

Report From Agency

**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 20-064
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:

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 as an architect, landscape architect, professional engineer, designer, or professional land surveyor to apply to the appropriate section of the A-E Board to classify the credential as retired status. To qualify for retired status, the credential holder must be at least 65 years of age or have actively maintained the credential issued by the section for at least 20 years, which need not be consecutive, and certify he or she has retired from and no longer engages in any activity in Wisconsin that requires a credential issued by the section.
- Allow an individual who previously held a credential as an architect, landscape architect, professional engineer, designer, or professional land surveyor, 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. To qualify for retired status, the individual must be at least 65 years of age or have actively maintained the credential issued by the section for at least 20 years, which need not be consecutive;

certify he or she has retired from and no longer engages in any activity in Wisconsin that requires a credential issued by the section; and pay 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 ss. A-E 12.03 and 12.08 to reference a waiver from continuing education requirements instead of an exemption from continuing education requirements and remove obsolete references to the 2012 biennial registration period from chs. A-E 10, 11, and 12. These updates bring consistency to the terminology used in chs. A-E 10, 11, 12, and 13.

Finally, the proposed rules remove 2 obsolete definitions in s. A-E 13.02 and 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, the provisions in s. A-E 13.08 are no longer necessary.

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

The Rules Committee of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, and Professional Land Surveyors held a public hearing on December 17, 2020. The Committee received written comments and testimony from Martin Hanson, PE, and written comments from Glen Schwalbach on behalf of the National Society of Professional Engineers-Wisconsin (NSPE-WI).

Mr. Hanson's written comments and testimony are supportive of the proposed rule. His written comments also raise several questions requesting clarification of the proposed rule language. The written comments from NSPE-WI are in support of the proposed rule and of Mr. Hanson's request for clarification of the proposed rule language.

Mr. Hanson was present at the public hearing, and the Committee was able to address his questions. In doing so, the Committee determined clarification of the proposed rule language is needed in 2 areas. As a result, the proposed rule has been revised as follows:

- Section A-E 2.045 (1) (b) and (2) (c) have been revised to clarify that only the time an applicant has maintained the credential issued by the section may be counted toward the requirement that the credential be maintained for at least 20 years.
- Section A-E 2.045 (1) (c) and (2) (d) have been revised to clarify that the activity an applicant must certify he or she has retired from and no longer engages in is activity in Wisconsin that requires a credential issued by the section.

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