



RULES COMMITTEE
EXAMINING BOARD OF ARCHITECTS, LANDSCAPE ARCHITECTS,
PROFESSIONAL ENGINEERS, DESIGNERS, AND PROFESSIONAL LAND SURVEYORS
Room N208, 4822 Madison Yards Way, 2nd Floor, Madison, WI
Contact: Christian Albouras (608) 266-2112
October 8, 2019

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 of April 23, 2019 (3-5)**
- C. 1:00 P.M. PUBLIC HEARING: Clearinghouse Rule CR 19-075 – A-E 4 Relating to Professional Engineer Registration: (6-23)**
 - 1. Review and Respond to Public Hearing Comments and Clearinghouse Report
- D. Legislative & Administrative Rule Matters – Discussion and Consideration**
 - 1. Review and Discussion on Preliminary Draft Rules for A-E 3, Relating to Architect Registration Examinations **(24-26)**
 - 2. Review and Discussion on Preliminary Draft Rules for A-E 5, Relating to Designer Permits **(27-32)**
 - 3. Review and Discussion on Preliminary Draft Rules for A-E 9, Relating to Landscape Architect Registration **(33-37)**
 - 4. Preliminary Review and Discussion on A-E 2, Relating to General Procedures **(38-41)**
 - 5. Preliminary Review and Discussion on A-E 8, Relating to Professional Conduct **(42-49)**
 - 6. Legislation and Pending or Possible Rulemaking Projects
- E. Public Comments**

ADJOURNMENT

NEXT DATE: APRIL 21, 2020 (TENTATIVE)

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 23, 2019**

PRESENT: Bruce Bowden, Michael Heberling, Mark Mayer, Dennis Myers, Rosheen Styczinski, Steven Wagner (*via teleconference*)

EXCUSED: Steven Hook

STAFF: Christian Albouras, Executive Director; Helen Leong, Administrative Rules Coordinator; Kate Stolarzyk, Bureau Assistant; and other DSPS staff

CALL TO ORDER

Rosheen Styczinski, Chair, called the meeting to order at 1:05 p.m. A quorum of six (6) members was confirmed.

ADOPTION OF AGENDA

MOTION: Dennis Myers moved, seconded by Mark Mayer, to adopt the agenda as published. Motion carried unanimously.

APPROVAL OF MINUTES OF NOVEMBER 30, 2018

MOTION: Mark Mayer moved, seconded by Dennis Myers, to adopt the minutes from November 30, 2018 as published. Motion carried unanimously.

**PRELIMINARY PUBLIC HEARING: SCOPE STATEMENT SS 022-19 FOR A-E 5,
RELATING TO THE DESIGNER PERMIT, AND SCOPE STATEMENT SS 023-19 FOR
A-E 6, RELATING TO PROFESSIONAL LAND SURVEYOR LICENSURE**

MOTION: Dennis Myers moved, seconded by Mark Mayer, to approve the Scope Statement, SS 022-19, revising A-E 5, relating to the Designer Permit, for implementation having received no public comments or feedback. Motion carried unanimously.

MOTION: Bruce Bowden moved, seconded by Mark Mayer, to designate Michael Heberling to serve as liaison to DSPS staff for drafting A-E 5, relating to the Designer Permit. Motion carried unanimously.

MOTION: Bruce Bowden moved, seconded by Dennis Myers, to approve the Scope Statement, SS 023-19, revising A-E 6, relating to Professional Land Surveyor Licensure, for implementation having received no public comments or feedback. Motion carried unanimously.

**LEGISLATION/ADMINISTRATIVE RULE MATTERS – DISCUSSION AND
CONSIDERATION**

Review and Discussion on Preliminary Rule Drafts for A-E 4, Relating to Professional Engineer Registration; and A-E 7, Relating to Minimum Standards for Property Surveys

MOTION: Mark Mayer moved, seconded by Dennis Myers, to approve the preliminary rule draft of A-E 4, relating to professional engineer registration, to post for economic impact comments and submission to the Clearinghouse. Motion carried unanimously.

MOTION: Bruce Bowden moved, seconded by Dennis Myers, to authorize the Chair, upon approval of Daniel Fedderly of the Professional Land Surveyor Section, to approve the preliminary rule draft of A-E 7, relating to minimum standards for property surveys, to post for economic impact comments and submission to the Clearinghouse. Motion carried unanimously.

Review and Discussion on Scope Statements for A-E 2, Relating to General Requirements and Procedures; A-E 8, Relating to Professional Conduct; and A-E 3, Relating to Architect Registration

MOTION: Bruce Bowden moved, seconded by Michael Heberling, to approve the Scope Statement revising A-E 2, relating to general requirements and procedures, for submission to the Department of Administration and Governor's Office and for publication. Additionally, the Committee authorizes the Chair to approve the Scope Statement for implementation no less than 10 days after publication. Motion carried unanimously.

MOTION: Mark Mayer moved, seconded by Dennis Myers, that if the Board is directed under s. 227.136 (1), Stats., to hold a preliminary public hearing and comment period on the Scope Statement revising A-E 2, relating to general requirements and procedures, the Chair is authorized to approve the notice required under s. 227.136 (2), Stats. Motion carried unanimously.

MOTION: Bruce Bowden moved, seconded by Steven Wagner, to approve the Scope Statement revising A-E 8, relating to professional conduct, for submission to the Department of Administration and Governor's Office and for publication. Additionally, the Committee authorizes the Chair to approve the Scope Statement for implementation no less than 10 days after publication. Motion carried unanimously.

MOTION: Bruce Bowden moved, seconded by Mark Mayer, that if the Board is directed under s. 227.136 (1), Stats., to hold a preliminary public hearing and comment period on the Scope Statement revising A-E 8, relating to professional conduct, the Chair is authorized to approve the notice required under s. 227.136 (2), Stats. Motion carried unanimously.

MOTION: Bruce Bowden moved, seconded by Dennis Myers, to, upon approval by the Architect Section, approve the Scope Statement revising A-E 3, relating to architect registration examinations, for submission to the Department of Administration and Governor's Office and for publication. Additionally, the Committee authorizes the Chair to approve the Scope Statement for implementation no less than 10 days after publication. Motion carried unanimously.

MOTION: Dennis Myers moved, seconded by Mark Mayer, that if the Board is directed under s. 227.136 (1), Stats., to hold a preliminary public hearing and comment period on the Scope Statement revising A-E 3, relating to architect registration examinations, the Chair is authorized to approve the notice required under s. 227.136 (2), Stats. Motion carried unanimously.

ADJOURNMENT

MOTION: Mark Mayer moved, seconded by Michael Heberling, to adjourn the meeting. Motion carried.

The meeting adjourned at 2:09 p.m.

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

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Dale Kleven Administrative Rules Coordinator		2) Date When Request Submitted: 9/26/19 Items will be considered late if submitted after 12:00 p.m. on the deadline date: ▪ 8 business days before the meeting	
3) Name of Board, Committee, Council, Sections: Rules Committee of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Professional Land Surveyors			
4) Meeting Date: 10/8/19	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? 1:00 P.M. Public Hearing: CR 19-075 – A-E 4 Relating to Professional Engineer Registration 1. Review and Respond to Public Comments and Clearinghouse Report Legislation and Rule Matters – Discussion and Consideration 1. Review and Discussion on Preliminary Draft Rules for A-E 3, Relating to Architect Registration Examinations 2. Review and Discussion on Preliminary Draft Rules for A-E 5, Relating to Designer Permits 3. Review and Discussion on Preliminary Draft Rules for A-E 9, Relating to Landscape Architect Registration 4. Preliminary Review and Discussion on A-E 2, Relating to General Procedures 5. Preliminary Review and Discussion on A-E 8, Relating to Professional Conduct 6. Legislation and Pending and Possible Rulemaking Projects	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both		8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes (Fill out Board Appearance Request) <input checked="" type="checkbox"/> No	
9) Name of Case Advisor(s), if required: 			
10) Describe the issue and action that should be addressed: 			
11) Authorization <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"><i>Dale Kleven</i></div> <div style="width: 45%;"><i>September 26, 2019</i></div> </div> <hr/> Signature of person making this request Date <hr/> Supervisor (if required) Date <hr/> Executive Director signature (indicates approval to add post agenda deadline item to agenda) Date			
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, Provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

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

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

PROPOSED ORDER

An order of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, and Professional Land Surveyors to repeal s. A-E 4.04, s. A-E 4.06, s. A-E 4.07 (1), s. A-E 4.07 (4), s. A-E 4.07 (7), and s. A-E 4.08 (1); to renumber s. A-E 4.03 (1), s. A-E 4.05 (1) (d), s. A-E 4.05 (3); to renumber and amend s. A-E 4.02, s. A-E 4.03 (intro.), s. A-E 4.05 (title), s. A-E 4.05 (1) (intro.), (a), (b), (c), and s. A-E 4.05 (2); to amend s. A-E 4.02 (title), s. A-E 4.03 (title), s. A-E 4.07 (6), s. A-E 4.08 (title), s. A-E 4.08 (2) (intro.), and s. A-E 4.08 (2) (a); and to create s. A-E 4.015, s. A-E 4.02 (2), s. A-E 4.025, s. A-E 4.026 (1) (e), s. A-E 4.026 (1) (f), s. A-E 4.026 (2) (d), s. A-E 4.026 (2) (e), s. A-E 4.026 (2m), s. A-E 4.03 (1) (b), s. A-E 4.03 (1) (d), s. A-E 4.07 (1m), s. A-E 4.08 (3), and s. A-E 4.08 (4), relating to professional engineer registration.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted: ss. 443.04, 443.05, 443.09 (4), and 443.10, Stats.

Statutory authority: ss. 15.08 (5) (b) and 227.11 (2) (a), Stats.

Explanation of agency authority:

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., 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. . .”

Related statute or rule:

s. A-E 13

Plain language analysis:

The Section has reviewed the chapter and made revisions to:

- Ensure applicants may use the National Council of Examiners for Engineering and Surveying (NCEES) uniform reporting standards as evidence for application requirements;
- Clarify that candidates who pass the NCEES Structural Engineering examination are not required to take the Principles and Practice of Engineering exam (PE Exam);
- Remove the requirement that applicants for initial licensure have a reference who is registered in Wisconsin; and
- Reorganize the chapter for clarity, consistency, and to meet drafting standards.

