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Division of Policy Development
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Scott Walker, Governor
Dave Ross, Secretary

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

Room 121A, 1400 E. Washington Avenue, Madison
Contact: Brittany Lewin 608-266-2112
April 22, 2015

The following agenda describes the issues that the Board plans to consider at the meeting. At the time of the meeting, items may be removed from the agenda. Please consult the meeting minutes for a description of the actions of the Board.

AGENDA

9:00 AM

OPEN SESSION – CALL TO ORDER – ROLL CALL

A. Adoption of Agenda

B. Approval of Minutes of March 9, 2015 (3)

C. APPERANCE- Deputy Secretary Jay Risch and Assistant Deputy Secretary Eric Esser

D. Administrative Matters
1. Staff Updates
2. Election of Officers **(4)**
3. Appointments

E. Legislative/Administrative Rule Matters – Discussion and Consideration
1. Review of A-E 3,4,6,9 Relating to Requirements for Entrance to Examination **(5-10)**
2. Adoption Order for CR13-020 Relating to Electronic Seals and Signatures **(12-18)**
3. Update on Professional Land Surveyor Rules
   a. A-E 7 Relating to Minimum Survey Standards **(19-27)**
   b. A-E 1,2,6,7,8,10 Relating to Land Surveyor Professional Licensure **(28-43)**
4. Update on Retired License Status
5. Pending and Possible Rulemaking Projects or Legislative Matters

F. Items Added After Preparation of Agenda:
1. Introductions, Announcements and Recognition
2. Administrative Updates
3. Education and Examination Matters
4. Credentialing Matters
5. Practice Matters

6. Legislative/Administrative Rule Matters
7. Liaison Reports
8. Informational Items
9. Disciplinary Matters
10. Speaking Engagement(s), Travel, or Public Relation Request(s)

G. Public Comments

H. ADJOURNMENT

VIRTUAL/TELECONFERENCE MEETING

EXAMINING BOARD OF ARCHITECTS, LANDSCAPE ARCHITECTS, PROFESSIONAL ENGINEERS, DESIGNERS AND PROFESSIONAL LAND SURVEYORS MEETING MINUTES March 9, 2015

PRESENT: Andrew Albright, Mark Cook, Kristine Cotharn, Joseph Eberle, Michael Eberle, Matthew Fernholz, James Gersich (in person), Matthew Janiak, Ruth G. Johnson, Gary Kohlenberg, Mark Mayer, Rosheen Styczinski, Bruce Bowden, Lawrence Schnuck

EXCUSED: Thomas Gasperetti, Steven Hook, Michael Kinney, Steven Tweed, Daniel Fedderly

STAFF: Brittany Lewin, Executive Director; Kelly Williams, Bureau Assistant

CALL TO ORDER

Rosheen Styczinski, Board Chair, called the meeting to order at 10:03 a.m. A quorum of Fourteen (14) members was confirmed.

ADOPTION OF AGENDA

MOTION: Ruth G. Johnson moved, seconded by Gary Kohlenberg, to adopt the agenda as published. Motion carried unanimously.

APPROVAL OF MINUTES – October 8, 2014

MOTION: Joseph Eberle moved, seconded by Ruth G. Johnson, to approve the minutes of October 8, 2014 as published. Motion carried unanimously.

LEGISLATIVE/ADMINISTRAIVE RULE MATTERS- DISCUSSION AND CONSIDERATION

MOTION: Joseph Eberle moved, seconded by Matthew Janiak, to authorize the Legislative Liaison to draft language and convey the recommendations discussed at today's meeting to members of the legislature. Motion carried unanimously.

ADJOURNMENT

MOTION: Matthew Janiak moved, seconded by Lawrence Schnuck, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 10:27 A.M.

DRAFT

EXAMINING BOARD OF ARCHITECTS, LANDSCAPE ARCHITECTS,

PROFESSIONAL ENGINEERS, DESIGNERS AND PROFESSIONAL LAND SURVEYORS

2014 ELECTION RESULTS	
Board Chair	**Rosheen Styczinski**
Vice Chair	**Joseph Eberle**
Secretary	**Lawrence Schnuck**

State of Wisconsin
Department of Safety & Professional Services

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request:	2) Date When Request Submitted:
Katie Paff Administrative Rules Coordinator	4/7/2015 Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting

3) Name of Board, Committee, Council, Sections:

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

4) Meeting Date:	5) Attachments:	6) How should the item be titled on the agenda page?
4/22/2015	☒ Yes ☐ No	Review of A-E 3, 4, 6, 9 relating to requirements for entrance to examinations.

7) Place Item in:	8) Is an appearance before the Board being scheduled?	9) Name of Case Advisor(s), if required:
☒ Open Session ☐ Closed Session	☐ Yes (Fill out Board Appearance Request) ☒ No	N/A

10) Describe the issue and action that should be addressed:

The Board will review and approve, or authorize a board member to approve, A-E 3, 4, 6, and 9 relating to requirements for entrance to examinations for posting for EIA comments and submission to Clearinghouse.

11) Authorization

Kathleen Paff	**4/7/2015**
Signature of person making this request	Date
Supervisor (if required)	Date
Executive Director signature (indicates approval to add post agenda deadline item to agenda)	Date

Directions for including supporting documents:
1. This form should be attached to any documents submitted to the agenda.
2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director.
3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.

Revised 2/2015

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, LANDSCAPE ARCHITECTS, PROFESSIONAL ENGINEERS, DESIGNERS AND LAND SURVEYORS	:	PROPOSED ORDER OF THE EXAMINING BOARD OF ARCHITECTS, LANDSCAPE ARCHITECTS, PROFESSIONAL ENGINEERS, DESIGNERS AND LAND SURVEYORS ADOPTING RULE (CLEARINGHOUSE RULE)

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.

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 will be 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.

Fiscal Estimate and Economic Impact Analysis:

~~The Fiscal Estimate and Economic Impact Analysis are attached.~~
The Department is currently soliciting information and advice from businesses, local government units and individuals in order to prepare the Economic Impact Analysis.

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 * to be included in the record of rule-making proceedings.~~

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 (bm), Stats.~~, s. 443.06 (2) (bm), Stats., an applicant for registration 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.

(END OF TEXT OF RULE)

Dated _____ Agency _____

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

State of Wisconsin
Department of Safety & Professional Services

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Katie Paff Administrative Rules Coordinator	2) Date When Request Submitted: 4/7/2015 Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting

3) Name of Board, Committee, Council, Sections:

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

4) Meeting Date:	5) Attachments:	6) How should the item be titled on the agenda page?
4/22/2015	☒ Yes ☐ No	Adoption Order for CR13-020 relating to electronic seals and signatures

7) Place Item in:	8) Is an appearance before the Board being scheduled?	9) Name of Case Advisor(s), if required:
☒ Open Session ☐ Closed Session	☐ Yes (Fill out Board Appearance Request) ☒ No	N/A

10) Describe the issue and action that should be addressed:

The Board will review and approve the Adoption Order for CR13-020 relating to electronic seals and signatures

11) Authorization

Kathleen Paff **4/7/2015**

Signature of person making this request Date

Supervisor (if required) Date

Executive Director signature (indicates approval to add post agenda deadline item to agenda) Date

Directions for including supporting documents:
1. This form should be attached to any documents submitted to the agenda.
2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director.
3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.

