



RULES COMMITTEE
EXAMINING BOARD OF ARCHITECTS, LANDSCAPE ARCHITECTS,
PROFESSIONAL ENGINEERS, DESIGNERS, AND PROFESSIONAL LAND SURVEYORS
Room N208, 4822 Madison Yards Way, Madison
Contact: Erin Karow 608-266-2112
September 25, 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)

B. Approval of Minutes – April 24, 2018 (2-3)

C. Administrative Matters

1. Staff Updates

D. Legislative/Administrative Rule Matters – Discussion and Consideration (4)

1. A-E 9, Relating to Landscape Architect Registration, Scope Statement **(5-6)**
2. A-E 1, Relating to Authority, Review of Clearinghouse Comments and Recommendations **(7-10)**
3. Wisconsin Act 108 Report Review and Discussion **(11-13)**
4. Updates on Legislation and Pending and Possible Rulemaking Projects

E. Public Comments

ADJOURNMENT

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

Times listed for meeting items are approximate and depend on the length of discussion and voting. All meetings are held at 4822 Madison Yards Way, Madison, Wisconsin, unless otherwise noted. In order to confirm a meeting or to request a complete copy of the board's agenda, please call the listed contact person. The board may also consider materials or items filed after the transmission of this notice. Times listed for the commencement of disciplinary hearings may be changed by the examiner for the convenience of the parties. 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
APRIL 24, 2018**

PRESENT: Bruce Bowden (*via GoToMeeting*), Joseph Frasch, Steven Hook, Ruth G. Johnson, Mark Mayer (*via GoToMeeting*), and Rosheen Styczinski,

EXCUSED: Tom Gasperetti and Steven Wagner

STAFF: Erin Karow, Executive Director; Kate Stolarzyk, Bureau Assistant; Helen Leong, Administrative Rules Coordinator

CALL TO ORDER

Rosheen Styczinski, Chair, called the meeting to order at 1:23 p.m. A quorum of six (6) members was confirmed.

ADOPTION OF AGENDA

MOTION: Steven Hook moved, seconded by Ruth G. Johnson, to adopt the agenda as published/amended. Motion carried unanimously.

APPROVAL OF MINUTES OF OCTOBER 3, 2017

MOTION: Steven Hook moved, seconded by Joseph Frasch, to approve the minutes of October 3, 2017 as published. Motion carried unanimously.

LEGISLATIVE AND ADMINISTRATIVE RULE MATTERS

A-E 1, Relating to Authority, Notice of Economic Impact Comment Period

MOTION: Steven Hook moved, seconded by Joseph Frasch, to recommend the A-E Board approve the preliminary rule draft of A-E 1, relating to Authority, for posting of economic impact comments and submission to the Clearinghouse. Motion carried unanimously.

A-E 3, Relating to Architect Registration, Notice of Economic Impact Comment Period

MOTION: Bruce Bowden moved, seconded by Steven Hook, to recommend, upon approval of the Architect Section, the A-E Board approve the preliminary rule draft of A-E 3, relating to Architect Registration, for posting for economic impact comments and submission to the Clearinghouse. Motion carried unanimously.

A-E 5, Relating to Designer Permit, Scope Statement

MOTION: Steven Hook moved, seconded by Rosheen Styczinski, to recommend the A-E Board approve the Scope Statement revising A-E 5, relating to Designer Permit, for submission to the Department of Administration and Governor's Office and for publication. Motion carried unanimously.

A-E 6, Relating to Professional Land Surveyor, Scope Statement

MOTION: Bruce Bowden moved, seconded by Joseph Frasch, to recommend the A-E Board approve the Scope Statement revising A-E 6, relating to Professional Land Surveyor Licensure, for submission to the Department of Administration and Governor's Office and for publication. Motion carried unanimously.