Section 1 creates definitions for the chapter for “ABET” and “NCEES.”

Sections 2, 3, and 4 amend s. A-E 4.02. Sections 2 and 3 clarify that a new application and fee may be required, to be more consistent with current department policies. Section 4 also creates a new subsection to cross-reference other chapters relating to professional engineers and continuing education.

Section 5 creates s. A-E 4.025 to separately treat information about how to apply for an engineer-in-training certificate. Previously, this information was included in statutes and s. A-E 4.06. By consolidating the requirements into one section, the chapter will be easier for applicants to use. Additionally, the new s. A-E 4.025 clarifies that applicants may use the NCEES Record with verification as evidence of qualifications.

Sections 6 and 12 move the listing of application requirements to the beginning of the chapter into s. A-E 4.026 to consolidate application requirements making the chapter easier to use. The created subsections (1) (e), (1) (f), (2) (d), and (2) (e) are moved from s. A-E 4.08. Section 12 renumbers s. A-E 4.05 and amends it to conform to drafting standards.

Sections 7, 8, 9, 10, and 13 consolidate the experience requirements into s. A-E 4.03 by including s. A-E 4.04 and s. A-E 4.05 (3). Section A-E 4.03 is also amended to clarify that qualifying experience must be gained under the supervision of a registered professional engineer, consistent with NCEES model administrative rules. Section 13 renumbers s. A-E 4.05 (3) into s. A-E 4.03, to further consolidate provisions relating to experience requirements.

Section 11 repeals s. A-E 4.04, because the content was moved into s. A-E 4.03 (1) (d).

Section 14 repeals s. A-E 4.06, because it was moved into the newly created s. A-E 4.025 (1) (a).

Sections 15, 17, and 19 repeal s. A-E 4.07 (1), (4), and (7), respectively, because the examinations are provided by NCEES.

Section 16 creates a new subsection to specify which examinations are required for licensure. The new subsection also clarifies that if an applicant takes the NCEES Structural Engineering examination, then the applicant is not required to take an NCEES Principles and Practice of Engineering examination.

Section 18 clarifies that the Professional Engineer Section sets the passing scores for minimum competency.

Sections 20, 21, 22, and 23 amend s. A-E 4.08 to repeal information moved to other sections of the chapter, and focus on applications for reciprocity. Additionally, the section clarifies that applicants may use the NCEES Record with verification as evidence of qualifications, and adds cross-references to relevant statutory provisions.

Summary of, and comparison with, existing or proposed federal regulation: None.

Comparison with rules in adjacent states:

Illinois:

Illinois licenses Professional Engineers and Structural Engineers separately. Applicants for the Structural Engineer license must pass the NCEES Structural Engineer exam in order to qualify. The State Board of Professional Engineers and the Structural Engineering Board do accept NCEES records as evidence for examinations, education, and license verifications for applicants by endorsement. They do not accept an NCEES record for verification of employment or experience. An applicant must submit evidence of experience supervised by licensed Professional Engineers or Structural Engineers, as appropriate, but the supervisor is not required to be licensed in Illinois. The specific requirements of licensure are in sections 1380.210 through 1380.325, IL Admin. Code.

Iowa:

Iowa licenses Professional Engineers, with the license being granted for the specific branch of engineering, including Structural Engineering, related to the education, experience, and the NCEES Principles and Practice of Engineering examination the applicant passed. The Engineering and Land Surveying Examining Board requires applicants file a standardized, notarized application online with transcripts sent directly from the institution and references mailed in signed and sealed envelopes. An applicant must provide five references, three of whom are licensed professional engineers and at least one of whom supervised the applicant in gaining their qualifying experience.

References are not required to be licensed in Iowa. The specific requirements of licensure are in sections 193C.3.1 through 193C.4.3, IA Admin. Code.

Michigan:

Effective April 4, 2017, Michigan no longer requires five references as part of the application. However, qualifying experience must still be verified by individuals. Applicants are also no longer required to apply to sit for NCEES exams through the Board of Professional Engineers.

Applicants must submit a transcript to verify educational background to the Board, and must take the NCEES Principles and Practice of Engineering exam. The specific requirements of licensure are in sections R 339.16001 through R 339.16034, MI Admin. Code.

Minnesota:

The Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience, and Interior Design accepts NCEES records as evidence of qualifying examination scores, education, experience, and license verifications for applicants by comity.

Applicants are required to take the NCEES Principles and Practice of Engineering exam. While references are not required, qualifying experience must be verified by each of the applicant's supervisors and submitted with the application. Supervisors are not required to be licensed in the state of Minnesota. The specific requirements of licensure are in sections 1800.2500 through 1800.2900, MN Admin. Rules.

Summary of factual data and analytical methodologies:

The Professional Engineer Section of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, and Professional Land Surveyors closely reviewed A-E 4 and the National Council of Examiners for Engineering and Surveying (NCEES) model administrative rules to develop the proposed rule revisions.

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 Daniel.Hereth@wisconsin.gov or by calling (608) 267-2435.

Agency contact person:

Helen Leong, Administrative Rules Coordinators, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, Wisconsin 53705-8366; 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, 4822 Madison Yards Way, P.O. Box 8366, Madison, Wisconsin 53705-8366; telephone 608-266-0797, or by email to DSPSAdminRules@wisconsin.gov. Comments must be received on or before 1:00 pm on October 8, 2019 to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. A-E 4.015 is created to read:

A-E 4.015 Definitions. In this chapter:

- (1) “ABET” means the Accreditation Board for Engineering and Technology.
- (2) “NCEES” means the National Council of Examiners for Engineering and Surveying.

SECTION 2. A-E 4.02 (title) is amended to read:

A-E 4.02 (title) ~~Application for registration~~ Applications.

SECTION 3. A-E 4.02 is renumbered A-E 4.02 (1) and amended to read:

A-E 4.02 (1) An applicant who files an application but who does not comply with a request for information related to the application within one year from the date of the request ~~shall~~ may be required to file a new application and fee.

SECTION 4. A-E 4.02 (2) is created to read:

A-E 4.02 (2) A renewal applicant shall comply with s. A-E 2.05 and ch. A-E 13.

SECTION 5. A-E 4.025 is created to read:

A-E 4.025 Application for an engineer-in-training certificate. (1) An applicant for engineer-in-training is required to submit all of the following:

- (a) Evidence of a passing score of a fundamentals examination, in accordance with s. A-E 4.07 (1m) (a).
 - (b) Transcripts verifying the applicant's education and training, or a specific record of experience satisfactory to the professional engineer section to meet the requirements of s. 443.05, Stats.
- (2) Submission of a properly executed and issued NCEES record with verification may be accepted as evidence of the information that is required by the professional engineer section.

SECTION 6. A-E 4.026 (1) (e), (1) (f), (2) (d), (2) (e), and (2m) are created to read:

A-E 4.026 (1) (e) References from at least 5 individuals having personal knowledge of the applicant's engineering work, 3 or more of whom are registered professional engineers, one of whom has served as supervisor in responsible charge of the applicant's engineering work.

(f) A chronological history of the applicant's employment.

(2) (d) References from at least 5 individuals having personal knowledge of the applicant's engineering work, 3 or more of whom are registered professional engineers, one of whom has served as supervisor in responsible charge of the applicant's engineering work.

(e) A chronological history of the applicant's employment.

(2m) NCEES RECORD. Submission of a properly executed and issued NCEES record with verification may be accepted as evidence of the information that is required by the professional engineer section.

SECTION 7. A-E 4.03 (title) is amended to read:

A-E 4.03 (title) Engineering experience requirements for the professional engineer application.

SECTION 8. A-E 4.03 (intro.) is renumbered A-E 4.03 (1g) (a) and amended to read:

A-E 4.03 (1g) (a) QUALIFYING EXPERIENCE. To qualify as satisfactory experience in engineering work for the purpose of meeting requirements of s. 443.04, Stats., an applicant's experience shall include the application of engineering principles and data and shall demonstrate an applicant's progressive development of competence to do engineering work. ~~The experience shall be acquired in the areas of engineering practice listed in subs. (1) to (7) or in other areas of engineering practice or academic course work which in the opinion of the board provides the applicant with a knowledge of engineering principles and data at least equivalent to that which would be acquired by experience in the areas of practice listed. Experience in all areas listed is not required.~~

SECTION 9. A-E 4.03 (1) (b) and (d) are created to read:

A-E 4.03 (1) (b) The experience shall be acquired under the supervision of a registered professional engineer and in the areas of engineering practice listed in subs. (1r) to (7), or acquired in other areas of engineering practice or academic course work which in the opinion of the section provides the applicant with a knowledge of engineering principles and data at least equivalent to that which would be acquired by experience in the areas of practice listed. Experience gained under the technical supervision of an unregistered individual may be considered if the appropriate credentials of the unregistered supervisor are submitted to the section.

(d) Experience in all areas listed is not required. Not more than one year of satisfactory experience credit may be granted for any calendar year.

SECTION 10. A-E 4.03 (1) is renumbered A-E 4.03 (1r).

SECTION 11. A-E 4.04 is repealed.

SECTION 12. A-E 4.05 (title), (1) (intro.), (a), (b), (c), and (d) and (2) are renumbered A-E 4.026 (title), (1) (intro.), (a), (b), (d), and (c) and (2) and amended to read:

A-E 4.026 Requirements Application for registration as a professional engineer.

(1) ~~FOUR YEAR COURSE OF STUDY. A four year course of study requires~~ An applicant for professional engineer based on a four-year course of study is required to submit all of the following:

(a) A transcript verifying the applicant's bachelor of science degree ~~(B.S.)~~ in engineering from a school or college of engineering accredited by the ~~engineering accreditation commission of the accreditation board for engineering and technology (EAC/~~ Engineering Accreditation Commission of ABET) in engineering of not less than 4 years, or a diploma of graduation in engineering of not less than 4 years deemed by the professional engineer section to be equivalent to a ~~B.S. bachelor of science~~ degree in engineering from an ~~EAC/~~ Engineering Accreditation Commission of ABET accredited school or college of engineering.

