



**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

October 7, 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 April 22, 2015 (3-5)

C. Administrative Matters

1. Staff Updates
2. Introduction of New Members **(6-9)**

D. 9:15 A.M. PUBLIC HEARING – A-E 3, 4, 6, and 9 Relating to Entrance to Exams

1. Review and Respond Clearinghouse Report and Public Hearing Comments **(10-24)**

E. Legislative/Administrative Rule Matters – Discussion and Consideration

1. **Legislative Liaison Update**
 - a. **Bill Draft Relating to Retired Professionals (25-28)**
2. Update on Pending and Possible Legislation and Rulemaking Projects **(29-61)**

F. Section Reports

- a. Architects
- b. Landscape Architects
- c. Professional Engineers
- d. Designers
- e. Professional Land Surveyors

G. 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)

H. Public Comments

I. ADJOURNMENT

**EXAMINING BOARD OF ARCHITECTS, LANDSCAPE ARCHITECTS,
PROFESSIONAL ENGINEERS, DESIGNERS AND
PROFESSIONAL LAND SURVEYORS
MEETING MINUTES
April 22, 2015**

PRESENT: Andrew Albright, Bruce Bowden, Kristine Cotharn, Joseph Eberle, Michael Eberle, Matthew Fernholz (*Via GoToMeeting*), Thomas Gasperetti, James Gersich, Steven Hook, Matthew Janiak, Ruth G. Johnson, Mark Mayer, Rosheen Styczinski

EXCUSED: Mark Cook, Daniel Fedderly, Michael Kinney, Gary Kohlenberg, Lawrence Schnuck, Steven Tweed

STAFF: Brittany Lewin - Executive Director, Nilajah Madison-Head - Bureau Assistant

CALL TO ORDER

Rosheen Styczinski, Board Chair, called the meeting to order at 9:05 a.m. A quorum of Thirteen (13) members was confirmed.

ADOPTION OF AGENDA

Amendments to the Agenda:

- *Add Informational Item(s)- Section Reports*

MOTION: Joseph Eberle moved, seconded by Matthew Janiak, to adopt the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES

Amendments to the Minutes:

- *Correct spelling error in Legislative and Administrative Rule Matters*
- *Under Legislative and Administrative Matters: Correct motion to read “to authorize the Legislative Liaison to draft language regarding retired licenses and convey the recommendations discussed at today’s meeting to members of the legislature”*

MOTION: Matthew Janiak moved, seconded by Ruth G. Johnson, to approve the minutes of March 9, 2015 as amended. Motion carried unanimously.

ADMINISTRATIVE MATTERS

Election of Officers

Board Chair

NOMINATION: Johnson nominated Rosheen Styczinski for the Office of Board Chair.

Brittany Lewin called for nominations three (3) times.

Rosheen Styczinski was elected as Chair by unanimous consent.

Vice Chair

NOMINATION: Matthew Janiak nominated Joseph Eberle for the Office of Vice Chair.

Brittany Lewin called for nominations three (3) times.

Joseph Eberle was elected as Vice Chair by unanimous consent.

Secretary

NOMINATION: Joseph Eberle nominated Lawrence Schnuck for the Office of Secretary.

Brittany Lewin called for nominations three (3) times.

Lawrence Schnuck was elected as Secretary by unanimous consent.

2015 ELECTION RESULTS	
Board Chair	Rosheen Styczinski
Vice Chair	Joseph Eberle
Secretary	Lawrence Schnuck

Liaison Appointments:

The Chair appoints the following members:

Liaison Appointments	
A-E Joint Board Rules Committee	Joseph Eberle, Thomas Gasperetti, Steven Hook, Matthew Janiak, Gary Kohlenberg, Lawrence Schnuck, Rosheen Styczinski, Steven Tweed

MOTION: Joseph Eberle moved, seconded by Bruce Bowden, to affirm the members of the A-E Joint Board Rules Committee. Motion carried unanimously.

LEGISLATIVE AND ADMINISTRATIVE RULE MATTERS

Review of A-E 3, 4, 6, 9 Relating to Requirements for Entrance to Examination

MOTION: Matthew Janiak moved, seconded by Steven Hook, 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. Motion carried.

Adoption Order For Cr 13-020 Relating To Electronic Seals And Signatures

MOTION: Steven Hook moved, seconded by Matthew Janiak, to approve the Adoption Order for CR13-020 relating to electronic seals and signatures. Motion carried.

