

Wisconsin Department of Safety and Professional Services  
Division of Policy Development  
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**Scott Walker, Governor**  
**Dave Ross, Secretary**

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**EXAMINING BOARD OF ARCHITECTS, LANDSCAPE ARCHITECTS, PROFESSIONAL  
ENGINEERS, DESIGNERS, AND LAND SURVEYORS**  
**Room 121A, 1400 E. Washington Avenue, Madison**  
**Contact: Katie Paff (608) 261-4472**  
**October 7, 2015**  
**9:15 A.M.**

Public Hearing on Administrative Rule A-E 3, 4, 6, and 9, relating to entrance to examinations.

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ALL HEARINGS ARE OPEN TO THE PUBLIC, AND MAY BE CANCELLED WITHOUT NOTICE.

Times listed in conjunction with hearings are approximate and depend on the length of discussion and testimony. In order to confirm a hearing or to request a complete copy of rules relating to this hearing, please call the listed contact person. All hearings are held at 1400 East Washington Avenue; Madison Wisconsin, unless otherwise noted. Interpreters for the hearing impaired provided upon request by contacting the Affirmative Action Officer, 608-266-2112.

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	:	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	:	LAND SURVEYORS
	:	ADOPTING RULE
	:	(CLEARINGHOUSE RULE )

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An order of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, and Land Surveyors to repeal A-E 3.05 (2) and (3), 4.07 (2) and (3), 6.05 (4) and (5), 9.05 (2) and (3), to amend A-E 6.04 (1), to repeal and recreate A-E 3.02 and 6.05 (1), and to create A-E 6.025 and 9.06 (1m) relating to the requirements for entrance to examination.

Analysis prepared by the Department of Safety and Professional Services.

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ANALYSIS

**Statutes interpreted:**

Section 440.071, Stats.

**Statutory authority:**

Sections 15.08 (5) (b) and 227.11 (2) (a), Stats., 2013 Wisconsin Act 114

**Explanation of agency authority:**

Pursuant to ss. 15.08 (5) (b), and 227.11 (2) (a), Stats, the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, and Land Surveyors is generally empowered to promulgate rules that will provide guidance within the profession and interpret the statutes it enforces or administers. 2013 Wisconsin Act 114 created s. 440.071 (1) Stats, which provides that neither the Department nor a credentialing board may require a person to complete any postsecondary education or training before the person is eligible to take an examination for a credential. This legislative change prompted the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, and Land Surveyors to exercise its rule-making authority to draft the proposed rule which seeks to bring current administrative code into compliance with the new legislation.

**Related statute or rule:**

None

**Plain language analysis:**

This proposed rule addresses a change in policy instituted by 2013 Wisconsin Act 114. The new legislation requires the Department of Safety and Professional Services and its attached boards refrain from requiring applicants complete their postsecondary education before being eligible to take an examination for a credential.

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

None

**Comparison with rules in adjacent states:**

**Illinois:** Applicants for the professional land surveyor license and the professional land surveyor-in-training license submit an application that includes verification of completed education and experience (Ill. Admin. Code 68, pt. 1270). Applicants for licensure as an architect must complete a combination of education and training prior to taking the examination prepared by the National Council of Architectural Registration Boards (Ill. Admin. Code 68, pt. 1150). Illinois administrative code does not specifically require that applicants for the landscape architecture license complete their education and professional experience prior to taking the the National Council of Architectural Registration Boards' Landscape Architecture Registration Examination (Ill. Admin. Code 68, pt. 1275). An applicant for the Fundamentals of Engineering exam must either have graduated from or be in their final year of an approved baccalaureate curriculum (Ill. Admin. Code 68, pt. 1380).

**Iowa:** Applicants for architecture registration by examination must complete the eligibility requirements of the education standards for NCARB certification which include a professional degree from a program accredited by the National Architectural Accrediting Board (NAAB) or the Canadian Architectural Certification Board (CACB) and shall be enrolled in the NCARB Intern Development program prior to being admitted to the examination (Iowa Admin. Code r. 193B – 2.3). An applicant for engineering licensure must satisfy the educational requirements prior to completing the Fundamentals of Engineering Examination (Iowa Admin. Code r. 193C – 4.1). An applicant for land surveying licensure must satisfy the education and experience requirements prior to completing the Fundamentals of Land Surveying Examination (Iowa Admin. Code r. 193C – 5.1). An applicant for landscape architecture licensure need not meet preconditions to take the professional landscape architectural licensure examination (Iowa Admin. Code r. 193D – 2.4).

