



**VIRTUAL/TELECONFERENCE
RULES COMMITTEE
EXAMINING BOARD OF ARCHITECTS, LANDSCAPE ARCHITECTS,
PROFESSIONAL ENGINEERS, DESIGNERS, AND PROFESSIONAL LAND SURVEYORS
Virtual, 4822 Madison Yards Way, Madison, WI
Contact: Valerie Payne (608) 266-2112
December 17, 2020**

The following agenda describes the issues that the Committee 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 description of the actions of the Committee.

AGENDA

10:00 AM

OPEN SESSION – CALL TO ORDER – ROLL CALL

- A. Adoption of Agenda (1-2)**
- B. Approval of Minutes of October 6, 2020 (3-4)**
- C. Administrative Matters**
 - 1. Department, Staff and Committee Updates
- D. Legislation and Policy Matters – Discussion and Consideration**
- E. 10:00 AM Public Hearing: EmR2038 and CR 20-064 – A-E 1 to 13, Relating to Retired Credential Status (5-26)**
 - 1. Review and Respond to Public Comments and Clearinghouse Report
- F. Administrative Rule Matters – Discussion and Consideration (27-30)**
 - 1. Administrative Rules Reporting Requirement Under 227.29, Stats.
 - a. Review of 2021 Report
 - 2. Pending or Possible Rulemaking Projects
- G. Public Comments**

ADJOURNMENT

NEXT DATE: APRIL 13, 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. Requests for interpreters for the hard of hearing, or other accommodations, are considered upon request by contacting the Affirmative Action Officer, 608-266-2112, or the Meeting Staff at 608-266-5439.

**VIRTUAL/TELECONFERENCE
A-E RULES COMMITTEE
EXAMINING BOARD OF ARCHITECTS, LANDSCAPE ARCHITECTS,
PROFESSIONAL ENGINEERS, DESIGNERS AND LAND SURVEYORS
MEETING MINUTES
OCTOBER 6, 2020**

PRESENT: Michael Heberling, Karl Linck, Dennis Myers, Rosheen Styczinski, Steven Wagner

EXCUSED: Kristine Cotharn, Steven Hook

STAFF: Valerie Payne, Executive Director; Dale Kleven, Administrative Rules Coordinator; Megan Glaeser, Bureau Assistant; and other DSPS staff

CALL TO ORDER

Rosheen Styczinski, Chairperson, called the meeting to order at 1:02 p.m. A quorum was confirmed with five (5) members present.

ADOPTION OF AGENDA

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

APPROVAL OF MINUTES OF APRIL 21, 2020

MOTION: Dennis Myers moved, seconded by Karl Linck, to adopt the Minutes from April 21, 2020 as published. Motion carried unanimously.

ADMINISTRATIVE RULE MATTERS

Preliminary Rule Draft – A-E 2 – General Procedures

MOTION: Dennis Myers moved, seconded by Steven Wagner, to approve the preliminary rule draft of A-E 2, relating to general procedures, for posting for economic impact comments and submission to the Clearinghouse. Motion carried unanimously.

Preliminary Rule Draft – A-E 8 – Professional Conduct

MOTION: Dennis Myers moved, seconded by Karl Linck, to approve the preliminary rule draft of A-E 8, relating to professional conduct, for posting for economic impact comments and submission to the Clearinghouse. Motion carried unanimously.

Preliminary Rule Draft – A-E 1 to 13 – Retired Credential Status

MOTION: Steven Wagner moved, seconded by Dennis Myers, to approve the preliminary rule draft of A-E 1 to 13, relating to retired credential status, for posting for economic impact comments and submission to the Clearinghouse. Motion carried unanimously.

Final Draft Emergency Rule – A-E 1 to 13 – Retired Credential Status

MOTION: Steven Wagner moved, seconded by Karl Linck, to approve the emergency rule relating to retired credential status for submission to the Governor, adoption, and publication in the official newspaper. Motion carried unanimously.

Administrative Rules Reporting Requirement Under 2017 Wisconsin Act 108

Proposals for 2021 Report

MOTION: Rosheen Styczinski moved, seconded by Michael Heberling, to designate Karl Linck to serve as liaison to DSPP staff for drafting the 2021 Act 108 report, relating to administrative rules, and to authorize the Chairperson, or highest-ranking officer, or longest serving member of the board, in order of succession, to approve the report for submission to the Joint Committee for Review of Administrative Rules. Motion carried unanimously.

