

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

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**IN THE MATTER OF RULEMAKING :  
PROCEEDINGS BEFORE THE : REPORT TO THE LEGISLATURE  
EXAMINING BOARD OF : CR 21-020  
ARCHITECTS, LANDSCAPE :  
ARCHITECTS, PROFESSIONAL :  
ENGINEERS, DESIGNERS, AND :  
PROFESSIONAL LAND SURVEYORS :**

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**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 Board completed a comprehensive review of ch. A-E 2 to ensure the rules are current with standards of practice and consistent with statute. As a result, the following revisions have been made:

- The definition of “firm” in s. A-E 2.03 (1) (a) is updated to include a limited liability company or limited liability partnership located in Wisconsin that provides or offers to provide architectural, landscape architectural, professional engineering, design or professional land surveying services to the public.
- Section A-E 2.03 (3) is amended to clarify that it is upon request of the Board that a firm must provide notification of at least one resident who is in charge of and responsible for each separate business location.
- Section A-E 2.05 is updated to reflect that the applicable section of the Board makes determinations relating to the late renewal or reinstatement of a credential.
- Section A-E 2.06 is created to implement s. 440.09, Stats., as amended by 2019 Wisconsin Act 143. Section 440.09, Stats., specifies the requirements for issuing reciprocal credentials to service members, former service members, and the spouses of service members and former service members.

- The license requirements at 3.02 (1), 4.025 (1), 4.026, 5.05, 6.02 (1), and 9.02 (1) are amended to exclude those applying under the reciprocal credential process at A-E 2.06.

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

The Rules Committee of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, and Professional Land Surveyors held a public hearing on April 13, 2021. No public comments were received.

**VI. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:**

All Legislative Council recommendations have been incorporated into the proposed rules.

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

N/A

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

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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 21-020)

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PROPOSED ORDER

An order of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, and Professional Land Surveyors to amend A-E 2.03 (1) (a) and (3), 2.05 (1) and (2) (a) and (b), 3.02 (1) (intro.), 4.025 (1) (intro.), 4.026 (1) (intro.) and (2) (intro.), 5.05 (intro.), 6.02 (1) (intro.), and 9.02 (1); and to create A-E 2.06, relating to general procedures and licensing requirements.

Analysis prepared by the Department of Safety and Professional Services.

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ANALYSIS

**Statutes interpreted:**

Sections 440.09 and 443.015 (2), Stats.

**Statutory authority:**

Sections 15.08 (5) (b), 440.09 (5), and 443.015 (2), Stats.

**Explanation of agency authority:**

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

Section 440.09 (5), Stats., states that “[t]he department or credentialing board, as appropriate, may promulgate rules necessary to implement this section.”

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

**Related statute or rule:**

Section 440.09, Stats., specifies the requirements for issuing reciprocal credentials to service members, former service members, and the spouses of service members and former service members.

Sections A-E 3.02 (1), 4.025 (1), 4.026, 5.05, 6.02 (1), and 9.02 (1) set forth the regular credentialing provisions for architects, landscape architects, professional engineers, engineers in training, professional land surveyors, and designers of engineering systems.

**Plain language analysis:**

The Board completed a comprehensive review of ch. A-E 2 to ensure the rules are current with standards of practice and consistent with statute. As a result, the following revisions have been made:

- The definition of “firm” in s. A-E 2.03 (1) (a) is updated to include a limited liability company or limited liability partnership located in Wisconsin that provides or offers to provide architectural, landscape architectural, professional engineering, design or professional land surveying services to the public.
- Section A-E 2.03 (3) is amended to clarify that it is upon request of the Board that a firm must provide notification of at least one resident who is in charge of and responsible for each separate business location.
- Section A-E 2.05 is updated to reflect that the applicable section of the Board makes determinations relating to the late renewal or reinstatement of a credential.
- Section A-E 2.06 is created to implement s. 440.09, Stats., as amended by 2019 Wisconsin Act 143. Section 440.09, Stats., specifies the requirements for issuing reciprocal credentials to service members, former service members, and the spouses of service members and former service members.
- The license requirements at 3.02 (1), 4.025 (1), 4.026, 5.05, 6.02 (1), and 9.02 (1) are amended to exclude those applying under the reciprocal credential process at A-E 2.06.

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

None.

**Comparison with rules in adjacent states:**

**Illinois:**

Rules of the Illinois Department of Financial and Professional Regulation do not specify general requirements and procedures that apply to architects, engineers, and professional land surveyors. Instead, the rules separately specify requirements and procedures that apply to architects [68 Ill. Adm. Code 1150.10 to 1150.110], engineers [68 Ill. Adm. Code 1380.210 to 1380.325], and professional land surveyors [68 Ill. Adm. Code 1270.5 to 1270.65]. Illinois does not issue permits or similar credentials for designers of engineering systems or landscape architects.

