



**TELECONFERENCE/VIRTUAL
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
April 21, 2020**

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 January 7, 2020 (3-4)**
- C. Administrative Matters**
 - 1. Department, Staff and Committee Updates
 - 2. Annual Policy Review **(5)**
 - 3. 2020 Meeting Dates **(6)**
- D. 1:00 P.M. Public Hearing: CR 20-009 – A-E 6, Relating to Professional Land Surveyor Licensure (7-21)**
 - 1. Review and Respond to Public Comments and Clearinghouse Report
- E. 1:00 P.M. Public Hearing: CR 20-014 – A-E 5, Relating to Designer Permits (22-30)**
 - 1. Review and Respond to Public Comments and Clearinghouse Report
- F. Administrative Rule Matters – Discussion and Consideration**
 - 1. Scope Statement for A-E 1 to 13, Relating to Retired Credential Status **(31-32)**
 - 2. Proposals for A-E 2, Relating to General Procedures; and A-E 8, Relating to Professional Conduct **(33-38)**
 - 3. Pending or Possible Rulemaking Projects
 - a. A-E Board Report: Administrative Rules and Legislative Update **(39-40)**
- G. Public Comments**

ADJOURNMENT

NEXT DATE: OCTOBER 6, 2020

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
JANUARY 7, 2020**

PRESENT: Bruce Bowden, Michael Heberling, Steven Hook (*via Skype*), Dennis Myers, Rosheen Styczinski

EXCUSED: Steven Wagner

STAFF: Christian Albouras, Executive Director; Dale Kleven, Administrative Rules Coordinator; Megan Glaeser, Bureau Assistant; and other DSPS staff

CALL TO ORDER

Rosheen Styczinski, Chairperson, called the meeting to order at 1:03 p.m. A quorum was confirmed with five (5) members present.

ADOPTION OF AGENDA

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

Amendments to the Agenda

- *Correct Clearinghouse Rule number under Item E. to reflect the correct information*
 - *“1:00 P.M. Public Hearing: CR 19-153 – A-E 7 Relating to Minimum Standards for Property Surveys”*

MOTION: Dennis Myers moved, seconded by Bruce Bowden, to adopt the Agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES OF OCTOBER 8, 2019

MOTION: Michael Heberling moved, seconded by Dennis Myers, to adopt the Minutes from October 8, 2019 as published. Motion carried unanimously.

PUBLIC HEARING: CLEARINGHOUSE RULE CR 19-151 – A-E 3 RELATING TO ARCHITECT REGISTRATION EXAMINATIONS

MOTION: Bruce Bowden moved, seconded by Dennis Myers, to accept all Clearinghouse comments for Clearinghouse Rule CR 19-151, relating to architect registration examinations. Motion carried unanimously.

MOTION: Bruce Bowden moved, seconded by Dennis Myers, to authorize the Chairperson to approve the Legislative Report and Draft for Clearinghouse Rule CR 19-151, relating to architect registration examinations, for submission to the Governor’s Office and Legislature. Motion carried unanimously.

PUBLIC HEARING: CLEARINGHOUSE RULE CR 19-152 – A-E 9 RELATING TO LANDSCAPE ARCHITECT REGISTRATION

MOTION: Rosheen Stycinski moved, seconded by Dennis Myers, to accept all Clearinghouse comments for Clearinghouse Rule CR 19-152, relating to landscape architect registration. Motion carried unanimously.

MOTION: Dennis Myers moved, seconded by Michael Heberling, to authorize the Chairperson to approve the Legislative Report and Draft for Clearinghouse Rule CR 19-152, relating to landscape architect registration, for submission to the Governor's Office and Legislature. Motion carried unanimously.

PUBLIC HEARING: CLEARINGHOUSE RULE CR 19-153 – A-E 7 RELATING TO MINIMUM STANDARDS FOR PROPERTY SURVEYS

MOTION: Bruce Bowden moved, seconded by Michael Heberling, to accept all Clearinghouse and public comments for Clearinghouse Rule CR 19-153, relating to minimum standards for property surveys. Motion carried unanimously.

MOTION: Bruce Bowden moved, seconded by Michael Heberling, to authorize the Chairperson to approve the Legislative Report and Draft for Clearinghouse Rule CR 19-153, relating to minimum standards for property surveys, for submission to the Governor's Office and Legislature. Motion carried unanimously.

ADJOURNMENT

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

The meeting adjourned at 1:42 p.m.