(b) A specific record of 4 or more years of experience in accordance with s. A-E 4.03 within the 10 years preceding the application in engineering work of a character satisfactory to the professional engineer section indicating that the applicant is competent to be placed in responsible charge of engineering work. Experience gained in obtaining a master's degree in engineering and experience gained in obtaining a Ph.D. in engineering or in an engineering related program shall each be deemed equivalent to one year of qualifying experience.

(d) ~~Successful~~ Evidence of successful completion of ~~the a~~ a fundamentals of engineering examination and ~~the a~~ a principles and practice of engineering examination, in accordance with s. A-E 4.07 (1m).

(2) ~~TWO YEAR COURSE OF STUDY. A 2 year course of study requires~~ An applicant for professional engineer based on a 2-year course of study is required to submit all of the following:

(a) ~~An~~ A transcript verifying the applicant's associate degree in engineering related course of study from a technical school or college accredited by the engineering technology accreditation commission of the accreditation board for engineering and technology (ETAC/ Engineering Technology Accreditation Commission of ABET) in an engineering related course of study of not less than 2 years. This shall be deemed equivalent to a degree from a technical school or college approved by the professional engineer section.

(b) A specific record of 6 or more years of experience in accordance with s. A-E 4.03 within the 10 years preceding the application in engineering work of a character satisfactory to the professional engineer section indicating that the applicant is competent to be placed in responsible charge of engineering work.

(c) ~~Successful~~ Evidence of successful completion of the a fundamentals of engineering examination and the a principles and practice of engineering examination, in accordance with s. A-E 4.07 (1m).

SECTION 13. A-E 4.05 (3) is renumbered A-E 4.03 (1g) (c).

SECTION 14. A-E 4.06 is repealed.

SECTION 15. A-E 4.07 (1) is repealed.

SECTION 16. A-E 4.07 (1m) is created to read:

A-E 4.07 (1m) REQUIRED EXAMINATIONS.

(a) The required fundamentals examination is an NCEES Fundamentals of Engineering examination.

(b) The required principles and practice of engineering examination is an NCEES Principles and Practice of Engineering examination, or, in the alternative, the applicant may take the NCEES Structural Engineering examination in its entirety.

SECTION 17. A-E 4.07 (4) is repealed.

SECTION 18. A-E 4.07 (6) is amended to read:

A-E 4.07 (6) GRADING OF WRITTEN EXAMINATIONS. The passing scores set by the ~~board~~ section represent the minimum competency required to protect public health and safety. Experience ratings may not be weighed as a part of the examinations.

SECTION 19. A-E 4.07 (7) is repealed.

SECTION 20. A-E 4.08 (title) is amended to read:

A-E 4.08 (title) Application contents for reciprocity.

SECTION 21. A-E 4.08 (1) is repealed.

SECTION 22. A-E 4.08 (2) (intro) and (a) are amended to read:

A-E 4.08 (2) (intro) An application for registration by ~~comity~~ reciprocity from another state shall include all of the following:

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

SECTION 23. A-E 4.08 (3) and (4) are created to read:

A-E 4.08 (3) Submission of a properly executed and issued NCEES record with verification may be accepted as evidence of the information that is required by the professional engineer section.

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

SECTION 24. EFFECTIVE DATE. The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, pursuant to s. 227.22 (2) (intro.), Stats.

(END OF TEXT OF RULE)

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis <input checked="" type="checkbox"/> Original <input type="checkbox"/> Updated <input type="checkbox"/> Corrected	2. Date May 1, 2019
3. Administrative Rule Chapter, Title and Number (and Clearinghouse Number if applicable) A-E 4	
4. Subject Professional Engineer Registration	
5. Fund Sources Affected <input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S	6. Chapter 20, Stats. Appropriations Affected
7. Fiscal Effect of Implementing the Rule <input checked="" type="checkbox"/> No Fiscal Effect <input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Increase Costs <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Indeterminate <input type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Could Absorb Within Agency's Budget	
8. The Rule Will Impact the Following (Check All That Apply) <input type="checkbox"/> State's Economy <input type="checkbox"/> Specific Businesses/Sectors <input type="checkbox"/> Local Government Units <input type="checkbox"/> Public Utility Rate Payers <input type="checkbox"/> Small Businesses (if checked, complete Attachment A)	
9. Estimate of Implementation and Compliance to Businesses, Local Governmental Units and Individuals, per s. 227.137(3)(b)(1). \$0	
10. Would Implementation and Compliance Costs Businesses, Local Governmental Units and Individuals Be \$10 Million or more Over Any 2-year Period, per s. 227.137(3)(b)(2)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
11. Policy Problem Addressed by the Rule The Board undertook a full review of A-E 4 to amend the chapter to reflect current best practices and to update the rule. The National Council of Examiners for Engineering and Surveying® (NCEES) has developed national standards for uniform continuing education and transcript reporting, and these standards have been incorporated into A-E 4. Additionally, the chapter was reorganized to provide clarity and consistency for applicants. Finally, the rule amends the code to ensure consistency in the use of language among A-E chapters.	
12. Summary of the Businesses, Business Sectors, Associations Representing Business, Local Governmental Units, and Individuals that may be Affected by the Proposed Rule that were Contacted for Comments. The proposed rule was posted on the Department of Safety and Professional Services' website for 14 days in order to solicit comments from businesses, representative associations, local governmental units, and individuals that may be affected by the rule. No comments were received.	
13. Identify the Local Governmental Units that Participated in the Development of this EIA. No local governmental units participated in the development of this EIA.	
14. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred) The proposed rule will not have a significant impact on specific businesses, business sectors, public utility rate payers, local governmental units, or the state's economy as a whole.	
15. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule The Section has reviewed the chapter and made revisions to: <ul style="list-style-type: none">• Ensure applicants may use the National Council of Examiners for Engineering and Surveying (NCEES) uniform reporting standards as evidence for application requirements;• Clarify that candidates who pass the NCEES Structural Engineering examination are not required to take the Principles and Practice of Engineering exam (PE Exam);• Remove the requirement that applicants for initial licensure have a reference who is registered in Wisconsin; and	

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

- Reorganize the chapter for clarity, consistency, and to meet drafting standards.

16. Long Range Implications of Implementing the Rule

The rule update will provide clearer guidance for applicants for licensure, and clarifies how applicants may use the NCEES tools available to them during the application process.

17. Compare With Approaches Being Used by Federal Government

None.

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

Illinois:

Illinois licenses Professional Engineers and Structural Engineers separately. Applicants for the Structural Engineer license must pass the NCEES Structural Engineer exam in order to qualify. The State Board of Professional Engineers and the Structural Engineering Board do accept NCEES records as evidence for examinations, education, and license verifications for applicants by endorsement. They do not accept an NCEES record for verification of employment or experience. An applicant must submit evidence of experience supervised by licensed Professional Engineers or Structural Engineers, as appropriate, but the supervisor is not required to be licensed in Illinois. The specific requirements of licensure are in sections 1380.210 through 1380.325, IL Admin. Code.

Iowa:

Iowa licenses Professional Engineers, with the license being granted for the specific branch of engineering, including Structural Engineering, related to the education, experience, and the NCEES Principles and Practice of Engineering examination the applicant passed. The Engineering and Land Surveying Examining Board requires applicants file a standardized, notarized application online with transcripts sent directly from the institution and references mailed in signed and sealed envelopes. An applicant must provide five references, three of whom are licensed professional engineers and at least one of whom supervised the applicant in gaining their qualifying experience. References are not required to be licensed in Iowa. The specific requirements of licensure are in sections 193C.3.1 through 193C.4.3, IA Admin. Code.

Michigan:

Effective April 4, 2017, Michigan no longer requires five references as part of the application. However, qualifying experience must still be verified by individuals. Applicants are also no longer required to apply to sit for NCEES exams through the Board of Professional Engineers.

Applicants must submit a transcript to verify educational background to the Board, and must take the NCEES Principles and Practice of Engineering exam. The specific requirements of licensure are in sections R 339.16001 through R 339.16034, MI Admin. Code.

Minnesota:

The Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience, and Interior Design accepts NCEES records as evidence of qualifying examination scores, education, experience, and license verifications for applicants by comity.

Applicants are required to take the NCEES Principles and Practice of Engineering exam. While references are not required, qualifying experience must be verified by each of the applicant's supervisors and submitted with the application. Supervisors are not required to be licensed in the state of Minnesota. The specific requirements of licensure are in sections 1800.2500 through 1800.2900, MN Admin. Rules.

19. Contact Name

20. Contact Phone Number

ADMINISTRATIVE RULES
Fiscal Estimate & Economic Impact Analysis

Helen Leong, Administrative Rules Coordinator

(608) 266-0797

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

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

ATTACHMENT A

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

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

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

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

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

5. Describe the Rule's Enforcement Provisions

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

- Yes No
-



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Scott Grosz
Clearinghouse Director

Margit Kelley
Clearinghouse Assistant Director

Anne Sappenfield
Legislative Council Director

Jessica Karls-Ruplinger
Legislative Council Deputy Director

CLEARINGHOUSE RULE 19-075

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. SECTION 5 of the proposed rule creates s. A-E 4.025 (title) to read “Application for an engineer-in-training certificate.” However, a related title, s. A-E 4.05 (title), which is renumbered under the proposed rule, is phrased slightly differently to read, “Application for registration as a professional engineer”. The board should consider rephrasing s. A-E 4.025 (title) as “Application for certification as an engineer-in-training” so that it is consistent with other parts of the administrative code.

b. Section A-E 4.025 (b) references the statutory requirements for verifying the applicant’s education and training, or specific record of experience. However, s. A-E 4.05, which is renumbered by the proposed rule, lists these requirements out instead of cross-referencing the statute. The board should consider including those provisions directly in the rule so that it is consistent with other parts of the administrative code.

c. SECTION 9 of the proposed rule creates s. A-E 4.03 (1) (b) and (d). These two paragraphs already exist. The board should review the intent of this SECTION and revise the numbering of the paragraphs accordingly.

d. SECTION 12 states that s. A-E 4.05 (d) is renumbered par. (c), and amended. However, it does not appear that par. (d), as renumbered par. (c), is amended by the proposed rule. The board should review the intent of this SECTION and revise accordingly.

e. In SECTION 18 and other places in the proposed rule, the term “board” is replaced with the term “section”. However, the term that is currently used throughout chs. A-E, Wis. Adm. Code, is the term “professional engineering section”, which is the term used in the definitions found in ch. A-E 1. The board should consider replacing any reference to “section” with the term “professional engineering section”.