ADJOURNMENT

MOTION: Joseph Eberle moved, seconded by Thomas Gasperetti, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 10:04 a.m.

**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Nifty Lynn Dio, Bureau Assistant		2) Date When Request Submitted: 09/17/2015 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: Architect Section			
4) Meeting Date: 09/22/2015	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? New Board Member	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes (Fill out Board Appearance Request) <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required: N/A	
10) Describe the issue and action that should be addressed: Welcome New Board Member, Steven Wagner.			
11) Authorization			
Nifty Lynn Dio		9/17/2015	
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.			



SCOTT WALKER
OFFICE OF THE GOVERNOR
STATE OF WISCONSIN

P.O. Box 7863
MADISON, WI 53707

GOVERNOR'S APPOINTMENT

NAME: Mr. Steven Wagner

MAILING ADDRESS: [REDACTED]

E-MAIL ADDRESS: [REDACTED]

RESIDES IN: Burlington, WI

TELEPHONE: [REDACTED]

OCCUPATION: Lead Architect
Anderson Ashton Design-Build

APPOINTED TO: Examining Board of Architects, Landscape
Architects, Professional Engineers,
Designers and Land Surveyors
Architect 2

TERM: A term to expire July 1, 2017

SUCCEEDS: Mr. Lawrence J. Schnuck

SENATE CONFIRMATION: Required

DATE OF APPOINTMENT: February 19, 2015

DATE OF NOMINATION: February 19, 2015

**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Nifty Lynn Dio, Bureau Assistant		2) Date When Request Submitted: 9/30/2015 <small>Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting</small>	
3) Name of Board, Committee, Council, Sections: Designer Section			
4) Meeting Date: 10/06/2015	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? New Member: Ralf Kelm	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes (Fill out Board Appearance Request) <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required: n/a	
10) Describe the issue and action that should be addressed: Please welcome the new Section Member.			
11) Authorization			
Nifty Lynn Dio		9/30/15	
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	
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SCOTT WALKER
OFFICE OF THE GOVERNOR
STATE OF WISCONSIN

P.O. Box 7863
MADISON, WI 53707

GOVERNOR'S APPOINTMENT

NAME: Mr. Ralf Kelm

MAILING ADDRESS: [REDACTED]
[REDACTED]

E-MAIL ADDRESS: [REDACTED]

RESIDES IN: Brookfield, WI

TELEPHONE: [REDACTED]
[REDACTED]

OCCUPATION: Electrical Engineer
Faith Technologies

APPOINTED TO: Examining Board of Architects, Landscape
Architects, Professional Engineers,
Designers and Land Surveyors
Designer Engineer

TERM: A term to expire July 1, 2018

SUCCEEDS: Mr. James F. Mickowski

SENATE CONFIRMATION: Required

DATE OF APPOINTMENT: September 16, 2015

DATE OF NOMINATION: September 16, 2015

**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Katie Vieira Administrative Rules Coordinator		2) Date When Request Submitted: 9/24/2015 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: Joint Board of Architects, Landscape Architects, Professional Engineers, Designers, and Professional Land Surveyors											
4) Meeting Date: October 7, 2015	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Public Hearing - A-E 3, 4, 6, and 9 relating to entrance to exams Review of Clearinghouse Report - A-E 3, 4, 6, and 9 relating to entrance to exams									
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes (Fill out Board Appearance Request) <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required: N/A									
10) Describe the issue and action that should be addressed: The public hearing will be held at 9:15 AM. The Board will discuss any public hearing comments. The Board will review and consider the comments in the Clearinghouse Report.											
11) Authorization <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%; border-top: 1px solid black; border-bottom: 1px solid black;">Katie Vieira</td> <td style="width: 40%; border-top: 1px solid black; border-bottom: 1px solid black; text-align: right;">9/24/2015</td> </tr> <tr> <td style="border-bottom: 1px solid black;">Signature of person making this request</td> <td style="border-bottom: 1px solid black; text-align: right;">Date</td> </tr> <tr> <td style="border-bottom: 1px solid black;">Supervisor (if required)</td> <td style="border-bottom: 1px solid black; text-align: right;">Date</td> </tr> <tr> <td colspan="2" style="border-bottom: 1px solid black;">Executive Director signature (indicates approval to add post agenda deadline item to agenda) Date</td> </tr> </table>				Katie Vieira	9/24/2015	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	
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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											
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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,	:	ARCHITECTS, LANDSCAPE
LANDSCAPE ARCHITECTS,	:	ARCHITECTS, PROFESSIONAL
PROFESSIONAL ENGINEERS,	:	ENGINEERS, DESIGNERS AND
DESIGNERS AND LAND SURVEYORS	:	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 was 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. No comments were received.