A-E 10, 11, 12, and 13, Relating to Continuing Education, Petition for Unauthorized Rule Repeal

MOTION: Rosheen Styczinski moved, seconded by Joseph Frasch, to recommend the A-E Board approve the Petition for Authorization to Repeal Administrative Rules of A-E 10, 11, 12, and 13, relating to Continuing Education for Professional Land Surveyors, Landscape Architects, Architects, and Professional Engineers, respectively, for submission to the Co-Chairpersons of Joint Committee for Review of Administrative Rules. Motion carried.

Update on Pending Legislation and Pending and Possible Rulemaking Projects

MOTION: Ruth G. Johnson moved, seconded by Rosheen Styczinski, to designate Bruce Bowden to assist Department staff with drafting the rule report required under s. 227.29, Stats. Motion carried.

MOTION: Steven Hook moved, seconded by Mark Mayer, to estimate the economic impact of implementation and compliance for businesses, local governmental units, and individuals for A-E 1, related to Authority, to be \$0. Motion carried unanimously.

ADJOURNMENT

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

The meeting adjourned at 2:38 p.m.

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

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Helen Leong, Administrative Rules Coordinator		2) Date When Request Submitted: September 13, 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 9, relating to Landscape Architect Registration, Scope Statement 2) A-E 1, relating to Authority, Review of Clearinghouse Comments and Recommendations 3) Act 108 Report Review and Discussion 4) Mailing Address Updates 5) 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>	Authorization	Date <i>September 13, 2018</i>	
Supervisor (if required)		Date	
Executive Director signature (indicates approval to add post agenda deadline item to agenda) Date			
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

STATEMENT OF SCOPE

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

Rule No.: A-E 9

Relating to: Landscape Architect Registration

Rule Type: Permanent

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

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

The Landscape Architect Section of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, and Professional Land Surveyors (A-E Board) has determined that A-E 9, relating to landscape architect registration, needs to be amended to ensure the rule is in compliance with 2017 Wisconsin Act 278.

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:

The primary objective of the amendment will be to ensure that A-E 9 is in compliance with 2017 Wisconsin Act 278. The application contents provision does not provide a cross-reference to the relevant statutes for those applicants with a criminal history. Chapter A-E 9 may also be revised to address incorrect or outdated references and ensure consistency with current standards for drafting style and format and applicable Wisconsin statutes.

The policy alternative of not updating the rule may hinder the Section from receiving sufficient documentation in applications where the applicant has a criminal history.

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 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 227.29 (4) (c) 1., Stats., requires that when an agency determines that an enactment, "requires or otherwise necessitates rule making by the agency," the agency shall within 6 months, "submit a statement of the scope of a proposed rule under s. 227.135 (2) ..."

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 50 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:

Landscape architect applicants

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 – 0797 DSPSAdminRules@wisconsin.gov

Department Head or Authorized Signature

Date Submitted



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Scott Grosz
Clearinghouse Director

Terry C. Anderson
Legislative Council Director

Margit S. Kelley
Clearinghouse Assistant Director

Jessica Karls-Ruplinger
Legislative Council Deputy 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 **18-028**

AN ORDER to amend A-E 1.02 (1) and 1.03 (2) (b), relating to authority.

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

05-22-2018 RECEIVED BY LEGISLATIVE COUNCIL.

06-06-2018 REPORT SENT TO AGENCY.

MSK:JKR

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

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CLEARINGHOUSE RULE 18-028

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Reference Bureau and the Legislative Council Staff, dated December 2014.]

2. Form, Style and Placement in Administrative Code

- a. In the introductory clause, the agency should consider including a more detailed relating clause, such as “relating to authority of the rules committee”. [s. 1.02 (1) (a), Manual.]
- b. The statutory authority section of the rule summary should only list ss. 15.08 (5) (b) and 227.11 (2) (a), Stats. [s. 1.02 (2m), Manual.] It appears that the other statutes would be more appropriately placed in the statutes interpreted section.

Recommendations

2. Form, Style and Placement in Administrative Code

a. In the introductory clause, the agency should consider including a more detailed relating clause, such as “relating to authority of the rules committee”. [s. 1.02 (1) (a), Manual.]