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

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Kimberly Wood, Program Assistant Supervisor-Adv.		2) Date When Request Submitted: 1/7/2020 <small>Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting</small>	
3) Name of Board, Committee, Council, Sections: All Boards			
4) Meeting Date:	5) Attachments: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	6) How should the item be titled on the agenda page? Annual Policy Review	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required: N/A	
10) Describe the issue and action that should be addressed: Please be advised of the following Annual Policy Review items: <ol style="list-style-type: none"> 1. Attendance/Quorum – Thank you for your service and for your commitment to meeting attendance. If you cannot attend a meeting, we ask that you let us know ASAP as quorum is required for our Boards, Sections and Councils to meet pursuant to Open Meetings Law. DSPS Boards-Open Meetings Resources 2. Walking Quorum – Please refrain from discussing Board/Section/Council business with other members outside of legally noticed meetings so to avoid walking quorum issues pursuant to Open Meetings Law. DSPS Boards-Open Meetings Resources 3. Agenda Deadlines – Please let your executive Director know if you have items to be considered on an upcoming agenda no less than 8 business days prior to a meeting when possible. DSPS Boards-Reference Materials-Meeting Timeline 4. Travel Voucher and Per Diem Submissions – Please submit all Per Diem and Reimbursement Claims to DSPS within 30 days of date an expense is incurred. DSPS Boards-Travel and Reimbursement-Travel and Reimbursement Overview 5. Lodging Accommodations/Hotel Cancellation Policy – Lodging accommodations are provided to members who must leave home before 6:00 a.m. to attend a meeting. If you cannot attend a meeting it is the board member’s responsibility to cancel their reservation within the stated cancellation timeframe. If a meeting is changed to a teleconference or cancelled or rescheduled, DSPS staff will make lodging cancellations or modifications as needed. DSPS Boards-Travel and Reimbursement-Travel and Reimbursement Overview 6. Inclement Weather Policy – In the event of inclement weather the agency may change a meeting from an in-person meeting to a teleconference. 			
11) Authorization			
<i>Kimberly Wood</i>		1/7/2020	
Signature of person making this request		Date	
Supervisor (if required)		Date	
Executive Director signature (indicates approval to add post agenda deadline item to agenda)		Date	
Directions for including supporting documents: <ol style="list-style-type: none"> 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
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Megan Glaeser, Bureau Assistant		2) Date When Request Submitted: April 10, 2020 <small>Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting</small>	
3) Name of Board, Committee, Council, Sections: A-E Examining Board Rules Committee			
4) Meeting Date: April 21, 2020	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? 2020 Meeting Dates	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required: N/A	
10) Describe the issue and action that should be addressed: Please review the finalized 2020 meeting date(s). Any conflicts should be identified so to ensure quorum. 4/21/2020 10/6/2020			
11) Authorization			
Megan Glaeser <hr/> Signature of person making this request		, 2020 <hr/> Date	
<hr/> Supervisor (if required)		<hr/> 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
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: 4/9/20 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: 4/21/20	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 20-009 – A-E 6, Relating to Professional Land Surveyor Licensure 1. Review and Respond to Public Comments and Clearinghouse Report 1:00 P.M. Public Hearing: CR 20-014 – A-E 5, Relating to Designer Permits 1. Review and Respond to Public Comments and Clearinghouse Report Administrative Rule Matters – Discussion and Consideration 1. Scope Statement for A-E 1 to 13, Relating to Retired Credential Status 2. Proposals for A-E 2, Relating to General Procedures; and A-E 8, Relating to Professional Conduct 3. Pending or Possible Rulemaking Projects a. A-E Board Report: Administrative Rules and Legislative Update	
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: <div style="border: 1px solid black; height: 40px; width: 100%;"></div>			
11) Authorization			
Signature of person making this request <i>Dale Kleven</i>		Date <i>December 26, 2019</i>	
Supervisor (if required)		Date	
Executive Director signature (indicates approval to add post agenda deadline item to agenda) Date			
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, Provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

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 amend A-E 6.03 (1) (intro.) and (a) 2., 6.04 (1) (a) and (2), 6.05 (1), (2) (b), (7) and (8), and 6.06 (title), (2) and (4); to repeal and recreate A-E 6.02 (1); and to create A-E 6.06 (1g) and (1r), and 6.07 relating to professional land surveyor licensure.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted:

Section 443.06, Stats.

Statutory authority:

Sections 15.08 (5) (b) and 443.06 (1) (a) and (2), 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 443.06 (1) (a), Stats., provides that applications “for a license to engage in the practice of professional land surveying shall be made to the professional land surveyor section of the examining board ... which shall require the applicant to submit such information as the professional land surveyor section deems necessary.”

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

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

Related statute or rule:

None.

Plain language analysis:

This rule project removes an option for meeting the educational requirement for licensure where an applicant does not have a college degree, as that provision has sunset under state statute. It also clarifies that responsible charge of teaching the practice of professional land surveying may be claimed as qualifying experience for licensure as allowed by state statute. The rule project also clarifies that there are three separate examinations required for licensure, and clarifies the documentation that must be submitted as part of an application for licensure.