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

a. SECTION 3 of the proposed rule amends s. A-E 4.02 (1) to provide that a new application and fee may be required. The proposed rule does not specify when this may be required. The board should consider clarifying when, and under what circumstances, it may require a new application and fee to be submitted.

b. In SECTIONS 5, 23, and other parts of the proposed rule, it is unclear what the phrase, “with verification” means. The board should consider clarifying this phrase throughout the proposed rule.

c. In SECTION 12, s. A-E 4.026 (1) (a), the proposed rule amends the title of the entity that accredits the school or college of engineering. In doing so, the phrase “Engineering Accreditation Commission of ABET accredited school or college of engineering” is long and confusing. The board should consider reorganizing this phrase to be similar to the phrase in s. A-E 4.026 (2) (a), which reads “school or college accredited by the Engineering Technology Accreditation Commission of ABET”.

Recommendations

2. Form, Style and Placement in Administrative Code

a. SECTION 5 of the proposed rule creates s. A-E 4.025 (title) to read “Application for an engineer-in-training certificate.” However, a related title, s. A-E 4.05 (title), which is renumbered under the proposed rule, is phrased slightly differently to read, “Application for registration as a professional engineer”. The board should consider rephrasing s. A-E 4.025 (title) as “Application for certification as an engineer-in-training” so that it is consistent with other parts of the administrative code.

Accept.

This change can be made for consistency with other parts of the administrative code.

b. Section A-E 4.025 (b) references the statutory requirements for verifying the applicant’s education and training, or specific record of experience. However, s. A-E 4.05, which is renumbered by the proposed rule, lists these requirements out instead of cross-referencing the statute. The board should consider including those provisions directly in the rule so that it is consistent with other parts of the administrative code.

Reject.

Prefer to not restate clear statutory language in administrative code. In addition, the Section has not been made aware of any uncertainty concerning this provision.

c. SECTION 9 of the proposed rule creates s. A-E 4.03 (1) (b) and (d). These two paragraphs already exist. The board should review the intent of this SECTION and revise the numbering of the paragraphs accordingly.

Accept.

This change should be made to correct the paragraph numbering.

d. SECTION 12 states that s. A-E 4.05 (d) is renumbered par. (c), and amended. However, it does not appear that par. (d), as renumbered par. (c), is amended by the proposed rule. The board should review the intent of this SECTION and revise accordingly.

Accept.

This change should be made to provide clarity to the Clearinghouse when they are incorporating the changes into existing code.

e. In SECTION 18 and other places in the proposed rule, the term “board” is replaced with the term “section”. However, the term that is currently used throughout chs. A-E, Wis. Adm. Code, is the term “professional engineering section”, which is the term used in the definitions found in ch. A-E 1. The board should consider replacing any reference to “section” with the term “professional engineering section”.

Accept.

This change can be made for clarity and consistency.

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

a. SECTION 3 of the proposed rule amends s. A-E 4.02 (1) to provide that a new application and fee may be required. The proposed rule does not specify when this may be required. The board should consider clarifying when, and under what circumstances, it may require a new application and fee to be submitted.

Reject.

The provision allows the flexibility to determine, on a case-by-case basis, when a new application and fee are required.

Note: Based on further review, DSPS recommends that s. A-E 4.02 (1) not be amended. If s. A-E 4.02 (1) is not amended, the Clearinghouse recommendation is no longer applicable.

b. In SECTIONS 5, 23, and other parts of the proposed rule, it is unclear what the phrase, “with verification” means. The board should consider clarifying this phrase throughout the proposed rule.

Accept.

These provisions can be revised for clarity. The Section recommends using the phrase “properly executed and issued with verification by NCEES” from the NCEES model language for completing applications.

c. In SECTION 12, s. A-E 4.026 (1) (a), the proposed rule amends the title of the entity that accredits the school or college of engineering. In doing so, the phrase “Engineering Accreditation Commission of ABET accredited school or college of engineering” is long and confusing. The board should consider reorganizing this phrase to be similar to the phrase in s. A-E 4.026 (2) (a), which reads “school or college accredited by the Engineering Technology Accreditation Commission of ABET”.

Accept.

This phrase can be reorganized for clarity.

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

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

PROPOSED ORDER

An order of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, and Professional Land Surveyors to repeal A-E 3.05 (6) to (9) and amend A-E 3.04 (1) and 3.05 (1) (intro.), relating to architect registration examinations.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted: Section 443.09 (4), Stats.

Statutory authority: Sections 15.08 (5) (b) and 443.02 (3), Stats.

Explanation of agency authority:

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

Section 443.02 (3), Stats., provides that “[n]o person may offer to practice architecture, landscape architecture, or professional engineering or use in connection with the person’s name or otherwise assume, use or advertise any title or description tending to convey the impression that he or she is an architect, landscape architect, or professional engineer or advertise to furnish architectural, landscape architectural, or professional engineering services unless the person has been duly registered or has in effect a permit under s. 443.10 (1) (d).”

Related statute or rule: Section 443.09 (4), Stats.

Plain language analysis:

- Section A-E 3.05 (1) (intro.) is revised to reflect that the Architect Section has adopted the Architect Registration Examination administered by the National Council of Architectural Registration Boards.

- Section A-E 3.05 (4) is revised to clarify that the authority to set the passing scores for the examination required for registration as an architect rests with the Architect Section.
- Section A-E 3.05 (6), (7), and (9) are repealed. As the Architect Section does not administer the examination required for registration as an architect, these provisions are obsolete.
- Section A-E 3.05 (8) is repealed, as it was invalidated by the repeal of s. 443.09 (6), Stats., in 2009 Wisconsin Act 350.

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

None.

Comparison with rules in adjacent states:

Illinois:

Rules of the Illinois Department of Financial and Professional Regulation address the examination for licensure to practice architecture in Illinois (68 Ill. Adm. Code 1150.40). The Department has adopted the Architect Registration Examination administered by the National Council of Architectural Registration Boards.

Iowa:

Rules of the Iowa Architectural Examining Board address the examination for licensure to practice architecture in Iowa (193B IAC 2.3 and 2.4). The Board has adopted the Architect Registration Examination administered by the National Council of Architectural Registration Boards.

Michigan:

Rules of the Michigan Board of Architects address the examination for licensure to practice architecture in Michigan (Mich Admin Code, R 339.15204). The Board has adopted the Architect Registration Examination administered by the National Council of Architectural Registration Boards.

Minnesota:

Rules of the Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience, and Interior Design address the examination for licensure to practice architecture in Minnesota (Minnesota Rules, part 1800.1200). The Board has adopted the Architect Registration Examination administered by the National Council of Architectural Registration Boards.

Summary of factual data and analytical methodologies:

The A-E Board conducted a thorough review of the A-E administrative rules in preparation of their first biennial report in response to 2017 Act 108 and s. 227.29, Stats. As a result of this review, the Board identified several places in ch. A-E 3 where the rules relating to examination requirements reference obsolete requirements or repealed provisions. The Architect Section also reviewed the chapter to ensure consistency with current practices relating to examinations required for registration.

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.

Effect on small business:

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

Agency contact person:

Dale Kleven, Administrative Rules Coordinators, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, Wisconsin 53705-8366; telephone 608-261-4472; email at DSPSAdminRules@wisconsin.gov.

TEXT OF RULE

SECTION 1. A-E 3.04 (1) is amended to read:

A-E 3.04 (1) For the purpose of meeting experience requirements for registration as an architect, an applicant may claim certain education as equivalent to experience in architectural work, as provided in s. 443.03 (2), Stats. To qualify as equivalent to experience in architectural work, the education shall be obtained at a university, college or technical school approved by the architect section of the examining board.

SECTION 2. A-E 3.05 (1) (intro.) is amended to read:

A-E 3.05 (1) (intro.) ARCHITECT EXAMINATION REQUIRED. An applicant for registration as an architect, unless applying under s. 443.10 (1), Stats., shall successfully complete the Architect Registration Examination administered by the National Council of Architectural Registration Boards, or an equivalent examination on architectural services ~~which~~ that measures the knowledge and skills necessary to competently practice architecture. ~~The examination shall test and tests~~ the following architectural services and service elements:

SECTION 3. A-E 3.05 (6) to (9) are repealed.

SECTION 4. EFFECTIVE DATE. The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, pursuant to s. 227.22 (2) (intro.), Stats.

(END OF TEXT OF RULE)

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)

PROPOSED ORDER

An order of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, and Professional Land Surveyors to repeal A-E 5.02 and (Note) and 5.06 (8) (Note); to amend A-E 5.03 (1) (a) and (2), 5.04 (1) (d) (intro.) and 1. to 6. and (e) (intro.) and 1., (3), (5), (6), (7), (7) (Note), and (8) (a), and 5.06 (1), (2) (intro.), (c), and (d), and 5.06 (6) (a) and (b); and to create A-E 5.04 (1) (g) and 5.06 (1) (f), relating to designer permits.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted: s. 443.07, Stats.

Statutory authority: ss. 15.08 (5) (b), 227.11 (2) (a), and 443.07 (1), Stats.

Explanation of agency authority:

Section 15.08 (5) (b), Stats., provides examining boards, “[s]hall 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 443.07 (1), Stats., provides that, “[a]n applicant for a permit as a designer shall submit as evidence satisfactory to the designer section of the examining board ... a specific record ... in the field or branch, as determined by the designer section, in which certification is sought.”