The Illinois Statutes provide for the expedited licensure of service members and their spouses (20 ILCS 5/5-715). “Service member” includes a person whose active-duty service concluded within the 2 years preceding application for licensure. A license issued to a service member, or the spouse of a service member may be renewed.

**Iowa:**

The Iowa Administrative Code does not specify general requirements and procedures that apply to architects, engineers, professional land surveyors, and landscape architects. Instead, requirements and procedures for these professions are separately specified in rules of the Iowa Architectural Examining Board [193B IAC], Iowa Engineering and Land Surveying Examining Board [193C IAC], and Iowa Landscape Architectural Examining Board [193D IAC]. Iowa does not issue permits or similar credentials for designers of engineering systems.

Rules of the Professional Licensing and Regulation Bureau of the Iowa Department of Commerce provide for the expedited reciprocal licensure of a veteran or a spouse of an active-duty service member (193 IAC14.3). A reciprocal license issued to a veteran or a spouse of an active-duty service member may be renewed.

### **Michigan:**

Rules of the Michigan Department of Licensing and Regulatory Affairs do not specify general requirements and procedures that apply to architects, professional engineers, professional land surveyors, and landscape architects. Instead, the rules separately specify requirements and procedures that apply to architects [Mich Admin Code, R 339.15101 to R 339.15506], professional engineers [Mich Admin Code, R 339.16001 to R 339.16044], professional land surveyors [Mich Admin Code, R 339.17101 to R 339.17506], and landscape architects [Mich Admin Code, R 339.19001 to R 339.19041]. Michigan does not issue permits or similar credentials for designers of engineering systems.

The Michigan Statutes provide for temporary licensure of the spouse of an active-duty service member (MCL 339.213). A temporary license is valid for 6 months and may be renewed for one additional 6-month term if it is determined the licensee continues to meet the requirements for temporary licensure and needs additional time to fulfill the requirements for initial licensure.

### **Minnesota:**

Rules of the Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience, and Interior Design specify general requirements and procedures that apply to architects, engineers, land surveyors, and landscape architects [Minnesota Rules, parts 1800.0050 to 1800.0900]. Minnesota does not issue permits or similar credentials for designers of engineering systems.

The Minnesota Statutes provide for temporary licensure of an individual who is an active-duty military member, the spouse of an active duty military member, or a veteran who has left service in the 2 years preceding the date of license application (2019 Minnesota Statutes, Section 197.4552). A temporary license allows a qualified individual to perform regulated professional services for a limited length of time as determined by the applicable licensing board. During the temporary license period, the individual must complete the full application procedure as required by applicable law.

### **Summary of factual data and analytical methodologies:**

The proposed rules were developed by conducting a comprehensive review of the provisions of ch. A-E 2 and s. 440.09, Stats., as amended by 2019 Wisconsin Act 143, and obtaining input and feedback from the Rules Committee of 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 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:**

Jon Derenne, Attorney, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, Wisconsin 53708; telephone 608-266-0955; email at DSPSAdminRules@wisconsin.gov.

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

A public hearing was held on April 13, 2021.

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TEXT OF RULE

SECTION 1. A-E 2.03 (1) (a) and (3) are amended to read:

**A-E 2.03 (1) (a)** "Firm" means any sole proprietorship, partnership, or corporation, limited liability company, or limited liability partnership located in ~~Wisconsin~~ this state which provides or offers to provide architectural, landscape architectural, professional engineering, design, or professional land surveying services to the public.

**(3)** NOTICE. ~~Every firm shall notify~~ Upon written request from the board, a firm shall provide notification of at least one resident who is in charge of and responsible for each separate business location.

SECTION 2. A-E 2.05 (1) and (2) (a) and (b) are amended to read:

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

**(2) (a)** ~~If a licensee~~ an individual applies for renewal of ~~his or her~~ a credential more than 5 years after its expiration, the applicable section of the board shall determine whether the applicant is competent to practice under the credential in this state. The

inquiry shall include a review of the applicant's practice within the previous 5 years, if any, in other licensing jurisdictions.

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

SECTION 3. A-E 2.06 is created to read:

**A-E 2.06 Reciprocal credentials for service members, former service members, and their spouses.**

(1) In this section, “credential” means any of the following:

- (a) Registration as an architect.
- (b) Registration as a landscape architect.
- (c) Registration as a professional engineer.
- (d) Certification as an engineer-in-training.
- (e) A license to engage in the practice of professional land surveying.
- (f) A permit as a designer of engineering systems.