It also adds a section specifying the application process for obtaining a reciprocal license, which requires applicants who are licensed in another jurisdiction to submit a reciprocity application form, fee, college transcripts, a statement as to whether the applicant has been disciplined or is under investigation in another state, and evidence of passage of the Wisconsin jurisdictional exam.

Finally, the rule project makes several revisions to the rule text to bring into conformity with current drafting standards and to improve readability.

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

The federal government does not regulate the licensure of professional land surveyors.

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

N/A.

Comparison with rules in adjacent states:

Illinois: Illinois rules require that licensed professional land surveyors have attained a baccalaureate degree in land surveying or a related science (Ill. Admin Code 1270.5 (a)). Applicants for licensure must also complete the fundamentals of land surveying exam, the principals and practice of land surveying exam, as well as a state jurisdictional exam (Ill. Admin Code 1270.20). Illinois rules do not provide that teaching experience in land surveying be counted towards the experience requirement for licensure (Ill. Admin Code 1270.13).

Illinois allows licensees of another jurisdiction to apply for licensure by “endorsement.” The jurisdiction in which the applicant is licensed must have requirements that are substantially equivalent to the requirements for licensure in Illinois. The applicant must also pass the Illinois jurisdictional exam and may be required to appear before the board for an oral interview (Ill. Admin Code 1270.30).

Iowa: Iowa employs a sliding scale of education and surveying experience such that where the length and content of the applicant’s college program increases, the required surveying experience to take the fundamentals of land surveying exam decreases. Acceptable education ranges from an associate’s program to an accredited surveying and mapping baccalaureate degree (IAC 193C.5.1 (6)). All applicants must have at least four years of surveying experience prior to taking the principles and practice of land surveying exam (Id.). Iowa rules does not specify that teaching experience in land surveying can be counted towards the experience requirement. Iowa also requires applicants to take a state specific exam to determine competency to practice specifically in Iowa (Id.). Applicants are also required to submit 5 letters of recommendation, 3 of which are from licensed professional land surveyors (IAC 193C.5.1(5)).

Iowa law allows licensees of another jurisdiction to apply for a “comity” license based on a showing that the requirements for licensure in their current jurisdiction are substantially equivalent for Iowa licensure. Iowa also requires applicants to pass the Iowa jurisdictional exam (IAC 193C.5.2).

Michigan: Michigan requires applicants to have a baccalaureate degree in land surveying, or a baccalaureate degree in another field if it meets the requirements under MI Admin Code R339.17201. Michigan statute also requires an applicant to have 8 years of professional experience, 5 of which may be years of education (Mich. Stats., Section 339.2004). Administrative rules do not specify that teaching experience may count towards the professional experience requirement. Individuals also are required to pass the fundamentals of land surveying examination as well as the principles and practice of land surveying examination (MI Admin Code R339.17201). Finally, Michigan may grant a reciprocal license to an individual licensed by another jurisdiction if the requirements for licensure in that jurisdiction are determined to be equivalent to Michigan’s requirements (Mich. Stats., Section 339.2013).

Minnesota: Minnesota requires applicants to graduate from a bachelor’s in land surveying program, or another bachelor’s degree that contains a minimum of 22 semester or 32 quarter credits in land surveying (Minn. Admin Rules 1800.3505). Applicants must pass the fundamentals of land surveying examination prior to obtaining qualifying land surveying experience, which does not include teaching experience in land surveying. The required hours and topics vary depending on whether the applicant has a bachelor’s from a land surveying program or another bachelor’s degree (Id.). Following receipt of the qualifying land surveying experience, applicants must pass the principles and practice of surveying exam (Id.). Minnesota allows for licensure by “comity” where an applicant submits documentation to the board, and the board finds the applicant to be eligible for licensure (Minn. Admin Rules 1800.0850).

Summary of factual data and analytical methodologies:

The professional land surveyor section performed a comprehensive review of its rules as required by 2017 Wisconsin Act 108, and determined that the changes encompassed by this document are necessary to remove an obsolete provision, to ensure the rules are not in conflict with state statute, and to bring the rules into line with current drafting standards and to improve readability.

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

The proposed rule was posted on the department’s website for 14 days to solicit comments on possible economic impact. No comments were received.

Fiscal Estimate and Economic Impact Analysis:

The Fiscal Estimate and Economic Impact Analysis are attached.

Effect on small business:

These proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department’s Regulatory Review Coordinator may be contacted 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.

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

Comments may be submitted to Dale Kleven, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, WI 53708-8366, or by email to DSPSAdminRules@wisconsin.gov. Comments must be received on or before the public hearing scheduled for 1:00 PM on April 21, 2020 to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. A-E 6.02 (1) is repealed and recreated to read:

A-E 6.02 Licensure requirements for professional land surveyors.