Accept.

The “relating to” clause presently refers only to the name of the chapter. However, by more narrowly defining the rule project in the way recommended, the content of the project will be more clear.

b. The statutory authority section of the rule summary should only list ss. 15.08 (5) (b) and 227.11 (2) (a), Stats. [s. 1.02 (2m), Manual.] It appears that the other statutes would be more appropriately placed in the statutes interpreted section.

Accept.

The rule making authority is specifically established in ss. 15.08 (5) (b) and 227.11 (2) (a), Stats. The other related statutes define the authority of the A-E Board, not just related to rule making authority.

A-E Chapter	Most Recent Project Status	s. 227.29 , Stats., Review	Section Notes / Comments
A-E 1, relating to Authority	Open Project: Public hearing scheduled for September 26, 2018	None	Changing “shall” to “may” to provide more flexibility to the A-E Board in updating administrative rules.
A-E 2, relating to General Requirements and Procedures	Last updated: CR 15-036 , effective January 2016, updated the rules in accordance with 2013 Act 358, Land Surveyor to a license and updated the title to “Professional Land Surveyor.”		
A-E 3, relating to Architect Registration	Open Project: Public hearing scheduled for September 26, 2018.	227.29 (1) (c) obsolete rule due to change in program’s name by NCARB.	Updating the name of the Intern Architect Development Program with the new name provided by the National Council of Architectural Registration Boards. A-E 3.02, 3.03: Update mailing address in Notes.
A-E 4, relating to Professional Engineer Registration	Open Project: Draft preliminary rule will be considered at September 26, 2018 meeting		Reviewing chapter A-E 4 to ensure that applicants can effectively use NCEES’ tools to apply, and that the chapter is up to date with current practices A-E 4.02: Update mailing address in Notes
A-E 5, relating to Designer Permit	Pending Project: Scope Statement pending Governor approval		Section review of the chapter to ensure it is up to date and

A-E Chapter	Most Recent Project Status	s. 227.29 , Stats., Review	Section Notes / Comments
			accurate with Section review of applications A-E 5.02, 5.04 (7): Update mailing address in Notes
A-E 6, relating to Professional Land Surveyor Licensure	Pending Project: Scope Statement pending Governor approval		Section review of the chapter to ensure it is up to date and accurate with Section review of applications A-E 6.02, 6.05 (8): Update mailing address in Notes
A-E 7, relating to Minimum Standards for Property Surveys	Open Project: Drafting the preliminary rule, will be considered at the November 1, 2018 meeting.		Section review of the chapter to ensure it is up to date and accurate with current practice and licensee recommendations. A-E 7.08 (2): Update mailing address in Notes
A-E 8, relating to Professional Conduct	Last updated: CR 15-036 , effective January 2016, updated the rules in accordance with 2013 Act 358, Land Surveyor to a license and updated the title to “Professional Land Surveyor.”		
A-E 9, relating to Landscape Architect Registration	Pending Project: Scope Statement pending A-E Rules Committee and Board approval for submission, September 25 & 26, 2018 meetings		Update to ensure compliance with 2017 Act 278 A-E 9.02: Update mailing address in Notes

A-E Chapter	Most Recent Project Status	s. 227.29, Stats., Review	Section Notes / Comments
A-E 10, 11, 12, and 13, relating to Continuing Education	Open Project: Unauthorized Rule Repeal Petition approved by the JCRAR on June 7, 2018, adoption order pending approval by the A-E Board, September 26, 2018 meeting	227.29 (1) (a) unauthorized rule due to 2017 Act 59, s. 1929, to conduct random audits.	Agency’s authority to conduct random audits for CE compliance was removed, repealing sections that speak to random audit authority.
A-E 13, relating to Continuing Education for Professional Engineers	Last updated: CR 17-060 effective June 2018, updated CE providers to make it easier for licensees to take approved programs.		