

BOB KULP

STATE REPRESENTATIVE • 69TH ASSEMBLY DISTRICT

To: Assembly Committee on Regulatory Licensing Reform
From: State Representative Bob Kulp – 69th Assembly District
Re: August 15, 2019
Date: Support for Assembly Bill 163

Thank you Chair Horlacher, Vice-Chair Ballweg, and fellow members of the Assembly Committee on Regulatory Licensing Reform for holding a public hearing today on Assembly Bill 163 (“AB 163”). As the Assembly co-author of this bill, I appreciate having the opportunity to testify in support of this legislation.

AB 163 creates an emeritus status for retired professionals including architects, landscape architects, professional engineers, designers and professional land surveyors. Because of the pride that goes along with being part of these professions, AB 163 recognizes these professionals who have chosen to cease to actively practice, but who have committed their lives to obtaining an education, gaining experience, passing an examination and maintaining their credentials. These professionals deserve and have earned the emeritus status.

We have introduced Assembly Substitute Amendment 1 (“ASA 1”) at the request of the Wisconsin Society of Professional Engineers. The bill, as amended by ASA 1, provides that any rules promulgated by the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, and Professional Land Surveyors (“Board”) establishing continuing education requirements must provide that an applicant for credential renewal who is at least 65 years old, or who has actively maintained that credential for at least 20 cumulative years, is exempt from continuing education requirements upon certification to the examining board that the applicant has retired from and no longer engages in that professional practice. In addition, it prohibits the Board from requiring that a person’s statement certifying that the person is retired and no longer practicing be notarized; and it allows former credential holders who let their credentials lapse and who satisfies either the 65+ years of age or 20 cumulative years requirement to regain their credential with the retired status. Lastly, an exempt person may continue to use his or her professional title, but may not engage in the relevant practice, and an exempt person pays only one-half of the applicable renewal fee in order to maintain their professional credential.

Thank you to my co-author Senator Kooyenga for his assistance in drafting the bill. In May, the Senate Committee on Public Benefits, Licensing and State-Federal Relations voted unanimously to adopt Senate Substitute Amendment 1, and recommended passage of the companion bill, Senate Bill 156, as amended.

I respectfully ask committee members to join me in supporting Assembly Bill 163 and voting to recommend passage of this legislation. Thank you again for scheduling the public hearing today, and thank you for your time and consideration.

REPRESENTING WISCONSIN’S 69TH ASSEMBLY DISTRICT



DALE KOOYENGA
STATE SENATOR · 5TH DISTRICT

State Capitol · P.O. Box 7882 · Madison, WI 53707-7882 · (608) 266-2512

August 15, 2019

TO: Assembly Committee on Regulatory Licensing Reform
FR: Senator Dale Kooyenga
RE: support for Assembly Bill 163 – emeritus status for architects, landscape architects, professional engineers, designers and professional land surveyors

Thank you Chairman Horlacher and committee for holding a hearing on this bill.

There is pride associated with being a part of any profession and, in the instance of this legislation, being an architect, landscape architect, professional engineer, designer or professional land surveyor. The goal of Assembly Bill 163 is to create an emeritus status for retired architects, landscape architects, professional engineers, designers and professional land surveyors who still wish to identify themselves publicly as such. Under the provisions of the bill an individual is required to use the term "retired" or something similar in connection with their title.

We have introduced Assembly Substitute Amendment 1 at the request of the Wisconsin Society of Professional Engineers. The bill as amended by ASA 1 provides that any rules promulgated by the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, and Professional Land Surveyors establishing continuing education requirements must provide that an applicant for credential renewal who is at least 65 years of age or who has actively maintained that credential for a minimum of 20 cumulative years is exempt from continuing education requirements upon certification to the examining board that the applicant has retired from professional practice and no longer engages in that practice. Additionally, the board cannot require that a statement attesting to one's retirement status be notarized; and it shall allow anyone who previously held a credential but let it "lapse" and who satisfies either the 65+ years of age or 20 cumulative years requirement be able to get the credential back with retired status. Lastly, an exempt person may maintain his or her professional title but may not engage in the relevant practice and an exempt person must pay only one-half of the applicable renewal fee to maintain his or her professional credential.

