

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

**IN THE MATTER OF RULEMAKING :
PROCEEDINGS BEFORE THE : REPORT TO THE LEGISLATURE
EXAMINING BOARD OF : CR 18-028
ARCHITECTS, LANDSCAPE :
ARCHITECTS, PROFESSIONAL :
ENGINEERS, DESIGNERS, AND :
PROFESSIONAL LAND SURVEYORS :**

I. THE PROPOSED RULE:

The proposed rule, including the analysis and text, is attached.

II. REFERENCE TO APPLICABLE FORMS: N/A

III. FISCAL ESTIMATE AND EIA:

The Fiscal Estimate and EIA is attached.

IV. DETAILED STATEMENT EXPLAINING THE BASIS AND PURPOSE OF THE PROPOSED RULE, INCLUDING HOW THE PROPOSED RULE ADVANCES RELEVANT STATUTORY GOALS OR PURPOSES:

The rule amends A-E 1.03 to clarify that the A-E Rules Committee is an optional step in the rule process. Currently, rule projects undergo three layers of review within the Board structure: the Section, the A-E Rules Committee, and the full A-E Board. Many recent rule projects have focused on one profession, and the respective Section has been able to determine what rule projects are needed and draft preliminary rules during their meetings. Thus, under this change, it is clarified that if the A-E Rules Committee has limited business or no quorum, having no A-E Rules Committee review will not prevent rule projects from being considered by the full A-E Board.

V. SUMMARY OF PUBLIC COMMENTS AND THE BOARD'S RESPONSES, EXPLANATION OF MODIFICATIONS TO PROPOSED RULES PROMPTED BY PUBLIC COMMENTS:

The Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, and Professional Land Surveyors held a public hearing on September 26, 2018. The Board did not receive any public comments.

VI. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:

All of the recommendations suggested in the Clearinghouse Report have been accepted in whole.

VII. REPORT FROM THE SBRRB AND FINAL REGULATORY FLEXIBILITY ANALYSIS:

This rule will not have an impact on small business.

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

IN THE MATTER OF RULE-MAKING	:	PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE	:	EXAMINING BOARD OF
EXAMINING BOARD OF ARCHITECTS,	:	ARCHITECTS, LANDSCAPE
LANDSCAPE ARCHITECTS,	:	ARCHITECTS, PROFESSIONAL
PROFESSIONAL ENGINEERS,	:	ENGINEERS, DESIGNERS, AND
DESIGNERS, AND PROFESSIONAL	:	PROFESSIONAL LAND
LAND SURVEYORS	:	SURVEYORS ADOPTING
	:	RULES
	:	(CLEARINGHOUSE RULE 18-028)

PROPOSED ORDER

An order of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, and Professional Land Surveyors to amend A-E 1.02 (1) and 1.03 (2) (b), relating to authority of the rules committee.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted:

s. 15.405 (2), 440.035 (1m) (a), and ch. 443, Stats.

Statutory authority:

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

Explanation of agency authority:

Under s. 15.08 (5) (b), Stats., the Examining Board “shall promulgate rules for its own guidance ...”

Section 227.11 (2) (a), Stats., authorizes the Examining Board to “promulgate rules interpreting the provisions of any statute enforced or administered by the agency.”

Related statute or rule:

Chapters A-E 2 through A-E 13

Plain language analysis:

Section 1 inserts a comma to conform the definition to drafting standards.

Section 2 amends A-E 1.03 to clarify that the A-E Rules Committee is an optional step in the rule process. Currently, rule projects undergo three layers of review within the Board structure: the Section, the A-E Rules Committee, and the full A-E Board. Many recent rule projects have focused on one profession, and the respective Section has been able to determine what rule projects are needed and draft preliminary rules during their meetings. Thus, under this change, it is clarified that if the Rules Committee has limited business or no quorum, having no A-E Rules Committee review will not prevent rule projects from being considered by the full A-E Board.

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

None.

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

Illinois has several boards that oversee these professions, including the Architecture Licensing Board, Board of Professional Engineers, Structural Engineering Board, Landscape Architect Registration Board, and the Land Surveyors Licensing Board. Additional boards work under the Illinois Department of Financial and Professional Regulation, but there is no specific board for designers. There are no standing Rule Committees as a part of these Boards.