(1) An applicant for a professional land surveyor license, in accordance with s. 443.06 (2), Stats., shall complete the following:

(a) Meet at least one of the following education and experience requirements:

1. Completion of a bachelor's degree in a course in the practice of professional land surveying or a related field that is approved by the professional land surveying section and the completion of at least 2 years of approved practice in professional land surveying.
2. Completion of an associate degree of not less than 2 years duration in a course in the practice of professional land surveying or a related field of study that is approved by the professional land surveying section and the completion of at least 4 years of approved practice in professional land surveying.

(b) Receive a passing score on the fundamentals of land surveying examination.

(c) Receive a passing score on the principles and practice of land surveying examination.

(d) Receive a passing score on the state jurisdictional examination of this state.

SECTION 2. A-E 6.03 (1) (intro.) and (a) 2. are amended to read:

A-E 6.03 (1) To qualify as “practice in professional land surveying work of a satisfactory character which indicates that the applicant is competent to be placed in responsible charge of such work” under s. 443.06, Stats., the experience of an applicant shall be in areas of professional land surveying practice designated under pars. (a) and (b) of this section, or other areas which, in the opinion of the ~~board~~ professional land surveyor section, provide the applicant with knowledge of the practice of land surveying at least equivalent to that which is generally acquired by experience in the areas listed. An applicant need not have experience in all areas listed ~~below~~ in pars. (a) and (b). However, all applicants shall have experience in the areas listed in par. (a) 1. and 2. Academic coursework or responsible charge of teaching the practice of professional land surveying which provides the applicant with knowledge and skills in some areas of practice listed in pars. (a) and (b) may be claimed as ~~equivalent to experience~~ subject to s. 443.06 (1) (b), Stats.

(a) 2. ~~Preparing maps including all~~ at least one map from each of the following categories:

a. Maps of sections or portions of sections or townships as established by the original public land survey and subdivisions of those sections in accordance with the statutes of the United States and the rules and regulations made by the secretary of the interior in conformity thereto.

b. Subdivision plats prepared in accordance with the ~~Wisconsin~~ statutes or local ordinances of this state.

c. Certified survey maps prepared in accordance with the ~~Wisconsin~~ statutes or local ordinances of this state.

e. ~~Official~~ Other plats or maps of land in this state in accordance with ch. A-E 7.

SECTION 3. A-E 6.04 (1) (a) and (2) are amended to read:

A-E 6.04 (1) (a) No less than 8 of the 12 credits may be in courses concentrating on the legal principles of professional land surveying and the technical aspects of professional land surveying. These courses shall include areas of study such as research of public and private records, principles of evidence and the interpretation of written documents used in boundary determination, the study of the legal elements of professional land surveying including those involving resurveys, boundary disputes, defective descriptions, riparian rights and adverse possession, the study of the professional and judicial functions of a professional land surveyor, the study of surveying methods for measuring distance and angular values, note keeping, computation and writing descriptions and the study of the ~~Wisconsin Statutes~~ statutes and local ordinances of this state relating to the preparation of subdivision maps and plats.

(2) (a) Received a bachelor's degree in a course of study in professional land surveying ~~of not less than 4 years duration~~ from a college or university accredited by a regional accrediting agency approved by the state where the college or university is located.

(2) (b) Received a bachelor's degree in civil engineering of ~~not less than 4 years duration~~ from a college or university accredited by a regional accrediting agency approved by the state where the college or university is located. The curriculum shall include no less than 16 of 24 semester credits in courses concentrating on the legal principles of professional land surveying and the technical aspects of professional land surveying. These courses shall include areas of study such as research of public and private records, principles of evidence and the interpretation of written documents used in boundary determination, the study of the legal elements of professional land surveying including those involving resurveys, boundary disputes, defective descriptions, riparian rights and adverse possession, the study of the professional and judicial functions of a professional land surveyor, the study of surveying methods for measuring distance and angular values, note keeping, computation and writing descriptions and the study of the ~~Wisconsin~~ statutes and local ordinances of this state relating to the preparation of subdivision maps and plats, other land divisions and real property creation. The applicant may be allowed to receive up to 8 credits in certain other courses relating to surveying. These courses may include "engineering surveying," "municipal surveying," "route surveying," "highway surveying," "topographic surveying," "geodetic surveying," "photogrammetry," "cartography," "construction surveying," "air photo interpretation," "artillery surveying," "geographic information systems," "land information systems" and "remote sensing systems."

SECTION 4. A-E 6.05 (1), (2) (b), (7), and (8) are amended to read:

A-E 6.05 (1) Applicants for licensure as a professional land surveyor shall take and pass ~~an three examination~~ examinations. The ~~examination parts are~~ examinations include the national fundamentals of surveying examination, the national principles and practice of surveying examination, and the state jurisdictional examination, which is relative to ~~Wisconsin~~ specific practice in this state. Each of the 3 required examinations is scored separately.