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:

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 the public hearing to be held on October 7, 2015 at 9:15am 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 (b)~~, Stats., s. 443.06 (2) (b), Stats., an applicant for ~~registration licensure~~ 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

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis

Original Updated Corrected

2. Administrative Rule Chapter, Title and Number

A-E 3, 4, 6, 9

3. Subject

Requirements for Entrance to Exams

4. Fund Sources Affected

GPR FED PRO PRS SEG SEG-S

5. Chapter 20, Stats. Appropriations Affected

20.165 (1) (g)

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

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.

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 during that time period

11. Identify the local governmental units that participated in the development of this EIA.

None. This rule does not affect local government units.

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)

This rule will have no economic or fiscal impact on specific business, business sectors, public utility rate payers, local government units or the state's economy as a whole.

13. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule

The proposed rule will implement the legislative intent of 2013 Wisconsin Act 114 and bring greater consistency between Wisconsin Administrative Code Chapters A-E 3, 4, 6, and 9 and the Wisconsin Statutes.

14. Long Range Implications of Implementing the Rule

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

The long range implication of implementing the proposed rule includes eliminating barriers that prevent applications from taking their credentialing exams as soon as they are prepared to enter their chosen profession.

15. Compare With Approaches Being Used by Federal Government

None.

16. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

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).

17. Contact Name

18. Contact Phone Number

ADMINISTRATIVE RULES
Fiscal Estimate & Economic Impact Analysis

Katie Paff

608-261-4472

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



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Scott Grosz
Clearinghouse Director

Terry C. Anderson
Legislative Council Director

Margit S. Kelley
Clearinghouse Assistant Director

Jessica Karls-Ruplinger
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 15-040

AN ORDER to repeal A-E 3.05 (2) and (3), 4.07 (2) and (3), 6.05 (4) and (5), and 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 examinations.

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

05-07-2015 RECEIVED BY LEGISLATIVE COUNCIL.

06-04-2015 REPORT SENT TO AGENCY.

MSK:MS

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

Scott Grosz
Clearinghouse Director

Terry C. Anderson
Legislative Council Director

Margit Kelley
Clearinghouse Assistant Director

Jessica Karls-Ruplinger
Legislative Council Deputy Director

CLEARINGHOUSE RULE 15-040

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Reference Bureau and the Legislative Council Staff, dated December 2014.]

1. Statutory Authority

a. Sections 443.03, 443.035, and 443.06, Stats., provide statutory authority related to the registration of architects and landscape architects, and licensure of professional land surveyors, respectively. It appears that these statutes are being interpreted by the rule because the rule amends the registration of architects and landscape architects, and licensure of professional land surveyors. As such, these statutes should be listed under the statutes interpreted section of the rule summary. [s. 1.02 (2m) (a) and (b), Manual.]

b. Statutory authority for the examinations of architects, landscape architects, professional engineers, and professional land surveyors are provided under ss. 443.06 and 443.09, Stats. It appears that these statutes are being interpreted by the rule because the rule amends certain examination procedures, including the examination application timeline. As such, these statutes should be listed under the statutes interpreted section of the rule summary. [s. 1.02 (2m) (a) and (b), Manual.]

c. 2013 Wisconsin Act 358 amended requirements related to professional land surveyors that resulted in the changes made in SECTION 5 of the proposed rule. This Act, as well as 2013 Wisconsin Act 114, should be listed under both the explanation of agency authority and plain language analysis sections of the rule summary.