Revised 2/2015

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, LANDSCAPE ARCHITECTS, PROFESSIONAL ENGINEERS, DESIGNERS AND LAND SURVEYORS	:	PROPOSED ORDER OF THE EXAMINING BOARD OF ARCHITECTS, LANDSCAPE ARCHITECTS, PROFESSIONAL ENGINEERS, DESIGNERS AND LAND SURVEYORS ADOPTING RULE (CLEARINGHOUSE RULE 13-020)

ORDER

An order of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, and Professional Land Surveyors to amend A-E 2.02 (7) (a) (intro.), 2.02 (7) (b) (intro.) and 2.02 (7) (b) 2., to repeal and recreate A-E 2.02 (7) (b) 2. (Note), to create A-E 2.02 (7) (a) (1), relating to electronic seals and signatures.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted:

s. 443.17, Stats.

Statutory authority:

ss. 15.08 (5) (b), 227.11 (2) (a), and 443.17, Stats.

Explanation of agency authority:

The Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors has general power, pursuant to s. 15.08 (5) (b), Stats., to promulgate rules for guidance within its profession. The Board may also promulgate rules that interpret statutes they enforce or administer per s. 227.11 (2) (a), Stats. Section 443.17, Stats., regulates the use of seals and is administered by the Board. Therefore, the Board is authorized to promulgate rules that give guidance on the use of seals or signatures.

Related statute or rule:

s. A-E 2.02

Plain language analysis:

Registration seals and signatures must be utilized in the production of plans, drawings, documents, specifications, and reports generated by architects, landscape architects, professional engineers, designers and land surveyors. The proposed rule would allow the afore mentioned professionals to use an electronic seal or signature on documents submitted to governmental agencies as long as the electronic seal or signature conformed to the requirements of subch. II, ch. 137, Stats. and the governmental agency accepts such documents.

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

There are no comparable or existing proposed federal regulations.

Comparison with rules in adjacent states:

The following comparisons are the result of various internet searches:

Illinois: Architects, Engineers and Land Surveyors must have a reproducible seal or facsimile, which may be computer generated. Ill. Admin. Code tit. 68 ss. 1150, 1380.295 and 1270.58 Illinois code expressly prohibits the use of signatures generated by computers. Illinois requires original signatures only.

Iowa: Professional Engineers and Professional Land Surveyors must use a certification block on original documents. The certification block requires a seal and a signature. A legible rubber stamp or facsimile of a seal may be used. 193C IAC 6.1 (3) (542B) Computer generated seals may be used on final documents. Iowa Professional Engineers and Professional Land Surveyor licensees may affix a handwritten or secure electronic signature to the certification block as long as the signature is protected by a procedure that is, "adequate to (1) verify the signature is that of a specific person and (2) detect any changes that may be made or attempted after the signature of the specific person is affixed." 193C IAC 6.9 (542B)

Michigan: Architects, professional engineers, and professional land surveyors may use an embossed seal or a rubber stamp and an original signature only. MICH. ADMIN. Code r.339.15301, 339.16024, and 339.17301

Minnesota: Licensed architects, professional engineers, land surveyors, professional landscape architects, professional geologist, or professional soil scientists may use a seal on all plans, specifications, plats, and reports and other documents. Minn. R. 1800.4300 (2012) Furthermore, a signature is required for all plans, specifications, plats reports or other documents. The signature may be stamped, handwritten, or electronically created as long as it creates an accurate representation of the licensee's actual signature. Minn. Stats. Ann. § 326.12

Summary of factual data and analytical methodologies:

Both the Engineering Section and the A-E Rules committee reviewed similar rules in other states regarding electronic signatures and seals. Discussions were held regarding how to secure electronic seals and signatures in order to avoid misuse or misrepresentation and how to bring the rules in line with subch. II of chapter 137, Stats. regarding electronic signatures. The Board ensures the accuracy, integrity, objectivity and consistency of the data used in preparing the proposed rule and related analysis.

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

The proposed rule will not have any impact on small business as defined in s. 227.114 (1), Stats.

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:

Katie Paff, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, Room 151, P.O. Box 8366, Madison, Wisconsin 53708; telephone 608-261-4472; email at Kathleen.Paff@wisconsin.gov.

TEXT OF RULE

SECTION 1. A-E 2.02 (7) (a) (intro.) is amended to read:

A-E 2.02 (7) (a) All seals or stamps affixed to ~~drawings and~~ plans, drawings, documents, ~~and~~ specifications, and reports to be filed as public documents shall be original. No stickers ~~or electronically scanned images~~ shall be allowed. Seals or stamps may be applied by crimp type, rubber stamp or by electronic means provided the electronic seal or stamp meets the requirements of subch. II of ch. 137, Stats. a security

procedure is used, and electronic submissions are permitted by the governmental unit that is to receive the plans, drawings, documents, specifications, and reports.

SECTION 2. A-E 2.02 (7) (a) 1. is created to read:

A-E 2.02 (7) (a) 1. The stamp authorized by the Board must be one of crimp type, rubber stamp type, or computer generated.

SECTION 3. A-E 2.02 (7) (b) (intro.) is amended to read:

A-E 2.02 (7) (b) All seals and stamps on plans, drawings, documents, ~~and~~ specifications, and reports to be filed as public documents shall be signed and dated by the registered professional in one of the following manners:

SECTION 4. A-E 2.02 (7) (b) 2. is amended to read:

A-E 2.02 (7) (b) 2. Utilizing an electronic signature, meeting the requirements of ~~s. 137.06, Stats.~~ subch. II ch. 137, Stats., a security procedure is used and if permitted by the governmental unit that is to receive the plans, drawings, documents, ~~and~~ specifications, and reports. A scanned image of an original signature shall not be used in lieu of an electronic signature with a security procedure as found in s. 137.11 (13), Stats.

SECTION 5. A-E 2.02 (7) (b) 2. (Note) is repealed and recreated to read:

A-E 2.02 (7) (b) 2. (Note) Section 137.11 (13), Stats., of the statutes reads as follows "Security procedure" means a procedure employed for the purpose of verifying that an electronic signature, record or performance is that of a specific person or for detecting changes or errors in the information in an electronic record. The term includes a procedure that requires the use of algorithms or other codes identifying words or numbers, encryption, callback, or other acknowledging procedures."

SECTION 6. 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)

Dated _____ Agency _____

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

STATE OF WISCONSIN
DEPARTMENT OF ADMINISTRATION
DOA-2049 (R03/2012)

DIVISION OF EXECUTIVE BUDGET AND FINANCE
101 EAST WILSON STREET, 10TH FLOOR
P.O. BOX 7864
MADISON, WI 53707-7864
FAX: (608) 267-0372

ADMINISTRATIVE RULES
Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis
☒ Original ☐ Updated ☐ Corrected

2. Administrative Rule Chapter, Title and Number
Wis. Admin. Ch. A-E 2.02

3. Subject
Electronic Seals and Signatures

4. Fund Sources Affected
☐ GPR ☐ FED ☒ PRO ☐ PRS ☐ SEG ☐ SEG-S

5. Chapter 20, Stats. Appropriations Affected

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

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)**

8. Would Implementation and Compliance Costs Be Greater Than $20 million?
☐ Yes ☒ No

9. Policy Problem Addressed by the Rule
The proposed rule would allow architects, landscape architects, professional engineers, designers and land surveyors to use electronic seals or signatures on all plans, drawings, documents, specifications and reports. Currently, electronic signatures are accepted per Wis. Admin Code A-E 2.02 (7) (b) 2. only if they are permitted by the governmental unit that is to receive the documents and if the signature meets the requirements of s. 137.06 Stats., The proposed rule draft would allow the use of electronic signatures and change the citation to subch. II, ch. 137, Stats.