**Michigan:** To be examined as an architect, the applicant must provide evidence of completion of a first professional degree or further degree in architecture satisfactory to

the board of architects. To be examined as a professional engineer, the applicant must meet specific education and experience requirements. To be examined as a land surveyor, the applicant must meet specific education and experience requirements (Mich. Comp. Laws s. 339.2005). An applicant for landscape architect certification must complete all education and experience requirements in order to sit for the examination (Mich. Admin. Code r. 339.19025).

**Minnesota:** Applicants for architect licensure by examination must complete the education and experience requirements prior to taking the Architect Registration Examination (ARE) (Minn. R. 1800.1000). Minnesota administrative code does not specifically require that applicants for the landscape architecture license complete their education and professional experience prior to taking the Landscape Architect Registration Examination (LARE) (Minn. R. 1800.1500). Applicants for licensure as a professional engineer must complete specific education and experience requirements prior to taking the written Fundamentals of Engineering (FE) examination and the Principles and Practice of Engineering (PE) examination (Minn. R. 1800.2500). Applicants for licensure as a land surveyor must complete specific education and experience requirements prior to taking the Fundamentals of Surveying (FS) examination and the Principles and Practice of Surveying (PS) examination (Minn. R. 1800.3505).

**Summary of factual data and analytical methodologies:**

No factual data or analytical methodologies were used in drafting the proposed rule due to the proposed rule being prompted by recent legislation.

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

The rule was posted for public comment on the economic impact of the proposed rule, including how this proposed rule may affect businesses, local government units, and individuals, for a period of 14 days. No comments were received.

**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 Eric.Esser@wisconsin.gov, or by calling (608) 267-2435.

**Agency contact person:**

Kathleen Paff, 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) 261-4472; email at Kathleen.Paff@wisconsin.gov.

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

Comments may be submitted to Kathleen Paff, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, Room 151, P.O. Box 8366, Madison, WI 53708-8935, or by email to Kathleen.Paff@wisconsin.gov. Comments must be received on or before the public hearing to be held on October 7, 2015 at 9:15am to be included in the record of rule-making proceedings.

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TEXT OF RULE

SECTION 1. A-E 3.02 is repealed and recreated to read:

**A-E 3.02 Requirements for registration as an architect. (1)** An applicant for registration as an architect, in accordance with s. 443.03, Stats., shall submit all of the following:

(a) Documentation certifying that the applicant has acquired a thorough knowledge of sound construction, building hygiene, architectural design and mathematics.

(b) One of the following:

1. A diploma of graduation, or a certificate, from an architectural school or college approved by the architect section as satisfactory standing, together with at least 2 years of practical experience as described in A-E 3.03 and of character satisfactory to the architect section in the design and construction of buildings.

2. A specific record of 7 or more years of experience in architectural work of a character satisfactory to the architect section in the design and construction of buildings.

**(2)** An applicant who files an application but who does not comply with a request for information related to the application within one year from the date of the request shall file a new application and fee.

SECTION 2. A-E 3.05 (2) and (3) are repealed.

SECTION 3. A-E 4.07 (2) and (3) are repealed.

SECTION 4. A-E 6.025 is created to read:

**A-E 6.025 Licensure requirements for professional land surveyors.** An applicant for a professional land surveyor licensure, in accordance with s. 443.06 (2), Stats., shall complete all of the following:

(1) Shall submit one of the following:

(a) Documentary evidence of completion of a bachelor's degree of not less than 4 years duration in a course in the practice of professional land surveying or a related field that is approved by the professional land surveying section and the completion of at least 2 years of approved practice in professional land surveying.

(b) Documentary evidence of completion of an associate degree in not less than 2 years duration in a course in the practice of professional land surveying or a related field of study that is approved by the professional land surveying section and the completion of at least 4 years of approved practice in professional land surveying.

(c) Documentary evidence that the applicant has engaged in the practice of professional land surveying for at least 10 years prior to the application and has demonstrated that the applicant is competent to engage in the practice of professional land surveying as determined by the professional land surveying section. This subdivision applies to applicants who are applying after June 30, 2000 and before July 1, 2019.

(2) Fundamentals of land surveying examination.