2. Form, Style and Placement in Administrative Code

a. Currently, ss. A-E 3.02, 4.02, 6.02, and 9.02 address the applications for registration of architects, landscape architects, professional engineers, and professional land surveyors using the same structure and phrasing in each section's title and text. However, SECTION 1 of the proposed rule repeals and recreates s. A-E 3.02 with a different title and text structure from those sections. SECTIONS 4 and 9 appear to make similar changes in chs. A-E 6 and A-E 9, as SECTION 1 does for ch. A-E 3. However, instead of repealing and recreating the section, SECTION 4 creates a new section, s. A-E 6.025, and SECTION 9 uses cross-references to the statutes. The board could determine what structure it prefers, and revise the sections accordingly, so that the rules are internally consistent.

b. In SECTION 5 of the proposed rule, the strike-through and underscoring of the statute citations should be removed, and only the portion for "(a) and" should be shown with a strike-through.

c. The proposed rule repeals ss. A-E 3.05 (3), 4.07 (3), and 6.05 (4), which currently specify how far in advance of an examination to become a registered architect, registered professional engineers, or licensed professional land surveyor an application may be submitted. The rule does not repeal the comparable requirement for registration as a landscape architect, found in s. A-E 9.05 (3). It appears that the board has the authority to make these determinations under ss. 443.06 (1), and 443.09, Stats. The board should review these changes and determine whether it intends to be consistent in repealing all administrative code provisions related to when examination applications must be submitted.

d. The rule repeals s. A-E 6.05 (5), which specifies that an examination for professional land surveyor licensure must be held at the time, date, and site designated by the board. The rule does not, however, repeal similar provisions found in ss. A-E 3.05 (5), 4.07 (5), and 9.05 (5). It appears that the board has the authority to make these determinations under ss. 443.06 (1) and 443.09, Stats. The board should review the rule and determine whether it intends to be consistent in repealing all administrative code provisions related to the place and time of examinations.

e. The plain language analysis states that the rule updates the administrative code to reflect the changes made by 2013 Wisconsin Act 114. Specifically, the Act prohibits the department and its credentialing boards from requiring a person to complete any post-secondary education or other program before being eligible to take an examination for a credential granted or issued by the department or board. However, the proposed rule also makes changes to all of the following procedures, which are not mentioned in the plain language analysis: (1) registration of architects; (2) landscape architect registration; and (3) professional land surveyor licensure and education. While the plain language summary is not intended to be an exhaustive discussion of the rule, it should contain sufficient detail to enable the reader to understand the content of the rule, and the changes made if any, in existing rules. [s. 1.02 (2) (b), Manual.] As such, the plain language analysis should include a discussion of these additional changes.

f. The reference to 2013 Wisconsin Act 114 should be removed from the statutory authority section of the rule summary, and any applicable specific statutes should instead be listed.

3. Conflict With or Duplication of Existing Rules

In s. A-E 6.05 (3), the proposed rule specifies the time period within which a person must take and pass the following two examinations for licensure as a professional land surveyor: (1) the fundamentals of surveying examination; and (2) the national principles and practice surveying examination. However, s. A-E 6.05 (1) references a third examination: the state jurisdictional examination, which is relative to Wisconsin specific practice. To avoid confusion as to how many examinations an applicant must take, the board should clarify what is required with respect to the jurisdictional examination.

4. Adequacy of References to Related Statutes, Rules and Forms

a. Currently, s. A-E 6.05 (9) includes a reference to s. 443.09 (6), Stats., which was repealed in 2011 Wisconsin Act 146. A note to sub. (9) states that this will be removed in future rule-making by the board. Because SECTION 8 of the proposed rule repeals other provisions found in s. A-E 6.05, the board could consider also repealing sub. (9).

b. The rule created under SECTION 9 cross-references ss. 443.035 (1) (a) or (b), and 443.09 (4m), Stats. However, s. 443.035 (2), Stats., already contains a cross-reference to s. 443.09, Stats. As such, it appears that a general cross-reference to s. 443.035, Stats., by itself, would be sufficient. The board should review the two cross-references listed in SECTION 9 and determine whether a general cross-reference to s. 443.035, Stats., achieves its intent.

**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Brittany Lewin Executive Director		2) Date When Request Submitted: Items will be considered late if submitted after 12:00 p.m. and less than: ■ 8 work 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: 10/7/15	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Update from Legislative Liaison										
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	8) Is an appearance before the Board being scheduled? If yes, who is appearing? <input type="checkbox"/> Yes by _____ (name) <input type="checkbox"/> No	9) Name of Case Advisor(s), if required:										
10) Describe the issue and action that should be addressed: Update from Legislative Liaison. See attached bill draft. The Board will discuss the draft.												
<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 35%; border-bottom: 1px solid black;">11) Signature of person making this request</td> <td style="width: 30%; text-align: center; border-bottom: 1px solid black;">Authorization</td> <td style="width: 35%; text-align: right; border-bottom: 1px solid black;">Date</td> </tr> <tr> <td style="border-bottom: 1px solid black;">Supervisor (if required)</td> <td></td> <td style="text-align: right; border-bottom: 1px solid black;">Date</td> </tr> <tr> <td colspan="2" style="border-bottom: 1px solid black;">Bureau Director signature (indicates approval to add post agenda deadline item to agenda)</td> <td style="text-align: right; border-bottom: 1px solid black;">Date</td> </tr> </table>				11) Signature of person making this request	Authorization	Date	Supervisor (if required)		Date	Bureau Director signature (indicates approval to add post agenda deadline item to agenda)		Date
11) Signature of person making this request	Authorization	Date										
Supervisor (if required)		Date										
Bureau 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 Board Services Bureau Director. 3. If necessary, Provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.												