(2) (b) The national principles and practice examination and the state jurisdictional examination require an ability to apply principles and judgment to problems involving the U.S. system of public land surveys, Wisconsin plane coordinate surveys, the relocation

of lost and obliterated corners, the legal essentials of resurveys, disputed boundaries, defective deed descriptions, riparian rights, adverse possession, the Wisconsin statutes of this state relating to land surveying including the preparation and filing of plats, the writing and interpreting of land descriptions, the technical essentials of professional land surveying and subdivision of lands including practical problems requiring a knowledge of the basic theory and fundamental concepts of field astronomy, geometry of curves, topography and photogrammetry.

(7) The passing scores set by the board professional land surveyor section represent the minimum competency required to protect public health and safety. Experience rating may not be weighed as part of the examination grade.

(8) An applicant for a land surveyor 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 professional land surveyor section shall determine which parts of a current examination are equivalent to the examination parts failed by an applicant.

SECTION 5. A-E 6.06 (title) is amended to read:

A-E 6.06 Application contents for licensure as a professional land surveyor.

SECTION 6. A-E 6.06 (1g) and (1r) are created to read:

A-E 6.06 (1g) Verification of successful completion of all examinations required under s. A-E 6.05.

(1r) A completed application form.

SECTION 7. A-E 6.06 (2) and (4) are amended to read:

A-E 6.06 (2) References from at least 5 individuals having personal knowledge of the applicant's experience in land surveying, 3 of whom are registered professional land surveyors.

(4) Any additional data, exhibits or references indicating the extent and quality of the applicant's experience ~~which~~ that the professional land surveyor section may require.

SECTION 8. A-E 6.07 is created to read:

A-E 6.07 Application for reciprocity. (1) An application for licensure by reciprocity shall include all of the following:

- (a) A completed reciprocity application form.
- (b) The fees authorized in s. 440.05 (1), Stats.

- (c) Notice of whether the applicant has been disciplined in any state in which the applicant has held a license, including any pending complaints against the applicant or investigations of the applicant relating to the practice of professional land surveying.
 - (d) A certified transcript of qualifying coursework completed by the applicant.
 - (e) Verification of the applicant's licensure submitted directly to the professional land surveyor section by all states in which the applicant has ever held a license.
 - (f) Verification of successful completion of all examinations required under s. A-E 6.05.
- (2)** Reciprocity may be granted, in accordance with s. 443.06 (2) (d), Stats., to a person who holds an unexpired license issued by the proper authority in any state or territory or possession of the United States or in any country where the requirements for licensure meet or exceed the standards required by the professional land surveyor section.

SECTION 9. 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 January 30, 2020
3. Administrative Rule Chapter, Title and Number (and Clearinghouse Number if applicable) A-E 6	
4. Subject Professional Land Surveyor Licensure	
5. Fund Sources Affected <input type="checkbox"/> GPR <input type="checkbox"/> FED <input checked="" type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S	6. Chapter 20, Stats. Appropriations Affected 20.165(1)(g)
7. Fiscal Effect of Implementing the Rule <input type="checkbox"/> No Fiscal Effect <input type="checkbox"/> Increase Existing Revenues <input checked="" type="checkbox"/> Increase Costs <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Indeterminate <input type="checkbox"/> Decrease Existing Revenues <input checked="" 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 This rule project removes an option for meeting the educational requirement for licensure where an applicant does not have a college degree, as that provision has sunset under state statute. It also clarifies that responsible charge of teaching the practice of professional land surveying may be claimed as qualifying experience for licensure as allowed by state statute. The rule project also clarifies that there are three separate examinations required for licensure, and clarifies the documentation that must be submitted as part of an application for licensure. It also adds a section specifying the application process for obtaining a reciprocal license, which requires applicants who are licensed in another jurisdiction to submit a reciprocity application form, fee, college transcripts, a statement as to whether the applicant has been disciplined or is under investigation in another state, and evidence of passage of the Wisconsin jurisdictional exam. Finally, the rule project makes several revisions to the rule text to bring into conformity with current drafting standards and to improve readability.	
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. This rule was posted for economic impact comments on the department's website for 14 days. None were received.	
13. Identify the Local Governmental Units that Participated in the Development of this EIA. None.	
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)	

ADMINISTRATIVE RULES

Fiscal Estimate & Economic Impact Analysis

This rule will not have an economic and fiscal impact on businesses, public utility rate payers, local governmental units, or the state's economy as a whole. There is a one time cost to the Department of Safety and Professional Services of \$336.57 which would be able to be absorbed within the agency's operating budget.

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

The benefit of implementing the rule will be to insure that the rules relating to the licensure of professional land surveyors are consistent with state law, current industry practice, and is clear to stakeholders. The alternative to implementing the rule would be to leave obsolete provisions in the rules and a continued lack of clarity for reciprocal license applicants.

16. Long Range Implications of Implementing the Rule

The long range implication of implementing the rule will be to insure that the rules relating to the licensure of professional land surveyors are consistent with state law, current industry practice, and are clear to stakeholders.

