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

IN THE MATTER OF RULEMAKING : REPORT TO THE LEGISLATURE
PROCEEDINGS BEFORE THE : CR 19-151
EXAMINING BOARD OF : 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 Architect Section has reviewed the chapter and the following revisions have been made:

- Section A-E 3.05 (1) (intro.) has been updated to reflect that the Architect Section has adopted the Architect Registration Examination administered by the National Council of Architectural Registration Boards.

- Section A-E 3.05 (4) has been updated to clarify that the authority to set the passing scores for the examination required for registration as an architect rests with the Architect Section.

- Section A-E 3.05 (6), (7), and (9) have been repealed. As the Architect Section does not administer the examination required for registration as an architect, these provisions are obsolete.

- Section A-E 3.05 (8) has been repealed, as it was invalidated by the repeal of s. 443.09 (6), Stats., in 2009 Wisconsin Act 350.
V. SUMMARY OF PUBLIC COMMENTS AND THE BOARD’S RESPONSES, 
EXPLANATION OF MODIFICATIONS TO PROPOSED RULES PROMPTED 
BY PUBLIC COMMENTS:


William Babcock, representing the Wisconsin Society of Architects, testified in favor of the proposed rules. No other testimony or written comments were received by the Board.

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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PROPOSED ORDER

An order of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, and Professional Land Surveyors to repeal A-E 3.05 (6) to (9) and amend A-E 3.04 (1) and 3.05 (1) (intro.) and (4), relating to architect registration examinations.

Analysis prepared by the Department of Safety and Professional Services.

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ANALYSIS

Statutes interpreted: Section 443.09 (4), Stats.

Statutory authority: Sections 15.08 (5) (b) and 443.02 (3), 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 443.02 (3), Stats., provides that “[n]o person may offer to practice architecture, landscape architecture, or professional engineering or use in connection with the person’s name or otherwise assume, use or advertise any title or description tending to convey the impression that he or she is an architect, landscape architect, or professional engineer or advertise to furnish architectural, landscape architectural, or professional engineering services unless the person has been duly registered or has in effect a permit under s. 443.10 (1) (d).”

Related statute or rule: Section 443.09 (4), Stats.

Plain language analysis:
• Section A-E 3.05 (1) (intro.) is revised to reflect that the Architect Section has adopted the Architect Registration Examination administered by the National Council of Architectural Registration Boards.
• Section A-E 3.05 (4) is revised to clarify that the authority to set the passing scores for the examination required for registration as an architect rests with the Architect Section.

• Section A-E 3.05 (6), (7), and (9) are repealed. As the Architect Section does not administer the examination required for registration as an architect, these provisions are obsolete.

• Section A-E 3.05 (8) is repealed, as it was invalidated by the repeal of s. 443.09 (6), Stats., in 2009 Wisconsin Act 350.

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 address the examination for licensure to practice architecture in Illinois (68 Ill. Adm. Code 1150.40). The Department has adopted the Architect Registration Examination administered by the National Council of Architectural Registration Boards.

Iowa:

Rules of the Iowa Architectural Examining Board address the examination for licensure to practice architecture in Iowa (193B IAC 2.3 and 2.4). The Board has adopted the Architect Registration Examination administered by the National Council of Architectural Registration Boards.

Michigan:

Rules of the Michigan Board of Architects address the examination for licensure to practice architecture in Michigan (Mich Admin Code, R 339.15204). The Board has adopted the Architect Registration Examination administered by the National Council of Architectural Registration Boards.

Minnesota:

Rules of the Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience, and Interior Design address the examination for licensure to practice architecture in Minnesota (Minnesota Rules, part 1800.1200). The Board has adopted the Architect Registration Examination administered by the National Council of Architectural Registration Boards.

Summary of factual data and analytical methodologies:

The A-E Board conducted a thorough review of the A-E administrative rules in preparation of their first biennial report in response to 2017 Act 108 and s. 227.29, Stats. As a result of this review, the Board identified several places in ch. A-E 3 where the rules relating to examination requirements reference obsolete requirements or repealed provisions. The Architect Section also reviewed the chapter to ensure consistency with current practices relating to examinations required for registration.
Analysis and supporting documents used to determine effect on small business or in preparation of economic impact analysis:

The proposed rules will be 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.