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 **AN ACT** *to amend* 443.02 (3) and 443.02 (4); and *to create* 443.015 (1m) of the
2 statutes; **relating to:** waiver of continuing education requirements for certain
3 retired professionals holding credentials granted by the Examining Board of
4 Architects, Landscape Architects, Professional Engineers, Designers, and
5 Professional Land Surveyors and requiring the exercise of rule-making
6 authority.

Analysis by the Legislative Reference Bureau

Under current law, each section of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, and Professional Land Surveyors (examining board) is authorized to establish by rule continuing education requirements for renewal of a credential granted by the examining board.

Under this bill, any such rules must provide that an applicant for credential renewal who has actively maintained that credential for a minimum of 30 consecutive years may, at the discretion of the appropriate section of the examining board, receive a waiver of continuing education requirements upon request and certification that the applicant has retired from professional practice and no longer engages in that practice. A person receiving such a waiver may maintain his or her professional title but may not engage in the relevant practice. Also, under the bill, a person receiving such a waiver may not be charged a renewal fee to maintain his or her professional credential.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 443.015 (1m) of the statutes is created to read:

2 443.015 **(1m)** (a) Any rules a section of the examining board promulgates under
3 sub. (1) shall provide that an applicant for renewal of his or her credential under this
4 chapter who has actively maintained that credential for at least 30 consecutive years
5 may, at the discretion of the appropriate section of the examining board, receive a
6 waiver of continuing education requirements upon request and certification that the
7 applicant has retired from and no longer engages in the practice for which the
8 applicant holds the credential.

9 (b) A person who receives a waiver under par. (a) may not engage in the practice
10 for which the person holds the credential subject to waiver, unless he or she satisfies
11 requalification requirements established by the appropriate section of the
12 examining board by rule.

13 (c) A person who receives a waiver under par. (a) may not be charged a renewal
14 fee to renew the credential subject to waiver, unless the person resumes his or her
15 practice under the credential after satisfying any requalification requirements
16 established by the appropriate section by rule.

17 **SECTION 2.** 443.02 (3) of the statutes is amended to read:

18 443.02 **(3)** No person may offer to practice architecture, landscape architecture,
19 or professional engineering or, except as provided in rules promulgated by the
20 appropriate section under s. 443.015 (1m), use in connection with the person's name
21 or otherwise assume, use or advertise any title or description tending to convey the

1 impression that he or she is an architect, landscape architect, or professional
2 engineer or advertise to furnish architectural, landscape architectural, or
3 professional engineering services unless the person has been duly registered or has
4 in effect a permit under s. 443.10 (1) (d).

5 **SECTION 3.** 443.02 (4) of the statutes is amended to read:

6 443.02 (4) No person may engage in or offer to engage in the practice of
7 professional land surveying in this state or, except as provided in rules promulgated
8 by the professional land surveyor section under s. 443.015 (1m), use or advertise any
9 title or description tending to convey the impression that the person is a professional
10 land surveyor unless the person has been granted a license under this chapter to
11 engage in the practice of professional land surveying.

12

(END)

**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Katie Vieira Administrative Rules Coordinator		2) Date When Request Submitted: 9/24/2015 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: Joint Board of Architects, Landscape Architects, Professional Engineers, Designers, and Professional Land Surveyors			
4) Meeting Date: October 7, 2015	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Pending Rules Update	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes (Fill out Board Appearance Request) <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required: N/A	
10) Describe the issue and action that should be addressed: The Scope Statement for A-E 13 relating to continuing education for professional engineers was submitted to the Governor's Office on September 17, 2015. A public hearing for A-E 7 relating to survey maps was held on July 30, 2015. The Professional Land Surveyors Section will be holding an extra meeting in October to discuss the public hearing and Clearinghouse comments. A-E 1, 2, 6, 7, and 8 relating to land surveyor professional licensure was submitted to the Legislature on August 20, 2015. On August 26 th it was referred to the Senate Committee on Labor and Government Reform; and on September 3 rd it was referred to the Assembly Committee on State Affairs and Government Operations. If the standing committees and JCRAR do not request a hearing or request more information the anticipated end of the legislative review period is mid- November.			
11) Authorization			
Katie Vieira		9/23/2015	
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.			