Thank you to my co-author Representative Kulp for his assistance with this bill and thank you to the committee for your attention.

I respectfully ask for your support of AB 163.

AUGUST 15, 2019

WRITTEN TESTIMONY IN SUPPORT OF AB163 "RETIRED ARCHITECTS..."

BY: A.J. GERSICH, 5718 KILKENNY PL., FITCHBURG, WI

TO: COMMITTEE ON REGULATORY LICENSING REFORM

DEAR COMMITTEE MEMBERS,

I AM WRITING IN SUPPORT OF AB163 AND ITS SUBSTITUTE AMENDMENT #1 AND WISH TO THANK REP. KULP AND THIS BILL'S OTHER AUTHORS AND CO-SPONSORS; ALSO SEN. KOCHENGA FOR COMPANION BILL SB156.

I AM NOT A RETIRED ARCHITECT BUT AM A PRACTICING ARCHITECT AND MEMBER (S/VICE CHAIR) OF THE JOINT EXAMINING BOARD OF ARCHITECTS, PROFESSIONAL ENGINEERS, LANDSCAPE ARCHITECTS, PROFESSIONAL LAND SURVEYORS AND DESIGNERS OF ENGINEERING SYSTEMS (AKA THE "JOINT EXAMINING BOARD.") I AM ALSO A MEMBER (S/ SECRETARY) OF THE ARCHITECTS' SECTION OF THE JOINT EXAMINING BOARD. I HAVE BEEN DESIGNATED AS THE JOINT EXAMINING BOARD'S LEGISLATIVE LIAISON ON THE "RETIRED ARCHITECTS" BILL.

BOTH THE JOINT EXAMINING BOARD AND THE ARCHITECTS' SECTION WHOLLY ENDORSE AB163 AND ITS SUBSTITUTE AMENDMENT #1, AND WISH IT TO BECOME LAW. HAVING HEARD FROM MANY CREDENTIAL HOLDERS ACROSS WISCONSIN, THERE IS CLEARLY WIDESPREAD DESIRE FOR "RETIRED" STATUS DESIGNATION.

PLEASE GIVE AB163 AND ITS SUBSTITUTE AMENDMENT #1 YOUR SUPPORT AND DO WHAT YOU CAN TO GET IT TO THE GOVERNOR'S DESK FOR ENACTING INTO LAW. THANK YOU IN ADVANCE!

-AJG-

August 15, 2019

Re: 2019 AB 163 Retired Architects Bill

Good Morning members of the Committee on Regulatory Licensing Reform, thank you for holding this public hearing and for the opportunity to speak. My name is Michael Eberle, I live at 6969 Apprentice Place in Middleton, Wisconsin and I am here today to voice my support for Assembly Bill 163 and Substitute Amendment 1.

I have been a licensed architect in Wisconsin since 1996 and I am a Principal with Aro Eberle Architects, located just off the corner of the capitol square on King Street.

In December of 2011, I was appointed by Governor Walker to the Architects Section of the Joint Examining Board of Architects, Landscape Architects, Professional Engineers, and Professional Land Surveyors and I completed my term in February 2017. During my tenure, I had the privilege to serve as Secretary of the Joint Examining Board as well as Vice Chair and Chair of the Architects Section. The purpose of the Architects Section is to understand the specific education, examination, and experience requirements for registration as an Architect. The Section works through the Joint Board to find commonalities with the regulation of five related design professions.

It was during my first Architects Section meeting in 2012 that I became aware of the need for a "Retired" credential for Architects. During that meeting we reviewed numerous requests from architects that were:

1. At, or nearing, the end of their career in the architecture profession,
2. Were interested in continuing to utilize their "Architect" title and no longer practicing in the profession of architecture, and
3. Were requesting an "Exemption or Waiver" from mandatory continuing education requirements (a requirement that went into effect July 1, 2010).

