

Clearinghouse Rule 13-064

STATE OF WISCONSIN
EXAMINING BOARD OF ARCHITECTS, LANDSCAPE ARCHITECTS,
PROFESSIONAL ENGINEERS, DESIGNERS AND 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 LAND SURVEYORS : SURVEYORS ADOPTING RULES
: (CLEARINGHOUSE RULE)

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PROPOSED ORDER

An order of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors to amend ss. A-E 13.08 (4) and A-E13.09, relating to comity renewal requirements.

Analysis prepared by the Department of Safety and Professional Services.

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ANALYSIS

Statutes interpreted:

s. 443.015, Stats.

Statutory authority:

ss. 15.08 (5) (b), 227.11 (2) (a), 443.015, Stats.

Explanation of agency authority:

Examining boards are generally empowered by the legislature pursuant to ss. 15.08 (5) (b), and 227.11 (2) (a), to promulgate rules that govern their profession. The Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, and Land Surveyors have been specifically empowered by s. 443.015, Stats., to promulgate rules regarding continuing education requirements for renewal of a credential. Therefore, the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, and Land Surveyors is authorized both generally and specifically to promulgate these proposed rules.

Related statute or rule:

Wis. Admin. Code ch. A-E 13.03 (1) and A-E 13.09

Plain language analysis:

The proposed rule seeks to revise A-E 13 to insure comity applicants are treated the same as newly registered engineers. Comity applicants are applicants from another state who apply for registration to practice professional engineering in Wisconsin. As of now, the rule requires comity applicants to complete 30 professional development hours of qualifying continuing education during the first two years prior to licensure while regularly in-state applicants are not required to do so. The proposed rule will also address retired engineers. Retired engineers seeking a waiver from the continuing education requirement are eligible for the waiver if they have not performed any engineering services nor received remuneration for services rendered.

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

None.

Comparison with rules in adjacent states:

Illinois: Illinois grants licensure by endorsement for applicants who are licensed in other states. 225 ILCS 325/19. There are no specific professional development hours required for endorsement applicants. Illinois does not grant a waiver for retired professional engineers.

Iowa: Iowa grants licensure by comity. 193C IAC 4.2 (542B). Comity applicants are judged on the applicants' record of education, references, experiences and completion of exams. 193C IAC 4.2 (2). The administrative rules are silent on whether comity applicants are required to fulfill their renewal by way of continuing education requirements or professional development hour requirements.

Waivers may be granted by written request. Hardship or extenuating circumstances are considered before granting a waiver. There are no specific waiver requirements for retired engineers. 193C IAC 7.7 (542B, 272C).

Michigan: Michigan grants licensure by reciprocity for out-of-state applicants. Mich. Admin. Code R339.16025. The statutes and administrative rules are silent on whether reciprocity applicants are required to fulfill their renewal by way of continuing education requirements or professional development hour requirements.

There are no specific provisions regarding granting waivers for retired engineers.

Minnesota: Minnesota grants licensure by comity. Minn. R. 1800.0800. Comity applicants that are licensed or certified in another state, may meet continuing education

requirements, without completing the entire renewal form, if the other state of which the comity applicant is coming from is listed by the Minnesota board as having continuing education requirements acceptable to the Minnesota board and the license or certificate holder, “certifies in the appropriate section [on the form] that all continuing education and licensing or certification requirements for that state, province, or district have been met.” Minn. Stat. § 326.107 Subd. 5.

There are no specific provisions regarding granting waivers for retired engineers.

Summary of factual data and analytical methodologies:

Drafting of these proposed rules was initiated by the Engineering Section of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, and Land Surveyors as a result of a review of the current rules. No other factual data or analytical methodologies were used in drafting these proposed rules.

Analysis and supporting documents used to determine effect on small business or in preparation of economic impact analysis:

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 Greg.Gasper@wisconsin.gov, or by calling (608) 266-8608.

Fiscal Estimate and Economic Impact Analysis:

The Fiscal Estimate and Economic Impact Analysis are 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 Greg.Gasper@wisconsin.gov, or by calling (608) 266-8608.

Agency contact person:

Shawn Leatherwood, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, Room 151, P.O. Box 8935, Madison, Wisconsin 53708; telephone 608-261-4438; email at Shancethea.Leatherwood@wisconsin.gov.

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

Comments may be submitted to Shawn Leatherwood Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, Room 151, P.O. Box 8935, Madison, WI 53708-8935, or by email to

Shancethea.Leatherwood@wisconsin.gov. Comments must be received on or before August 29, 2013 to be included in the record of rule-making proceedings.

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TEXT OF RULE

SECTION 1. A-E 13.08 (4) is amended to read:

A-E 13.08 (4) A renewal who has maintained an active Wisconsin license for a minimum of 30 consecutive years may, at the discretion of the professional engineer section or its designee, receive a waiver upon request and certification that the applicant has retired from the profession and is no longer ~~receiving remuneration for~~ providing engineering services.

SECTION 2. A-E 13.09 is amended to read:

A-E 13.09 An applicant for registration from another state who applies for registration to practice professional engineering under s. A-E 4.09 (2), shall submit proof of completion of 30 PDHs of qualifying continuing education that complies with the requirements of ch. A-E 13 within the 2 year period prior to their application. However, an applicant by comity who has received their first license as a professional engineer within the last two years shall be exempt from meeting the 30 PDHs required for continuing education requirements and shall not be required to comply with the continuing education requirements for their first renewal of registration.

SECTION 3. 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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Dated _____

Agency _____

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