ADJOURNMENT

MOTION: Michael Heberling moved, seconded by Karl Linck, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 2:11 p.m.

**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: 12/7/20 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: Rules Committee of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Professional Land Surveyors			
4) Meeting Date: 12/17/20	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? 10:00 A.M. Public Hearing: EmR2038 and CR 20-064 – A-E 1 to 13, Relating to Retired Credential Status 1. Review and Respond to Public Comments and Clearinghouse Report	
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) <i>Dale Kleven</i> Signature of person making this request		Authorization	<i>December 7, 2020</i> 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
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 EMERGENCY RULES

The statement of scope for this rule, SS 036-20, was approved by the Governor on May 7, 2020, published in Register 773A2 on May 11, 2020, and approved by the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, and Professional Land Surveyors on July 17, 2020.

This emergency rule was approved by the Governor on October 9, 2020.

ORDER

An order of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, and Professional Land Surveyors to **repeal** A-E 13.08 (4) and (5); to **amend** A-E 12.08 (title), (3), and (5) to (8); and to **create** A-E 2.045, 10.035, 11.035, 12.035, and 13.035, relating to retired credential status.

Analysis prepared by the Department of Safety and Professional Services.

FINDING OF EMERGENCY

The Legislature, by SECTION 4 of 2019 Wisconsin Act 94, provides an exemption from a finding of emergency for the promulgation of this rule.

ANALYSIS

Statutes interpreted:

Section 443.015 (1m), Stats.

Statutory authority:

Sections 15.08 (5) (b) and 443.015 (1) and (1m), 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 443.015 (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.

Related statute or rule:

None.

Plain language analysis:

As required under s. 443.015 (1m), Stats., as created by 2019 Wisconsin Act 94, the emergency rules create provisions to 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 appropriate section of the A-E Board to classify the credential as retired status.
- Allow an individual who previously held a credential under ch. 443, Stats., and failed to renew the credential prior to the renewal date, to apply to the appropriate section of 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 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 the reinstatement requirements under s. A-E 2.05 (2).

- Provide that continuing education requirements do not apply to renewal of a credential classified as retired status.

The emergency rules also revise s. A-E 12.08 to reference a waiver from continuing education requirements instead of an exemption from continuing education requirements. The updated terminology is consistent with that used in chs. A-E 10, 11, and 13.

Finally, the emergency rules remove provisions in s. A-E 13.08 concerning a request for a waiver from continuing education requirements based on retirement. As the emergency rules create a retired credential status, these provisions are no longer necessary.

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 provide an inactive status for architects [68 Ill. Adm. Code 1150.65], engineers [68 Ill. Adm. Code 1380.285], and professional land surveyors [68 Ill. Adm. Code 1270.35]. A request for inactive status must be made in writing on a form prescribed by the Department. An architect, engineer, or professional land surveyor in inactive status is exempt from renewal fees and continuing education requirements.

The rules also provide requirements for the restoration to active status of architects [68 Ill. Adm. Code 1150.70], engineers [68 Ill. Adm. Code 1380.270], and professional land surveyors [68 Ill. Adm. Code 1270.40]. Restoration of a license placed on inactive status for 5 years or less (3 years or less for architects) requires payment of a renewal fee and compliance with continuing education requirements. Restoration of a license placed on inactive status for more than 5 years (more than 3 years for architects) to active status requires payment of restoration fees, compliance with continuing education requirements, and demonstration of active practice or continued competence.

Illinois does not issue permits or similar credentials for designers of engineering systems or landscape architects.

Iowa:

Within the requirements for renewal, rules of the Iowa Architectural Examining Board [193B IAC 2.5 (2)], Iowa Engineering and Land Surveying Examining Board [193C IAC 3.4 (11)], and Iowa Landscape Architectural Examining Board [193D IAC 2.8 (8)] provide an inactive status for their licensees. Licensees in inactive status are subject to reduced renewal fees and are exempt from continuing education requirements.

The rules also provide requirements for the reinstatement to active status of architects [193B IAC 2.7 (1)], engineers and land surveyors [193C IAC 3.5 (4)], and landscape architects [193D IAC 2.9 (2)]. Reinstatement requires the applicant to pay a fee, comply

with continuing education requirements and, for architects and landscape architects, submit a written statement affirming the applicant did not practice in Iowa while in inactive status.

Iowa does not issue permits or similar credentials for designers of engineering systems.