During my time on the Architects Section, and in addition to these "Exemption" requests, which we routinely received during bi-annual license renewal and also received during a Continuing Education Audit in 2016, we had individuals attend our Section Meetings asking for development of such a credential. We consistently heard two themes from these individuals:

1. Asking why they were being penalized for no longer being able to utilize the "Architect" title after maintaining continuous registration and fulfilling an entire career as an "Architect?"
2. Continuing Education is for practicing architects, not for those no longer practicing.

Unfortunately, there is currently limited leeway within *Wisconsin Statute 443* and the *Wisconsin Administrative Code, Chapter A-E 12 "Continuing Education for Architects"* which requires "every (Architect) registrant complete at least 24 hours of continuing education, of which 16 hours shall be (Health, Safety, and Welfare) HSW topics pertinent to the practice of architecture".

Exemptions from Mandatory Continuing Education are allowed for several reasons including “*extreme hardship*” but these are rarely granted and there are no provisions for Architects that have maintained their credential for 20 years and are over the age of 65.

Wisconsin registered Architects are currently forced to decide whether to forfeit their license, receive discipline for non-compliance with mandatory continuing education requirements, or request an extension and complete the continuing education.

As a matter of reference, our neighbors in Illinois allow “*Design professionals who place their license on “inactive” status may use the title “Retired” adjacent to the title of their profession.*” Architect Retired or Retired Architect. In Texas, the term “*Emeritus Architect or Architect Emeritus*” can be used by design professionals with “inactive” status that have reached the age of 65 and completed 20 years of registration.

I do not believe that professional licensure is a switch that will be flipped “active” or “inactive” by most, but perhaps by a few that want or need to practice again. The Architects Section saw an increase in the number of “inactive” architects during the 2010 renewal (due to the recession) and granted numerous reinstatements in 2012/2013 when the economy recovered. Also, I do not believe that there is concern about the cost of the renewal fees. With the Architects bi-annual renewal fee at \$82, and fees proposed to be half or \$41 for “retired status”, these registration fees are still some of the lowest in the country. This is not a deterrent and the State may see more licenses maintained and a slight uptick in revenue.

I strongly believe that creating a “Retired” status for the Design Professionals that have committed most of their lives to obtaining an education, gaining the relevant experience, passing a rigorous examination, and then maintaining their credential for 20 years is the right thing to do and is good for the State to recognize those that deserve and have earned this status.

I would like to thank Representatives Kulp, Tusler, Anderson, Theisfeldt, Spiros, Skowronski and Brooks for authoring this Bill and want to also thank cosponsors Senators Kooyenga, Marklein and Jacques for their support.

Thank you for considering my comments. A copy of my remarks is available for inclusion in the public hearing minutes and I am available for questions.

Michael Eberle, AIA, NCARB
eberle@aroerberle.com
(608) 220-3417

2019 AB163

Testimony of Martin J Hanson, PE, M.NSPE-WI, F.ASCE
Assembly Committee on Regulatory Licensing Reform
August 15, 2019

My name is Martin Hanson I am an active Professional Engineer with licenses in Wisconsin and six additional states. I am here today on behalf of the Wisconsin Society of Professional Engineers and myself as I will soon be retiring!

I realize there are many other important pressing issues facing the Wisconsin legislature, but I appreciate you taking time today to consider this bill and holding today's hearing.

I served on the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Professional Land Surveyors and the Professional Engineer Section for eight years; I also served as chairman of both for several years.

You may already be aware that a professional engineering license involves far more than simply paying a fee. The typical requirements include an engineering degree from an ABET school, four years of experience, two eight-hour exams as well as professional references. These rigorous requirements are in place because of the professional engineers' duty to protect public health, safety, and welfare.

I believe it is proper and appropriate to establish a retired status to recognize the contributions of retired engineers allowing them to retain the Professional Engineer title. Many retired engineers continue to contribute to the profession by serving on committees, task forces, and holding offices in professional associations. Allowing these engineers to retain their Professional Engineer title, in retired status, lends a proper credential to these activities. These activities should not require that professional engineers comply with continued professional competency requirements in place for active status professional engineers.

