



**TELECONFERENCE/VIRTUAL
EXAMINING BOARD OF ARCHITECTS, LANDSCAPE ARCHITECTS,
PROFESSIONAL ENGINEERS, DESIGNERS, AND PROFESSIONAL LAND
SURVEYORS**

Room N208, 4822 Madison Yards Way, 2nd Floor, Madison

Contact: Christian Albouras (608) 266-2112

April 22, 2020

The following agenda describes the issues that the Board 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 record of the actions of the Board.

AGENDA

11:00 A.M.

OPEN SESSION – CALL TO ORDER – ROLL CALL

- A. Adoption of Agenda (1-2)**
- B. Approval of Minutes of October 9, 2019 (3-5)**
- C. Introductions, Announcements and Recognition**
 - 1) Recognition of Matthew Wolfert, Architect Section
- D. Administrative Matters**
 - 1) Department, Staff and Board Updates
 - 2) Annual Policy Review **(6)**
 - 3) Election of Officers, Appointment of Liaisons and Alternates, Delegation of Authorities **(7-9)**
 - 4) 2020 Meeting Dates **(10)**
- E. Section Reports**
 - 1) Architect Section
 - 2) Designer Section
 - 3) Landscape Architect Section
 - 4) Professional Engineer Section
 - 5) Professional Land Surveyor Section
- F. Legislative and Policy Matters – Discussion and Consideration**
- G. Administrative Rule Matters – Discussion and Consideration (11)**
 - 1) Adoption Order: CR 19-075, Relating to Professional Engineer Registration **(12-24)**
 - 2) CR 20-009 – A-E 6, Relating to Professional Land Surveyor Licensure **(25-38)**
 - a. Public Comments and Clearinghouse Report

- 3) CR 20-014 – A-E 5, Relating to Designer Permits **(39-47)**
 - a. Public Comments and Clearinghouse Reports
- 4) A-E 1 to 13, Retired Credential Status, Scope Statement **(48-49)**
- 5) Legislation and Pending or Possible Rulemaking Projects
 - a. A-E Board Report: Administrative Rules and Legislative Update **(50-51)**

H. Discussion and Consideration of Items Added After Preparation of Agenda:

- 1) Introductions, Announcements and Recognition
- 2) Administrative Matters
- 3) Election of Officers
- 4) Appointment of Liaisons and Alternates
- 5) Delegation of Authorities
- 6) Education and Examination Matters
- 7) Credentialing Matters
- 8) Practice Matters
- 9) Legislative and Policy Matters
- 10) Administrative Rule Matters
- 11) Liaison Reports
- 12) Board Liaison Training and Appointment of Mentors
- 13) Informational Items
- 14) Division of Legal Services and Compliance (DLSC) Matters
- 15) Motions
- 16) Petitions
- 17) Appearances from Requests Received or Renewed
- 18) Speaking Engagements, Travel, or Public Relation Requests, and Reports

I. Public Comments

ADJOURNMENT

NEXT DATE: OCTOBER 7, 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.

**EXAMINING BOARD OF ARCHITECTS, LANDSCAPE ARCHITECTS,
PROFESSIONAL ENGINEERS, DESIGNERS AND
PROFESSIONAL LAND SURVEYORS
MEETING MINUTES
OCTOBER 9, 2019**

PRESENT: Kenneth Arneson (*via Skype, excused 1:01 p.m.*), Bruce Bowden, Kristine Cotharn, Tim Garland (*arrived via Skype at 11:15 a.m.*), James Gersich, Michael Heberling, Steven Hook, Karl Linck, Christina Martin (*via Skype*), Dennis Myers, Colleen Scholl, Rosheen Styczinski, Steven Wagner, Matthew Wolfert

EXCUSED: Daniel Fedderly, Michael Kinney

STAFF: Christian Albouras, Executive Director; Jameson Whitney, Board Legal Counsel; Dale Kleven, Administrative Rules Coordinator; Megan Glaeser, Bureau Assistant; and other Department staff.

CALL TO ORDER

Rosheen Styczinski, Chairperson, called the meeting to order at 11:01 a.m. A quorum was confirmed with thirteen (13) members present.

ADOPTION OF AGENDA

Amendments to the Agenda:

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

APPROVAL OF MINUTES OF APRIL 24, 2019

Amendments to the Minutes:

MOTION: Bruce Bowden moved, seconded by Dennis Myers, to approve the Minutes of April 24, 2019 as published. Motion carried unanimously.

(Tim Garland joined via Skype at 11:15 a.m.)

ADMINISTRATIVE MATTERS

Delegation of Authorities

Document Signature Delegations

MOTION: Colleen Scholl moved, seconded by Dennis Myers, to delegate authority to the Chairperson (or in absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) to sign

documents on behalf of the Board in order to carry out its duties. Motion carried unanimously.

MOTION: Dennis Myers moved, seconded by Kristine Cotharn, in order to carry out duties of the Board, the Chairperson (or in absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) has the ability to delegate signature authority for purposes of facilitating the completion of assignments during or between meetings. The members of the Board hereby delegate to the Executive Director or DPD Division Administrator, the authority to sign on behalf of a board member as necessary. Motion carried unanimously.

