Wisconsin Department of Safety and Professional Services Division of Policy Development 4822 Madison Yards Way PO Box 8366 Madison WI 53705-8366



Phone: 608-266-2112 Web: http://dsps.wi.gov Email: dsps@wisconsin.gov

Scott Walker, Governor Laura Gutiérrez, Secretary

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 26, 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

11:00 AM

OPEN SESSION - CALL TO ORDER - ROLL CALL

- A. Adoption of Agenda (1)
- B. 11:00 A.M. PUBLIC HEARING: Clearinghouse Rule 18-028, A-E 1, Relating to Authority
 - 1. Review and Respond to Public comments and Clearinghouse Report (2-12)
- C. 11:00 A.M. PUBLIC HEARING: Clearinghouse Rule 18-029, A-E 3, Relating to Architectural Experience
 - 1. Review and Respond to Public comments and Clearinghouse Report (13-23)
- **D.** 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.

State of Wisconsin Department of Safety & Professional Services

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request:		: 2) Date When Requ	2) Date When Request Submitted:		
Helen Leong, Administrative Rules Coordinator		Items will be consider	September 14, 2018 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, Comr	nittee, Council, Sections:				
Examining Board of Arc	hitects, Landscape Architec	ts, Professional Engineers, De	esigners, and Professional Land Surveyors		
4) Meeting Date:	5) Attachments:	6) How should the item be tit			
September 26, 2018	⊠ Yes □ No		ouse Rule 18-028, A-E 1, relating to authority		
7) Place Item in:		ce before the Board being	9) Name of Case Advisor(s), if required:		
Open Session	Ver (Fill and	Doord Assessment Domination			
☐ Closed Session	☐ No	Board Appearance Request)			
10) Describe the issue a	nd action that should be add	dressed:			
Hold Public Hearing at 1 Discuss any public hear					
 Included: Proposed Order of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, and Professional Land Surveyors Adopting Rules Fiscal Estimate & Economic Impact Analysis Rules Clearinghouse Report Clearinghouse Rule 18-028 Comments Recommendations 					
11)		Authorization			
Signature of person making this request Date					
Helen Leong September 14, 2018					
Supervisor (if required)			Date		
Executive Director signature (indicates approval to add post agenda deadline item to agenda) Date					
Directions for including supporting documents:					
	attached to any documents		/ Development Executive Director.		
			to the Bureau Assistant prior to the start of a		
meeting					

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

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

RULES

(CLEARINGHOUSE RULE

PROPOSED ORDER

An order of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, and Professional Land Surveyors to amend A-E 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 ch. 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), 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."

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 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 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, P.O. Box 8366, Madison, Wisconsin 53708-8366; 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, P.O. Box 8366, Madison, WI 53708-8366, or by email to DSPSAdminRules@wisconsin.gov. Comments must be received on or before 9:00 am on September 26, 2018 to be included in the record of rule-making proceedings.

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)

DIVISION OF EXECUTIVE BUDGET AND FINANCE 101 EAST WILSON STREET, 10TH FLOOR P.O. BOX 7864 MADISON, WI 53707-7864 FAX: (608) 267-0372

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

3. Administrative Rule Chapter, Title and Number (and Clearinghouse Number if applicable) A-Et 1 4. Subject Relating to Authority 5. Fund Sources Affected GPR PRO PRO PRS SEG SEG-S 6. Chapter 20, Stats. Appropriations Affected GPR GER	Type of Estimate and Analysis Original ☐ Updated ☐Corrected	2. Date May 22, 2018				
Second Sources Affected GPR FED PRO PRS SEG SEG-S	3. Administrative Rule Chapter, Title and Number (and Clearinghouse Number if applicable)					
GPR FED PRO PRS SEG SEG-S						
No Fiscal Effect						
State's Economy Specific Businesses/Sectors Public Utility Rate Payers 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). 80 10. Would Implementation and Compliance Costs Businesses, Local Governmental Units and Individuals, per s. 227.137(3)(b)(2)? Yes No No No No No Policy Problem Addressed by the Rule 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. 12. Summary of the Businesses, Business Sectors, Associations Representing Business, Local Governmental Units, and Individuals that may be Affected by the Proposed Rule that were Contacted for Comments. The proposed rule was posted on the Department of Safety and Professional Services' website for 14 days in order to solicit comments from businesses, representative associations, local governmental units, and individuals that may be affected by the rule. No comments were received. 13. Identify the Local Governmental Units that Participated in the Development of this EIA. No local governmental units participated in the development of this EIA. 14. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's economy as a Whole (Include Implementation and Compliance Costs Expected to be Incourred) 15. Benefits of Implementing the Rul	☑ No Fiscal Effect☐ Increase Existing Revenues☐ Decrease Existing Revenues		sts			
\$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)? ☐ Yes ☑ No 11. Policy Problem Addressed by the Rule 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. 12. Summary of the Businesses, Business Sectors, Associations Representing Business, Local Governmental Units, and Individuals that may be Affected by the Proposed Rule that were Contacted for Comments. The proposed rule was posted on the Department of Safety and Professional Services' website for 14 days in order to solicit comments from businesses, representative associations, local governmental units, and individuals that may be affected by the rule. No comments were received. 13. Identify the Local Governmental Units that Participated in the Development of this EIA. No local governmental units participated in the development of the EIA. 14. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred) This proposed rule will not have a significant impact on specific businesses, business sectors, public utility rate payers, local governmental units, or the state's economy as a whole. 15. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule Under	☐ State's Economy ☐ Spec ☐ Local Government Units ☐ Public	c Utility Rate Payers				
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DIVISION OF EXECUTIVE BUDGET AND FINANCE 101 EAST WILSON STREET, 10TH FLOOR P.O. BOX 7864 MADISON, WI 53707-7864 FAX: (608) 267-0372