STATEMENT OF SCOPE

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

Rule No.: A-E 13

Relating to: Continuing Education

Rule Type: Permanent

1. Finding/nature of emergency (Emergency Rule only):

N/A

2. Detailed description of the objective of the proposed rule:

The objective of the proposed rule is to provide greater clarity with regards to continuing education requirements and standards for Professional Engineers.

3. Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives:

Chapter A-E 13 relates to biennial continuing education for Professional Engineers. The current rules establish the continuing education requirements for registration renewal, qualifying activities for obtaining continuing education, standards for continuing education approval, process for waiving continuing education requirements, and late renewal requirements.

The proposed rule will more clearly specify the standards for continuing education approval resulting in a more transparent and consistent approval process for continuing education program providers. The proposed rule will also more precisely delineate the qualifying activities for obtaining continuing education credit hours. This change would provide greater assurance that the continuing education being undertaken by Professional Engineers will provide the desired level of competency to protect the health, safety and welfare of the public. This change also will provide registered Professional Engineers greater assurance that the time and money spent on obtaining continuing education credit will satisfy the requirements set in administrative code. Currently, chapter A-E 13 requires renewal applicants to complete two hours in professional conduct and ethics, but does not define what constitutes professional conduct and ethics. The proposed rule will provide a definition of professional conduct and ethics. The current rule states that late renewal applicants must submit a record with information providing proof of compliance with the continuing education requirements. The proposed rule will require late renewal applicants to follow the same procedures as those applicants who renew prior to the established renewal date. This change simply would require late renewal applicants to certify on the application full compliance with the continuing education requirements. Similar to applicants who renew prior to the established renewal date, under the proposed rule the late renewal registrant must maintain records of the completed continuing education hours in compliance with A-E 13.07.

Chapter A-E 13 will be further reviewed for clarity, consistency, and format which may result in other revisions.

4. Detailed explanation of statutory authority for the rule (including the statutory citation and language):

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

Section 227.11 (2) (a), Stats., sets forth the parameters of an agency's rule-making authority, stating an agency, "may promulgate rules interpreting provisions of any statute enforced or administered by the agency. . .but a rule is not valid if the rule exceeds the bounds of correct interpretation."

Section 443.015 (1), Stats., provides that each section of the examining board "may establish continuing education requirements for renewal of a credential issued by that section under this chapter."

5. Estimate of amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule:

120 hours

6. List with description of all entities that may be affected by the proposed rule:

Licensed professional engineers and providers of professional engineer continuing education

7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule:

None.

8. Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses):

The proposed rule will have minimal to no economic impact on small businesses and the state's economy as a whole.

Contact Person: Katie Vieira, (608) 261-4472, Kathleen.Vieira@wisconsin.gov

Approved for publication:



Authorized Signature

9/17/15

Date Submitted

Approved for implementation:

Authorized Signature

Date Submitted

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,	:	ARCHITECTS, LANDSCAPE
LANDSCAPE ARCHITECTS,	:	ARCHITECTS PROFESSIONAL
PROFESSIONAL ENGINEERS,	:	ENGINEERS, DESIGNERS, AND
DESIGNERS, AND LAND SURVEYORS	:	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 practice, conduct, and continuing education.

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 was 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. No comments were received.

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 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 the public hearing to be held on July 30, 2015 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 adjoining 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

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis

Original Updated Corrected

2. Administrative Rule Chapter, Title and Number

A-E 7

3. Subject

Practice, conduct, and continuing education

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

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.

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 during that time period

11. Identify the local governmental units that participated in the development of this EIA.

None. This rule does not affect local government units.

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)

This rule will have no economic or fiscal impact on specific business, business sectors, public utility rate payers, local government units or the state's economy as a whole.

13. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule

The current rule provides greater clarity and updates the administrative code to reflect current practices for professional land surveyors with regards to minimum survey standards. The alternative to implementing the rule would be to

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

continue with rules that are outdated and unclear.