(3) Principles and practice of land surveying examination after completing all but one year of the required experience:

SECTION 5. A-E 6.04 (1) is amended to read:

**A-E 6.04 (1)** To meet the educational requirements of ~~s. 443.06 (2) (a) and (b)~~, Stats., s. 443.06 (2) (b), Stats., an applicant for ~~registration licensure~~ as a land surveyor shall have satisfactorily completed at least 60 semester credits in ~~civil engineering or land surveying curriculum or in a related field as approved by the professional land surveyor section~~ including no less than 12 semester credits in land surveying which shall be in the following categories of study:

SECTION 6. A-E 6.05 (3) is repealed and recreated to read:

**A-E 6.05 (3) TIME PERIOD FOR EXAMINATION.** Applicants for licensure as a land surveyor must take and pass both the fundamentals of surveying examination and the national principles and practice surveying examination within 4 years of applying for licensure.

SECTION 7. A-E 6.05 (4) and (5) are repealed.

SECTION 8. A-E 9.05 (2) and (3) are repealed.

SECTION 9. A-E 9.06 (1m) is created to read:

**A-E 9.06 (1m)** Documentary evidence of having met the requirement under ss. 443.035 (1) (a) or (b) and 443.09 (4m), Stats.

SECTION 10. 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 \_\_\_\_\_

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

## ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

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1. Type of Estimate and Analysis

Original    Updated    Corrected

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2. Administrative Rule Chapter, Title and Number

A-E 3, 4, 6, 9

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3. Subject

Requirements for Entrance to Exams

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4. Fund Sources Affected

GPR    FED    PRO    PRS    SEG    SEG-S

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5. Chapter 20, Stats. Appropriations Affected

20.165 (1) (g)

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6. Fiscal Effect of Implementing the Rule

No Fiscal Effect    Increase Existing Revenues    Increase Costs  
 Indeterminate    Decrease Existing Revenues    Could Absorb Within Agency's Budget  
 Decrease Cost

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7. 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)**

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8. Would Implementation and Compliance Costs Be Greater Than \$20 million?

Yes    No

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9. Policy Problem Addressed by the Rule

This proposed rule addresses a change in policy instituted by 2013 Wisconsin Act 114. The new legislation requires the Department of Safety and Professional Services and its attached boards refrain from requiring applicants complete their postsecondary education before being eligible to take an examination for a credential.

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10. 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.

This proposed rule was posted on the Department of Safety and Professional Services website and on the Wisconsin government website for 14 business days to solicit comments from the public. No businesses, business sectors, associations representing business, local governmental units, or individuals contacted the department about the proposed rule during that time period

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11. Identify the local governmental units that participated in the development of this EIA.

None. This rule does not affect local government units.

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12. 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)

This rule will have no economic or fiscal impact on specific business, business sectors, public utility rate payers, local government units or the state's economy as a whole.

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

The proposed rule will implement the legislative intent of 2013 Wisconsin Act 114 and bring greater consistency between Wisconsin Administrative Code Chapters A-E 3, 4, 6, and 9 and the Wisconsin Statutes.

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14. Long Range Implications of Implementing the Rule

## ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

The long range implication of implementing the proposed rule includes eliminating barriers that prevent applications from taking their credentialing exams as soon as they are prepared to enter their chosen profession.

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15. Compare With Approaches Being Used by Federal Government

None.

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16. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

**Illinois:** Applicants for the professional land surveyor license and the professional land surveyor-in-training license submit an application that includes verification of completed education and experience (Ill. Admin. Code 68, pt. 1270). Applicants for licensure as an architect must complete a combination of education and training prior to taking the examination prepared by the National Council of Architectural Registration Boards (Ill. Admin. Code 68, pt. 1150). Illinois administrative code does not specifically require that applicants for the landscape architecture license complete their education and professional experience prior to taking the the National Council of Architectural Registration Boards' Landscape Architecture Registration Examination (Ill. Admin. Code 68, pt. 1275). An applicant for the Fundamentals of Engineering exam must either have graduated from or be in their final year of an approved baccalaureate curriculum (Ill. Admin. Code 68, pt. 1380).

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17. Contact Name

18. Contact Phone Number

**ADMINISTRATIVE RULES**  
**Fiscal Estimate & Economic Impact Analysis**

Katie Paff

608-261-4472

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This document can be made available in alternate formats to individuals with disabilities upon request.