

APR 18 2001



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Ronald Sklansky
Clearinghouse Director

Richard Sweet
Clearinghouse Assistant Director

Terry C. Anderson
Legislative Council Director

Laura D. Rose
Legislative Council Deputy Director

CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

CLEARINGHOUSE RULE 01-034

AN ORDER to repeal and recreate A-E 2.02 (7), relating to seals and stamps.

Submitted by **DEPARTMENT OF REGULATION AND LICENSING**

03-15-01 RECEIVED BY LEGISLATIVE COUNCIL.

04-10-01 REPORT SENT TO AGENCY.

RNS:WF:jal;ksm

LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]

Comment Attached YES NO

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]

Comment Attached YES NO

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]

Comment Attached YES NO

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS
[s. 227.15 (2) (e)]

Comment Attached YES NO

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]

Comment Attached YES NO

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL
REGULATIONS [s. 227.15 (2) (g)]

Comment Attached YES NO

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]

Comment Attached YES NO



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Ronald Sklansky
Clearinghouse Director

Richard Sweet
Clearinghouse Assistant Director

Terry C. Anderson
Legislative Council Director

Laura D. Rose
Legislative Council Deputy Director

CLEARINGHOUSE RULE 01-034

Comments

[NOTE: All citations to "Manual" in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated September 1998.]

2. Form, Style and Placement in Administrative Code

In s. A-E 2.02 (7) (b) 1., “; or,” should be replaced by a period. In par. (b) (intro.), “in one of the following manners:” or similar language should replace “as follows:”. [See the second paragraph of s. 1.03 (intro.), Manual.]

STATE OF WISCONSIN
EXAMINING BOARD OF ARCHITECTS, LANDSCAPE ARCHITECTS,
PROFESSIONAL ENGINEERS, DESIGNERS AND LAND SURVEYORS

IN THE MATTER OF RULE-MAKING : PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE : EXAMINING BOARD OF
EXAMINING BOARD OF : ARCHITECTS, LANDSCAPE
ARCHITECTS, LANDSCAPE : ARCHITECTS, PROFESSIONAL
ARCHITECTS, PROFESSIONAL : ENGINEERS, DESIGNERS AND
ENGINEERS, DESIGNERS AND : LAND SURVEYORS
LAND SURVEYORS : ADOPTING RULES
: (CLEARINGHOUSE RULE 01-)

PROPOSED ORDER

An order of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors to repeal and recreate A-E 2.02 (7), relating to seals and stamps.

Analysis prepared by the Department of Regulation and Licensing.

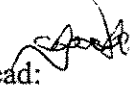
ANALYSIS

Statutes authorizing promulgation: ss. 15.08 (5) (b), 137.06 and 227.11 (2), Stats.

Statutes interpreted: s. 443.17, Stats.

The current rules of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors require all registration seals or stamps affixed to drawings and specifications to be filed as public documents to be original seals or stamps. This proposed rule-making order will authorize registrants to use electronic signatures, to include use of registration seals or stamps, when submitting drawings and specifications as public documents, as permitted by the government unit receiving the drawings and specifications. This proposed change will enhance the options consistent with available technology and need a more efficient means to submit original documents required as public records. This proposed rule will create s. A-E 2.02 (7) to include reference to affixing a seal or stamp to specifications as well as drawings to be filed as original documents. The rule also clarifies which authority a registrant must follow when using electronic signatures.

TEXT OF RULE

SECTION 1. A-E 2.02 (7) is repealed and recreated to read: 

A-E 2.02 (7) (a) All seals or stamps affixed to drawings and specifications to be filed as public documents shall be original. No stickers or electronically scanned images shall be allowed.

(b) All seals and stamps on drawings and specifications to be filed as public documents shall be signed and dated by the registered professional as follows:

- background; or,
1. In a permanent ink contrasting with the seal and the
 2. Utilizing an electronic signature meeting the requirements of s. 137.06, Stats., if permitted by the governmental unit that is to receive the drawings and specifications.

(c) If other standards for signatures or seals are prescribed by statute, the statutes shall govern.