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.

11. Identify the local governmental units that participated in the development of this EIA.
No local governmental units participated in the development of this EIA.

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)
The proposed rule will not impact business sectors, public utility rate payers, local governmental units or the state's economy as a whole.

13. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule
Electronic seals and signatures will allow greater flexibility in filing plans, specifications, plats, and reports and other documents. The benefit will go towards architects, landscape architects, professional engineers, designers and land

DIVISION OF EXECUTIVE BUDGET AND FINANCE
101 EAST WILSON STREET, 10TH FLOOR
P.O. BOX 7864
MADISON, WI 53707-7864
FAX: (608) 267-0372

ADMINISTRATIVE RULES
Fiscal Estimate & Economic Impact Analysis

surveyors who will be able to choose between electronic seals and signatures or stamped seals and hand written signatures.

14. Long Range Implications of Implementing the Rule
Long range implications of the proposed rule will result in greater efficiency in maintaining records and keeping the affected professions up to date with current advancements in technology.

15. Compare With Approaches Being Used by Federal Government
There are no comparable federal rules.

16. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)
Illinois: Architects, Engineers and Land Surveyors must have a reproducible seal or facsimile, which may be computer generated. Ill. Admin. Code tit. 68 ss. 1150, 1380.295 and 1270.58 Illinois code expressly prohibits the use of signatures generated by computers. Illinois requires original seals only.

Iowa: Professional Engineers and Professional Land Surveyors must use a certification block on original documents. The certification block requires a seal and a signature. A legible rubber stamp or facsimile of a seal may be used. 193C IAC 6.1 (3) (542B) Computer generated seals may be used on final documents. Iowa Professional Engineers and Professional Land Surveyor licensees may affix a handwritten or secure electronic signature to the certification block as long as the signature is protected by a procedure that is, "adequate to (1) verify the signature is that of a specific person and (2) detect any changes that may be made or attempted after the signature of the specific person is affixed." 193C IAC 6.9 (542B)

Michigan: Architects, professional engineers, and professional land surveyors may use an embossed seal or a rubber stamp and an original signature only. MICH. ADMIN. Code r.339.15301, 339.16024, 339.17301

Minnesota: Licensed architects, professional engineers, land surveyors, professional landscape architects, professional geologist, or professional soil scientists may use a seal on all plans, specifications, plats, and reports and other documents. Minn. R. 1800.4300 (2012) Furthermore, a signature is required for all plans, specifications, plats reports or other documents. The signature may be stamped, handwritten, or electronically created as long as it creates an accurate representation of the licensee's actual signature. Minn. Stats. Ann. § 326.12

17. Contact Name	18. Contact Phone Number
Katie Paff	608-261-4472

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

State of Wisconsin
Department of Safety & Professional Services

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request:	2) Date When Request Submitted:
Katie Paff Administrative Rules Coordinator	4/7/2015 Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting

3) Name of Board, Committee, Council, Sections:

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

4) Meeting Date:	5) Attachments:	6) How should the item be titled on the agenda page?
4/22/2015	☒ Yes ☐ No	Update on Professional Land Surveyor Rules

7) Place Item in:	8) Is an appearance before the Board being scheduled?	9) Name of Case Advisor(s), if required:
☒ Open Session ☐ Closed Session	☐ Yes (Fill out Board Appearance Request) ☒ No	N/A

10) Describe the issue and action that should be addressed:

An update will be presented to the rules committee regarding A-E 7 relating to minimum survey standards and A-E 1, 2, 6, 7, 8, and 10 relating to land surveyor professional licensure.

11) Authorization

Kathleen Paff **4/7/2015**

Signature of person making this request Date

Supervisor (if required) Date

Executive Director signature (indicates approval to add post agenda deadline item to agenda) Date

Directions for including supporting documents:
1. This form should be attached to any documents submitted to the agenda.
2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director.
3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.

Revised 2/2015

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, LANDSCAPE ARCHITECTS, PROFESSIONAL ENGINEERS, DESIGNERS, AND LAND SURVEYORS	:	PROPOSED ORDER OF THE EXAMINING BOARD OF ARCHITECTS, LANDSCAPE ARCHITECTS PROFESSIONAL ENGINEERS, DESIGNERS, AND LAND SURVEYORS ADOPTING RULES (CLEARINGHOUSE RULE)

PROPOSED ORDER

The Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, and Land Surveyors propose an order to repeal A-E 7.01 (2) (d) and (e); to amend A-E 7.01 (2) (a), 7.06 (2), (3), and (5), 7.07, and 7.08 (1), (1) (c), (3) (e) and (g); to repeal and recreate A-E 7.02, 7.03, 7.04, and 7.05 relating to minimum survey standards.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted:

s. 443.015 (2), Stats.

Statutory authority:

ss. 15.08 (5) (b), 227.11 (2) (a), and 443.015 (2), Stats.

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. Section 443.015 (2), Stats., allows each section to draft rules that govern the professional conduct of licensees under its authority. These proposed rules address the conduct of professional land surveyors in the creation of minimum standards for property surveys. Therefore, the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, and Land Surveyors is authorized both generally and specifically to promulgate these proposed rules.

Related statute or rule:

Wisconsin Administrative Code Chapter A-E 7

Plain language analysis:

This proposed rule seeks to clarify various provisions of Wisconsin Administrative Code Chapter A-E 7, which sets forth the minimum standards of land surveyor's practice and to resolve inconsistencies between the rules in chapter A-E 7 and current practice within the profession. This rule will identify the information that should be included in maps and reports regarding the legal descriptions of property surveyed.

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

None.

Comparison with rules in adjacent states:

Illinois:

The Minimum Standards of Practice for land surveyors identifies the types of surveys land surveyors may conduct such as a boundary survey, condominium survey, subdivision survey, mortgage inspection, and topographic survey. It also lists the required information that should be found on the plat (map). The minimum standards are binding on every land surveyor in the state except in the case of federal, state or local laws that may be more stringent. When special conditions exist, it must be noted on the plat (68 Ill Admin Code 1270.56).

Iowa:

The Minimum Standards for Property Surveys for land surveyors found in the Iowa Code are very similar to the current Wisconsin rules. It covers the same topics as the Wisconsin rules such as scope, definition, boundary location, descriptions, maps, measurements, and monuments and nearly mirrors the language. The scope of the rules encompasses each professional land surveyor and all of the property surveys performed in the state, except those done for acquisition plats (Iowa Admin. Code r. 193C-11.1).

Michigan:

Michigan does not set forth minimum standards for property surveys. Instead, Michigan Administrative Code requires land surveyors to draft complete and accurate plats, plans, drawings, and specifications. The information contained on a survey must include the following: "a drawing that includes the graphical and numerical scale used, a north arrow, identification of all government corners and related witnesses, a description in

compliance with state statute, [and a] statement of the manner of bearing determination." (Mich. Admin. Code r. 339.17403).

Minnesota:

Minnesota does not set forth a minimum standard for property surveys in a manner similar to Illinois and Iowa. Instead, Minnesota identifies the requirements for plats (maps), and covers such topics as boundaries, mathematical data, easements and water boundaries. The statute further requires land surveyors to certify that they have surveyed a property or directly supervised a person who surveyed the property (Minn. Stat. s. 505.021).