Related statute or rule:

A-E 2 and A-E 8

Plain language analysis:

The proposed revisions provide clarification on qualifications for a designer permit, specifically by:

- Distinguishing between the subfields of low voltage and high voltage electrical systems, using the distinction established under the National Electrical Code, NFPA 70 2014;
- Including trigonometry as a tested mathematics topic;
- Further emphasizing that the Designer Section has the statutory discretion in reviewing experience to determine whether it demonstrates competency;
- Replacing the terms ‘board’ with ‘section’ and ‘private sewage systems’ with ‘private onsite wastewater treatment systems’ to be consistent with statute; and
- Amending the chapter to conform with statutory changes, drafting standards, and for consistency.

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

None.

Summary of public comments and feedback on the statement of scope:

The Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, and Professional Land Surveyors, upon direction under s. 227.136 (1), Stats., held a preliminary public hearing and comment period during the A-E Rules Committee meeting on April 23, 2019 for SS 022-19. After receiving no public comments, the Committee, on behalf of the A-E Board, approved the statement of scope for implementation.

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

Technical submissions to local code enforcement officials must be signed and sealed by a design professional. Design professionals in the state of Illinois are limited to Professional Land Surveyors, Structural Engineers, Professional Engineers, and Architects. Illinois does not issue permits or similar credentials for Designers of Engineering Systems.

Iowa:

Submissions of plans to the Iowa Department of Public Safety, Building Code Bureau must be completed by responsible design professionals including Registered Architects and Licensed Professional Engineers. Professional engineers are licensed according to the specific branch of engineering for which they passed the Principles and Practice of Engineering, including the structural engineering exam. Iowa does not issue permits or similar credentials for Designers of Engineering Systems.

Michigan:

Plans submitted to the Michigan Department of Licensing and Regulatory Affairs, Bureau of Construction Codes must be sealed by a design professional, including Architects, Professional Engineers, and Land Surveyors. Michigan does not issue permits or similar credentials for Designers of Engineering Systems.

Minnesota:

Plans submitted to the Minnesota Department of Labor and Industry must be certified by a licensed design professional, including Architects, Professional Engineers, Land Surveyors, Landscape Architects, Certified Interior Designers, Professional Soil Scientists, and Professional Geologists. Minnesota does not issue permits or similar credentials for Designers of Engineering Systems.

Summary of factual data and analytical methodologies:

The Designer Section determined that a revision of A-E 5 was necessary after applications for the permit required multiple requests for additional information. The Section requested the Scope Statement on October 30, 2017, and the Chair approved it on November 8, 2017 for submission to the A-E Board and Rules Committee, prior to the Section losing quorum. The A-E Board approved the Scope Statement for implementation and drafts of the rule were reviewed by the Professional Engineer Section at the July 18, 2019 meeting and the Chair of the Designer Section.

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.

Effect on small business:

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

Agency contact person:

Dale Kleven, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, Wisconsin 53705-8366; telephone 608-261-4472; email at DSPSAdminRules@wisconsin.gov.

TEXT OF RULE

SECTION 1. A-E 5.02 and (Note) are repealed.

SECTION 2. A-E 5.03 (1) (a) and (2) are amended to read:

A-E 5.03 (1) (a) Basic mathematics, physics, trigonometry, and mechanics.

(2) AREAS OF EXPERIENCE. ~~To qualify as satisfactory experience in the design of engineering systems under s. 443.07, Stats., the~~ The experience of an applicant for a permit shall be substantially in the field or subfield for which the applicant has applied, and the experience shall demonstrate competence to be in charge of work in that specific field or subfield to the satisfaction of the section. Fields and ~~subfield~~ subfields are described in s. A-E 5.06. The experience shall be in areas of design practice designated under subs. (3) and (4), or other areas which, ~~in to the opinion~~ satisfaction of the ~~board~~ section, ~~provide~~ provides the applicant with knowledge or practice at least equivalent to ~~that which~~ what is generally acquired by experience in the areas listed. An applicant need not have experience in all areas of practice listed under ~~subs. (3) and sub. (4).~~ However, all applicants shall have experience in those areas listed in ~~sub~~ pars. (3) (a) and (b). Academic coursework ~~which~~ that provides the applicant with knowledge and skills in some of the areas of practice listed under subs. (3) and (4) may be claimed as equivalent to experience, in accordance with the limitations in s. 443.07 (2), Stats.

SECTION 3. A-E 5.04 (1) (d) (intro.) and 1. to 6. and (e) (intro.) and 1. are amended to read:

A-E 5.04 (1) (d) (intro.) The examination for a permit in the subfield of private sewage onsite wastewater treatment systems as defined in s. 145.01 (12), Stats., requires an applicant to demonstrate competency in:

1. Knowledge of soils ; .
2. Design of private sewage onsite wastewater treatment systems ; .
3. Applicable administrative code and statutory provisions ; .
4. Knowledge of applications and reports, including but not limited to soil boring and percolation reports ; .
5. Mapping skills and interpretation ; .
6. Knowledge of all systems in the subfield and design of the systems ; ~~and~~ .

(e) (intro.) The examination for a permit in the ~~field~~ subfield of electrical systems operating at over 600 volts, nominal, requires the applicant to demonstrate competency in all of the following:

1. User requirements for both primary and secondary distribution, ~~illumination~~, controls, and switches and communication systems.

SECTION 4. A-E 5.04 (1) (g) is created to read:

A-E 5.04 (1) (g) The examination for a permit in the subfield of electrical systems operating not over 600 volts, nominal, including fire protection electrical systems, requires the applicant to demonstrate competency in all of the following:

1. User requirements for fire protection of life and property, life safety requirements, methods of fire alarm systems, and use of fire proof materials.
2. Fire characteristics.

3. Smoke.
4. Gases.
5. User requirements for both primary and secondary distribution, illumination, controls, and switches.
6. Power, including resistance heating, signals, and motors.

SECTION 5. A-E 5.04 (3), (5), (6), (7), (7) (Note), and (8) (a) are amended to read:

A-E 5.04 (3) APPLICATION FOR EXAMINATION. An application for examination must be filed with the ~~board~~ section no later than 2 months before the scheduled date for the examination.

(5) TIME, DATE AND SITE OF EXAMINATIONS. The examinations shall be held at a time, date and site specified by the ~~board~~ section.

(6) GRADING OF WRITTEN EXAMINATIONS. The passing scores set by the ~~board~~ section represent the minimum competency required to protect public health and safety. An applicant's experience rating is not considered by the ~~board~~ section in grading the applicant's written examination.

(7) REEXAMINATION PROCEDURE. An applicant for a designer examination who fails an examination or any part of an examination may retake any part of the examination failed at a regularly-scheduled administration of the examination. If an applicant fails to pass, on reexamination of the parts failed, or, the current examination parts equivalent to the parts failed, within 4 years from the date of receipt of the results of the first failure of the examination or any part of the examination, the applicant is required to take and pass the entire examination. If the applicant retakes the entire examination, the applicant shall pay the original examination fee under s. 440.05 (1), Stats. The ~~board~~ section shall determine which parts of a current examination are equivalent to the examination parts failed by an applicant.

Note: Examination fees are available on the department's website at dsps.wi.gov, or by request from the Department of Safety and Professional Services, P.O. Box 8935, Madison, WI 53708, or ~~by calling call~~ (608) 266 - 2112.

(8) (a) One-year limitation. An applicant for a designer examination may review questions on any part of an examination failed by the applicant within one year from the date of the examination, ~~as specified in s. 443.09 (6), Stats.~~ An applicant may review the examination only once.

SECTION 6. A-E 5.06 (8) (Note) is repealed.

SECTION 7. A-E 5.06 (1) and (2) (intro.), (c), and (d) are amended to read:

A-E 5.06 (1) Design services which may be performed by designers are the preparation of plans and specifications, consultation, investigation, and evaluation in connection with the preparation of plans and specifications in those fields and ~~subfield~~ subfields set forth in sub. (2).

(2) (intro.) Permits for the design of engineering systems shall be issued in the following fields and ~~subfield~~ subfields:

(c) The subfield of private ~~sewage~~ onsite wastewater treatment systems.

(d) The ~~field~~ subfield of electrical systems operating at over 600 volts, nominal.

SECTION 8. A-E 5.06 (1) (f) is created to read:

A-E 5.06 (1) (f) The subfield of electrical systems operating not over 600 volts, nominal.

SECTION 9. A-E 5.06 (6) (a) and (b) are amended to read:

A-E 5.06 (6) (a) A master plumber's license restricted to private ~~sewage~~ onsite wastewater treatment systems issued pursuant to s. 145.14, Stats., shall be deemed equivalent to 4 years of approved experience in designing private ~~sewage~~ onsite wastewater treatment systems. The mathematics and mechanical science portions of the examination for the subfield of private ~~sewage~~ onsite wastewater treatment systems may be waived for an applicant who holds ~~such~~ the license. An applicant who does not hold ~~such~~ that license shall take the mathematics, mechanical science, and practice portions of the examination for the subfield of private ~~sewage~~ onsite wastewater treatment systems.

(b) A plumbing design permit in the subfield of private ~~sewage~~ onsite wastewater treatment systems shall be limited to the design of septic tanks for private ~~sewage disposal~~ onsite wastewater treatment systems, drain fields designed to serve ~~such~~ septic tanks, and the sewer service from the septic tank or sewer extensions from mains to the immediate inside or proposed inside foundation wall of the building.

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)

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 repeal s. A-E 9.05 (4) and s. A-E 9.05 (8); to renumber and amend s. A-E 9.05 (1) (a) and (c); to amend s. A-E 9.02 (2), s. A-E 9.03 (1) (a) and (b), s. A-E 9.04, s. A-E 9.05 (7), and s. A-E 9.06 (1), (5), and (6); to repeal and recreate s. A-E 9.05 (title); and to create s. A-E 9.025, relating to landscape architect registration.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted: ss. 111.335 (4), 443.03, and 443.09, Stats.

Statutory authority: ss. 15.08 (5) (b) and 227.11 (2) (a), Stats.

Explanation of agency authority:

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.”