Delegated Authority for Urgent Matters

MOTION: Colleen Scholl moved, seconded by Steven Wagner, that in order to facilitate the completion of urgent matters between meetings, the Board delegates its authority to the Chairperson (or, in the absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession), to appoint liaisons to the Department to act in urgent matters. Motion carried unanimously.

Authorization for DSPS to Provide Board Member Contact Information to National Regulatory Related Bodies

MOTION: James Gersich moved, seconded by Dennis Myers, to authorize DSPS staff to provide national regulatory related bodies with all Board member contact information that DSPS retains on file. Motion carried.

NATIONAL COUNCIL OF ARCHITECTURAL REGISTRATION BOARDS (NCARB)

Organizational Structure, Relationship with Wisconsin, Industry Trends, Legislative Issues, and Opportunities for Engagement

MOTION: Steven Wagner moved, seconded by Matthew Wolfert, to acknowledge and thank Joshua Batkin, NCARB, for his presentation and appearance before the Board. Motion carried unanimously.

NATIONAL COUNCIL OF EXAMINERS FOR ENGINEERING AND SURVEYING (NCEES)

Organizational Structure, Relationship with Wisconsin, Industry Trends, Legislative Issues, and Opportunities for Engagement

MOTION: Colleen Scholl moved, seconded by James Gersich, to acknowledge and thank Marlon Vogt, NCEES, for his presentation and appearance before the Board. Motion carried unanimously.

LEGISLATIVE AND ADMINISTRATIVE RULE MATTERS

A-E Rules Committee Update

MOTION: Dennis Myers moved, seconded by Michael Heberling, to authorize Colleen Scholl and Kristine Cotharn to work with DSPS staff and the Chairperson of the Designer Section on the preliminary draft of A-E 5, relating to designer permits. Motion carried unanimously.

MOTION: Bruce Bowden moved, seconded by Colleen Scholl, to affirm all motions made and votes taken for A-E 4, relating to professional engineer registration; A-E 3, relating to architectural experience; A-E 5, relating to designer permits; and A-E 9, relating to landscape architect registration, during the A-E Rules Committee meeting on October 8, 2019. Motion carried unanimously.

(Kenneth Arneson was excused 1:01 pm)

ADJOURNMENT

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

The meeting adjourned at 1:23 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 <div style="display: flex; justify-content: space-between; border-top: 1px solid black; border-bottom: 1px solid black; padding: 5px 0;"> <i>Kimberly Wood</i> 1/7/2020 </div> <div style="display: flex; justify-content: space-between; border-top: 1px solid black; border-bottom: 1px solid black; padding: 5px 0;"> Signature of person making this request Date </div> <div style="display: flex; justify-content: space-between; border-top: 1px solid black; border-bottom: 1px solid black; padding: 5px 0;"> Supervisor (if required) Date </div> <div style="display: flex; justify-content: space-between; border-top: 1px solid black; border-bottom: 1px solid black; padding: 5px 0;"> Executive Director signature (indicates approval to add post agenda deadline item to agenda) Date </div>			
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			
4) Meeting Date: April 22, 2020	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Administrative Matters: 1) Election of Officers, Appointment of Liaisons and Alternates, and Delegation of Authorities	
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: 1) The Board should conduct Election of its Officers for 2020. 2) The new Chairperson should review and appoint/reappoint Liaisons and Alternates as appropriate. 3) The Board should review and then consider continuation or modification of previously delegated authorities.			
11) Authorization			
Megan Glaeser <hr/> Signature of person making this request		April 10, 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.			

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

2019 ELECTIONS, LIAISON APPOINTMENTS AND DELEGATIONS

2019 ELECTION RESULTS	
Board Chair	Rosheen Styczinski
Vice Chair	James Gersich
Secretary	Dennis Myers
A-E JOINT BOARD COMMITTEE MEMBER APPOINTMENTS	
A-E Joint Board Rules Committee	Bruce Bowden, Kristine Cotharn, Michael Heberling, Steven Hook, Karl Linck, Dennis Myers, Rosheen Styczinski, Steven Wagner
Retired License Status Task Force	Kristine Cotharn, Christina Martin, James Gersich

Document Signature Delegations

MOTION: Colleen Scholl moved, seconded by Dennis Myers, to delegate authority to the Chairperson (or in absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) to sign documents on behalf of the Board in order to carry out its duties. Motion carried unanimously.

MOTION: Dennis Myers moved, seconded by Kristine Cotharn, in order to carry out duties of the Board, the Chairperson (or in absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) has the ability to delegate signature authority for purposes of facilitating the completion of assignments during or between meetings. The members of the Board hereby delegate to the Executive Director or DPD Division Administrator, the authority to sign on behalf of a board member as necessary. Motion carried unanimously.

Delegated Authority for Urgent Matters

MOTION: Colleen Scholl moved, seconded by Steven Wagner, that in order to facilitate the completion of urgent matters between meetings, the Board delegates its authority to the Chairperson (or, in the absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession), to appoint liaisons to the Department to act in urgent matters. Motion carried unanimously.