Summary of factual data and analytical methodologies:

The Professional Land Surveyor Section reviewed and updated the minimum survey standards. Adjacent states' statutes and administrative rules were also reviewed. The Section ensures the accuracy, integrity, objectivity and consistency of data was used in preparing the proposed rule and related analysis.

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

The rule will be 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.

Fiscal Estimate and Economic Impact Analysis:

~~The Fiscal Estimate and Economic Impact Analysis are attached.~~
The Department will solicit information and advice from businesses, local government units and individuals in order to prepare the Economic Impact Analysis.

Effect on small business:

These proposed rules do not have a negative 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:

Katie Paff, Administrative Rules Coordinator, 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 Katie Paff, Administrative Rules Coordinator, 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 * to be included in the record of rule-making proceedings.~~

TEXT OF RULE

SECTION 1. A-E 7.01 (2) (a) is amended to read:

A-E 7.01 (2) (a) A note which states that an agreement to exclude work from the requirements of this chapter has been made and a list of those exclusions and the names of the parties making the agreement along with the signature of each party.

SECTION 2. A-E 7.01 (2) (d) and (e) are repealed.

SECTION 3. A-E 7.02 is repealed and recreated to read:

A-E 7.02 Definitions. For the purposes of this chapter:

(1) "Property survey" means any land surveying which includes describing, monumenting, or locating the boundary line or lines or corners of land surveyed, or mapping one or more lines or parcels of land. The term includes the restoration or perpetuation of a U.S. public survey corner.

(2) "Relative positional accuracy" means the length of the semi-major axis, expressed in feet or meters, of the error ellipse representing the uncertainty due to random errors in measurements in the location of the monument, or witness, marking any corner of the surveyed property at the 95 percent confidence level, 2 standard deviations; and is estimated by the results of a correctly weighted least squares adjustment of the survey.

(3) "Survey report" means a report that may be prepared when there is an existing map recorded or filed within 2 years of the certification of the map and no new monuments are established in the survey. A survey report shall include the purpose of the survey, information concerning the documents that were examined for the survey, the measurements that were made to verify the locations of the monuments found, and a copy of the map that was recorded or filed. The survey report shall be in compliance with all sections of this chapter except ss. A-E 7.05 (1), (2), (3) and (4).

SECTION 4. A-E 7.03, 7.04, and 7.05 are repealed and recreated to read:

A-E 7.03 Boundary location. Every property survey shall be made in accordance with the records of the register of deeds as nearly as practicable. The surveyor

shall acquire data necessary to retrace record title boundaries such as deeds, surveys, maps, certificates of title, highway, and center line or right-of-way lines and other boundary line locations. The professional land surveyor shall make field measurements necessary for the location of the parcel and shall analyze the data and make a careful determination of the position of the boundaries of the parcel being surveyed. The professional land surveyor shall set monuments marking the corners of the parcel unless monuments already exist at the corners.

7.04 Descriptions. Descriptions defining land boundaries created by a land surveyor for conveyance or to more accurately delineate land boundaries, or for other purposes shall be complete, providing unequivocal identification of lines or boundaries. The description shall contain necessary references to adjoiners together with data and dimensions sufficient to enable the description to be mapped and retraced and shall describe the land surveyed by government lot, recorded private claim, quarter-quarter section, section, township, range and county. The forms of descriptions of property shall be one of the following:

(1) By metes and bounds commencing with a monument at a section corner or quarter section corner of the quarter section that it is in and not the center of the section or commencing with a monument at the end of a boundary line of a recorded private claim or federal reservation in which the land is located.

(2) By land boundaries being surveyed as a platted lot or outlot in a recorded subdivision or recorded addition to a recorded subdivision, the lots or outlots in that plat shall be described by the name of the plat and the lot or outlot and the block in the plat for all purposes, if such document is previously tied to two corners of the original government survey.

(3) By land boundaries being surveyed as an existing lot, outlot or parcel, on a recorded certified survey map, the survey shall be described by lot, outlot or parcel number and certified map number for all purposes, if such document is previously tied to two corners of the original government survey.

(4) By the parcel described as an aliquot part of a section subdivision from the public land system, the existing legal description is acceptable.

7.05 Maps. A map shall be drawn for every property survey, unless a survey report is filed as provided in A-E 7.02 (1), showing information developed by the survey. The map shall:

(1) Be drawn on media with the minimum size of 8 ½ x 11 inches and to a commonly accepted scale which shall be clearly stated and graphically illustrated by a bar scale on each map sheet containing a graphical depiction of the survey unless otherwise required by law.

(2) Be referenced as provided in s. 59.73 (1), Stats. along with a north arrow and reference to a monumented line.

(3) Show the length and bearing of the boundaries of the parcels surveyed. Where the boundary lines show bearings, lengths or locations which vary from those recorded in deeds, abutting plats, or other instruments, there shall be the following note placed along such line, "recorded as (show recorded bearing, length or location)". Curve data shall be shown by any 3 of the following: central angle, radius, long chord bearing and length, and arc length.

(4) Describe all monuments or witness corners, intended to represent or reference corners of the survey, shall be shown and described as to size, shape, material, and their positions noted in relation to the survey corners and used for determining the location of the parcel and show by bearing and distance the relationship to the surveyed parcel and indicate whether such monuments were found or placed with all legend for all symbols and abbreviations used on the map.

(5) Show visible physical evidence of possession, encroachments, or occupation each way from the exterior lines of the survey shall be shown and dimensioned and show visible evidence of structures, improvements, rights-of-way, and easements.

(6) Show surveyed parcel bounded by water or inaccessible areas, the part shall be enclosed by a meander line showing complete data along all lines extending beyond the enclosure. The true boundary shall be clearly indicated on the map.

(7) Identify the professional land surveyor's business name and address, the person or entity for whom the survey was made, completion date of the field work, and description of the parcel as provided in s. A-E 7.04.

(8) Bear the stamp or seal, name and business address and signature of the professional land surveyor under whose direction and control the survey was made with a statement certifying that the survey complies with this chapter and is correct to the best of the professional land surveyor's knowledge and belief.

(9) Be filed as required by s. 59.45 (1), Stat., on media or electronically if acceptable by the county.

(10) Identify boundary lines on the survey. Boundary lines shall be clearly differentiated from other lines on the map.

(11) Coordinate values when shown on the face of the map they shall comply with and be subject to the provisions of s. 236.18, Stats., and include coordinate system, datum and adjustment.

SECTION 5. A-E 7.06 (2), (3), and (5), and 7.07 are amended to read:

A-E 7.06 (2) The minimum accuracy of linear measurements between points shall be better than 1 part in 3,000 on all ~~property~~ lines of ~~boundary or interior~~ the survey.

(3) ~~In a closed traverse the sum of the measured angles shall agree with the theoretical sum by a difference not greater than 30 seconds per angle, or the sum of the total angles may not differ from the theoretical sum by more than 120 seconds, whichever is smaller.~~ The maximum allowable relative positional accuracy for a survey is plus or minus 2 cm (0.07 feet) plus 50 parts per million, based on the direct distance between the two corners being tested. It is recognized that in certain circumstances, the size or configuration of the surveyed property, or the relief, vegetation or improvements on the surveyed property will result in survey measurements for which the maximum allowable relative positional precision may be exceeded.

(5) Bearings or angles on any property survey map shall be shown to at least the nearest 30 seconds. Distances shall be shown to the nearest 1/100th foot.