Michigan:

Michigan does not provide a retired or inactive licensure status for architects, engineers, professional land surveyors, or landscape architects, and does not issue permits or similar credentials for designers of engineering systems.

Minnesota:

Minnesota does not provide a retired or inactive licensure status for architects, engineers, professional land surveyors, or landscape architects, and does not issue permits or similar credentials for designers of engineering systems. However, the Minnesota Statutes allow an individual who retires to use the designation architect, professional engineer, land surveyor, or landscape architect, as long as the designation is preceded by the word "retired" and the individual was licensed in the designated profession in the state of Minnesota on the date the individual retired from the designated profession and the individual's license was not subsequently revoked by the Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience, and Interior Design [2019 Minnesota Statutes, Section 326.02, Subd. 1.].

Summary of factual data and analytical methodologies:

The emergency rules were developed by reviewing the provisions of s. 443.015 (1m), Stats., as created by 2019 Wisconsin Act 94, 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 fiscal estimate submitted with the bill associated with 2019 Wisconsin Act 94 was used in the department's analysis. The emergency rules have no new or additional impact.

Fiscal estimate:

Please see the fiscal estimate submitted with the bill associated with 2019 Wisconsin Act 94. The emergency rules have no new or additional impact.

Effect on small business:

These emergency 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, P.O. Box 8366, Madison, Wisconsin 53708-8366, or by email to DSPSAdminRules@wisconsin.gov. Comments must be submitted by the date and time at which the public hearing on these emergency rules is conducted. Information as to the place, date, and time of the public hearing will be published on the Legislature's website and in the Wisconsin Administrative Register.

TEXT OF RULE

SECTION 1. A-E 2.045 is created to read:

A-E 2.045 Retired credential status.

(1) The holder of a credential under ch. 443, Stats., may apply to the appropriate section of the board to classify the credential as retired status. The section shall classify the credential as retired status if all of the following requirements are met:

(a) The credential holder completes an application on a form provided by the board.

(b) The credential holder is at least 65 years of age or has actively maintained the credential for at least 20 years, which need not be consecutive.

(c) The credential holder certifies they have retired from and no longer engage in the practice for which the credential is held. The certification under this paragraph is not required to be notarized.

(2) Notwithstanding s. A-E 2.05, an individual who previously held a credential under ch. 443, Stats., and failed to renew the credential prior to the renewal date, may apply to the appropriate section of the board to renew the credential with retired status. A credential shall be renewed with retired status if all of the following requirements are met:

(a) The individual completes an application on a form provided by the board.

(b) The individual pays the fee under s. 443.015 (1m) (d), Stats.

(c) 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.

(d) The individual certifies they have retired from and no longer engage in the practice for which the credential was held. The certification under this paragraph is not required to be notarized.

(3) The holder of a credential classified as retired status under sub. (1) or (2) may apply to the appropriate section of the examining board to remove the retired status classification. The section shall remove the retired status classification if the applicant satisfies the reinstatement requirements under s. A-E 2.05 (2).

(4) A credential classified as retired status under sub. (1) or (2) shall be renewed upon payment of the fee under s. 443.015 (1m) (d), Stats.

SECTION 2. A-E 10.035 is created to read:

A-E 10.035 Exemption for retired credential status. The continuing education requirements under this chapter do not apply to the renewal of a credential classified as retired status under s. A-E 2.045 (1) or (2).

SECTION 3. A-E 11.035 is created to read:

A-E 11.035 Exemption for retired credential status. The continuing education requirements under this chapter do not apply to the renewal of a credential classified as retired status under s. A-E 2.045 (1) or (2).

SECTION 4. A-E 12.035 is created to read:

A-E 12.035 Exemption for retired credential status. The continuing education requirements under this chapter do not apply to the renewal of a credential classified as retired status under s. A-E 2.045 (1) or (2).

SECTION 5. A-E 12.08 (title), (3), and (5) to (8) are amended to read:

A-E 12.08 (title) ~~Exemption~~ Waiver of continuing education.

(3) A registrant seeking to renew a registration who demonstrates that compliance with the continuing education requirements shall create an extreme hardship may request ~~an exemption from~~ a waiver of the continuing education requirements.

(5) A registrant who requests ~~an exemption from~~ a waiver of the continuing education requirements for extreme hardship shall file a renewal application along with the required registration fee and submit an affidavit which describes the circumstances of the hardship and provide any supporting documentation. The request for ~~an exemption a~~ waiver shall be submitted prior to the renewal date.

