



PROFESSIONAL LAND SURVEYOR SECTION
Room 121A, 1400 East Washington Avenue, Madison
Contact: Brittany Lewin (608) 266-2112
July 30, 2015

The following agenda describes the issues that the Professional Land Surveyor Section 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 record of the actions of the Professional Land Surveyor Section.

AGENDA

9:00 A.M.

OPEN SESSION – CALL TO ORDER – ROLL CALL

A) Adoption of Agenda

B) Approval of the Minutes (4-6)

1. April 9, 2015

C) Administrative Updates

D) Public Hearing 9:15 A.M.

1. Public Hearing and Review of Clearinghouse Comments for CR15-036 relating to Land Surveyor Professional Licensure **(7-28)**
2. Public Hearing and Review of Clearinghouse Comments for CR15-039 **(29-44)** amending A-E 7 relating to Practice, Conduct, and Continuing Education

E) Legislative/Administrative Rule Matters – Discussion and Consideration

1. CR13-020 Relating to Electronic Seals and Signatures- Update **(45-52)**
2. CR15-040 Relating to Entrance to Exams **(53-61)**
3. Possible Rulemaking Projects

F) Informational Items

1. NCEES Annual Meeting Summary of Motions **(62-101)**

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. Presentations of Petitions for Summary Suspension
11. Presentation of Proposed Stipulations, Final Decisions and Orders
12. Presentation of Proposed Decisions
13. Presentation of Interim Orders
14. Petitions for Re-Hearing
15. Petitions for Assessments
16. Petitions to Vacate Orders
17. Petitions for Designation of Hearing Examiner
18. Requests for Disciplinary Proceeding Presentations
19. Motions
20. Petitions
21. Speaking Engagement(s), Travel, or Public Relation Request(s)

A) Public Comments

CONVENE TO CLOSED SESSION to deliberate on cases following hearing (§ 19.85 (1) (a), Stats.); to consider licensure or certification of individuals (§ 19.85 (1) (b), Stats.); to consider closing disciplinary investigations with administrative warnings (§ 19.85 (1) (b), Stats. and § 440.205, Stats.); to consider individual histories or disciplinary data (§ 19.85 (1) (f), Stats.); and to confer with legal counsel (§ 19.85 (1) (g), Stats.).

B) Application Matters (102-104)

- 1) Bergstrom, Tyler T
- 2) Copiskey, Todd M
- 3) Lablonde, Dustin J
- 4) Nelson, Jason R
- 5) Smith, Julius W
- 6) Spetz, Brian T
- 7) Thiry, Tyler D
- 8) Tumbev, Nikolay G
- 9) Zoltowski, Jesse

C) Administraive Warning

- 1) 14 LSR 002 S.I.W. **(105-106)**

D) Education and Examination Matters

- 1) Continuing Education Review – T.N. **(107-128)**

E) Case Closings

- 1) 13 LSR 002, 14 LSR 005, 13 LSR 003 J.W.M. **(129-136)**

F) Proposed Stipulation and Final Decision and Order

- 1) 14 LSR 013– Ronald M. Pennequin **(137-142)**

G) Deliberation of Items Added After Preparation of the Agenda

- 1) Education and Examination Matters
- 2) Credentialing Matters
- 3) Disciplinary Matters
- 4) Monitoring Matters
- 5) Professional Assistance Procedure (PAP) Matters
- 6) Petitions for Summary Suspensions

- 7) Proposed Stipulations, Final Decisions and Order
- 8) Administrative Warnings
- 9) Proposed Decisions
- 10) Matters Relating to Costs
- 11) Case Closings
- 12) Case Status Report
- 13) Petitions for Extension of Time
- 14) Proposed Interim Orders
- 15) Petitions for Assessments and Evaluations
- 16) Petitions to Vacate Orders
- 17) Remedial Education Cases
- 18) Motions
- 19) Petitions for Re-Hearing
- 20) Appearances from Requests Received or Renewed

H) Consulting with Legal Counsel

RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

D) Vote on Items Considered or Deliberated Upon in Closed Session, if Voting is Appropriate

ADJOURNMENT

**LAND SURVEYOR SECTION
EXAMINING BOARD OF ARCHITECTS, LANDSCAPE ARCHITECTS,
PROFESSIONAL ENGINEERS, DESIGNERS AND LAND SURVEYORS
MEETING MINUTES
April 9, 2015**

PRESENT: Bruce Bowden (*Via Goto Meeting*), Matthew Janiak, Ruth G. Johnson

EXCUSED: Daniel Fedderly

STAFF: Brittany Lewin, Executive Director; Kelly Williams, Bureau Assistant; Katie Paff, Rules Coordinator.