14. Long Range Implications of Implementing the Rule

Greater compliance with minimum survey standards resulting from clearer, more appropriate administrative rules.

15. Compare With Approaches Being Used by Federal Government

None.

16. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

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).

17. Contact Name

Katie Paff

18. Contact Phone Number

(608) 261-4472

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

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

**IN THE MATTER OF RULEMAKING :
PROCEEDINGS BEFORE THE : REPORT TO THE LEGISLATURE
EXAMINING BOARD OF : CR15-036
ARCHITECTS, LANDSCAPE :
ARCHITECTS, PROFESSIONAL :
ENGINEERS, DESIGNERS, AND :
PROFESSIONAL LAND SURVEYORS :**

I. THE PROPOSED RULE:

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

II. REFERENCE TO APPLICABLE FORMS:

None

III. FISCAL ESTIMATE AND EIA:

The Fiscal Estimate and EIA document is attached.

IV. DETAILED STATEMENT EXPLAINING THE BASIS AND PURPOSE OF THE PROPOSED RULE, INCLUDING HOW THE PROPOSED RULE ADVANCES RELEVANT STATUTORY GOALS OR PURPOSES:

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.

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

The Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, and Professional Land Surveyors held a public hearing on July 30th, 2015. The following people either testified at the hearing, or submitted written comments:

Francis Thousand
Jeffrey Demvik

Bob Welch

The Board summarizes the comments received either by hearing testimony or by written submission as follows:

All people testified in support of the proposed rule. Mr. Thousand suggested removing “registration” and replacing it with “licensure” in A-E 6.04 (1) and (4).

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

The Board removed “registration” and replaced it with “licensure” in A-E 6.04 (1) and (4).

VI. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:

All of the recommendations suggested in the Clearinghouse Report have been accepted in whole.

VII. REPORT FROM THE SBRRB AND FINAL REGULATORY FLEXIBILITY ANALYSIS:

N/A

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

IN THE MATTER OF RULEMAKING	:	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)

PROPOSED ORDER

An order of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, and Professional 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 was 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. No comments were received.

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 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 the public hearing on July 30, 2015 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 (2) (bm)~~, Stats., an applicant for ~~registration~~ licensure 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~~ licensure 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 (a), and (5) (c) 4. and 5. 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.

(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 20. 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 21. 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 22. 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 23. 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 24. A-E 8.07 (2) (Note) is repealed.

SECTION 25. 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 26. 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 27. 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 28. 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 29. Chapter A-E 10 (title) is amended to read:

CONTINUING EDUCATION FOR
PROFESSIONAL LAND SURVEYORS

SECTION 30. 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 31. 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 32. A-E 10.03 (1) (a), (b) (intro.) and 3., (2) (b) to (d) and (g), and (4) 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.

(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.

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

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

(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 33. 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 34. A-E 10.04 (2) (d) is repealed.

SECTION 35. A-E 10.05 (1) to (5) are 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 36. 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 37. 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 38. 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 39. 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)

This Proposed Order of the Examining Board of Architects, Landscape Architects,
Professional Engineers, Designers, and Professional Land Surveyors is approved for
submission to the Governor and Legislature.

Dated Aug 3, 2015

Agency



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

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis

Original Updated Corrected

2. Administrative Rule Chapter, Title and Number

A-E 1, 2, 6, 7, 8, 10

3. Subject

Professional Land Surveyor Licensure

4. Fund Sources Affected

GPR FED PRO PRS SEG SEG-S

5. Chapter 20, Stats. Appropriations Affected

20.165(1)(g)

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

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.

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 during that time period

11. Identify the local governmental units that participated in the development of this EIA.

None. This rule does not affect local government units.

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)

This rule will have no economic or fiscal impact on specific business, business sectors, public utility rate payers, local government units or the state's economy as a whole.

13. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule

The proposed rule updates Wisconsin Administrative Code Chapters A-E 1 to 10 to bring them in line with the

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

Wisconsin Statutes as affected by 2013 Wisconsin Act 358.

14. Long Range Implications of Implementing the Rule

The proposed rule updates Wisconsin Administrative Code Chapters A-E 1 to 10 to bring them in line with the Wisconsin Statutes as affected by 2013 Wisconsin Act 358.

15. Compare With Approaches Being Used by Federal Government

None

16. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

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.

17. Contact Name

Katie Paff

18. Contact Phone Number

608-261-4472

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