(6) If the architect section finds from the affidavit or any other evidence submitted that extreme hardship has been shown for granting ~~an exemption a~~ waiver, the registrant shall be permitted to renew the registration without completing the continuing education requirements for the applicable renewal period.

(7) A registrant who receives ~~an exemption from~~ a waiver of continuing education on the basis of extreme hardship due to an incapacitating disability, medical illness, active military duty or other extenuating circumstances may be required to complete continuing education upon his or her return to the active practice of architecture as determined necessary by the architect section to ensure the ability of the registrant to practice architecture in a safe and competent manner.

(8) A registrant shall be deemed to be in good standing until a final decision on the request for ~~exemption~~ a waiver has been made.

SECTION 6. A-E 13.035 is created to read:

A-E 13.035 Exemption for retired credential status. The continuing education requirements under this chapter do not apply to the renewal of a credential classified as retired status under s. A-E 2.045 (1) or (2).

SECTION 7. A-E 13.08 (4) and (5) are repealed.

SECTION 8. EFFECTIVE DATE. The rules adopted in this order shall take effect on December 1, 2020, pursuant to s. 227.22 (2) (c), Stats.

(END OF TEXT OF RULE)

Dated 10/13/2020

Agency *Roshen Stojanowski*
Chair

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

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 **repeal** A-E 13.08 (4) and (5); to **amend** A-E 12.08 (title), (3), and (5) to (8); and to **create** A-E 2.045, 10.035, 11.035, 12.035, and 13.035, relating to retired credential status.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted:

Section 443.015 (1m), Stats.

Statutory authority:

Sections 15.08 (5) (b) and 443.015 (1) and (1m), 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 443.015 (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.

Related statute or rule:

None.

Plain language analysis:

As required under s. 443.015 (1m), Stats., as created by 2019 Wisconsin Act 94, the proposed rules create provisions to 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 appropriate section of the A-E Board to classify the credential as retired status.
- Allow an individual who previously held a credential under ch. 443, Stats., and failed to renew the credential prior to the renewal date, to apply to the appropriate section of 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 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 the reinstatement requirements under s. A-E 2.05 (2).
- Provide that continuing education requirements do not apply to renewal of a credential classified as retired status.

The proposed rules also revise s. A-E 12.08 to reference a waiver from continuing education requirements instead of an exemption from continuing education requirements. The updated terminology is consistent with that used in chs. A-E 10, 11, and 13.

Finally, the proposed rules remove provisions in s. A-E 13.08 concerning a request for a waiver from continuing education requirements based on retirement. As the proposed rules create a retired credential status, these provisions are no longer necessary.

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 provide an inactive status for architects [68 Ill. Adm. Code 1150.65], engineers [68 Ill. Adm. Code 1380.285], and professional land surveyors [68 Ill. Adm. Code 1270.35]. A request for inactive status must be made in writing on a form prescribed by the Department. An architect, engineer, or professional land surveyor in inactive status is exempt from renewal fees and continuing education requirements.

The rules also provide requirements for the restoration to active status of architects [68 Ill. Adm. Code 1150.70], engineers [68 Ill. Adm. Code 1380.270], and professional land surveyors [68 Ill. Adm. Code 1270.40]. Restoration of a license placed on inactive status for 5 years or less (3 years or less for architects) requires payment of a renewal fee and compliance with continuing education requirements. Restoration of a license placed on inactive status for more than 5 years (more than 3 years for architects) to active status requires payment of restoration fees, compliance with continuing education requirements, and demonstration of active practice or continued competence.

Illinois does not issue permits or similar credentials for designers of engineering systems or landscape architects.

Iowa:

Within the requirements for renewal, rules of the Iowa Architectural Examining Board [193B IAC 2.5 (2)], Iowa Engineering and Land Surveying Examining Board [193C IAC 3.4 (11)], and Iowa Landscape Architectural Examining Board [193D IAC 2.8 (8)] provide an inactive status for their licensees. Licensees in inactive status are subject to reduced renewal fees and are exempt from continuing education requirements.

The rules also provide requirements for the reinstatement to active status of architects [193B IAC 2.7 (1)], engineers and land surveyors [193C IAC 3.5 (4)], and landscape architects [193D IAC 2.9 (2)]. Reinstatement requires the applicant to pay a fee, comply with continuing education requirements and, for architects and landscape architects, submit a written statement affirming the applicant did not practice in Iowa while in inactive status.

