change also will provide professional engineers greater assurance that the time and money spent on obtaining continuing education will satisfy the requirements set in administrative code.

Current rules require late renewal applicants to submit a record with information providing proof of compliance with the continuing education requirements. The proposed rules require late renewal applicants to follow the same procedures as those applicants who renew prior to the established renewal date. The change would require late renewal applicants to 1) certify on the application full compliance with the continuing education requirements and 2) maintain records of completed continuing education.

There are other proposed amendments to provide clarity and consistency in the chapter.

10. 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.

This was posted for economic comments for 14 days and none were received.

11. Identify the local governmental units that participated in the development of this EIA.

None.

12. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred)

The Department has determined that the proposed rule changes will have a very small fiscal effect related to updating applications, forms, and web content as well as updating internal standard operating procedures and checklists. The costs

ADMINISTRATIVE RULES

Fiscal Estimate & Economic Impact Analysis

will amount to less than \$500.00.

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

The primary benefits of implementing this rule include providing transparent and consistent approval of continuing education, which additionally provides professional engineers greater assurance that the time and money spent on such continuing education satisfies the requirements of the administrative code.

If the rule is not implemented, then professional engineers will continue to have uncertainty when enrolling in continuing education credits.

14. Long Range Implications of Implementing the Rule

The long range implications of implementing the rule is providing transparency and consistency in the approval of continuing education for professional engineers.

15. Compare With Approaches Being Used by Federal Government

None.

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

Illinois:

Professional development hour (PDH) requirements for professional engineers are set forth in 68 Ill. Adm. Code 1380.325. The following are identified as acceptable providers for structured educational activities:

- National Council of Examiners for Engineering and Surveying (NCEES)
- National Society of Professional Engineers (NSPE)
- Illinois Society of Professional Engineers (ISPE)
- American Council of Engineering Companies of Illinois (ACEC-IL)
- Technical or professional societies or organizations relating to professional engineering, including the American Society of Civil Engineers (ASCE)
- Colleges, universities, or other educational institutions
- Other technical or professional societies or organizations, including manufacturers

Upon satisfactory evidence of compliance with PDH requirements, a nonrenewed license is restored upon payment of the required fee.

Iowa:

Professional development hour (PDH) requirements for professional engineers and land surveyors are set forth in 193C IAC 7.1 to 7.8. The rules do not specifically identify acceptable or approved providers of education nor provide requirements for late renewal of a license different than those for timely renewal.

Michigan:

Continuing education requirements for professional engineers are set forth in Mich Admin Code, R 339.16040 to R 338.7150. The rules do not specifically identify acceptable or approved providers of education nor provide requirements

ADMINISTRATIVE RULES
Fiscal Estimate & Economic Impact Analysis

for late renewal of a license different than those for timely renewal.

Minnesota:

Professional development hour (PDH) requirements for professional engineers, land surveyors, landscape architects, geoscientists, and interior designers are set forth in MN Statute 326.107. The statutes do not specifically identify acceptable or approved providers of education nor provide requirements for late renewal of a license different than those for timely renewal.

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| 17. Contact Name Helen Leong, Administrative Rules Coordinator | 18. Contact Phone Number 608-266-0797 |
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