A-E 7.07 Monuments. The type and position of monuments to be set on any survey shall be according to s. 236.15 (1) (b), Stats., unless determined by the nature of the survey, the permanency required, the nature of the terrain, the cadastral features involved, and the availability of material. Coordinate values are not acceptable in lieu of monuments.

SECTION 6. A-E 7.08 (1), (1) (c), and (3) (e) and (g) are amended to read:

A-E 7.08 (1) WHEN MONUMENT RECORD REQUIRED. A U.S. public land survey monument record shall be prepared and filed with the county ~~surveyor's office~~ survey records as part of any land survey within 60 days of setting or accepting the corner which includes or requires the perpetuation, restoration, ~~reestablishment~~ or use of a U.S. public land survey corner, and,

(1) (c) The witness ties or U.S. public land survey monument referenced in an existing U.S. public land survey monument record have been destroyed or disturbed except where the witness ties and the U.S. public land survey monument referenced in an existing U.S. public land survey monument record have been found and verified and a note stating this has been placed on the property survey.

(3) (e) A description of any material discrepancy between the location of the corner monument as restored ~~or reestablished~~ and the monument location of that corner as previously ~~restored or reestablished~~ established.

(3) (g) Whether the corner was determined ~~reestablished~~ through lost-corner-proportionate methods.

SECTION 7. 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)

Dated _____ Agency _____

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

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

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

PROPOSED ORDER

An order of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors to repeal A-E 6.07, 8.07 (2) (Note), and 10.04 (2) (d) and to amend A-E 1.02 (1), 2.01, 2.02 (1), (4), and (6), 2.03 (1) (a) and (b) and (2) (d), Chapter 6 (title), 6.01 (intro.), 6.02 (title), 6.03, 6.04 (title) and (1) (intro,), (a), and (b), and (2) (a) and (b), 6.05 (1) and (2) (b), 6.05 (10), 6.06 (intro.), 7.01 (2) (intro.), 7.03, 7.05 (6), 7.08 (1) (b), (3) (b) and (i), 8.02, 8.03 (1), (3) (intro.) and (a), 8.03 (5) (c) 4. and 5., 8.04 (intro.), (1), and (3), 8.05 (1) (intro.), (a), and (c), and (2), 8.06 (intro.), (2), and (3), 8.07 (intro.), (1), and (2), 8.08 (intro.), (3), and (4), 8.09 (intro.), (1), and (2), 8.10 (2) and (3), 8.11 (intro.) and (1) to (4), Chapter 10 (title), 10.01, 10.02 (2) to (4), 10.03 (1) (a), (b) (intro.) and 3., 10.03 (2) (b) to (d) and (g), and (4), 10.04 (1) (a) and (c), (2) (intro.) and (e), (3), and (4), 10.05 (1) to (5), 10.06 (intro.), 10.07 (1) and (2) (d), and 10.08 relating to land surveyor professional licensure.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted:

Section 443.02 (4), and 443.06, Stats.

Statutory authority:

15.08 (5) (b), 227.11 (2) (a), Stats.

Explanation of agency authority:

Examining boards are authorized by s.15.08 (5) (b), Stats., to promulgate rules that will provide guidance within the trade or profession to which it pertains. Section 227.11 (2) (a), Stats., authorizes examining board to promulgate rules that interpret any statute it

enforces or administers. The Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Professional Land Surveyors seek to promulgate rules that will provide guidance within the profession on the transition from registered land surveyors to licensed land surveyors.

Related statute or rule:

None.

Plain language analysis:

This proposed rule seeks to carry out the legislative intent of 2013 Wisconsin Act 358. The Act transformed land surveyor registration to land surveyor licensure and eliminated both the permit to practice land surveying for applicants with pending applications for registration and the apprenticeship pathway to registration. The Act also replaced the terms land surveyor, registered land surveyor, and surveyor with the term professional land surveyor. The proposed rule updates administrative rules in chs. A-E 1 to 10 to reflect these changes.

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

None

Comparison with rules in adjacent states:

Illinois: Illinois designates land surveyors as professional land surveyors. A person seeking licensure as a professional land surveyor by examination in Illinois must apply in writing on Department approved forms, must not have violated any provision of the Illinois Professional Land Surveyor Act of 1989, must be of good ethical character, must have been licensed as a land-surveyor in training, must have at least 4 years of responsible charge experience in land surveying after having passed the examination for licensure as a surveyor-in-training, must have a baccalaureate degree in land surveying, or a related science, from an accredited college or university, and must have passed an examination authorized by the Department to determine his or her fitness to receive a license as a professional land surveyor. 225 ICLS 330/12.

Iowa: Iowa does not designate land surveyors as professional land surveyors. Persons seeking a license as a land surveyor in Iowa must satisfy the education plus experience requirements as follows: graduation from a course of two years or more in mathematics, physical sciences, mapping and surveying, or engineering in a school or college and six years of practical experience, successfully complete the Fundamentals of Land Surveying examination, successfully complete the Principles and Practice of Land Surveying examination, complete a statement of approximately 200 words describing a significant project on which the applicant worked, provide references for applicants that must meet an experience requirement prior to taking an examination. 193C IAC 5.1 (2015).

Michigan: Michigan designates land surveyors as professional surveyors. The requirements for licensure include: passing the land surveying fundamentals examination and the professional practice examination, "or provide proof of qualification to practice land surveying acceptable to the department and the board." MCLS §339.2004 (3). For admission to the professional surveying fundamentals examination applicants must provide, "an affidavit stating that a degree acceptable to the board shall be completed not later than 6 months after the date of the examination." MCLS §339.2005 (3). Admission to the professional practice examination requires all of the following: "[d]ocumentation of not less than 8 years of professional experience in professional surveying satisfactory to the board of professional surveyors, including not more than 5 years of education. Evidence of completion of a degree in professional surveying or a related degree with professional surveying courses acceptable to the board of professional surveyors. Not less than 5 references, 3 of which shall be from licensed professional surveyors who have personal knowledge of the applicant's professional experience.

Minnesota: Minnesota does not designate land surveyors as professional land surveyors. Minnesota's requirements for licensure include: educational requirements experience requirements and passing the professional examination.

Summary of factual data and analytical methodologies:

This proposed rule seeks to carry out the legislative intent of 2013 Wisconsin Act 358. Adjacent states' statutes and administrative rules were also reviewed. The Section ensures the accuracy, integrity, objectivity and consistency of data was used in preparing the proposed rule and related analysis.

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

The rule will be 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.

Fiscal Estimate and Economic Impact Analysis:

~~The Fiscal Estimate and Economic Impact Analysis are attached.~~
The Department will solicit information and advice from businesses, local government units and individuals in order to prepare the Economic Impact Analysis.

Effect on small business:

These proposed rules do not have a negative 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:

Katie Paff, Administrative Rules Coordinator, 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 Katie Paff, Administrative Rules Coordinator, 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 * to be included in the record of rule-making proceedings.~~

TEXT OF RULE

SECTION 1. A-E 1.02 (1) is amended to read:

A-E 1.02 (1) "Board" or "joint board" means the examining board of architects, landscape architects, professional engineers, designers and professional land surveyors.

SECTION 2. A-E 2.01 is amended to read:

A-E 2.01 Purpose. The purpose of rules in this chapter is to specify general requirements and procedures which apply to persons credentialed by any section of the board. Requirements specific to architects, landscape architects, professional engineers, designers or professional land surveyors are specified in chs. A-E 3, 4, 5, 6, 7, 9, 10, 11, 12, and 13. Rules of professional conduct for all registrants or permit holders are specified in ch. A-E 8.