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

17. Compare With Approaches Being Used by Federal Government	
None.	

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

19. Contact Name	20. Contact Phone Number
Helen Leong, Administrative Rules Coordinator	(608) 266-0797

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

LCRC FORM 2



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 PLACE	MENT IN ADMINIST	RATIVE CODE [s. 227.15 (2) (c)]	
	Comment Attached	YES 🗸	NO	
3.	CONFLICT WITH OR DUPLI	CATION OF EXISTI	NG RULES [s. 227.15 (2) (d)]	
	Comment Attached	YES	NO 🗸	
4.	ADEQUACY OF REFERENC [s. 227.15 (2) (e)]	ES TO RELATED ST	ATUTES, RULES AND FORMS	
	Comment Attached	YES	NO 🗸	
5.	CLARITY, GRAMMAR, PUN	CTUATION AND US	E OF PLAIN LANGUAGE [s. 227	.15 (2) (f)]
	Comment Attached	YES	NO 🗸	
6.	POTENTIAL CONFLICTS W REGULATIONS [s. 227.15 (2)		ABILITY TO, RELATED FEDERA	L
	Comment Attached	YES	NO 🗸	
7.	COMPLIANCE WITH PERM	T ACTION DEADLI	NE REQUIREMENTS [s. 227.15 (2	(h)]
	Comment Attached	YES	NO 🗸	



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Scott Grosz *Clearinghouse Director*

Terry C. Anderson
Legislative Council Director

Margit Kelley Clearinghouse Assistant Director Jessica Karls-Ruplinger Legislative Council Deputy Director

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.

State of Wisconsin Department of Safety & Professional Services

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request:		2) Date When Request Submitted:			
Holon Loong Administrative Bules Coordinator		Santambar 44 2040			
Helen Leong, Administrative Rules Coordinator		September 14, 2018 Items will be consider	red late if submitted after 12:00 p.m. on the deadline		
					ess days before the meeting
3) Name of Board, Comm	nittee, Co	ouncil, Sections:			
Examining Board of Arc			ts, Profes	ssional Engineers, De	esigners, and Professional Land Surveyors
4) Meeting Date:	5) Attac	hments:	6) How	should the item be tit	led on the agenda page?
September 26, 2018	⊠ Ye	es	Public H	learing on Clearingho	ouse Rule 18-029, A-E 3, relating to
	☐ No	0	archited	tural experience	
7) 51 14 1		0.1	1.		to Public Comments and Clearinghouse Report
7) Place Item in:		8) Is an appearan scheduled?	ce before	the Board being	9) Name of Case Advisor(s), if required:
Open Session					
Closed Session		Yes (Fill out	Board Ap	pearance Request)	
		☐ No			
10) Describe the issue a	nd action	that should be add	dressed:		
Hold Public Hearing at 1 Discuss any public hear		nents.			
Included: 1. Proposed Order of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, and Professional Land Surveyors Adopting Rules 2. Fiscal Estimate & Economic Impact Analysis 3. Rules Clearinghouse Report 4. Clearinghouse Rule 18-029 Comments 5. Recommendations					
11)			Authoriza	tion	
•••		•	tutiloli <u>z</u> u		
Signature of person make	Signature of person making this request Date				
Signature of person making this request Date					
Helen Leong September 14, 2018					
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.					
					/ Development Executive Director.
3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.					

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

IN THE MATTER OF 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

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 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 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 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 Examining 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 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, P.O. Box 8366, 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, P.O. Box 8366, Madison, WI 53708-8366, or by email to: DSPSAdminRules@wisconsin.gov. Comments must be received on or before 9:00 am on September 26, 2018 to be included in the record of rule-making proceedings.