While serving on the licensing boards, precious few complaints were filed against Professional Engineers. This is evidence that the profession requires minimum compliance oversight. There is very little risk that a retired status professional engineer will practice outside the law.

The National Council for Examiners for Engineering and Surveying publish a model law for engineering licensure. In that model law the definition encapsulates the essence of what I believe AB163 should accomplish.

Section 110.20 Definitions

3. Professional Engineer, Retired—The term “Professional Engineer, Retired,” as used in this Act, shall mean an individual who has been duly licensed as a professional engineer by the board and who chooses to relinquish or not to renew a license and who applies to and is approved by the board to be granted the use of the title “Professional Engineer, Retired.”

I fully support the changes made to the bill in Assembly Substitute Amendment 1 to Assembly Bill 163—setting the qualifications to age 65 or actively maintained that credential for a minimum of 20 years in total.

The question of who may qualify for retired status is an interesting one. The age of 65 was used by the Social Security Administration for defining full retirement age—it is no longer using that standard. Each generation seems to have a different view of the “average retirement age.” In one study from April 2019 (https://transamericacenter.org/docs/default-source/retirement-survey-of-workers/tcrs2019_sr_what_is_retirement_by_generation.pdf), 58 percent of Millennials plan to retire at 65 or sooner. My personal opinion is that the age requirement should be removed. The status of retirees should recognize the contributions over a period of time rather than simply an age.

The Substitute Amendment correctly removes the consecutive year requirement and lowers the number of years from 30 to 20. What is the appropriate number of years is also an interesting question. The language of the bill is somewhat ambiguous on the 20 years. What about a Professional Engineer who has held a Professional Engineer credential in another state for 20 years, but only recently moved to Wisconsin and has held a Wisconsin credential for 5 years. The bill should allow for reciprocity credit in the computation of the time requirement. I am not sure what makes 20 years better than 19 years or 21 years, but I am willing to accept the 20 year requirement as the standard. Although I could easily be swayed to argue for a lower requirement.

With regard to the retired status fee, the substitute amendment proposes one-half of the active credential fee. I do not think the bill goes far enough—the fee should be zero. The fiscal estimate for the bill is only \$4,260 of which nearly 60% is associated with rule promulgation, not the logistics of implementation. There are no real operational costs to monitor the retired status credential, therefore the fee should be zero. Any costs related to enforcement can be assessed to the offending party by the administrative law judge.

I did not review the availability of retired status in all 50 states, but I did review the states where I hold a current active license. Two states, Arizona and Georgia do not address a retired status. The other four states, Florida, Minnesota, Texas, and Washington all have some provision for a retired, non-practicing status. Washington code written with the most specificity—I have included a copy as an attachment to my testimony today.

In summary, I support the intent of this bill to create a creditable retired status for Professional Engineers with no age requirement and 20 years of experience as a licensed Professional Engineer in Wisconsin or any state that has Professional Engineer reciprocity with Wisconsin. The Senate version, SB156 should be similarly amended before the provisions are voted into law.

Thank you for your time this morning.

State of Washington: Retired Professional Engineer

WAC 196-12-065

Retired status.

A professional engineer having reached the age of sixty-five and having discontinued active practice as a professional engineer may be eligible for retired status. "Active practice" is defined as exercising direct supervision and control over any professional engineering activity as defined in RCW 18.43.020(5).

(1) Request for retired status. Upon approval, a request for retired status will be granted effective the next scheduled renewal date.

(2) A licensee on retired status may:

- (a) Retain the board issued wall certificate of registration;
- (b) Use the title retired professional engineer;
- (c) Work as an engineer in a volunteer capacity, provided that the retired licensee does not create an engineering document or use their seal;
- (d) Provide experience verifications and references for persons seeking registration;
- (e) Serve as an instructor;
- (f) Provide services as a technical expert before a court, or in preparation for pending litigation, on matters directly related to engineering work performed by the licensee;
- (g) Serve in a function that supports the principles of registration and/or promotes the profession of engineering, such as members of commissions, boards or committees;
- (h) Serve in an engineering capacity as a "good samaritan." The state laws governing such activity are RCW 38.52.195 and 38.52.1951 and chapter 18.43 RCW.