17. Compare With Approaches Being Used by Federal Government

The federal government does not regulate the licensure of professional land surveyors.

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

Illinois: Illinois rules require that licensed professional land surveyors have attained a baccalaureate degree in land surveying or a related science (Ill. Admin Code 1270.5 (a)). Applicants for licensure must also complete the fundamentals of land surveying exam, the principals and practice of land surveying exam, as well as a state jurisdictional exam (Ill. Admin Code 1270.20). Illinois rules do not provide that teaching experience in land surveying be counted towards the experience requirement for licensure (Ill. Admin Code 1270.13).

Illinois allows licensees of another jurisdiction to apply for licensure by “endorsement.” The jurisdiction in which the applicant is licensed must have requirements that are substantially equivalent to the requirements for licensure in Illinois. The applicant must also pass the Illinois jurisdictional exam and may be required to appear before the board for an oral interview (Ill. Admin Code 1270.30).

Iowa: Iowa employs a sliding scale of education and surveying experience such that where the length and content of the applicant’s college program increases, the required surveying experience to take the fundamentals of land surveying exam decreases. Acceptable education ranges from an associate’s program to an accredited surveying and mapping baccalaureate degree (IAC 193C.5.1 (6)). All applicants must have at least four years of surveying experience prior to taking the principles and practice of land surveying exam (Id.). Iowa rules does not specify that teaching experience in land surveying can be counted towards the experience requirement. Iowa also requires applicants to take a state specific exam to determine competency to practice specifically in Iowa (Id.). Applicants are also required to submit 5 letters of recommendation, 3 of which are from licensed professional land surveyors (IAC 193C.5.1(5)).

Iowa law allows licensees of another jurisdiction to apply for a “comity” license based on a showing that the requirements for licensure in their current jurisdiction are substantially equivalent for Iowa licensure. Iowa also requires applicants to pass the Iowa jurisdictional exam (IAC 193C.5.2).

Michigan: Michigan requires applicants to have a baccalaureate degree in land surveying, or a baccalaureate degree in another field if it meets the requirements under MI Admin Code R339.17201. Michigan statute also requires an applicant to have 8 years of professional experience, 5 of which may be years of education (Mich. Stats., Section 339.2004). Administrative rules do not specify that teaching experience may count towards the professional experience requirement. Individuals also are required to pass the fundamentals of land surveying examination as well as the principles and practice of land surveying examination (MI Admin Code R339.17201). Finally, Michigan may grant a reciprocal license to an individual licensed by another jurisdiction if the requirements for licensure in that jurisdiction are determined to be equivalent to Michigan’s requirements (Mich. Stats., Section 339.2013).

ADMINISTRATIVE RULES

Fiscal Estimate & Economic Impact Analysis

Minnesota: Minnesota requires applicants to graduate from a bachelor's in land surveying program, or another bachelor's degree that contains a minimum of 22 semester or 32 quarter credits in land surveying (Minn. Admin Rules 1800.3505). Applicants must pass the fundamentals of land surveying examination prior to obtaining qualifying land surveying experience, which does not include teaching experience in land surveying. The required hours and topics vary depending on whether the applicant has a bachelor's from a land surveying program or another bachelor's degree (Id.). Following receipt of the qualifying land surveying experience, applicants must pass the principles and practice of surveying exam (Id.). Minnesota allows for licensure by "comity" where an applicant submits documentation to the board, and the board finds the applicant to be eligible for licensure (Minn. Admin Rules 1800.0850).

19. Contact Name Dalve Kleven, Administrative Rules Coordinator	20. Contact Phone Number (608) 261-4472
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This document can be made available in alternate formats to individuals with disabilities upon request.

ADMINISTRATIVE RULES
Fiscal Estimate & Economic Impact Analysis

ATTACHMENT A

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

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

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

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

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

5. Describe the Rule's Enforcement Provisions

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

- Yes No
-



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Scott Grosz
Clearinghouse Director

Anne Sappenfield
Legislative Council Director

Margit Kelley
Clearinghouse Assistant Director

CLEARINGHOUSE RULE 20-009

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. The introductory material in s. A-E 6.02 (1) should state that an applicant must complete “all of the following” requirements, rather than “the following” requirements. [s. 1.03 (3), Manual.]

b. Consider revising the introductory material to s. A-E 6.03 (1) for clarity and to comply with s. 1.03 (3) of the Manual, which states that introductory material always ends in a colon and leads into the subunits. For example, the introduction could state that “To qualify ... the experience of an applicant must satisfy all of the following: ...”, and the remaining requirements could be placed into the subunits.

c. Make the following additional changes to s. A-E 6.03 (1):

- (1) Delete the language in the introductory material, which states that applicants are not required to have the experience listed in pars. (a) and (b) but are required to have the experience listed in par. (a). Those experience requirements are already clearly identified in the introductory materials to pars. (a) and (b).
- (2) Define the term “responsible charge of teaching the practice of professional land surveying”. The definition of “responsible charge” in s. A-E 8.03 (5) refers to supervision and control of another person’s work, and it is unclear how that definition would apply to the teaching of land surveying.

