

Report From Agency

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

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IN THE MATTER OF RULE-MAKING :
PROCEEDINGS BEFORE THE : REPORT TO THE LEGISLATURE
EXAMINING BOARD OF ARCHITECTS, : CR 13-064
LANDSCAPE ARCHITECTS, :
PROFESSIONAL ENGINEERS, :
DESIGNERS AND 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:

The proposed rule does not require new forms

III. FISCAL ESTIMATE AND EIA:

The Fiscal Estimate and EIA are attached.

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

This proposed rule accomplishes two purposes, first it ensures out-of-state comity applicants will be treated the same as in state applicants with regards to meeting continuing education requirements. Currently, s. A-E 13.09 requires comity applicants to submit proof of completion of 30 Professional Development Hours (PDH) within the 2-year period prior to their application. In-state applicants are not required to comply with continuing education requirement for their first renewal of registration. This proposed rule would alleviate the requirement that comity applicants complete 30 PDHs for their first renewal period, which is the same as in-state applicants. This change in policy will promote consistency between in-state and out-of-state applicants.

Secondly, this proposed rule clarifies that retired engineers seeking a continuing education waiver will be granted a waiver as long as they are no longer providing professional engineering services whether receiving compensation or not. Eligibility for the waiver depends entirely on years of service and a certification from the licensee that he or she has retired from the profession and is no longer providing professional engineering services.

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

The Board held a public hearing on August 29, 2013. The following people either testified at the hearing, or submitted written comments:

Mr. Glen Schwalbach, P.E. of the Wisconsin Society of Professional Engineers testified before the Board.

Ms. Heather Berlinski of the American Council of Engineering Companies of WI was in attendance for information only.

The Board summarizes the comments received either by hearing testimony or by written submission as follows:

Mr. Schwalbach testified in support of the rule. His primary concern was that in-state and out-of-state applicants were treated in the same manner by the proposed rule; as long as that was the case he had no further concerns about the rule.

The Board explains modifications to its rule-making proposal prompted by public comments as follows: The Board made no changes to the proposed rule due to feedback from the public.

VI. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:

Comment 2 a.: The Department may wish to include an initial applicability section to clarify whether the rule change will first apply to applications from comity applicants or renewal applications from retired engineers filed on or after the effective date, or to applicants who have already submitted their applications but whose approval by the Examining Board of Architects, Landscape Architects, Professional Engineers, Designer and Land Surveyors is pending.

Response: The Board decided not to include an initial applicability section.

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

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

None.