

**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 18-029
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 replaces the name of the Intern Architect Development Program with the Architectural Experience Program, the new name for the same program adopted by the National Council of Architectural Registration Boards (NCARB) in June 2016.

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. No one testified at the hearing. The following people submitted written comments:

William Babcock, Wisconsin Society of Architects (dba AIA Wisconsin)

The written comments received were in support of the proposed changes. No additional modifications to the proposed rules were prompted by 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 18-029)

PROPOSED ORDER

An order of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, and Professional Land Surveyors to amend A-E 3.03 (1), relating to architectural experience.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted:

s. 443.03 (1), Stats.

Statutory authority:

ss. 15.08 (5) (b), 227.11 (2) (a), and 443.03 (1), Stats.

Explanation of agency authority:

Section 15.08 (5) (b), Stats., provides examining boards, “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. . .”

Section 443.03 (1), Stats., provides that the architect applicant must submit satisfactory evidence, “that he or she has acquired a thorough knowledge of sound construction, building hygiene, architectural design and mathematics,” including, “one of the following:

- 1m. A diploma of graduation, or a certificate, from an architectural school or college approved by the architect section as of satisfactory standing, together with at least 2 years' practical experience of a character satisfactory to the architect section in the design and construction of buildings.

2. A specific record of 7 or more years of experience in architectural work of a character satisfactory to the architect section in the design and construction of buildings.”

Related statute or rule:

s. 443.10, Stats.

Plain language analysis:

Section 1 replaces the name of the Intern Architect Development Program with the Architectural Experience Program, the new name for the same program adopted by the National Council of Architectural Registration Boards (NCARB) in June 2016. The Architectural Experience Program, which was previously named the Intern Architect Development Program, is a useful tracking program for architectural experience for applicants.

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

None.

Comparison with rules in adjacent states:

Illinois:

The Illinois Architecture Licensing Board updated Title 68, Section 1150.10, Illinois Administrative Code, to update the Architect Experience Program, formerly known as, the Intern Development Program. In the rule project, which became effective on April 7, 2017, Illinois did not change the title of “architectural intern.” However, the Illinois statutes state that an unlicensed person who has completed their education and is actively participating in professional training is an “architectural intern.” *See 225 ILCS 305/4.*

Iowa

On September 21, 2016, the Architectural Examining Board updated Chapter 193B, Iowa Administrative Code, to replace and clarify that the Intern Development Program has been renamed the Architectural Experience Program. During this rule project, the Architectural Examining Board did not change the designation of “Architectural Intern.”

Michigan

The Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing has a pending rule project (2015-086 LR) to update the rules relating to Architects to change the name of the Intern Development Program to the NCARB Architectural Experience Program, abbreviated as NCARB AXP. The rule update also uses the description of “internship program” and “internship” to describe the NCARB Architectural Experience Program.

Minnesota

The Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience and Interior Design (AELSLAGID) has a pending rule project to amend chapter 1800.1000, Minnesota Administrative Code. The project is to update the name of the Intern Development Program to Architectural Experience Program, which is incorporated by reference as part of the requirements for determining qualifying

experience for the purposes of licensure. See R-04374. While the title “architectural intern” is not listed in statute or rule, the Board has issued a position statement identifying “architectural designer,” “architectural intern,” or other “architectural” derivatives as legal under existing law and statute. See “Suitable Titles for Architectural Interns,” mn.gov/aelslagid.

Summary of factual data and analytical methodologies:

The proposed rules were developed in consultation with the Architect Section of the A-E Examining Board. The Architect Section reviewed the statements of the National Council of Architectural Registration Boards (NCARB) and research conducted by the American Institute of Architects (AIA) in consideration of the proposed revisions, including the NCARB decision to rename the Intern Development Program the Architectural Experience Program.

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 Nathianiell.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, P.O. Box 8366, Madison, Wisconsin 53708; telephone 608-266-0797; email at DSPSAdminRules@wisconsin.gov.

TEXT OF RULE

SECTION 1. A-E 3.03 (1) is amended to read:

A-E 3.03 (1) In satisfaction of the 2 year experience requirement of s. 443.03 (1) (b) 1m., Stats., or in satisfaction of 2 years of the 7 year requirement of s. 443.03 (1) (b) 2., Stats., applicants for registration as an architect shall complete the ~~intern architect development program~~ architectural experience program, sponsored by the ~~national council~~ National Council of ~~architectural registration boards and the American institute of architects~~ Architectural Registration Boards, or shall submit evidence of experience in architectural work which the board finds is substantially equivalent to the experience obtained by completing the ~~intern architect development program~~ architectural experience program.

SECTION 2. 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 10/8/2018

Agency

Rosheer Styczinski
Chair

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

Original Updated Corrected

2. Administrative Rule Chapter, Title and Number

A-E 3

3. Subject

Relating to Architect Registration

4. Fund Sources Affected

GPR FED PRO PRS SEG SEG-S

5. Chapter 20, Stats. Appropriations Affected

6. Fiscal Effect of Implementing the Rule

No Fiscal Effect Increase Existing Revenues Increase Costs
 Indeterminate Decrease Existing Revenues Could Absorb Within Agency's Budget
 Decrease Cost

7. The Rule Will Impact the Following (Check All That Apply)

State's Economy Specific Businesses/Sectors
 Local Government Units Public Utility Rate Payers
 Small Businesses **(if checked, complete Attachment A)**

8. Would Implementation and Compliance Costs Be Greater Than \$20 million?

Yes No

9. Policy Problem Addressed by the Rule

The name of the Intern Architect Development Program is being replaced with the Architectural Experience Program, the new name for the same program adopted by the National Council of Architectural Registration Boards (NCARB) in June 2016.

10. 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.

11. Identify the local governmental units that participated in the development of this EIA.

No local governmental units participated in the development of the EIA.

12. 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 governmental units, or the state's economy as a whole.

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

This project updates the rule to reflect the name change and adds language to provide clarity if the name changes in the future.

14. Long Range Implications of Implementing the Rule

The rule update will provide greater clarity for architect applicants.

15. Compare With Approaches Being Used by Federal Government

None.

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

Comparison with rules in adjacent states:

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

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17. Contact Name

Helen Leong, Administrative Rules Coordinator

18. Contact Phone Number

(608) 266-0797

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