

Clearinghouse Rule 18-029

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

PROPOSED ORDER

An order of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, and Professional Land Surveyors to amend A-E 3.03 (1), relating to architectural experience.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted:

s. 443.03 (1), Stats.

Statutory authority:

ss. 15.08 (5) (b), 227.11 (2) (a), and 443.03 (1), Stats.

Explanation of agency authority:

Section 15.08 (5) (b), Stats., provides examining boards, “shall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains...”

Section 227.11 (2) (a), Stats., sets forth the parameters of an agency’s rule-making authority, stating an agency, “may promulgate rules interpreting provisions of any statute enforced or administered by the agency. . .”

Section 443.03 (1), Stats., provides that the architect applicant must submit satisfactory evidence, “that he or she has acquired a thorough knowledge of sound construction, building hygiene, architectural design and mathematics,” including, “one of the following:

- 1m. A diploma of graduation, or a certificate, from an architectural school or college approved by the architect section as of satisfactory standing, together with at least

- 2 years' practical experience of a 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.”

Related statute or rule:

s. 443.10, Stats.

Plain language analysis:

Section 1 replaces the name of the Intern Architect Development Program with the Architectural Experience Program, the new name for the same program adopted by the National Council of Architectural Registration Boards (NCARB) in June 2016.

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

None.

Comparison with rules in adjacent states:

Illinois:

The Illinois Architecture Licensing Board updated Title 68, Section 1150.10, Illinois Administrative Code, to update the Architect Experience Program, formerly known as, the Intern Development Program. In the rule project, which became effective on April 7, 2017, Illinois did not change the title of “architectural intern.” However, the Illinois statutes state that an unlicensed person who has completed their education and is actively participating in professional training is an “architectural intern.” *See 225 ILCS 305/4.*

Iowa

On September 21, 2016, the Architectural Examining Board updated Chapter 193B, Iowa Administrative Code, to replace and clarify that the Intern Development Program has been renamed the Architectural Experience Program. During this rule project, the Architectural Examining Board did not change the designation of “Architectural Intern.”

Michigan

The Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing has a pending rule project (2015-086 LR) to update the rules relating to Architects to change the name of the Intern Development Program to the NCARB Architectural Experience Program, abbreviated as NCARB AXP. The rule update also uses the description of “internship program” and “internship” to describe the NCARB Architectural Experience Program.

Minnesota

The Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience and Interior Design (AELSLAGID) has a pending rule project to amend chapter 1800.1000, Minnesota Administrative Code. The project is to update the name of the Intern Development Program to Architectural Experience Program, which is incorporated by reference as part of the requirements for determining qualifying experience for the purposes of licensure. *See R-04374.* While the title “architectural

intern” is not listed in statute or rule, the Board has issued a position statement identifying “architectural designer,” “architectural intern,” or other “architectural” derivatives as legal under existing law and statute. See “*Suitable Titles for Architectural Interns*,” mn.gov/aelslagid.

Summary of factual data and analytical methodologies:

The proposed rules were developed in consultation with the Architect Section of the A-E Examining Board. The Architect Section reviewed the statements of the National Council of Architectural Registration Boards (NCARB) and research conducted by the American Institute of Architects (AIA) in consideration of the proposed revisions, including the NCARB decision to rename the Intern Development Program the Architectural Experience Program.

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

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

Fiscal Estimate and Economic Impact Analysis:

The Fiscal Estimate and Economic Impact Analysis is 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 Kirsten.Reader@wisconsin.gov, or by calling (608) 267-2435.

Agency contact person:

Helen Leong, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, P.O. Box 8366, Madison, Wisconsin 53708; telephone 608-266-0797; email at DSPSAdminRules@wisconsin.gov.

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

Comments may be submitted to Helen Leong, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, P.O. Box 8366, Madison, WI 53708-8366, or by email to: DSPSAdminRules@wisconsin.gov. Comments must be received on or before 9:00 am on September 26, 2018 to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. A-E 3.03 (1) is amended to read:

A-E 3.03 (1) In satisfaction of the 2 year experience requirement of s. 443.03 (1) (b) 1m., Stats., or in satisfaction of 2 years of the 7 year requirement of s. 443.03 (1) (b) 2., Stats., applicants for registration as an architect shall complete the ~~intern-architect development program~~ architectural experience program, or its successor, sponsored by

~~the national council~~ National Council of ~~architectural registration boards and the~~
~~American institute of architects~~ Architectural Registration Boards, or shall submit
evidence of experience in architectural work which the board finds is substantially
equivalent to the experience obtained by completing the ~~intern architect development~~
~~program~~ architectural experience program, or its successor.

SECTION 2. 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.

(END OF TEXT OF RULE)
