

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 EXAMINING : **REPORT TO THE LEGISLATURE**
BOARD OF ARCHITECTS, LANDSCAPE : **CR 17-060**
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:

The Professional Engineer Section of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Professional Land Surveyors determined that a full review of chapter A-E 13, relating to continuing education for professional engineers, needed to be undertaken to provide more transparency and consistency in the approval of continuing education for professional engineers. The rule revision provides a list of continuing education providers that are approved by the professional engineers section, amends late renewal requirements to be consistent with other A-E chapters, and includes drafting changes for clarity and consistency.

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

The Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Professional Land Surveyors held a public hearing on October 4, 2017. No one testified at the hearing. The following people submitted written comments:

- Michael Gitter, Chief of Operations, Racine Water and Wastewater Utilities, Racine, WI

- Daniel H. Brady, Germantown, WI
- James R. Meverden, Meverden Environmental, Inc., Whitefish, WI
- Stacy L. Anich, Vice President, Meverden Environmental, Inc.
- Richard Fulk, River's Bend Engineering, Inc., Sturtevant, WI
- Kenneth Fries, Owner, Fries EH&S Consulting, LLC, Muskego, WI
- Scott Hartay, Environmental Engineer, Briggs & Stratton Corp.
- John T. Mourand, Director of Environmental & Safety, Briggs & Stratton Corp., Milwaukee, WI
- Thomas A. Henning, Sheboygan, WI
- Ken W. Yass, Technical Regulatory Services Manager, Hydrite Chemical Co., Brookfield, WI
- Daniel Kuhn, Principal Environmental Engineer, Environmental Engineering Resources, Green Bay, WI
- Renee Smits, Vice President, Spectrum Engineering Incorporated, Brookfield, WI
- Farhad Mohsenian, President, Spectrum Engineering Incorporated, Brookfield, WI
- Jeffrey Noll, Senior Project Manager, Spectrum Engineering Incorporated, Brookfield, WI

The Board summarizes the comments received by written submission as follows:

Most of the testimony received was based on a form letter requesting that the Federation of Environmental Technologists, Inc. be included in the list of continuing education providers. All of the testimony was concerned with adding continuing education providers for environmental engineering. Testifiers identified the following providers of continuing education relating to environmental management topics: Water Environment Federation (WEF), National Association of Clean Water Agencies (NACWA), American Water Works Association (AWWA), Wisconsin Wastewater Operators' Association (WWOA), Institute of Hazardous Materials Management (IHMM), American Academy of Environmental Engineers and Scientists, Central States Water Environment Association (CSWEA), and The National Association of Environmental Professionals (NAEP).

The Board explains modifications to its rule-making proposal prompted by public comments as follows:

After careful consideration and discussion, the Board modified the rule in response to the testimony received by incorporating two of the requested organizations who provide continuing education for environmental engineers:

- American Water Works Association (AWWA)
- Water Environment Federation (WEF)

The full list of providers, including the two added above, now stands at nineteen categories or organizations. The Board determined that this list encompasses organizations for varying types of professional engineers and is a list of commonly used providers. This list is not exclusive, and professional engineers may still attend qualifying programs from other providers not listed in this rule.

VI. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:

Comment: 2.c.

Response: Accept in part

The Board did not accept, “whose continuing education program meets the criteria under sub. (1)”. The reason is that the proposed subsection (1m) relates to providers and not specific programs, and sub. (1) is the criteria for specific programs, which must be individually evaluated to be approved CE. Any provider listed in subsection (1m) must have their individual programs evaluated under subsection (1), and not just those approved under para. (r).

Comment: 3.a.

Response: Not accept

The Board did not accept this comment. The intention of this amendment is to remove specific code references to avoid confusion. The change is not intended to make A-E 2.05 not apply to PEs. This is a drafting preference to ensure that code users read the entire chapter and not miss relevant sections. This is also consistent with A-E 10 (Continuing education for professional land surveyors), A-E 11 (Continuing education for landscape architects), and A-E 12 (Continuing education for architects), which do not refer specifically to A-E 2.05 despite its applicability to those licensees.

Comment: 3.b.

Response: Not accept

The Board did not accept this comment. The intent of A-E 13.03 (2) is to define varying ways that a licensee can obtain CE, including continuing their education by enrolling in regular coursework with accredited engineering schools or colleges. However, this is distinct from the intent of A-E 13.05 (1m) which is identifying approved providers of CE short courses, tutorials, or distance education courses. There are schools that are not accredited by EAC/ABET but are approved by the Wisconsin Educational Approval Board. Any program submitted under this subsection would be evaluated according to A-E 13.05 (1).

Comment: 4.

Response: Not accept

The Board did not accept this comment. The intention of this amendment is to remove specific code references to avoid confusion, and because s. 13.10 is repealed. This is a drafting preference to ensure that code users read the entire chapter and not miss relevant sections. This is also consistent with A-E 10 (Continuing education for professional land surveyors), A-E 11 (Continuing education for landscape architects), and A-E 12 (Continuing education for architects) which do not refer specifically to rule sections but rather refer to continuing education requirements.

Comment: 5.b.

Response: Not accept

The Board did not accept this comment. This is a drafting preference. The purpose of this addition to the code chapter is to make A-E 13 consistent with chapters A-E 10 (Continuing education for professional land surveyors), A-E 11 (Continuing education for landscape architects), and A-E 12 (Continuing education for architects). The comment suggests adding specific references which is not included in any other chapter.

Comment: 5.c.

Response: Accept in part

The Board did accept in part this comment. The Board intentionally removed the 60 PDH maximum during the drafting process for revising A-E 13. Chapters A-E 10 (Continuing education for professional land surveyors), A-E 11 (Continuing education for landscape architects), and A-E 12 (Continuing education for architects) do not have a separate section for late renewal. A-E 2.05 addresses late renewal for all professions. However, in reviewing the comment with the revisions to A-E 13, it is recommended that we remove “unless granted a waiver under s. A-E 13.08” in A-E 13.03 (1) (a) to avoid confusion. If a registrant is granted a waiver for CE under A-E 13.08 and they decide to return to the practice of PE, the section that establishes the base CE requirements is A-E 13.03 (1) and the removed language suggests that a person who has a waiver should look elsewhere for information. To capture the exemptions and waivers provided in A-E 13.08, there is language in A-E 13.03 (3) to explain that any registrant who wants to return to the practice of PE needs to complete their CE requirements. Therefore, amending A-E 13.03 (1) to remove “unless granted ... s. A-E 13.08,” should prevent the redirection and let those who were granted waivers under s. A-E 13.08 know that the CE requirements apply to them in full.

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:

This rule will not have an impact on small business.