Related statute or rule:

A-E 11

Plain language analysis:

The Section has reviewed the chapter and made revisions to:

- Insert cross-references into s. A-E 9.06 (6) for relevant statutes to implement 2017 Act 278, which made various changes to the circumstances under which a licensing agency may base its decisions on an individual's criminal history; and
- Revise the chapter for clarity, consistency, and to meet drafting standards.

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

None.

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

Landscape architects are licensed by the Illinois Landscape Architect Registration Board under the Illinois Department of Financial and Professional Regulation. The Board does not have a process for preliminary determinations concerning whether any court judgments against the applicant would result in a denial of a license. If an applicant has a criminal history, the board must consider mitigating factors and evidence of rehabilitation. The board may not consider sealed or expunged records.

Iowa:

Landscape architects are licensed by the Landscape Architectural Examining Board, attached to the Iowa Professional Licensing Bureau. The Board does not have a process for preliminary determinations concerning whether any court judgments against the applicant would result in a denial of a license. The application requirements are substantially similar to Wisconsin's requirements.

Michigan:

Landscape architects are directly licensed by the Bureau of Professional Licensing of the Department of Licensing and Regulatory Affairs. Under s. 339.202a, MCL, the department shall provide preliminary determinations concerning whether any court judgments against an applicant would result in a denial of a license.

Minnesota:

Landscape architects are licensed by the Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience, and Interior Design. The Board does not have a process for preliminary determinations concerning whether any court judgments against the applicant would result in a denial of a license. If an applicant has a criminal history, the board must consider mitigating factors and evidence of rehabilitation.

Summary of factual data and analytical methodologies:

The Landscape Architect Section of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, and Professional Land Surveyors closely reviewed A-E 9 to develop the proposed rule revisions.

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.

Effect on small business:

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

Agency contact person:

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

TEXT OF RULE

SECTION 1. A-E 9.02 (2) is amended to read:

A-E 9.02 (2) An applicant ~~who files an application but~~ who does not comply with a request for information related to ~~the~~ an application within one year from the date of the request shall file a new application and fee.

SECTION 2. A-E 9.025 is created to read:

A-E 9.025 Definitions. For the purposes of this chapter, “allied professional” and “allied profession” means a licensed professional engineer or architect, and engineering or architecture, respectively.

SECTION 3. A-E 9.03 (1) (a) and (b) are amended to read:

A-E 9.03 (1) (a) To qualify as satisfactory experience in landscape architecture for the purposes of s. 443.035, Stats., an applicant's experience shall include the application of accepted principles in the practice of landscape architecture and shall demonstrate an applicant's progressive development of competence to practice landscape architecture. The experience shall be acquired in the areas of the practice of landscape architecture listed in sub. (2) (a) to (g), or in other areas of the practice of landscape architecture which in the opinion of the ~~board~~ landscape architect section provide the applicant with a knowledge of principles and data related to the practice of landscape architecture at least equivalent to that which would be acquired by experience in the areas of practice listed. Experience in every listed area is not required.

(b) To qualify as satisfactory experience in landscape architecture for the purposes of s. 443.035 (1) (a), Stats., an applicant's experience ~~must~~ shall be obtained subsequent to completion of the education requirements.

SECTION 4. A-E 9.04 is amended to read:

A-E 9.04 (1) In satisfaction of the education requirement under s. 443.035 (1) (a), Stats., the ~~board~~ landscape architect section accepts bachelor's or master's degrees in landscape architecture granted by a college or university accredited by the ~~landscape architecture accreditation board~~ Landscape Architecture Accreditation Board of the American ~~society~~ Society of landscape architects Landscape Architects or a degree determined by the ~~board~~ landscape architect section to be equivalent ~~thereto~~. If the degree is from an international educational institution, the applicant shall provide an official evaluation by a transcript evaluation service acceptable to the ~~board~~ landscape architect section which shows that the degree is equivalent to a bachelor's degree in landscape architecture or a master's degree in landscape architecture granted by a college or university accredited by the ~~landscape architecture accreditation board~~ Landscape Architecture Accreditation Board of the American ~~society~~ Society of landscape architects Landscape Architects.

(2) In satisfaction of the education requirement under s. 443.035 (1) (b), Stats., the ~~board~~ landscape architect section accepts coursework in landscape architecture completed at a college or university accredited by the ~~landscape architecture accreditation board~~ Landscape Architecture Accreditation Board of the American ~~society~~ Society of landscape architects Landscape Architects, or other equivalent college level coursework in landscape architecture or in an area related to landscape architecture, completed at a college or university accredited by a regional accrediting agency approved by the state board of education in the state in which the college or university is located.

SECTION 5. A-E 9.05 (title) is repealed and recreated to read:

A-E 9.05 (title) Examination requirement.

SECTION 6. A-E 9.05 (1) (a) and (c) are renumbered A-E 9.05 (1) and (2) and are amended to read:

A-E 9.05 (1) ~~SCOPE OF WRITTEN EXAMINATIONS.~~ LANDSCAPE ARCHITECT REGISTRATION EXAMINATION. An applicant for initial registration as a landscape architect shall pass ~~an examination determined by the landscape architecture section to assess knowledges required for the professional practice of landscape architecture~~ , in accordance with subsection (2), the Landscape Architect Registration Examination, LARE, prepared by the Council of Landscape Architectural Registration Boards, or an equivalent examination as determined by the landscape architect section.

(2) **MINIMUM COMPETENCY.** The passing scores for each section or in combination as appropriate shall be set by the ~~board~~ landscape architect section to represent the minimum competency required to protect public health and safety.

SECTION 7. A-E 9.05 (4) is repealed.

SECTION 8. A-E 9.05 (7) is amended to read:

A-E 9.05 (7) REEXAMINATION. ~~An~~ In accordance with s. 443.09 (5), Stats., an applicant failing any part of an examination may be reexamined on the part or parts failed, except that after failure of 3 reexaminations, the ~~board~~ landscape architect section shall require a one-year waiting period before further ~~reexaminations~~ reexamination on the part or parts failed.

SECTION 9. A-E 9.05 (8) is repealed.

SECTION 10. A-E 9.06 (1), (5), and (6) are amended to read:

A-E 9.06 (1) Official transcripts of graduate and undergraduate training, properly attested to by the degree granting institution and submitted by the institution directly to the ~~board~~ landscape architect section.

(5) For ~~applicants~~ an applicant previously licensed in another state, territory, or possession of the United States or in another country, verification of the applicant's licensure in the licensing jurisdiction of original licensure or, if the applicant has permitted ~~his or her~~ the registration in the jurisdiction of original licensure to lapse, verification of licensure in the licensing jurisdiction where the applicant is currently licensed and where the applicant was last engaged in the practice of landscape architecture.

(6) For ~~applicants~~ an applicant who ~~have~~ has a pending criminal charge or ~~have~~ has been convicted of a crime, all related information necessary for the ~~board~~ landscape architect section to determine whether the circumstances of the pending criminal charge or criminal conviction are substantially related to the circumstances of the practice of landscape architecture, subject to ss. 111.321, 111.322, and 111.335, Stats.

SECTION 11. 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)

STATEMENT OF SCOPE

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

Rule No.: A-E 2

Relating to: General procedures

Rule Type: Permanent

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

N/A

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

The Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, and Professional Land Surveyors (A-E Board) is conducting a thorough review of the A-E administrative rules in preparation of their first biennial report in response to 2017 Act 108 and s. 227.29, Stats. As a result of this review, the A-E Board has determined that chapter A-E 2, relating to general requirements and procedures, needs to be amended to ensure that the requirements are current with standards of practice and consistent with statute.

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 A-E Board will undertake a comprehensive review to evaluate A-E 2 to provide clarification on the rules relating to branch offices and notice requirements; replacing the term “board” with “section” to be more accurate in A-E 2.05, in accordance with statutory changes in 2011 Act 146; and potentially update other provisions to ensure that the requirements are current with standards of practice and consistent with statute.

The alternative of not amending the rules would be less beneficial to affected entities due to lack of clarity regarding the roles of the Board and the Sections.

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

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 80 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:

Licensed Architects, Landscape Architects, Professional Engineers, Designers, and Professional Land Surveyors and the associated firms, partnerships, and corporations registered, permitted, certified, or granted a certificate of authorization by that section.

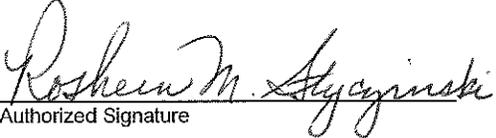
7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule:

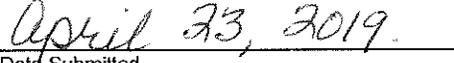
None.

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


Authorized Signature


Date Submitted

Chapter A-E 2

GENERAL REQUIREMENTS AND PROCEDURES

A-E 2.01	Purpose.
A-E 2.02	Registration seals.
A-E 2.03	Branch offices.

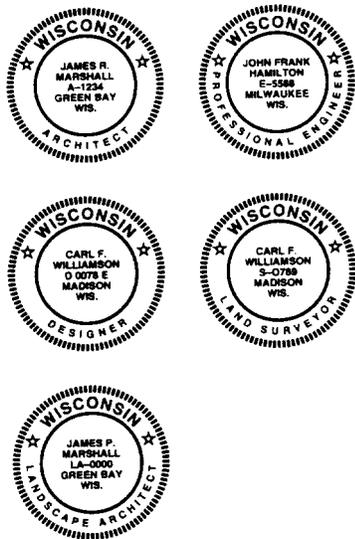
A-E 2.04	Change of address.
A-E 2.05	Failure to be registered.

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

History: Cr. Register, February, 1987, No. 374, eff. 3-1-87; am. Register, June, 1995, No. 474, eff. 7-1-95; am. Register, January, 1999, No. 517, eff. 2-1-99; am. Register, February, 2000, No. 530, eff. 3-1-00; CR 11-014: am. Register December 2011 No. 672, eff. 1-1-12; CR 15-036: am. Register January 2016 No. 721, eff. 2-1-16.

A-E 2.02 Registration seals. (1) Each architect, landscape architect, professional engineer, designer and professional land surveyor shall obtain a seal that complies with board specifications for registration seals. The overall diameter may not be less than 1 $\frac{3}{8}$ inches nor more than 2 inches. Each seal shall include the registrant's name, registration or permit number and city.