Iowa:

Iowa has several boards that oversee these professions, including the Engineering & Land Surveying Examining Board, Architectural Examining Board, and the Landscape Architectural Examining Board. Additional boards work under the Iowa Professional Licensing Bureau, but there is no specific board for designers. There are no standing Rule Committees as a part of these boards.

Michigan:

Michigan has several boards that oversee the various professions, including the Board of Architects, Board of Professional Engineers, and the Board of Professional Surveyors. These three boards require members from each of these professions, so each board has a representative from each of the above-listed professions. Additional boards work under the Department of Licensing and Regulatory Affairs, but there is no specific board for designers or landscape architects. There are no standing Rule Committees as a part of these boards.

Minnesota:

Minnesota has a similar joint board, the Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience and Interior Design. The Board has a standing Rules Committee, however, it is not required by administrative rule or statute.

Summary of factual data and analytical methodologies:

The proposed rule amendments were developed in consultation with the A-E Rules Committee and the A-E Board.

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

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

Fiscal Estimate and Economic Impact Analysis:

The Fiscal Estimate and Economic Impact Analysis is attached.

Effect on small business:

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

Agency contact person:

Helen Leong, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, Wisconsin 53708-8366; telephone 608-266-0797; email at DSPSAdminRules@wisconsin.gov.

TEXT OF RULE

SECTION 1. A-E 1.02 (1) is amended to read:

A-E 1.02 (1) “Board” or “joint board” means the examining board of architects, landscape architects, professional engineers, designers, and professional land surveyors.

SECTION 2. A-E 1.03 (2) (b) is amended to read:

A-E 1.03 (2) (b) Authority and responsibility. The rules committee ~~shall~~ may act for the joint board in rulemaking proceedings except for final approval as specified in sub. (1).

SECTION 3. EFFECTIVE DATE. The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, pursuant to s. 227.22 (2) (intro.), Stats.

(END OF TEXT OF RULE)

This Proposed Order of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, and Professional Land Surveyors is approved for submission to the Governor and Legislature.

Dated 10/8/18

Agency Rosheen Styczynski
Chair

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

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

<p>1. Type of Estimate and Analysis <input checked="" type="checkbox"/> Original <input type="checkbox"/> Updated <input type="checkbox"/> Corrected</p>	<p>2. Date May 22, 2018</p>
<p>3. Administrative Rule Chapter, Title and Number (and Clearinghouse Number if applicable) A-E 1</p>	
<p>4. Subject Relating to Authority</p>	
<p>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</p>	<p>6. Chapter 20, Stats. Appropriations Affected</p>
<p>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</p>	
<p>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)</p>	
<p>9. Estimate of Implementation and Compliance to Businesses, Local Governmental Units and Individuals, per s. 227.137(3)(b)(1). \$0</p>	
<p>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</p>	
<p>11. Policy Problem Addressed by the Rule To clarify that the A-E Rules Committee is an optional step in the rule process. Currently, rule projects undergo three layers of review within the Board structure: the Section, the A-E Rules Committee, and the full A-E Board. Many recent rule projects have focused on one profession, and the respective Section has been able to determine what rule projects are needed and draft preliminary rules during their meetings. Thus, under this change, it is clarified that if the Rules Committee has limited business or no quorum, having no A-E Rules Committee review will not prevent rule projects from being considered by the full A-E Board.</p>	
<p>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.</p>	
<p>13. Identify the Local Governmental Units that Participated in the Development of this EIA. No local governmental units participated in the development of the EIA.</p>	
<p>14. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred) This proposed rule will not have a significant impact on specific businesses, business sectors, public utility rate payers, local governmentnal units, or the state's economy as a whole.</p>	
<p>15. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule Under this change, it is clarified that if the Rules Committee has limited business or no quorum, having no A-E Rules Committee review will not prevent rule projects from being considered by the full A-E Board.</p>	
<p>16. Long Range Implications of Implementing the Rule The rule change will improve efficiency for the A-E Board rule-making process.</p>	

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

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

18. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)
Comparison with rules in adjacent states:

Illinois:

Illinois has several boards that oversee these professions, including the Architecture Licensing Board, Board of Professional Engineers, Structural Engineering Board, Landscape Architect Registration Board, and the Land Surveyors Licensing Board. Additional boards work under the Illinois Department of Financial and Professional Regulation, but there is no specific board for designers. There are no standing Rule Committees as a part of these Boards.

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19. Contact Name

Helen Leong, Administrative Rules Coordinator

20. Contact Phone Number

(608) 266-0797

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