- (3) Delete the words “of this section” after the words “professional land surveying practice designated under pars. (a) and (b)”. [s. 1.07 (2), Manual.]
- (4) Replace the reference to “par. (a) 1. and 2.” with a reference to par. (a).
- d. In s. A-E 6.05 (1), use the Arabic numeral 3.
- e. Consider whether s. A-E 6.07 (1) (c) should require that an applicant for reciprocity submit notice of any out-of-state discipline and (rather than “including”) any pending complaints or investigations. Presumably, a pending complaint or investigation has not yet resulted in discipline and would not be “included” in an applicant’s disciplinary history.
- f. The proposed rule replaces multiple references to “Wisconsin Statutes and local ordinances” with a reference to “statutes and local ordinances of this state”. These changes should be deleted, as they are not needed to bring the rule text into conformity with current drafting standards.

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 5.04 (8) (Note); to amend A-E 5.03 (2), 5.04 (1) (d) (intro.) and 1. to 6., (3), (5), (6), (7), (7) (Note), and (8) (a), and 5.06 (1), (2) (intro.) and (c), and (6) (a) and (b); and to create A-E 5.03 (1) (e), 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:

- Clarifying that an applicant's experience under s. A-E 5.03 (1) (e) must demonstrate a working knowledge of all topics the applicable examination under s. A-E 5.04 requires a demonstration of competency.
- 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 ch. A-E 5 was necessary after applications for a permit required multiple requests for additional information. Input for the proposed revisions to ch. A-E 5 was solicited from the Designer Section, the Professional Engineer Section, the A-E Board, and the A-E Rules Committee.

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 document 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:

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.

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

Comments may be submitted to Dale Kleven, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, WI 53708-8366, or by email to

DSPSAdminRules@wisconsin.gov. Comments must be received at or before the public hearing scheduled for 1:00 PM on April 21, 2020 to be included in the record of rule-making proceedings.

TEXT OF RULE

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

SECTION 2. A-E 5.03 (1) (e) is created to read:

A-E 5.03 (1) (e) All topics under s. A-E 5.04 (1) (b) 1. to 5., (c) 1. and 2., (d) 1. to 7., (e) 1. and 2., or (f) 1. to 5., as applicable, in the field or subfield for which the applicant has applied.

SECTION 3. A-E 5.03 (2) is amended to read:

A-E 5.03 (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. (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 4. A-E 5.04 (1) (d) (intro.) and 1. to 6., (3), (5), (6), (7), (7) (Note), and (8) (a) 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,~~

(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 dps.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 5. A-E 5.04 (8) (Note) is repealed.

SECTION 6. A-E 5.06 (1), (2) (intro.) and (c), and (6) (a) and (b) 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.

(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 7. 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 March 23, 2020
3. Administrative Rule Chapter, Title and Number (and Clearinghouse Number if applicable) A-E 5	
4. Subject Designer permits	
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 proposed revisions provide clarification on qualifications for a designer permit, specifically by: <ul style="list-style-type: none">• Clarifying that an applicant's experience under s. A-E 5.03 (1) (e) must demonstrate a working knowledge of all topics the applicable examination under s. A-E 5.04 requires a demonstration of competency.• 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.	
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 benefit to implementing the rule is providing clarity with regard to qualifications for a designer permit and consistency with drafting standards and applicable Wisconsin statutes. If the rule is not implemented, the qualifications for a designer permit will remain unclear.	

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

16. Long Range Implications of Implementing the Rule

The long range implication of implementing the rule is clarity with regard to qualifications for a designer permit and consistency with drafting standards and applicable Wisconsin statutes.

17. Compare With Approaches Being Used by Federal Government

None.

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

Illinois:

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.

19. Contact Name

Dale Kleven, Administrative Rules Coordinator

20. Contact Phone Number

(608) 261-4472

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
-

STATEMENT OF SCOPE

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

Rule No.: A-E 1 to 13

Relating to: Retired Credential Status

Rule Type: Emergency and Permanent

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

The Legislature, by SECTION 4 of 2019 Wisconsin Act 94, provides an exemption from a finding of emergency for the promulgation of this rule.

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) will, as required under s. 443.015 (1m), Stats., as created by 2019 Wisconsin Act 94, establish a retired credential status for certain professionals holding credentials granted by the A-E Board and exempt a credential holder whose credential is classified as retired status from continuing education requirements.

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:

Current rules establish the credentials granted by the A-E Board and the continuing education requirements for maintaining those credentials. As required under s. 443.015 (1m), Stats., as created by 2019 Wisconsin Act 94, the proposed rules will establish a retired credential status for certain professionals holding credentials granted by the A-E Board and exempt a credential holder whose credential is classified as retired status from continuing education requirements.