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 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.

TEXT OF RULE

SECTION 1. A-E 3.04 (1) is amended to read:

**A-E 3.04 (1)** For the purpose of meeting experience requirements for registration as an architect, an applicant may claim certain education as equivalent to experience in architectural work, as provided in s. 443.03 (2), Stats. To qualify as equivalent to experience in architectural work, the education shall be obtained at a university, college or technical school approved by the architect section of the examining board.

SECTION 2. A-E 3.05 (1) (intro.) and (4) are amended to read:

**A-E 3.05 (1) (intro.)** ARCHITECT EXAMINATION REQUIRED. An applicant for registration as an architect, unless applying under s. 443.10 (1), Stats., shall successfully complete the Architect Registration Examination administered by the National Council of Architectural Registration Boards, or an equivalent examination on architectural services which approved by the architect section that measures the knowledge and skills necessary to competently practice architecture. The examination shall test and tests the following architectural services and service elements:

(4) GRADING. The passing scores set by the board architect section represent the minimum competency required to protect public health and safety.

SECTION 3. A-E 3.05 (6) to (9) are repealed.
SECTION 4. 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 1.8.2020

Agency

Chair

Rules Committee
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. Date
   November 4, 2019

3. Administrative Rule Chapter, Title and Number (and Clearinghouse Number if applicable)
   A-E 3

4. Subject
   Architect registration examinations

5. Fund Sources Affected
   ☐ GPR  ☐ FED  ☐ PRO  ☐ PRS  ☐ SEG  ☐ SEG-S

6. Chapter 20, Stats. Appropriations Affected

7. Fiscal Effect of Implementing the Rule
   ☑ No Fiscal Effect  ☐ Increase Existing Revenues  ☐ Increase Costs  ☐ Decrease Costs
   ☐ Indeterminate  ☐ Decrease Existing Revenues  ☐ Could Absorb Within Agency’s Budget

8. 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)

   ☐

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)?
   ☐ Yes  ☑ No

11. Policy Problem Addressed by the Rule
   The Section has reviewed the chapter and made the following revisions:
   • Section A-E 3.05 (1) (intro.) is revised to reflect that the Architect Section has adopted the Architect Registration Examination administered by the National Council of Architectural Registration Boards.
   • Section A-E 3.05 (4) is revised to clarify that the authority to set the passing scores for the examination required for registration as an architect rests with the Architect Section.
   • Section A-E 3.05 (6), (7), and (9) are repealed. As the Architect Section does not administer the examination required for registration as an architect, these provisions are obsolete.
   • Section A-E 3.05 (8) is repealed, as it was invalidated by the repeal of s. 443.09 (6), Stats., in 2009 Wisconsin Act 350.

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 consistency with current practices and drafting standards, and applicable Wisconsin statutes. If the rule is not implemented, it will continue to not reflect current Wisconsin statutes.
ADMINISTRATIVE RULES
Fiscal Estimate & Economic Impact Analysis

16. Long Range Implications of Implementing the Rule
The long range implication of implementing the rule is consistency with current practices and 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:
Rules of the Illinois Department of Financial and Professional Regulation address the examination for licensure to practice architecture in Illinois (68 Ill. Adm. Code 1150.40). The Department has adopted the Architect Registration Examination administered by the National Council of Architectural Registration Boards.

Iowa:
Rules of the Iowa Architectural Examining Board address the examination for licensure to practice architecture in Iowa (193B IAC 2.3 and 2.4). The Board has adopted the Architect Registration Examination administered by the National Council of Architectural Registration Boards.

Michigan:
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Minnesota:
Rules of the Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience, and Interior Design address the examination for licensure to practice architecture in Minnesota (Minnesota Rules, part 1800.1200). The Board has adopted the Architect Registration Examination administered by the National Council of Architectural Registration Boards.

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