Authorization for DSPS to Provide Board Member Contact Information to National Regulatory Related Bodies

MOTION: James Gersich moved, seconded by Dennis Myers, to authorize DSPS staff to provide national regulatory related bodies with all Board member contact information that DSPS retains on file. Motion carried.

**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			
4) Meeting Date: April 22, 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. 4/22/2020 10/7/2020			
11) Authorization			
Megan Glaeser		, 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: 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: 4/10/20 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: Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Professional Land Surveyors			
4) Meeting Date: 4/22/20	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Administrative Rule Matters – Discussion and Consideration 1. Adoption Order: CR 19-075, Relating to Professional Engineer Registration 2. CR 20-009 – A-E 6, Relating to Professional Land Surveyor Licensure a. Public Comments and Clearinghouse Report 3. CR 20-014 – A-E 5, Relating to Designer Permits a. Public Comments and Clearinghouse Report 4. A-E 1 to 13, Retired Credential Status, Scope Statement 5. Pending and 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: 			
11) Authorization			
Signature of person making this request <i>Dale Kleven</i>		Date <i>April 10, 2020</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	:	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 19-075)

ORDER

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

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

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

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

Explanation of agency authority:

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

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

Related statute or rule:

s. A-E 13

Plain language analysis:

The Professional Engineer Section has reviewed the chapter and made revisions to:

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

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

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

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

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

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

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

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

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

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

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

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

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

Comparison with rules in adjacent states:

Illinois:

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

Iowa:

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

Michigan:

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

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

Minnesota:

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

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

Summary of factual data and analytical methodologies:

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

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

The rules were posted for a period of 14 days to solicit public comment on economic impact, including how the rules may affect businesses, local government units, and individuals. No comments were received.

Fiscal Estimate and Economic Impact Analysis:

The Fiscal Estimate and Economic Impact Analysis is attached.

Effect on small business:

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

Agency contact person:

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

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

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

TEXT OF RULE

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

A-E 4.015 Definitions. In this chapter:

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

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

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

SECTION 3. A-E 4.02 (2) is created to read:

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

SECTION 4. A-E 4.025 is created to read:

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

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

SECTION 5. A-E 4.026 (1) (e), (1) (f), (2) (d), (2) (e), and (2m) are created to read:

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

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

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

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

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

SECTION 6. A-E 4.03 (title) is amended to read:

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

SECTION 7. A-E 4.03 (intro.) is renumbered A-E 4.03 (1g) (a) and amended to read:

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

SECTION 8. A-E 4.03 (1g) (b) and (d) are created to read:

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

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

SECTION 9. A-E 4.03 (1) is renumbered A-E 4.03 (1r).

SECTION 10. A-E 4.04 is repealed.

SECTION 11. A-E 4.05 (title), (1) (intro.), (a), (b), (c), and (d) and (2) are renumbered A-E 4.026 (title), (1) (intro.), (a), (b), (d), and (c) and (2) and A-E 4.026 (title), (1) (intro.), (a) (b), (d), and (2) are amended to read:

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

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

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

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

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

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

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

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

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

SECTION 12. A-E 4.05 (3) is renumbered A-E 4.03 (1g) (c).

SECTION 13. A-E 4.06 is repealed.

SECTION 14. A-E 4.07 (1) is repealed.

SECTION 15. A-E 4.07 (1m) is created to read:

A-E 4.07 (1m) REQUIRED EXAMINATIONS.

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

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

SECTION 16. A-E 4.07 (4) is repealed.

SECTION 17. A-E 4.07 (6) is amended to read:

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

SECTION 18. A-E 4.07 (7) is repealed.

SECTION 19. A-E 4.08 (title) is amended to read:

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

SECTION 20. A-E 4.08 (1) is repealed.

SECTION 21. A-E 4.08 (2) (intro) and (a) are amended to read:

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

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

SECTION 22. A-E 4.08 (3) and (4) are created to read:

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

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

SECTION 23. EFFECTIVE DATE. The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, pursuant to s. 227.22 (2) (intro.), Stats.

(END OF TEXT OF RULE)

Dated _____

Agency _____

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

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

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

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

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

16. Long Range Implications of Implementing the Rule

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

17. Compare With Approaches Being Used by Federal Government

None.

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

Illinois:

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

Iowa:

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

Michigan:

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

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

Minnesota:

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

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

19. Contact Name

20. Contact Phone Number

ADMINISTRATIVE RULES
Fiscal Estimate & Economic Impact Analysis

Helen Leong, Administrative Rules Coordinator

(608) 266-0797

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

ADMINISTRATIVE RULES
Fiscal Estimate & Economic Impact Analysis

ATTACHMENT A

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

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

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

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

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

5. Describe the Rule's Enforcement Provisions

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

- Yes No
-

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	20. Contact Phone Number
Dalve Kleven, Administrative Rules Coordinator	(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
-



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.

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Authorized Signature

Date Submitted

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	