Iowa does not issue permits or similar credentials for designers of engineering systems.

Michigan:

Michigan does not provide a retired or inactive licensure status for architects, engineers, professional land surveyors, or landscape architects, and does not issue permits or similar credentials for designers of engineering systems.

Minnesota:

Minnesota does not provide a retired or inactive licensure status for architects, engineers, professional land surveyors, or landscape architects, and does not issue permits or similar credentials for designers of engineering systems. However, the Minnesota Statutes allow

an individual who retires to use the designation architect, professional engineer, land surveyor, or landscape architect, as long as the designation is preceded by the word "retired" and the individual was licensed in the designated profession in the state of Minnesota on the date the individual retired from the designated profession and the individual's license was not subsequently revoked by the Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience, and Interior Design [2019 Minnesota Statutes, Section 326.02, Subd. 1.].

Summary of factual data and analytical methodologies:

The rules were developed by reviewing the provisions of s. 443.015 (1m), Stats., as created by 2019 Wisconsin Act 94, 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 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 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 at or before the public hearing to be held on the proposed rules. Information concerning the date, time, and location of the public hearing will be posted on the Legislature's website and published in the Wisconsin Administrative Register.

TEXT OF RULE

SECTION 1. A-E 2.045 is created to read:

A-E 2.045 Retired credential status.

(1) The holder of a credential under ch. 443, Stats., may apply to the appropriate section of the board to classify the credential as retired status. The section shall classify the credential as retired status if all of the following requirements are met:

(a) The credential holder completes an application on a form provided by the board.

(b) The credential holder is at least 65 years of age or has actively maintained the credential for at least 20 years, which need not be consecutive.

(c) The credential holder certifies they have retired from and no longer engage in the practice for which the credential is held. The certification under this paragraph is not required to be notarized.

(2) Notwithstanding s. A-E 2.05, an individual who previously held a credential under ch. 443, Stats., and failed to renew the credential prior to the renewal date, may apply to the appropriate section of the board to renew the credential with retired status. A credential shall be renewed with retired status if all of the following requirements are met:

(a) The individual completes an application on a form provided by the board.

(b) The individual pays the fee under s. 443.015 (1m) (d), Stats.

(c) 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.

(d) The individual certifies they have retired from and no longer engage in the practice for which the credential was held. The certification under this paragraph is not required to be notarized.

(3) The holder of a credential classified as retired status under sub. (1) or (2) may apply to the appropriate section of the examining board to remove the retired status classification. The section shall remove the retired status classification if the applicant satisfies the reinstatement requirements under s. A-E 2.05 (2).

(4) A credential classified as retired status under sub. (1) or (2) shall be renewed upon payment of the fee under s. 443.015 (1m) (d), Stats.

SECTION 2. A-E 10.035 is created to read:

A-E 10.035 Exemption for retired credential status. The continuing education requirements under this chapter do not apply to the renewal of a credential classified as retired status under s. A-E 2.045 (1) or (2).

SECTION 3. A-E 11.035 is created to read:

A-E 11.035 Exemption for retired credential status. The continuing education requirements under this chapter do not apply to the renewal of a credential classified as retired status under s. A-E 2.045 (1) or (2).

SECTION 4. A-E 12.035 is created to read:

A-E 12.035 Exemption for retired credential status. The continuing education requirements under this chapter do not apply to the renewal of a credential classified as retired status under s. A-E 2.045 (1) or (2).

SECTION 5. A-E 12.08 (title), (3), and (5) to (8) are amended to read:

A-E 12.08 (title) ~~Exemption~~ Waiver of continuing education.

(3) A registrant seeking to renew a registration who demonstrates that compliance with the continuing education requirements shall create an extreme hardship may request ~~an exemption from a waiver of~~ the continuing education requirements.

(5) A registrant who requests ~~an exemption from a waiver of~~ the continuing education requirements for extreme hardship shall file a renewal application along with the required registration fee and submit an affidavit which describes the circumstances of the hardship and provide any supporting documentation. The request for ~~an exemption a waiver~~ shall be submitted prior to the renewal date.

(6) If the architect section finds from the affidavit or any other evidence submitted that extreme hardship has been shown for granting ~~an exemption a waiver~~, the registrant shall be permitted to renew the registration without completing the continuing education requirements for the applicable renewal period.