(2) The board shall grant a reciprocal credential to a service member, former service member, or the spouse of a service member or former service member who submits an application provided by the board and who the appropriate section of the board determines meets all of the requirements under s. 440.09 (2), Stats. Subject to s. 440.09 (2m), Stats., the section may request verification necessary to make a determination under this section.

**Note:** Applications for reciprocal credentials may be obtained from the department of safety and professional services at (608) 266-2112 or from the department’s website at <http://dsps.wi.gov>.

SECTION 4. A-E 3.02 (1) (intro.) is amended to read:

**A-E 3.02 (1) (intro.)** ~~An~~ Except as provided in s. A-E 2.06 (2), an applicant for registration as an architect, in accordance with s. 443.03, Stats., shall submit all of the following:

SECTION 5. A-E 4.025 (1) (intro.) is amended to read:

**A-E 4.025 (1) (intro.)** ~~An~~ Except as provided in s. A-E 2.06 (2), an applicant for engineer-in-training is required to submit all of the following:

SECTION 6. A-E 4.026 (1) (intro.) and (2) (intro.) are amended to read:

**A-E 4.026 (1) (intro.)** **FOUR YEAR COURSE OF STUDY.** ~~An~~ Except as provided in s. A-E 2.06 (2), an applicant for professional engineer based on a four-year course of study is required to submit all of the following:

**(2) (intro.)** TWO YEAR COURSE OF STUDY. ~~An~~ Except as provided in s. A-E 2.06 (2), an applicant for professional engineer based on a 2-year course of study is required to submit all of the following:

SECTION 7. A-E 5.05 (intro.) is amended to read:

**A-E 5.05 (intro.) Application contents.** ~~An~~ Except as provided in s. A-E 2.06 (2), an application shall include all of the following:

SECTION 8. A-E 6.02 (1) (intro.) is amended to read:

**A-E 6.02 (1) (intro.)** ~~An~~ Except as provided in s. A-E 2.06 (2), an applicant for a professional land surveyor licensure, in accordance with s. 443.06 (2), Stats., shall complete all of the following:

SECTION 9. A-E 9.02 (1) is amended to read:

**A-E 9.02 (1)** ~~An~~ Except as provided in s. A-E 2.06 (2), an applicant for registration as a landscape architect shall submit documentary evidence of having met the requirements under s. 443.035, Stats.

SECTION 10. EFFECTIVE DATE. The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, pursuant to s. 227.22 (2) (intro.), Stats.

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(END OF TEXT OF RULE)  
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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 9/16/21

Agency Roshun Stojanicki  
Chair

## ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

<b>1. Type of Estimate and Analysis</b> <input checked="" type="checkbox"/> Original <input type="checkbox"/> Updated <input type="checkbox"/> Corrected	<b>2. Date</b> October 29, 2020
<b>3. Administrative Rule Chapter, Title and Number (and Clearinghouse Number if applicable)</b> A-E 2	
<b>4. Subject</b> General procedures	
<b>5. Fund Sources Affected</b> <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	<b>6. Chapter 20, Stats. Appropriations Affected</b> 20.165 (1) (g)
<b>7. Fiscal Effect of Implementing the Rule</b> <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	
<b>8. The Rule Will Impact the Following (Check All That Apply)</b> <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 <b>(if checked, complete Attachment A)</b>	
<b>9. Estimate of Implementation and Compliance to Businesses, Local Governmental Units and Individuals, per s. 227.137(3)(b)(1).</b> \$0	
<b>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)?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<b>11. Policy Problem Addressed by the Rule</b> The Board completed a comprehensive review of ch. A-E 2 to ensure the rules are current with standards of practice and consistent with statute. As a result, the following revisions have been made: <ul style="list-style-type: none"><li>• The definition of "firm" in s. A-E 2.03 (1) (a) is updated to include a limited liability company or limited liability partnership located in Wisconsin that provides or offers to provide architectural, landscape architectural, professional engineering, design or professional land surveying services to the public.</li><li>• Section A-E 2.03 (3) is amended to clarify that it is upon request of the Board that a firm must provide notification of at least one resident who is in charge of and responsible for each separate business location.</li><li>• Section A-E 2.05 is updated to reflect that the applicable section of the Board makes determinations relating to the late renewal or reinstatement of a credential.</li><li>• Section A-E 2.06 is created to implement s. 440.09, Stats., as created by 2019 Wisconsin Act 143. Section 440.09, Stats., specifies the requirements for issuing reciprocal credentials to service members, former service members, and the spouses of service members and former service members.</li></ul>	
<b>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.</b> 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.	
<b>13. Identify the Local Governmental Units that Participated in the Development of this EIA.</b> No local governmental units participated in the development of this EIA.	
<b>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)</b> 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.	