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



(3) A rubber stamp, identical in size, design and content to a board-approved seal, may be used as a substitute for a registration seal.

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

(5) If more than one sheet is bound together in a volume, the registrant or permit holder who prepared or directed and controlled the preparation of the volume, may sign, seal and date only

the title or index sheet if the signed sheet identifies clearly all other sheets comprising the bound volume and if any other sheets which are prepared by or under the direction and control of another registrant or permit holder are signed, sealed and dated by the other registrant or permit holder.

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

(7) (a) All seals or stamps affixed to plans, drawings, documents, specifications, and reports to be filed as public documents shall be original. No stickers shall be allowed. Seals or stamps may be applied by crimp type, rubber stamp or by electronic means provided the electronic seal or stamp meets the requirements of subch. II of ch. 137, Stats., a security procedure is used, and electronic submissions are permitted by the governmental unit that is to receive the plans, drawings, documents, specifications, and reports.

1. The stamp authorized by the Board must be one of crimp type, rubber stamp type, or computer generated.

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

1. In a permanent ink contrasting with the seal and the background.

2. Utilizing an electronic signature, meeting the requirements of subch. II ch. 137, Stats., a security procedure is used and if permitted by the governmental unit that is to receive the plans, drawings, documents, specifications, and reports. A scanned image of an original signature shall not be used in lieu of an electronic signature with a security procedure as found in s. 137.11 (13), Stats.

Note: Section 137.11 (13), Stats., of the statutes reads as follows: "Security procedure" means a procedure employed for the purpose of verifying that an electronic signature, record or performance is that of a specific person or for detecting changes or errors in the information in an electronic record. The term includes a procedure that requires the use of algorithms or other codes identifying words or numbers, encryption, callback, or other acknowledging procedures.

(c) If other standards for signatures or seals are prescribed by statute, the statutes shall govern.

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

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

(b) A certificate, dated, signed and sealed by the Wisconsin registered architect or professional engineer who is submitting the plans, specifications and calculations for filing as public documents, shall be attached to the plans, specifications and calculations. The certificate shall indicate that the plans, specifications and calculations were prepared by an architect or professional engineer other than the submitting registered architect or professional engineer; shall describe the work performed by the submitting registered architect or professional engineer; and shall include statements to the effect that the plans and specifications have been reviewed and comply with all applicable local and state building codes, and that the reviewing registered architect or professional engineer will be responsible for the supervision of construction in accordance with the requirements of the state, and of the county and municipality where the building or structure is to be erected. If the registered architect or professional engineer who originally prepared the plans, specifications and calculations was registered in Wisconsin at the time they were prepared, the certificate shall also specify why the original architect or professional engineer is not submitting the plans, specifications and calculations for approval.

History: Cr. Register, February, 1987, No. 374, eff. 3-1-87; cr. (7), Register, January, 1993, No. 445, eff. 2-1-93; am. (1), (2), (4) and (6), Register, June, 1995, No. 474, eff. 7-1-95; am. (1), (2), (4) and (6), Register, February, 2000, No. 530, eff. 3-1-00; cr. (8), Register, November, 2000, No. 539, eff. 12-1-00; CR 01-034; r. and recr. (7), Register December 2001 No. 552, eff. 1-1-02; CR 13-020; am. (7) (a) (intro.), cr. (7) (a) 1., am. (7) (b) (intro.), 2. Register May 2015 No. 713; CR 15-036; am. (1), (4), (6) Register January 2016 No. 721, eff. 2-1-16; correction in (1) made under s. 35.17, Stats., Register November 2018 No. 755.

A-E 2.03 Branch offices. (1) DEFINITIONS. In this section,

(a) "Firm" means any sole proprietorship, partnership or corporation located in Wisconsin which provides or offers to provide architectural, landscape architectural, professional engineering, design or professional land surveying services to the public.

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

(2) RESIDENT REQUIRED; RESPONSIBILITIES. Every firm maintaining one or more places of business in Wisconsin shall have:

(a) A resident architect in each separate business location which provides or offers to provide architectural services.

(b) A resident professional engineer in each separate business location which provides or offers to provide professional engineering services.

(c) A resident designer in each separate business location which provides or offers to provide designing services.

(d) A resident professional land surveyor in each separate business location which provides or offers to provide professional land surveying services.

(e) A resident landscape architect in each separate business location which provides or offers to provide landscape architectural services.

(3) NOTICE. Every firm shall notify the board of at least one resident who is in charge of and responsible for each separate business location.

(4) RESIDENT LIMITATION. A resident may not be in charge of or responsible for services offered or provided from more than one business location.

History: Cr. Register, February, 1987, No. 374, eff. 3-1-87; am. (1) (a) and (b), cr. (2) (e) and (f), Register, June, 1995, No. 474, eff. 7-1-95; am. (2) (intro.), Register, January, 1999, No. 517, eff. 2-1-99; am. (1) (a) and (b), r. (2) (f), Register, February, 2000, No. 530, eff. 3-1-00; CR 15-036; am. (1) (a), (b), (2) (d) Register January 2016 No. 721, eff. 2-1-16.

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

History: Cr. Register, February, 1987, No. 374, eff. 3-1-87.

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

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

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

History: Cr. Register, March, 1996, No. 483, eff. 4-1-96.

STATEMENT OF SCOPE

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

Rule No.: A-E 8

Relating to: Professional conduct

Rule Type: Permanent

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

N/A

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

The Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, and Professional Land Surveyors (A-E Board) is conducting a thorough review of the A-E administrative rules in preparation of their first biennial report in response to 2017 Act 108 and s. 227.29, Stats. As a result of this review, the A-E Board has determined that chapter A-E 8, relating to professional conduct, needs to be amended to ensure that the requirements are current with standards of practice.

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 A-E Board will revise A-E 8.04 (5) to ensure that it is not interpreted in an unnecessarily economically burdensome way. The A-E Board will further undertake a review of A-E 8 to potentially update other provisions to ensure that the requirements are current with standards of practice and consistent with ch. 443, Stats.

The alternative of not amending the rules would be less beneficial to affected entities due to potentially unclear prohibitions, including A-E 8.04 (5) which can be interpreted in an unnecessarily economically burdensome way.

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 443.015 (2), Stats., provides that "each section of the examining board may promulgate rules governing the professional conduct of individuals, firms, partnerships, and corporations registered, permitted, certified, or granted a certificate of authorization by that section."

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 80 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:

Licensed Architects, Landscape Architects, Professional Engineers, Designers, and Professional Land Surveyors

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:

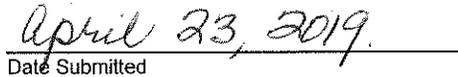
None.

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


Authorized Signature


Date Submitted

Chapter A-E 8

PROFESSIONAL CONDUCT

A-E 8.01	Authority.
A-E 8.02	Intent.
A-E 8.03	Definitions.
A-E 8.04	Offers to perform services shall be truthful.
A-E 8.05	Conflicts of interest.
A-E 8.06	Professional obligations.

A-E 8.07	Unauthorized practice.
A-E 8.08	Maintenance of professional standards.
A-E 8.09	Adherence to statutes and rules.
A-E 8.10	Plan stamping.
A-E 8.11	Suspension of registration; effect.

A-E 8.01 Authority. The rules of conduct in this chapter are adopted under authority of ss. 15.08 (5) (b), 227.11 and ch. 443, Stats.

History: Cr. Register, February, 1987, No. 374, eff. 3-1-87.

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

History: Cr. Register, February, 1987, No. 374, eff. 3-1-87; am. Register, June, 1995, No. 474, eff. 7-1-95; am. Register, February, 2000, No. 530, eff. 3-1-00; CR 15-036; am. Register January 2016 No. 721, eff. 2-1-16.

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

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

(2) “Incompetency in the practice of architecture, landscape architecture, professional engineering, designing or land surveying” means conduct which demonstrates any of the following:

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

(b) Lack of knowledge of the fundamental principles of the profession or an inability to apply fundamental principles of the profession.

(c) Failure to maintain competency in the current practices and methods applicable to the profession.

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

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

(b) Preparation of deficient plans, drawings, maps, specifications or reports.

(c) Engaging in conduct which evidences a lack of trustworthiness to transact the business required by the profession.

(d) Misrepresentation of qualifications such as education, specialized training or experience.

(4) “Responsible supervision of construction” is defined in s. 443.01 (8), Stats.

(5) (a) “Supervision,” “direct supervision,” “responsible charge,” and “direction and control,” mean direct, personal, active supervision and control of the preparation of plans, drawings, documents, specifications, reports, maps, plats and charts.

(b) The terms in par. (a) include the following:

1. Selection or development of standards, methods and materials to be used.

2. Selection of alternatives to be investigated and the comparison of alternatives for the professional work.

3. Testing to evaluate materials or completed works, either in new or existing projects.

4. Knowledge of applicable codes and professional standards.

5. Knowledge of the technical capabilities of the personnel they rely upon to perform the professional work.

(c) The terms in par. (a) do not include the following:

1. Indirect or casual supervision.

2. Delegation of any decision requiring professional judgment.

3. Casual review or inspection of prepared plans, drawings, specifications, maps, plats, charts, reports or other documents.

4. Mere assumption by an architect, landscape architect, professional engineer, designer or professional land surveyor of responsibility for work without having control of the work.

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

History: Cr. Register, February, 1987, No. 374, eff. 3-1-87; am. (intro.), (1), (2) (intro.), (a), (3) (intro.), (a), (5) (d) and (e), Register, June, 1995, No. 474, eff. 7-1-95; am. (2) (intro.) to (b), (3) (intro.) to (c), (5) (intro.) to (d), Register, January, 1999, No. 517, eff. 2-1-99; am. (1), (2) (intro.) and (a), (3) (intro.), (a), (5) (d) and (e), Register, February, 2000, No. 530, eff. 3-1-00; correction in (intro.) made under s. 13.93 (2m) (b) 7., Stats., Register December 2005 No. 600; CR 09-033: r. and recr. (5) Register December 2009 No. 648, eff. 1-1-10; CR 15-036; am. (1), (3) (intro.), (a), (5) (c) 4., 5. Register January 2016 No. 721, eff. 2-1-16.