TEXT OF RULE

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

A-E 3.03 (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 National Council of architectural registration boards and the American institute of architects Architectural Registration Boards, 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)

DIVISION OF EXECUTIVE BUDGET AND FINANCE 101 EAST WILSON STREET, 10TH FLOOR P.O. BOX 7864 MADISON, WI 53707-7864 FAX: (608) 267-0372

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

Type of Estimate and Analysis ☐ Updated ☐ Corrected						
2. Administrative Rule Chapter, Title and Number A-E 3						
3. Subject Relating to Architect Registration						
4. Fund Sources Affected ☐ GPR ☐ FED ☐ PRO ☐ PRS ☐ SEG ☐ SEG-S	5. Chapter 20, Stats. Appropriations Affected					
6. Fiscal Effect of Implementing the Rule ☑ No Fiscal Effect ☐ Increase Existing Revenues ☐ Indeterminate ☐ Decrease Existing Revenues	☐ Increase Costs ☐ Could Absorb Within Agency's Budget ☐ Decrease Cost					
☐ Local Government Units ☐ Publ	cific Businesses/Sectors ic Utility Rate Payers Il Businesses (if checked, complete Attachment A)					
8. Would Implementation and Compliance Costs Be Greater Than S ☐ Yes ☐ No	\$20 million?					
9. Policy Problem Addressed by the Rule The name of the Intern Architect Development Program is be the new name for the same program adopted by the National June 2016.						
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. The proposed rule was posted on the Department of Safety and Professional Services' website for 14 days in order to solicit comments from businesses, representative associations, local governmental units, and individuals that may be affected by the rule. No comments were received.						
11. Identify the local governmental units that participated in the development of this EIA. No local governmental units participated in the development of the EIA.						
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) This proposed rule will not have a significant impact on specific businesses, business sectors, public utility rate payers,						
local governmental units, or the state's economy as a whole.						
13. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule This project updates the rule to reflect the name change and adds language to provide clarity if the name changes in the future.						
14. Long Range Implications of Implementing the Rule The rule update will provide greater clarity for architect applicants.						
15. Compare With Approaches Being Used by Federal Government None.						
16. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota) Comparison with rules in adjacent states:						

DIVISION OF EXECUTIVE BUDGET AND FINANCE 101 EAST WILSON STREET, 10TH FLOOR P.O. BOX 7864 MADISON, WI 53707-7864 FAX: (608) 267-0372

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

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

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

LCRC FORM 2



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 18-029

AN ORDER to amend A-E 3.03 (1), relating to architectural experience.

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

05-22-2018 RECEIVED BY LEGISLATIVE COUNCIL.

06-19-2018 REPORT SENT TO AGENCY.

SG:MS

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 PLACE	MENT IN ADMINIST	FRATIVE CODE [s. 227.15 (2) (c)]
	Comment Attached	YES	NO 🗸	
3.	CONFLICT WITH OR DUPL	ICATION OF EXISTI	NG RULES [s. 227.15 (2) (d)]	
	Comment Attached	YES	NO 🗸	
4.	ADEQUACY OF REFERENC [s. 227.15 (2) (e)]	CES TO RELATED ST	ATUTES, RULES AND FORMS	
	Comment Attached	YES	NO 🗸	
5.	CLARITY, GRAMMAR, PUN	NCTUATION AND U	SE OF PLAIN LANGUAGE [s. 22	27.15 (2) (f)]
	Comment Attached	YES 🗸	NO 🗌	
6.	POTENTIAL CONFLICTS W REGULATIONS [s. 227.15 (2		ABILITY TO, RELATED FEDER	AL
	Comment Attached	YES	NO 🗸	
7.	COMPLIANCE WITH PERM	IT ACTION DEADLI	NE REQUIREMENTS [s. 227.15	(2) (h)]
	Comment Attached	YES	NO 🗸	



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Scott Grosz Clearinghouse Director Terry C. Anderson
Legislative Council Director

Margit Kelley Clearinghouse Assistant Director Jessica Karls-Ruplinger Legislative Council Deputy Director

CLEARINGHOUSE RULE 18-029

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.]

1. Statutory Authority

The agency should review the reference to successorship, in its amendment of s. A-E 3.03 (1), with respect to the agency's authority to prospectively allow future programs to satisfy a portion of the agency's experience requirements. For comparison, consider the discussion of improper delegation in s. 2.08 (1) (Note), Manual, relating to incorporation of standards by reference.

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

For purposes of clarity, it may be helpful to provide additional background information in the plain language analysis regarding the components of the architectural experience program referenced in the proposed amendment of s. A-E 3.03 (1).

Recommendations

1. Statutory Authority

The agency should review the reference to successorship, in its amendment of s. A-E 3.03 (1), with respect to the agency's authority to prospectively allow future programs to satisfy a portion of the agency's experience requirements. For comparison, consider the discussion of improper delegation in s. 2.08 (1) (Note), Manual, relating to incorporation of standards by reference.

Accept.

The intention with the phrase "or its successor" was to incorporate any future name changes for the Architectural Experience Program, and not to incorporate by reference any future substantive changes in the program. Thus, since the Clearinghouse suggests that use of this phrase could instead mean that future standards are incorporated by reference without sufficient substantive review, we should remove that phrase to prevent this.

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

For purposes of clarity, it may be helpful to provide additional background information in the plain language analysis regarding the components of the architectural experience program referenced in the proposed amendment of s. A-E 3.03 (1).

Accept.

We can add this additional statement to the plain language analysis to further clarify that the substantive program has not changed, rather this is a name change:

"The Architectural Experience Program, which was previously named the Intern Architect Development Program, identifies tasks that are essential for competent practice in six experience areas, and provides specific guidance to applicants how to track experience necessary to become a licensed architect in the State of Wisconsin."