(7) A registrant who receives ~~an exemption from a waiver of~~ continuing education on the basis of extreme hardship due to an incapacitating disability, medical illness, active military duty or other extenuating circumstances may be required to complete continuing education upon his or her return to the active practice of architecture as determined necessary by the architect section to ensure the ability of the registrant to practice architecture in a safe and competent manner.

(8) A registrant shall be deemed to be in good standing until a final decision on the request for ~~exemption a waiver~~ has been made.

SECTION 6. A-E 13.035 is created to read:

A-E 13.035 Exemption for retired credential status. The continuing education requirements under this chapter do not apply to the renewal of a credential classified as retired status under s. A-E 2.045 (1) or (2).

SECTION 7. A-E 13.08 (4) and (5) are repealed.

SECTION 8. 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

<p>1. Type of Estimate and Analysis <input checked="" type="checkbox"/> Original <input type="checkbox"/> Updated <input type="checkbox"/> Corrected</p>	<p>2. Date October 29, 2020</p>
<p>3. Administrative Rule Chapter, Title and Number (and Clearinghouse Number if applicable) A-E 1 to 13</p>	
<p>4. Subject Retired credential status</p>	
<p>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</p>	<p>6. Chapter 20, Stats. Appropriations Affected 20.165 (1) (g)</p>
<p>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</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 As required under s. 443.015 (1m), Stats., as created by 2019 Wisconsin Act 94, the proposed rules create provisions to do all of the following:</p> <ul style="list-style-type: none">• 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 appropriate section of the A-E Board to classify the credential as retired status.• Allow an individual who previously held a credential under ch. 443, Stats., and failed to renew the credential prior to the renewal date, to apply to the appropriate section of 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 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 the reinstatement requirements under s. A-E 2.05 (2).• Provide that continuing education requirements do not apply to renewal of a credential classified as retired status. The proposed rules also revise s. A-E 12.08 to reference a waiver from continuing education requirements instead of an exemption from continuing education requirements. The updated terminology is consistent with that used in chs. A-E 10, 11, and 13. <p>Finally, the proposed rules remove provisions in s. A-E 13.08 concerning a request for a waiver from continuing education requirements based on retirement. As the proposed rules create a retired credential status, these provisions are no longer necessary.</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.</p>	

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

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.

The Department estimates one-time administrative costs of \$653.86. These costs may be absorbed in the agency budget.

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

The benefit to implementing the rule is consistency with s. 443.015 (1m), Stats., as created by 2019 Wisconsin Act 94. If the rule is not implemented, the Board's rules will not be in compliance with statute.

16. Long Range Implications of Implementing the Rule

The long range implication of implementing the rule is consistency with 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 provide an inactive status for architects [68 Ill. Adm. Code 1150.65], engineers [68 Ill. Adm. Code 1380.285], and professional land surveyors [68 Ill. Adm. Code 1270.35]. A request for inactive status must be made in writing on a form prescribed by the Department. An architect, engineer, or professional land surveyor in inactive status is exempt from renewal fees and continuing education requirements.

The rules also provide requirements for the restoration to active status of architects [68 Ill. Adm. Code 1150.70], engineers [68 Ill. Adm. Code 1380.270], and professional land surveyors [68 Ill. Adm. Code 1270.40]. Restoration of a license placed on inactive status for 5 years or less (3 years or less for architects) requires payment of a renewal fee and compliance with continuing education requirements. Restoration of a license placed on inactive status for more than 5 years (more than 3 years for architects) to active status requires payment of restoration fees, compliance with continuing education requirements, and demonstration of active practice or continued competence.

Illinois does not issue permits or similar credentials for designers of engineering systems or landscape architects.

Iowa:

Within the requirements for renewal, rules of the Iowa Architectural Examining Board [193B IAC 2.5 (2)], Iowa Engineering and Land Surveying Examining Board [193C IAC 3.4 (11)], and Iowa Landscape Architectural Examining Board [193D IAC 2.8 (8)] provide an inactive status for their licensees. Licensees in inactive status are subject to reduced renewal fees and are exempt from continuing education requirements.

The rules also provide requirements for the reinstatement to active status of architects [193B IAC 2.7 (1)], engineers and land surveyors [193C IAC 3.5 (4)], and landscape architects [193D IAC 2.9 (2)]. Reinstatement requires the applicant to pay a fee, comply with continuing education requirements and, for architects and landscape architects, submit a written statement affirming the applicant did not practice in Iowa while in inactive status.