(3) A licensee on retired status must not:

- (a) Perform any engineering activity, as provided for in RCW 18.43.020(5), unless the activity is under the direct supervision of a licensed professional engineer with an active registration in Washington;
- (b) Act as the designated engineer for a corporation or limited liability company;
- (c) Apply their professional engineers seal to any plan, specification, plat or report.

(4) Certificate of registration reinstatement. A retired licensee may resume active engineering practice with payment of the current renewal fee.

(5) Exemptions. A licensee is not eligible for retired status if their license to practice is under board ordered sanction. This exemption exists until the sanctions have been lifted or satisfied by the board.

[Statutory Authority: RCW 18.43.035. WSR 08-11-100, § 196-12-065, filed 5/20/08, effective 7/1/08. Statutory Authority: Chapters 18.43 and 18.235 RCW. WSR 04-04-001, § 196-12-065, filed 1/21/04, effective 2/21/04.]



Thomas Hirsch, FAIA

Phone: 608.332.7797
Email: tehirsch@gmail.com

14 North Allen Street
Madison, WI 53726-3924

Memorandum

To: Senate Committee On Regulatory Licensing Reform

Re: SB 156

Date: 15 April 2019

I write in support of the bill which would allow retire, senior architects the continued use of the identifier "architect." I am such a senior architect and would benefit from its passage, although not too soon I hope.

I believe there others like myself who take pride in responsible practice and who would like to retain a professional credential after we cease to be actively practicing.

Thank you for your consideration of my views on this matter. If you have any questions, please let me know.

A handwritten signature in black ink, appearing to read "Tom Hirsch". The signature is fluid and cursive, with a long horizontal stroke at the end.

Wisconsin Assembly Hearing on AB 163

Testimony by Glen R. Schwalbach, P.E.

August 15, 2019

My name is Glen Schwalbach. I reside at 1090 Moonriver Drive, De Pere, WI. I am a Wisconsin Registered Professional Engineer, a P.E. since 1973. I am the Vice-President of Government Affairs for the Wisconsin Society of Professional Engineers.

Thanks to the sponsors of this bill, AB 163, and thank you for holding this hearing today. I speak in support of the Assembly Substitute Amendment 1 to this bill.

To provide some context, about 17% to 19% of Wisconsin's engineers are registered. A number of them have chosen to become registered even though their work does not require registration in Wisconsin. They have chosen to move from being responsible to their employer to being responsible to the public through State registration. P.E.'s, whether required to be registered or not, take their obligations for public safety, health and welfare very seriously. The "P.E." title is the symbol of their obligation and their commitment. Being a P.E. is who they are. The title of P.E. is earned and respected. That recognition should continue into their retirement years similar as we do for some other professionals who retain their title.

Many of these retired P.E.'s tend to be involved in our Professional Society or in various engineering societies by filling leadership roles, by providing guidance for younger members in such issues as ethical practice, and by volunteering for STEM projects such as our national middle school math competition, for engineering scholarships programs, and for government affairs. Retired engineers are helping high school students, teachers and parents understand the often-misunderstood differences between two-year engineering technology associate degrees, four-year engineering technology degrees, and four-year engineering degrees. It is critical that students get into the right education path, depending whether they wish to be an engineering technician, an engineering technologist, or an engineer. In that effort, we believe it is important to make students aware of the P.E. credential and that only a four-year engineering degree prepares them to become a P.E. It adds credibility to the information when the person explaining the process has the P.E. credential even if he or she is retired.

So, a user-friendly process for these P.E.'s to retire and still be a P.E., albeit a retired one, recognizes their service and is likely to encourage them to stay involved in the softer side of engineering.

Please support the Assembly Substitute Amendment 1 to AB 163.

Thank you.

Glen R. Schwalbach, P.E., NSPE Fellow

Email: glenschwalbach@netzero.com, Cell: 920-680-2436