SECTION 3. A-E 2.02 (1), (4), and (6) are amended to read:

A-E 2.02 (1) Each architect, landscape architect, professional engineer, designer and professional land surveyor shall obtain a seal that complies with board specifications for registration seals. The overall diameter may not be less than 15⁄8 inches nor more than 2 inches. Each seal shall include the registrant's name, registration or permit number and city.

(4) Each sheet of plans, drawings, documents, specifications and reports for architectural, landscape architectural, professional engineering, design or professional land surveying practice shall be signed, sealed and dated by the registrant or permit holder who prepared, or directed and controlled preparation of, the written material, except as specified in sub. (5).

(6) Any addition, deletion or other revision to each sheet of plans, drawings, documents, specifications and reports for architectural, landscape architectural, professional engineering, design or professional land surveying practice which affects public health and safety or any state or local code requirements may not be made unless signed, sealed and dated by the registrant or permit holder who made or directed and controlled the making of the revision.

SECTION 4. A-E 2.03 (1) (a) and (b) and (2) (d) are amended to read:

A-E 2.03 (1) (a) "Firm" means any sole proprietorship, partnership or corporation located in Wisconsin which provides or offers to provide architectural, landscape architectural, professional engineering, design or professional land surveying services to the public.

(b) "Resident" means a currently-registered architect, landscape architect, professional engineer, designer or professional land surveyor who spends the majority of his or her working schedule in one firm location and who is in charge of and responsible for the type of services offered or provided from that location.

(2) (d) A resident professional land surveyor in each separate business location which provides or offers to provide professional land surveying services.

SECTION 5. Chapter A-E 6 (title) is amended to read:

PROFESSIONAL LAND SURVEYOR LICENSURE

SECTION 6. A-E 6.01 (intro) is amended to read:

A-E 6.01 Authority and purpose. The rules in this chapter are adopted under authority in ss. 15.08 (5) (b), 227.11, ~~443.01 (4)~~ 443.01 (6s) and 443.06, Stats. The purpose of rules in this chapter is to interpret basic education, experience and examination requirements for ~~registration~~ licensure as a professional land surveyor as specified in s. 443.06, Stats.

SECTION 7. A-E 6.02 (title) is amended to read:

A-E 6.02 Application for ~~registration~~ licensure.

SECTION 8. A-E 6.03 is amended to read:

A-E 6.03 Land surveying experience. (1) To qualify as "practice in professional land surveying work of a satisfactory character which indicates that the applicant is competent to be placed in responsible charge of such work" under s. 443.06, Stats., the experience of an applicant shall be in areas of professional land surveying practice designated under pars. (a) and (b), or other areas which, in the opinion of the board, provide the applicant with knowledge of practice of land surveying at least

equivalent to that which is generally acquired by experience in the areas listed. An applicant need not have experience in all areas listed below. However, all applicants shall have experience in the areas listed in par. (a) 1. and 2. Academic coursework which provides the applicant with knowledge and skills in some areas of practice listed in pars. (a) and (b) may be claimed as equivalent to experience.

SECTION 9. A-E 6.04 (title), (1) (intro.), (a), and (b), and (2) (a) and (b) are amended to read:

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

(a) No less than 8 of the 12 credits may be in courses concentrating on the legal principles of professional land surveying and the technical aspects of professional land surveying. These courses shall include areas of study such as research of public and private records, principles of evidence and the interpretation of written documents used in boundary determination, the study of the legal elements of professional land surveying including those involving resurveys, boundary disputes, defective descriptions, riparian rights and adverse possession, the study of the professional and judicial functions of a professional land surveyor, the study of surveying methods for measuring distance and angular values, note keeping, computation and writing descriptions and the study of the Wisconsin Statutes and local ordinances relating to the preparation of subdivision maps and plats.

(b) No more than 4 credits may be in courses related to professional land surveying such as "engineering surveying," "municipal surveying," "route surveying," "highway surveying," "topographic surveying," "geodetic surveying," "photogrammetry," "cartography," "construction surveying," "air photo interpretation," "artillery surveying," "geographic information systems," "land information systems" and remote sensing systems."

(2) To meet the educational requirements of s. 443.06 (2) (am), Stats., an applicant for registration as a professional land surveyor shall have done either of the following:

(a) Received a bachelor's degree in a course of study in professional land surveying of not less than 4 years duration from a college or university accredited by a regional accrediting agency approved by the state where the college or university is located.

(b) Received a bachelor's degree in civil engineering of not less than 4 years duration from a college or university accredited by a regional accrediting agency

approved by the state where the college or university is located. The curriculum shall include no less than 16 of 24 semester credits in courses concentrating on the legal principles of professional land surveying and the technical aspects of professional land surveying. These courses shall include areas of study such as research of public and private records, principles of evidence and the interpretation of written documents used in boundary determination, the study of the legal elements of professional land surveying including those involving resurveys, boundary disputes, defective descriptions, riparian rights and adverse possession, the study of the professional and judicial functions of a professional land surveyor, the study of surveying methods for measuring distance and angular values, note keeping, computation and writing descriptions and the study of the Wisconsin statutes and local ordinances relating to the preparation of subdivision maps and plats, other land divisions and real property creation. The applicant may be allowed to receive up to 8 credits in certain other courses relating to surveying. These courses may include "engineering surveying," "municipal surveying," "route surveying," "highway surveying," "topographic surveying," "geodetic surveying," "photogrammetry," "cartography," "construction surveying," "air photo interpretation," "artillery surveying," "geographic information systems," "land information systems" and "remote sensing systems."

SECTION 10. A-E 6.05 (1) and (2) (b) are amended to read:

A-E 6.05 (1) LAND SURVEYOR EXAMINATION REQUIRED. Applicants for ~~registration~~ licensure as a professional land surveyor shall take and pass an examination. The examination parts are the national fundamentals of surveying examination, the national principles and practice of surveying examination and the state jurisdictional examination, which is relative to Wisconsin specific practice. Each of the 3 required examinations is scored separately.

(2) (b) The national principles and practice examination and the state jurisdictional examination require an ability to apply principles and judgment to problems involving the U.S. system of public land surveys, Wisconsin plane coordinate surveys, the relocation of lost and obliterated corners, the legal essentials of resurveys, disputed boundaries, defective deed descriptions, riparian rights, adverse possession, the Wisconsin statutes relating to land surveying including the preparation and filing of plats, the writing and interpreting of land descriptions, the technical essentials of professional land surveying and subdivision of lands including practical problems requiring a knowledge of the basic theory and fundamental concepts of field astronomy, geometry of curves, topography and photogrammetry.

SECTION 11. A-E 6.05 (10) is amended to read:

A-E 6.05 (10) CHEATING. Any applicant for ~~registration~~ licensure who receives aid or cheats in any other manner in connection with the examination shall be barred from completing the examination or shall not be given a passing grade, or both.

SECTION 12. A-E 6.06 (intro.) is amended to read:

A-E 6.06 Application contents. An application for ~~registration~~ licensure shall include all of the following:

SECTION 13. A-E 6.07 is repealed.