Iowa does not issue permits or similar credentials for designers of engineering systems.

ADMINISTRATIVE RULES

Fiscal Estimate & Economic Impact Analysis

Michigan:

Michigan does not provide a retired or inactive licensure status for architects, engineers, professional land surveyors, or landscape architects, and does not issue permits or similar credentials for designers of engineering systems.

Minnesota:

Minnesota does not provide a retired or inactive licensure status for architects, engineers, professional land surveyors, or landscape architects, and does not issue permits or similar credentials for designers of engineering systems. However, the Minnesota Statutes allow an individual who retires to use the designation architect, professional engineer, land surveyor, or landscape architect, as long as the designation is preceded by the word "retired" and the individual was licensed in the designated profession in the state of Minnesota on the date the individual retired from the designated profession and the individual's license was not subsequently revoked by the Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience, and Interior Design [2019 Minnesota Statutes, Section 326.02, Subd. 1.].

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
-



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Scott Grosz
Clearinghouse Director

Anne Sappenfield
Legislative Council Director

Margit S. Kelley
Clearinghouse Assistant Director

CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

CLEARINGHOUSE RULE **20-064**

AN ORDER to repeal A-E 13.08 (4) and (5); to amend A-E 12.08 (title), (3), and (5) to (8); and to create A-E 2.045, 10.035, 11.035, 12.035, and 13.035, relating to retired credential status.

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

10-29-2020 RECEIVED BY LEGISLATIVE COUNCIL.

11-24-2020 REPORT SENT TO AGENCY.

MSK:PH

LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]

Comment Attached YES NO

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]

Comment Attached YES NO

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]

Comment Attached YES NO

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS
[s. 227.15 (2) (e)]

Comment Attached YES NO

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]

Comment Attached YES NO

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL
REGULATIONS [s. 227.15 (2) (g)]

Comment Attached YES NO

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]

Comment Attached YES NO



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Scott Grosz
Clearinghouse Director

Anne Sappenfield
Legislative Council Director

Margit Kelley
Clearinghouse Assistant Director

CLEARINGHOUSE RULE 20-064

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 November 2020.]

4. Adequacy of References to Related Statutes, Rules and Forms

a. In s. A-E 10.035, either add an introduction stating that the provision applies notwithstanding s. A-E 10.03 (1), or amend s. A-E 10.03 (1) to begin “Except as provided in s. A-E 10.035,”. Compare, for example, the “notwithstanding” clause in s. DE 11.025 (3) (j).

b. In s. A-E 11.035, either add an introduction stating that the provision applies notwithstanding s. A-E 11.03 (1), or amend s. A-E 11.03 (1) to begin “Except as provided in s. A-E 11.035,”.

c. In s. A-E 12.035, either add an introduction stating that the provision applies notwithstanding s. A-E 12.03(1), or amend s. A-E 12.03(1) to begin “Except as provided in s. A-E 12.035,”.

d. In s. A-E 13.035, either add an introduction stating that the provision applies notwithstanding s. A-E 13.03 (1), or amend s. A-E 13.03 (1), to begin “Except as provided in s. A-E 13.035,”.

5. Clarity, Grammar, Punctuation and Use of Plain Language

a. In the plain language analysis for the proposed rule, instead of simply referencing “the holder of a credential under ch. 443, Stats.”, the analysis should explain that the affected rules apply to architects, landscape architects, professional engineers, designers, and professional land surveyors.

b. In the plain language analysis for the proposed rule, the agency may wish to include the requirement that the person seeking retired status certify that he or she has retired and no longer engages in the practice for which he or she holds a credential.

c. In the plain language analysis for the proposed rule, the agency may wish to replace “for which the credential is held” to “for which he or she holds a credential” and “for which the credential was held” to “for which he or she held a credential”.

d. In s. A-E 2.045 (1) (c) and (2) (d), change “they have” to “he or she has” and “engage” to “engages”.

**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: 12/7/20 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: Rules Committee of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Professional Land Surveyors			
4) Meeting Date: 12/17/20	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. Administrative Rules Reporting Requirement Under 227.29, Stats. a. Review of Draft 2021 Report 2. Pending or Possible Rulemaking Projects	
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) <i>Dale Kleven</i> <hr/> Signature of person making this request		Authorization <div style="text-align: right;"><i>December 7, 2020</i></div> <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.			