(END OF TEXT OF RULE)

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.

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

FISCAL ESTIMATE

1. The anticipated fiscal effect on the fiscal liability and revenues of any local unit of government of the proposed rule is: \$0.00.
2. The projected anticipated state fiscal effect during the current biennium of the proposed rule is: \$0.00.
3. The projected net annualized fiscal impact on state funds of the proposed rule is: \$0.00.

INITIAL REGULATORY FLEXIBILITY ANALYSIS

These proposed rules will be reviewed by the department through its Small Business Review Advisory Committee to determine whether there will be an economic impact on a substantial number of small businesses, as defined in s. 227.114 (1) (a), Stats.

g:\rules\ae3.doc
3/15/01

STATE OF WISCONSIN
EXAMINING BOARD OF ARCHITECTS, LANDSCAPE ARCHITECTS,
PROFESSIONAL ENGINEERS, DESIGNERS AND LAND SURVEYORS

IN THE MATTER OF RULE-MAKING : PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE : EXAMINING BOARD OF ARCHITECTS,
EXAMINING BOARD OF ARCHITECTS,: LANDSCAPE ARCHITECTS,
LANDSCAPE ARCHITECTS, : PROFESSIONAL ENGINEERS,
PROFESSIONAL ENGINEERS, : DESIGNERS AND LAND SURVEYORS
DESIGNERS AND LAND SURVEYORS : ADOPTING RULES
: (CLEARINGHOUSE RULE 01-034)

TO: Senator Judy Robson, Senate Co-Chairperson
Joint Committee for the Review of Administrative Rules
Room 15 South, State Capitol
Madison, Wisconsin 53702

PLEASE TAKE NOTICE that the EXAMINING BOARD OF ARCHITECTS,
LANDSCAPE ARCHITECTS, PROFESSIONAL ENGINEERS, DESIGNERS AND LAND
SURVEYORS is submitting in final draft form rules relating to seals and stamps.

Please stamp or sign a copy of this letter to acknowledge receipt. If you have any
questions concerning the final draft form or desire additional information, please contact Pamela
Haack at 266-0495.

**STATE OF WISCONSIN
EXAMINING BOARD OF ARCHITECTS, LANDSCAPE ARCHITECTS,
PROFESSIONAL ENGINEERS, DESIGNERS AND LAND SURVEYORS**

IN THE MATTER OF RULE-MAKING :
PROCEEDINGS BEFORE THE :
EXAMINING BOARD OF ARCHITECTS, : **REPORT TO THE LEGISLATURE**
LANDSCAPE ARCHITECTS, : **ON CLEARINGHOUSE RULE 01-034)**
PROFESSIONAL ENGINEERS, : **(s. 227.19 (3), Stats.)**
DESIGNERS AND LAND SURVEYORS :

I. THE PROPOSED RULE:

The proposed rule, including the analysis and text, is attached.

II. REFERENCE TO APPLICABLE FORMS:

No new or revised forms are required by these rules.

III. FISCAL ESTIMATES:

These rules will have no significant impact upon state or local units of government.

IV. STATEMENT EXPLAINING NEED:

The current rules of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors require all registration seals or stamps affixed to drawings and specifications to be filed as public documents to be original seals or stamps. This proposed rule-making order will authorize registrants to use electronic signatures, to include use of registration seals or stamps, when submitting drawings and specifications as public documents, as permitted by the government unit receiving the drawings and specifications. This proposed change will enhance the options consistent with available technology and need for a more efficient means to submit original documents required as public records. This proposed rule will create s. A-E 2.02 (7) to include reference to affixing a seal or stamp to specifications as well as drawings to be filed as original documents. The rule also clarifies which authority a registrant must follow when using electronic signatures.

V. NOTICE OF PUBLIC HEARING:

A public hearing was held on April 11, 2001.

Written comments received from:

Charles W. Johnson, a Wisconsin architect, Sister Bay, WI, opposed the use of electronic signatures and seals, because of the possibility of forgery.

Donald Barnes, a Wisconsin land surveyor, Janesville, WI, opposed the use of electronic signatures, because of concerns for security and the cost of the government's financial commitment to indefinitely migrate electronic files forward.