SECTION 14. A-E 7.01 (2) (intro.) is amended to read:

A-E 7.01 (2) The professional land surveyor and his or her client or employer may agree in a signed statement to exclude any professional land surveying work from the requirements of this chapter except the preparation of a U.S. public land survey monument record and a map of work performed. The map prepared by the professional land surveyor for the client or employer shall include:

SECTION 15. A-E 7.03 is amended to read:

A-E 7.03 Boundary location. Every property survey shall be made in accordance with the records of the register of deeds as nearly as is practicable. The professional land surveyor shall acquire data necessary to retrace record title boundaries such as deeds, maps, certificates of title and center line and other boundary line locations. The professional land surveyor shall analyze the data and make a careful determination of the position of the boundaries of the parcel being surveyed. The professional land surveyor shall make a field survey, traversing and connecting monuments necessary for location of the parcel and coordinate the facts of the survey with the analysis. The professional land surveyor shall set monuments marking the corners of the parcel unless monuments already exist at the corners.

SECTION 16. A-E 7.05 (6) is amended to read:

A-E 7.05 (6) Bear the stamp or seal and signature of the professional land surveyor under whose direction and control the survey was made with a statement certifying that the survey is correct to the best of the surveyor's knowledge and belief.

SECTION 17. A-E 7.08 (1) (b), (3) (b) and (i) are amended to read:

A-E 7.08 (1) (b) The professional land surveyor who performs the survey accepts a location for the U.S. public land survey corner which differs from that shown on a U.S. public land survey monument record filed in the office of the county surveyor or register of deeds for the county in which the corner is located; or,

(3) (b) A description of any record evidence, monument evidence, occupational evidence, testimonial evidence or any other material evidence considered by the professional land surveyor, and whether the monument was found or placed.

(3) (i) The stamp and signature or seal and signature of the professional land surveyor under whose direction and control the corner location was determined and a

statement certifying that the U.S. public land survey monument record is correct and complete to the best of his or her knowledge and belief.

SECTION 18. A-E 8.02 is amended to read:

A-E 8.02 Intent. The intent of the examining board in adopting this chapter is to establish rules of professional conduct for the professions of architecture, landscape architecture, professional engineering, designing and professional land surveying. A violation of any standard specified in this chapter may result in disciplinary action under ss. 443.11 to 443.13, Stats.

SECTION 19. A-E 8.03 (1), (3) (intro.), and (3) (a) are amended to read:

A-E 8.03 (1) "Gross negligence in the practice of architecture, landscape architecture, professional engineering, designing or professional land surveying" means the performance of professional services by an architect, landscape architect, professional engineer, designer or professional land surveyor which does not comply with an acceptable standard of practice that has a significant relationship to the protection of health, safety or public welfare and is performed in a manner indicating that the professional knew or should have known, but acted with indifference to or disregard of, the accepted standard of practice.

(3) "Misconduct in the practice of architecture, landscape architecture, professional engineering, designing or professional land surveying" means an act performed by an architect, landscape architect, professional engineer, designer or professional land surveyor in the course of the profession which jeopardizes the interest of the public, including any of the following:

(3) (a) Violation of federal or state laws, local ordinances or administrative rules relating to the practice of architecture, landscape architecture, professional engineering, designing or professional land surveying.

SECTION 20. A-E 8.03 (5) (c) 4. and 5. are amended to read:

A-E 8.03 (5) (c) 4. Mere assumption by an architect, landscape architect, professional engineer, designer or professional land surveyor of responsibility for work without having control of the work.

5. Assuming charge, control or direct supervision of work in which the architect, landscape architect, professional engineer, designer or professional land surveyor does not have technical proficiency.

SECTION 21. A-E 8.04 (intro.), (1), and (3) are amended to read:

A-E 8.04 Offers to perform services shall be truthful. When offering to perform professional services, an architect, landscape architect, professional engineer, designer or professional land surveyor:

(1) Shall accurately and truthfully represent to a prospective client or employer the capabilities and qualifications which the registrant or licensee has to perform the services to be rendered.

(3) May not offer to perform, nor perform, services which the registrant or licensee is not qualified to perform by education or experience without retaining the services of another who is qualified.

SECTION 22. A-E 8.05 (1) (intro.), (1) (a), (1) (c) and (2) are amended to read:

A-E 8.05 Conflicts of Interest. (1) An architect, landscape architect, professional engineer, designer or professional land surveyor:

(1) (a) Shall avoid conflicts of interest. If an unavoidable conflict of interest arises, the registrant or licensee shall immediately inform the client or employer of all the circumstances which may interfere with or impair the ~~registrant's~~ registrant or licensee's obligation to provide professional services. Under these circumstances a registrant or licensee may not proceed to provide professional services without the full approval and consent of the client or employer.

(c) May not agree to perform professional services for a client or employer if the registrant or licensee has a significant financial or other interest which would impair or interfere with the ~~registrant's~~ registrant or licensee's responsibility to faithfully discharge professional services on behalf of the client or employer.

(2) Nothing in these rules limits a ~~registrant's~~ registrant or a licensee's professional responsibility to an owner of a project when the registrant or licensee is employed by a person or firm under contract to construct and furnish design services for that project.

SECTION 23. A-E 8.06 (intro.), (2), and (3) are amended to read:

A-E 8.06 Professional obligations. An architect, landscape architect, professional engineer, designer or professional land surveyor:

(2) May not evade the professional or contractual responsibility which the registrant or licensee has to a client or employer.

(3) May not enter into an agreement which provides that a person not legally and actually qualified to perform professional services has control over the ~~registrant's~~ registrant or licensee's judgment as related to public health, safety or welfare.

SECTION 24. A-E 8.07 (intro.), (1), and (2) are amended to read:

A-E 8.07 Unauthorized practice. An architect, landscape architect, professional engineer, designer, or professional land surveyor:

(1) Shall assist in enforcing laws which prohibit the unlicensed practice of architecture, landscape architecture, professional engineering, designing, and professional land surveying by reporting violations to the board.

(2) May not delegate professional responsibility to unlicensed persons and may not otherwise aid or abet the unlicensed practice of architecture, landscape architecture, professional engineering, designing, or professional land surveying.

SECTION 25. A-E 8.07 (2) (Note) is repealed.

SECTION 26. A-E 8.08 (intro.), (3), and (4) are amended to read:

A-E 8.08 Maintenance of professional standards. An architect, landscape architect, professional engineer, designer or professional land surveyor:

(3) Shall respond in a timely manner to a request by the board, a section of the board or the department for information in conjunction with an investigation of a complaint filed against a registrant or licensee. There is a rebuttable presumption that a registrant or licensee who takes longer than 30 days to respond to a request for information has not acted in a timely manner.

(4) Shall notify the department in writing if the registrant or licensee has been disciplined for unprofessional conduct in other states where the registrant or licensee holds a credential or has violated federal or state laws, local ordinances or administrative rules, not otherwise reportable under s. SPS 4.09 (2), which are related to the practice of an architect, landscape architect, professional engineer, designer or professional land surveyor. The notification shall be submitted within 48 hours of the disciplinary finding or violation of law and shall include copies of the findings, judgments and orders so that the department may determine whether the circumstances are substantially related to the practice of the registrant or licensee.

SECTION 27. A-E 8.09 (intro.), (1), and (2) are amended to read:

A-E 8.09 Adherence to statutes and rules. An architect, landscape architect, professional engineer, designer or professional land surveyor:

(1) Shall comply with the requirements in ch. 443, Stats., rules in this chapter and all other federal, state and local codes which relate to the practice of architecture, landscape architecture, professional engineering, designing and professional land surveying.

(2) May not engage in conduct that may adversely affect his or her fitness to practice architecture, landscape architecture, professional engineering, designing or professional land surveying.