The alternative of not revising the rules would be less beneficial to affected entities, and would not comply with the requirements of 2019 Wisconsin Act 94.

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, “[s]hall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains...”

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

Section 443.015 (1m), Stats., as created by 2019 Wisconsin Act 94, requires each Section of the A-E Board to promulgate rules that do all of the following:

- Allow the holder of a credential under ch. 443, Stats., who is at least 65 years of age or has actively maintained the credential for at least 20 years, which need not be consecutive, and has retired from and no longer engages in the practice for which the credential is held, to apply to the A-E Board to classify that credential as retired status.

- Allow an individual who previously held a credential under ch. 443, Stats., and failed to renew that credential prior to the renewal date, to apply to the A-E Board to renew the credential with retired status if the individual is at least 65 years of age or had actively maintained the credential for at least 20 years, which need not be consecutive; has retired from and no longer engages in the practice for which the credential was previously held; and pays the applicable fee.
- Allow the holder of a credential classified as retired status to apply to the appropriate Section of the A-E Board to remove the retired status classification if the credential holder satisfies reinstatement requirements established by the appropriate Section of the A-E Board by rule.

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

90 hours

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 proposed rule will have minimal to no economic impact on small businesses and the state's economy as a whole.

Contact Person: Dale Kleven, Administrative Rules Coordinator, DSPSAdminRules@wisconsin.gov, (608) 261-4472

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.

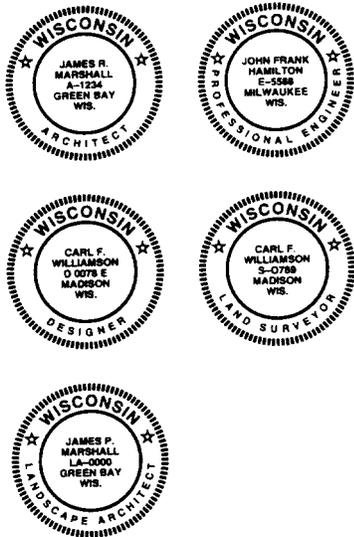
A-E 2.04	Change of address.
A-E 2.05	Failure to be registered.

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.

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.**

ANALYSIS OF A-E 8.04 (5)

Section A-E 8.04 (5) currently provides:

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:

(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.

As the above provision could be interpreted to prohibit the common practice of representing a partnership or association in principal between parties within a proposal for the performance of services, the Department has developed for consideration the following revised language for s. A-E 8.04 (5):

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

Prepared by: Dale Kleven, Administrative Rules Coordinator

Administrative Rule	Status of Current Project	Anticipated Next Steps	Comments
A-E 2, relating to general requirements and procedures: Act 108 review	As the scope statement has been implemented, changes to the rules may be considered.		
A-E 3, relating to architect registration examination: In response to the Act 108 report, correcting outdated exam provisions	Final rules are under review by the Legislature	If approved by the Legislature, the Board will be able to adopt the final rules at its October 7, 2020 meeting	
A-E 4, relating to professional engineer registration: Updating and revising the chapter for clarity and consistency with national standards.	Final rules have been approved by the Legislature	The Board may adopt the final rules at its April 22, 2020 meeting	
A-E 5, relating to the designer permit: Updating the chapter to provide clarification on experience requirements	Scheduled for a public hearing on April 21, 2020	The final rules and legislative report will be prepared and submitted to the Governor’s Office for approval	<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	Scheduled for a public hearing on April 21, 2020	The final rules and legislative report will be prepared and submitted to the Governor’s Office for approval	
A-E 7, relating to minimum standards for property surveys: Updating the chapter to provide clarification for licensees	Final rules are under review by the Legislature	If approved by the Legislature, the Board will be able to adopt the final rules at its October 7, 2020 meeting	

Administrative Rule	Status of Current Project	Anticipated Next Steps	Comments
A-E 8, relating to professional conduct: Act 108 Review	As the scope statement 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.	Final rules are under review by the Legislature	If approved by the Legislature, the Board will be able to adopt the final rules at its October 7, 2020 meeting	

Pending Bills	Status	Anticipated Next Steps	Comments
SB156/AB163 Retired Status Bill	Enacted into law (2019 Wisconsin Act 94)	The Rules Committee will consider approval of a scope statement at its April 21, 2020 meeting	2019 Wisconsin Act 94 has a December 1, 2020 effective date
SB303/AB324 Interior Designers	Senate Bill 330 passed the Senate on January 21, 2020. Assembly Bill 324 referred to the <i>Assembly Committee on State Affairs</i> on June 27, 2019. Public hearing held on February 20, 2020.	As the Assembly has adjourned, it is very unlikely further action will be taken this Legislative session	