## **ADMINISTRATIVE RULES**

### **Fiscal Estimate & Economic Impact Analysis**

The Department estimates one-time administrative costs of \$112.14. These costs may be absorbed in the agency budget.

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

The benefit to implementing the rule is providing consistency with standards of practice and applicable Wisconsin statutes. If the rule is not implemented, this consistency will not be achieved.

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**16. Long Range Implications of Implementing the Rule**

The long range implication of implementing the rule is consistency with standards of practice and applicable Wisconsin statutes.

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**17. Compare With Approaches Being Used by Federal Government**

None.

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

**Illinois:**

Rules of the Illinois Department of Financial and Professional Regulation do not specify general requirements and procedures that apply to architects, engineers, and professional land surveyors. Instead, the rules separately specify requirements and procedures that apply to architects [68 Ill. Adm. Code 1150.10 to 1150.110], engineers [68 Ill. Adm. Code 1380.210 to 1380.325], and professional land surveyors [68 Ill. Adm. Code 1270.5 to 1270.65]. Illinois does not issue permits or similar credentials for designers of engineering systems or landscape architects.

The Illinois Statutes provide for the expedited licensure of service members and their spouses (20 ILCS 5/5-715).

“Service member” includes a person whose active duty service concluded within the 2 years preceding application for licensure. A license issued to a service member or the spouse of a service member may be renewed.

**Iowa:**

The Iowa Administrative Code does not specify general requirements and procedures that apply to architects, engineers, professional land surveyors, and landscape architects. Instead, requirements and procedures for these professions are separately specified in rules of the Iowa Architectural Examining Board [193B IAC], Iowa Engineering and Land Surveying Examining Board [193C IAC], and Iowa Landscape Architectural Examining Board [193D IAC]. Iowa does not issue permits or similar credentials for designers of engineering systems.

Rules of the Professional Licensing and Regulation Bureau of the Iowa Department of Commerce provide for the expedited reciprocal licensure of a veteran or a spouse of an active duty service member (193 IAC 193.14.3). A reciprocal license issued to a veteran or a spouse of an active duty service member may be renewed.

**Michigan:**

Rules of the Michigan Department of Licensing and Regulatory Affairs do not specify general requirements and procedures that apply to architects, professional engineers, professional land surveyors, and landscape architects. Instead, the rules separately specify requirements and procedures that apply to architects [Mich Admin Code, R 339.15101 to R 339.15506], professional engineers [Mich Admin Code, R 339.16001 to R 339.16044], professional land surveyors [Mich Admin Code, R 339.17101 to R 339.17506], and landscape architects [Mich Admin Code, R 339.19023 to R 339.19041]. Michigan does not issue permits or similar credentials for designers of engineering systems.

The Michigan Statutes provide for temporary licensure of the spouse of an active duty service member (MCL 339.213). A temporary license is valid for 6 months and may be renewed for one additional 6-month term if it is determined the licensee continues to meet the requirements for temporary licensure and needs additional time to fulfill the requirements for initial licensure.

**Minnesota:**

Rules of the Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience, and Interior Design specify general requirements and procedures that apply to architects, engineers, land surveyors, and landscape architects [Minnesota Rules, parts 1800.0050 to 1800.0900]. Minnesota does not issue permits or similar credentials for designers of engineering systems.

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**ADMINISTRATIVE RULES**  
**Fiscal Estimate & Economic Impact Analysis**

The Minnesota Statutes provide for temporary licensure of an individual who is an active duty military member, the spouse of an active duty military member, or a veteran who has left service in the 2 years preceding the date of license application (2019 Minnesota Statutes, Section 197.4552). A temporary license allows a qualified individual to perform regulated professional services for a limited length of time as determined by the applicable licensing board. During the temporary license period, the individual must complete the full application procedure as required by applicable law.

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19. Contact Name	20. Contact Phone Number
Dale Kleven, Administrative Rules Coordinator	(608) 261-4472

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

**ADMINISTRATIVE RULES**  
**Fiscal Estimate & Economic Impact Analysis**

**ATTACHMENT A**

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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)

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

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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:

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

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5. Describe the Rule's Enforcement Provisions

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

- Yes    No
-