SECTION 28. A-E 8.10 (2) and (3) are amended to read:

A-E 8.10 (2) No professional land surveyor may sign, seal or stamp any maps, plats, charts, or reports for professional land surveying practice which are not prepared by the professional land surveyor or under his or her personal direction and control**.**

(3) No architect, landscape architect, professional engineer, designer or professional land surveyor shall allow work performed by him or her or under his or her personal direction and control to be signed, sealed or stamped by another except that an architect, landscape architect, professional engineer, designer or professional land surveyor working under the personal direction and control of another registrant or licensee may allow that registrant or licensee to sign and seal or stamp the work.

SECTION 29. A-E 8.11 (intro.), and (1) to (4) are amended to read:

A-E 8.11 Suspension of registration; effect. Any registrant or licensee whose registration or license has been suspended is prohibited during the term of the suspension from engaging in any of the following:

(1) Offering to perform any service which requires registration or licensure.

(2) Performing any professional service which requires registration or licensure.

(3) Signing or sealing plans, specifications, reports, maps, plats, or charts prepared for the practice of architecture, landscape architecture, professional engineering, designing or professional land surveying.

(4) Entering into contracts the performance of which require registration or licensure.

SECTION 30. Chapter A-E 10 (title) is amended to read:

CONTINUING EDUCATION FOR
PROFESSIONAL LAND SURVEYORS

SECTION 31. A-E 10.01 is amended to read:

A-E 10.01 Authority and purpose. The rules in this chapter are adopted under the authority in ss. 15.08 (5) (b), 227.11 (2) and 443.015, Stats., and govern biennial continuing education of professional land ~~surveyor~~ ~~registrants~~ surveyors.

SECTION 32. A-E 10.02 (2) to (4) are amended to read:

A-E 10.02 (2) "Continuing education" means the planned, professional development activities designed to contribute to the advancement, extension and enhancement of the professional skills and scientific knowledge of the ~~registrant~~ licensee in the practice of professional land surveying and for improvement of the safety and welfare of the public.

(3) "Professional development activities" means organized educational programs on topics related to the practice or theory of professional land surveying and which foster the enhancement of general or specialized knowledge, practice and values of professional land surveying.

(4) "Professional development hour" or "PDH", unless specified otherwise, means 50 minutes of instruction or participation spent by the ~~registrant~~ licensee in actual attendance or completion of an approved educational activity.

SECTION 33. A-E 10.03 (1) (a), (b) (intro.) and 3. are amended to read:

A-E 10.03 (1) (a) Beginning in the February 2012 biennial registration period, unless granted a waiver under s. A-E 10.07, every ~~registrant~~ licensee shall complete at least 20 hours of approved professional development hours or equivalent continuing education hours, pertinent to the practice of professional land surveying, except that between initial ~~registration~~ licensure and the first renewal period, a new ~~registrant~~ licensee shall not be required to comply with the continuing education requirements for the first renewal of ~~registration~~ licensure.

(b) During each biennial registration period, the ~~registrant~~ licensee shall complete a minimum of 2 professional development hours of the total number required in each of the following categories:

(b) 3. Programs, courses or activities in the area of professional land surveying or related sciences.

SECTION 34. A-E 10.03 (2) (b) to (d), (g) and (4) are amended to read:

A-E 10.03 (2) (b) Successful completion of a college or university course in the area of professional land surveying, related sciences or surveying ethics. One semester credit hour of course work is equivalent to 20 professional development hours and one quarter credit hour of course work is equivalent to 13.5 professional development hours.

(2) (c) Successful completion of professional land surveying courses or programs offering professional development hours on professional land surveying topics.

(2) (d) Active participation and successful completion of professional land surveying programs, seminars, tutorials, workshops, short courses or in-house courses.

(2) (g) Authoring professional land surveying related papers or articles that appear in circulated journals or trade magazines. Credit is earned in the biennium of publication. A maximum of 5 professional development hours per renewal will be awarded for this activity.

(4) A professional land surveyor who fails to meet the continuing education or professional development hours by the renewal date, as specified in s. 440.08 (2) (a) 39., Stats., may not engage in the practice of professional land surveying until the ~~registration~~ licensure is renewed based upon proof of compliance with the continuing education requirements.

SECTION 35. A-E 10.04 (1) (a) and (c), (2) (intro.) and (e), (3), and (4) are amended to read:

A-E 10.04 (1) (a) The program includes instruction in an organized method of learning contributing directly to the professional competency of the ~~registrant~~ licensee and pertains to subject matters which integrally relate to the practice of the profession.

(1) (c) The program provides proof of attendance by the ~~registrants~~ licensee and fulfills pre-established goals and objectives.

(2) The professional land surveyor section may approve providers for continuing education programs including the following:

(2) (e) Colleges, universities or other educational institutions approved by the professional land surveyor section.

(3) An advisory committee selected by the professional land surveyor section will make recommendations as to approval of courses, credit, PDH value for courses and other methods of earning credit.

(4) Credit for college or technical school courses approved by the professional land surveyor section shall be based upon course credit established by the college or technical school.

SECTION 36. A-E 10.04 (2) (d) is repealed.

SECTION 37. A-E 10.05 (1) to (5) is amended to read:

A-E 10.05 (1) Each ~~registrant~~ licensee shall certify on the renewal application full compliance with the continuing education requirements set forth in this chapter.

(2) The professional land surveyor section may conduct a random audit of its ~~registrants~~ licensees on a biennial basis for compliance with these requirements. It is the responsibility of each ~~registrant~~ licensee to retain or otherwise produce evidence of compliance.

(3) The professional land surveyor section may require additional evidence demonstrating compliance with the continuing education requirements, including a certificate of attendance or documentation of completion or credit for the courses completed.

(4) If there appears to be a lack of compliance with the continuing education or professional development requirements, the professional land surveyor section shall notify a ~~registrant~~ licensee in writing and request submission of evidence of compliance within 30 days of the notice.

(5) The professional land surveyor section may require a ~~registrant~~ licensee to appear for an interview to address any deficiency or lack of compliance with the continuing education or professional development requirements.

SECTION 38. A-E 10.06 (intro.) is amended to read:

A-E 10.06 Recordkeeping. It shall be the responsibility of the ~~registrant~~ licensee to maintain records of continuing education or professional development hours for at least 2 bienniums from the date the certificate or statement of attendance is signed. The recordkeeping shall include all of the following:

SECTION 39. A-E 10.07 (1) and (2) (d) are amended to read:

A-E 10.07 (1) A renewal applicant seeking renewal of ~~registration~~ licensure without having fully complied with the continuing education requirements shall file a renewal application along with the required fee, and a statement setting forth the facts concerning non-compliance and requesting a waiver of the requirements. The request for waiver shall be made prior to the renewal date. Extreme hardship shall be determined on an individual basis by the professional land surveyor section. If the professional land surveyor section finds from the affidavit or any other evidence submitted that extreme hardship has been shown, the professional land surveyor section shall waive enforcement of the continuing education requirements for the applicable renewal period.

(2) (d) A retirement from the occupation of professional land surveying whereby the renewal applicant no longer ~~receives remuneration from providing~~ provides professional land surveying services.

SECTION 40. A-E 10.08 is amended to read:

A-E 10.08 Comity. An applicant for registration from another state who applies for registration to practice professional land surveying under s. A-E 6.06, shall submit proof of completion of continuing education obtained in another jurisdiction within the 2 years prior to application.

SECTION 41. 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)

Dated _____ Agency _____

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