Bill Babcock, AIA, submitted an article entitled: "*The New Electronic Signatures Law: Will It Change Your Practice?*" Mr. Babcock also submitted excerpts from proposed state building codes. The committee took note of these materials.

Carol Godiksen, Executive Director, WACE (Wisconsin Association of Consulting Engineers, Madison, WI, expressed the concerns of WACE, stating that the language of the rule is confusing and vague; the rule should contain standards for use of electronic signatures. However, the rules committee took note that the standards for use of electronic signatures are in s. 137.06, Stats.

The Board of Directors of the WSPE, stated it is not opposed to the rule changes at this time.

David R. Soens, Madison, WI, representing the Department of Health and Family Services, appeared and registered in support of the proposed rules.

VI. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:

All of the suggestions recommended in the Clearinghouse Report were accepted in whole.

VII. FINAL REGULATORY FLEXIBILITY ANALYSIS:

These proposed rules will have no significant economic impact on small businesses, as defined in s. 227.114 (1) (a), Stats.

STATE OF WISCONSIN
EXAMINING BOARD OF ARCHITECTS, LANDSCAPE ARCHITECTS,
PROFESSIONAL ENGINEERS, DESIGNERS AND LAND SURVEYORS

IN THE MATTER OF RULE-MAKING : PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE : EXAMINING BOARD OF
EXAMINING BOARD OF : ARCHITECTS, LANDSCAPE
ARCHITECTS, LANDSCAPE : ARCHITECTS, PROFESSIONAL
ARCHITECTS, PROFESSIONAL : ENGINEERS, DESIGNERS AND
ENGINEERS, DESIGNERS AND : LAND SURVEYORS
LAND SURVEYORS : ADOPTING RULES
: (CLEARINGHOUSE RULE 01-034)

PROPOSED ORDER

An order of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors to repeal and recreate A-E 2.02 (7), relating to seals and stamps.

Analysis prepared by the Department of Regulation and Licensing.

ANALYSIS

Statutes authorizing promulgation: ss. 15.08 (5) (b), 137.06 and 227.11 (2), Stats.

Statutes interpreted: s. 443.17, Stats.

The current rules of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors require all registration seals or stamps affixed to drawings and specifications to be filed as public documents to be original seals or stamps. This proposed rule-making order will authorize registrants to use electronic signatures, to include use of registration seals or stamps, when submitting drawings and specifications as public documents, as permitted by the government unit receiving the drawings and specifications. This proposed change will enhance the options consistent with available technology and for a more efficient means to submit original documents required as public records. This proposed rule will create s. A-E 2.02 (7) to include reference to affixing a seal or stamp to specifications as well as drawings to be filed as original documents. The rule also clarifies which authority a registrant must follow when using electronic signatures.

TEXT OF RULE

SECTION 1. A-E 2.02 (7) is repealed and recreated to read:

A-E 2.02 (7) (a) All seals or stamps affixed to drawings and specifications to be filed as public documents shall be original. No stickers or electronically scanned images shall be allowed.

(b) All seals and stamps on drawings and specifications to be filed as public documents shall be signed and dated by the registered professional in one of the following manners:

1. In a permanent ink contrasting with the seal and the background.
2. Utilizing an electronic signature meeting the requirements of s. 137.06, Stats., if permitted by the governmental unit that is to receive the drawings and specifications.

(c) If other standards for signatures or seals are prescribed by statute, the statutes shall govern.

(END OF TEXT OF RULE)

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.

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

FISCAL ESTIMATE

1. The anticipated fiscal effect on the fiscal liability and revenues of any local unit of government of the proposed rule is: \$0.00.
2. The projected anticipated state fiscal effect during the current biennium of the proposed rule is: \$0.00.
3. The projected net annualized fiscal impact on state funds of the proposed rule is: \$0.00.

FINAL REGULATORY FLEXIBILITY ANALYSIS

These rules will have no economic impact on a substantial number of small businesses, as defined in s. 227.114 (1) (a), Stats.

g:\rules\ae3.doc
6/29/01