Rosheen Styczinski
Chairperson

James A. Gersich
Vice Chairperson

Dennis Myers
Secretary

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



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March ??, 2021

Senator Stephen Nass, Senate Co-Chairperson
Joint Committee for Review of Administrative Rules
Room 10 South, State Capitol
Madison, WI 53702

Representative Joan Ballweg, Assembly Co-Chairperson
Joint Committee for Review of Administrative Rules
Room 210 North, State Capitol
Madison, WI 53702

RE: Report Submitted in Compliance with s. 227.29 (1), Stats.

Dear Senator Nass and Representative Ballweg:

This report has been prepared and submitted in compliance with s. 227.29 (1), Stats.

I. Unauthorized rules, as defined in s. 227.26 (4) (a), Stats.:

After careful review of the agency's administrative rules, the agency has determined that no promulgated rules are unauthorized rules, as defined in s. 227.26 (4) (a), Stats.

II. Rules for which the authority to promulgate has been restricted:

After careful review of the Board's administrative rules, the Board has determined that no promulgated rules have restricted authority.

Status of rules listed in the Board's report submitted in March of 2019:

Rule	Description of the legislation that restricted the authority	Status of action taken to address
A-E 3.05 (8)	Repeal of s. 443.09 (6), Stats., in 2009 Act 350.	Section A-E 3.05 (8) has been repealed. The Final rule (CR 19-151) is pending adoption by the Board.
A-E 5.04 (8) (a)	Repeal of s. 443.09 (6), Stats., in 2009 Act 350.	A final draft rule (CR 20-014) has been submitted to the Legislature for approval.

III. Rules that are obsolete or that have been rendered unnecessary:

Rule	Description of why the rule is obsolete or has been rendered unnecessary.	Status of action taken to address
A-E 10.03 A-E 11.03 A-E 12.03	These sections contain an unnecessary reference to the 2012 biennial registration period.	A final draft rule (CR 20-064) that removes the unnecessary references has been submitted to the Legislature for approval.
A-E 13.02	The definitions of “college semester hour” and “college quarter hour” in this section are unnecessary, as these terms are not used in ch. A-E 13.	A final draft rule (CR 20-064) that removes the unnecessary definitions has been submitted to the Legislature for approval.

Status of rules listed in the Board’s report submitted in March of 2019:

Rule	Description of why the rule is obsolete or has been rendered unnecessary.	Status of action taken to address
A-E 2.05	Replacing the term “board” with “section” to be more accurate in rules of general applicability, in accordance with statutory changes in 2011 Act 146.	The Board will be conducting a public hearing in April 2021 on a proposed rule that includes an update to replace the term “board” with “section” in s. A-E 2.05.
A-E 3.05 A-E 4.07 A-E 9.05	Because the sections have determined that applicants should take a national exam to satisfy statutory requirements, specific provisions related to examination conduct are unnecessary.	The provisions in s. A-E 3.05 related to examination conduct have been repealed. The final rule (CR 19-151) is pending adoption by the Board. The provisions in s. A-E 4.07 related to examination conduct have been repealed. The final rule (CR 19-075) was effective July 1, 2020. The provisions in s. A-E 9.05 related to examination conduct have been repealed. The final rule (CR 19-152) is pending adoption by the Board.
A-E 3.03 (1)	Updating the name of the Intern Architect Development Program with the new name provided by the National Council of Architectural Registration Boards.	Section A-E 3.03 (1) has been amended to update terminology. The final rule (CR 18-029) was effective June 1, 2019.

IV. Rules that are duplicative or, superseded by, or in conflict with another rule, a state statute, a federal statute or regulation, or a ruling of a court of competent jurisdiction:

After careful review of the agency’s administrative rules, the agency has determined that no promulgated rules are duplicative, superseded by, or in conflict with another rule, a state statute, a federal statute or regulation, or a ruling of a court of competent jurisdiction.

V. Rules that are economically burdensome:

After careful review of the Board’s administrative rules, the Board has determined that no promulgated rules are economically burdensome.

Status of rules listed in the Board’s report submitted in March of 2019:

Rule		Status of action taken to address
A-E 8.04 (5)	The provision will be revised to ensure that it is not interpreted in an unnecessarily economically burdensome way.	The Board will be conducting a public hearing in April 2021 on a proposed rule that revises the terminology in s. A-E 8.04 (5).

Thank you.

Sincerely,

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