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

(1) Shall accurately and truthfully represent to a prospective client or employer the capabilities and qualifications which the registrant or licensee has to perform the services to be rendered.

(2) Shall represent the costs and completion times of a proposed project to a client or prospective client as accurately and truthfully as is reasonably possible.

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

(4) May not use advertising or publicity which is fraudulent or deceptive.

(5) May not represent that he or she is engaged in a partnership or association with another unless there exists in fact a partnership or association.

(6) May not collect a fee for recommending the services of another unless written notice is first given to all parties concerned.

(7) May not practice under a firm name that misrepresents the identity of those practicing in the firm or misrepresents the type of services which the individuals, firm or partnership is authorized and qualified to perform.

History: Cr. Register, February, 1987, No. 374, eff. 3-1-87; am. (intro.), Register, June, 1995, No. 474, eff. 7-1-95; am. (1) to (6), Register, January, 1999, No. 517, eff. 2-1-99; am. (intro.), Register, February, 2000, No. 530, eff. 3-1-00; **CR 15-036: am. (intro.), (1), (3) Register January 2016 No. 721, eff. 2-1-16.**

A-E 8.05 Conflicts of interest. (1) An architect, landscape architect, professional engineer, designer or professional land surveyor:

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

(b) Shall notify the employer or client and withdraw from employment at any time if it becomes apparent that it is not possible to faithfully discharge the responsibilities and duties owed to the client or employer.

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

(d) May not accept payment from any party other than a client or employer for a particular project or may not have any direct or indirect financial interest in a service or phase of a service to be provided as part of a project unless the employer or client approves.

(e) May not solicit or accept anything of value from material or equipment suppliers in return for specifying or endorsing a product.

(f) May not violate the confidences of a client or employer, except as otherwise required by rules in this chapter.

(g) May not perform services for a client or employer while a full-time employee of another employer without notifying all parties concerned.

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

History: Cr. Register, February, 1987, No. 374, eff. 3-1-87; am. (1) (intro.), Register, June, 1995, No. 474, eff. 7-1-95; am. (1) (a) to (f), Register, January, 1999, No. 517, eff. 2-1-99; am. (1) (intro.), Register, February, 2000, No. 530, eff. 3-1-00; **CR 15-036: am. (1) (intro.), (a), (c), (2) Register January 2016 No. 721, eff. 2-1-16; Correction under s. 35.17, Stats., in (1) (a), (c), (2) Register January 2016 No. 721.**

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

(1) Shall use reasonable care and competence in providing professional services.

(2) May not evade the professional or contractual responsibility which the registrant or licensee has to a client or employer.

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

History: Cr. Register, February, 1987, No. 374, eff. 3-1-87; am. (intro.), Register, June, 1995, No. 474, eff. 7-1-95; am. (1) and (2), Register, January, 1999, No. 517,

eff. 2-1-99; am. (intro.), Register, February, 2000, No. 530, eff. 3-1-00; **CR 15-036: am. (intro.), (2), (3) Register January 2016 No. 721, eff. 2-1-16.**

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

(1) Shall assist in enforcing laws which prohibit the unlicensed practice of architecture, landscape architecture, professional engineering, designing, and professional land surveying by reporting violations to the board.

(2) May not delegate professional responsibility to unlicensed persons and may not otherwise aid or abet the unlicensed practice of architecture, landscape architecture, professional engineering, designing, or professional land surveying.

History: Cr. Register, February, 1987, No. 374, eff. 3-1-87; am. Register, June, 1995, No. 474, eff. 7-1-95; am. (1), Register, January, 1999, No. 517, eff. 2-1-99; am. Register, February, 2000, No. 530, eff. 3-1-00; **CR 12-039: am. (intro.), (1), (2) Register June 2014 No. 702, eff. 7-1-14; CR 15-036: am. (intro.), (1), (2) Register January 2016 No. 721, eff. 2-1-16.**

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

(1) Shall furnish the board with information indicating that any person or firm has violated provisions in ch. 443, Stats., rules in this chapter or other legal standards applicable to the profession.

(2) May not discuss with any individual board member any disciplinary matter under investigation or in hearing.

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

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

History: Cr. Register, February, 1987, No. 374, eff. 3-1-87; am. (intro.), Register, June, 1995, No. 474, eff. 7-1-95; am. (1), Register, January, 1999, No. 517, eff. 2-1-99; am. (intro.), Register, February, 2000, No. 530, eff. 3-1-00; **CR 09-034: cr. (3) and (4) Register December 2009 No. 648, eff. 1-1-10; correction in (4) made under s. 13.92 (4) (b) 7., Stats., Register November 2011 No. 671; CR 15-036: am. (intro.), (3), (4) Register January 2016 No. 721, eff. 2-1-16.**

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

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

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

History: Cr. Register, February, 1987, No. 374, eff. 3-1-87; am. Register, June, 1995, No. 474, eff. 7-1-95; am. (1), Register, January, 1999, No. 517, eff. 2-1-99; am. Register, February, 2000, No. 530, eff. 3-1-00; **CR 15-036: am. (intro.), (1), (2) Register January 2016 No. 721, eff. 2-1-16.**

A-E 8.10 Plan stamping. (1) No architect, landscape architect, professional engineer or designer may sign, seal or stamp any plans, drawings, documents, specifications or reports for architectural, landscape architectural, professional engineer-

ing or design practice which are not prepared by the registrant or under his or her personal direction and control.

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

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

History: Cr. Register, February, 1987, No. 374, eff. 3-1-87; am. (1) and (3), Register, June, 1995, No. 474, eff. 7-1-95; am. (1) and (3), Register, February, 2000, No. 530, eff. 3-1-00; **CR 15-036: am. (2), (3) Register January 2016 No. 721, eff. 2-1-16.**

A-E 8.11 Suspension of registration; effect. Any

registrant or licensee whose registration or license has been suspended is prohibited during the term of the suspension from engaging in any of the following:

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

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

(3) Signing or sealing plans, specifications, reports, maps, plats, or charts prepared for the practice of architecture, landscape architecture, professional engineering, designing or professional land surveying.

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

(5) Engaging in responsible supervision of construction as defined in s. 443.01 (8), Stats.

History: Cr. Register, February, 1987, No. 374, eff. 3-1-87; am. (3), Register, June, 1995, No. 474, eff. 7-1-95; am. (intro.) to (4), Register, January, 1999, No. 517, eff. 2-1-99; am. (3), Register, February, 2000, No. 530, eff. 3-1-00; **CR 15-036: am. (intro.), (1), (2), (3), (4) Register January 2016 No. 721, eff. 2-1-16.**

Administrative Rule	Status of Current Project	Anticipated Next Steps	Comments
A-E 1, relating to authority for the rules committee: Changing “shall” to “may”	Published May 27, 2019	Effective date of June 1, 2019.	<i>Last time to show up on this list.</i>
A-E 2, relating to general requirements and procedures: Act 108 review	Scope published August 12, 2019 in the Administrative Register	The Board was not directed to hold a preliminary public hearing on the scope. As the scope has been implemented, changes to the rules may be considered.	
A-E 3, relating to architectural experience: Updating the name of the Intern Architect Development Program to the Architectural Experience Program, in accordance with NCARB.	Published May 27, 2019	Effective date of June 1, 2019	<i>Last time to show up on this list.</i>
A-E 3, relating to architect registration examination: In response to the Act 108 report, correcting outdated exam provisions	As the Board was not directed to hold a preliminary public hearing on the scope, the scope has been implemented and a preliminary rule drafted.	Once approved, it will be posted for EIA comments, submitted to the Clearinghouse, and scheduled for a public hearing at the next meeting.	
A-E 4, relating to professional engineer registration: Updating and revising the chapter for clarity and consistency with national standards.	Public hearing scheduled for October 8, 2019	PE Section has recommendations for Clearinghouse report responses.	

Administrative Rule	Status of Current Project	Anticipated Next Steps	Comments
A-E 5, relating to the designer permit: Updating the chapter to provide clarification on experience requirements	Preliminary rule drafted with help of PE Section and Chair of Designer Section	Once approved, it will be posted for EIA comments, submitted to the Clearinghouse, and scheduled for a public hearing at the next meeting.	<i>The Designer Section does not have quorum.</i>
A-E 6, relating to professional land surveyor licensure: Updating the chapter to provide clarification on Wisconsin experience requirements	Drafting rule with Section	The PLS Section will continue to discuss and consider changes at their next meeting: November 14, 2019	
A-E 7, relating to minimum standards for property surveys: Updating the chapter to provide clarification for licensees	Preliminary rule draft pending PLS Section approval.	The Chair has delegated authority to approve the preliminary rule draft for submission to the Clearinghouse and scheduling a public hearing.	<i>The PLS Section is scheduled to meet on November 14, 2019, at which time they will continue their review of the proposed rules.</i>
A-E 8, relating to professional conduct: Act 108 Review	Scope published August 12, 2019 in the Administrative Register	The Board was not directed to hold a preliminary public hearing on the scope. As the scope has been implemented, changes to the rules may be considered.	
A-E 9, relating to landscape architect registration: Update to ensure compliance with 2017 Act 278.	The preliminary rule draft has been recommended for approval by the LSA Section.	Once approved, it will be posted for EIA comments, submitted to the Clearinghouse, and scheduled for a public hearing at the next meeting.	

Legislature is back in session.

Pending Bills	Status	Anticipated Next Steps	Comments
SB156/AB163 Retired Status Bill	Introduced, passed the <i>Senate Committee on Public Benefits, Licensing, & State-Federal Relations</i> . The <i>Assembly Committee on Regulatory Licensing Reform</i> held a public hearing on August 15, 2019.		
SB303/AB324 Interior Designers	Introduced, the <i>Senate Committee on Public Benefits, Licensing and State-Federal Relations</i> held a public hearing on September 10, 2019. Referred to the <i>Assembly Committee on State Affairs</i> on June 27, 2019.		