CALL TO ORDER

Matthew Janiak, Chair, called the meeting to order at 9:36 A.M. A quorum of three (3) members was confirmed.

ADOPTION OF AGENDA

Amendments:

- Under Item G. - Add item 4. (Closed Session) as “Tyler Bergstrom”

MOTION: Ruth G Johnson moved, seconded by Bruce Bowden, to adopt the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES

MOTION: Bruce Bowden moved, seconded by Ruth G Johnson, to approve the minutes of January 14, 2015 as published. Motion carried unanimously.

LEGISLATIVE/ADMINISTRATIVE RULE MATTERS

REVIEW AND DISCUSSION OF A-E 7, RELATING TO MINIMUM SURVEY STANDARDS

MOTION: Bruce Bowden moved, seconded by Ruth G. Johnson, to authorize the Chair to approve the preliminary rule draft of A-E 7 relating to minimum survey standards as amended at this meeting, for posting of economic impact comments and submission to the Clearinghouse. Motion carried unanimously.

MOTION: Bruce Bowden moved, seconded by Ruth G. Johnson, to approve the preliminary rule draft of A-E 1, 2, 6, 7, 8, and 10 relating to land surveyor professional licensure for posting for economic impact comments and submission to the Clearinghouse. Motion carried unanimously.

CLOSED SESSION

MOTION: Ruth G. Johnson, seconded by Bruce Bowden, to convene to Closed Session to deliberate on cases following hearing (§ 19.85(1) (a), Stats.); to consider licensure or certification of individuals (§ 19.85 (1) (b), Stats.); to consider closing disciplinary investigations with administrative warnings (§ 19.85 (1) (b), Stats. and § 440.205, Stats.); to consider individual histories or disciplinary data (§ 19.85 (1) (f), Stats.); and to confer with legal counsel (§ 19.85 (1) (g), Stats.). The Chair read the language of the motion aloud for the record. The vote of each member was ascertained by voice vote. Roll Call Vote: Bruce Bowden – yes; Matthew Janiak – yes; Ruth G. Johnson – yes. Motion carried unanimously.

The Board convened into Closed Session at 10:20 A.M.

RECONVENE TO OPEN SESSION

MOTION: Ruth G. Johnson moved, seconded by Bruce Bowden, to reconvene in Open Session at 11:37 A.M. Motion carried unanimously.

VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION, IF VOTING IS APPROPRIATE

MOTION: Ruth G. Johnson moved, seconded by Bruce Bowden, to affirm all Motions made and Votes taken in Closed Session. Motion carried unanimously.

APPLICATION MATTERS

MOTION: Ruth G. Johnson moved, seconded by Bruce Bowden, to approve the Professional Land Surveyor License application of Jonathon Jacobs, pending review by the credentialing liaison and once all requirements are met. Motion carried unanimously.

MOTION: Bruce Bowden moved, seconded by Ruth G. Johnson, intent to deny the Professional Land Surveyor License application of Tyler D. Thiry, due to lack of experience as required by WI A-E 6.03. (1)(a). Motion carried unanimously.

MOTION: Bruce Bowden moved, seconded by Ruth G. Johnson, intent to deny the Professional Land Surveyor License application of Jesse Zoltowski, due to lack of experience as required by WI A-E 6.03. (1)(a). Motion carried unanimously.

EDUCATION AND EXAMINATION MATTERS

MOTION: Bruce Bowden moved, seconded by Ruth G. Johnson, to approve the continuing education waiver request of W.J.M. Motion carried unanimously.

CASE CLOSINGS

14 LSR 012

MOTION: Bruce Bowden moved, seconded by Ruth G. Johnson, to close DLSC case number 14 LSR 012, against G.A.M., for No Violation (NV). Motion carried unanimously.

14 LSR 014

MOTION: Ruth G. Johnson moved, seconded by Bruce Bowden, to close DLSC case number 14 LSR 014, against M.G.R., for No Violation (NV). Motion carried unanimously.

PROPOSED STIPULATION FINAL DECISIONS AND ORDERS

12 LSR 003

MOTION: Bruce Bowden moved, seconded by Ruth G. Johnson, to adopt the Findings of Fact, Conclusions of Law, and Proposed Decision and Order in the matter of disciplinary proceedings against Michael H. VanHenkelum, Respondent DLSC case number 12 LSR 003. Motion carried unanimously.

12 LSR 003

MOTION: Bruce Bowden moved, seconded by Ruth G. Johnson, to adopt the Findings of Fact, Conclusions of Law, and Proposed Decision and Order in the matter of disciplinary proceedings against Paul H. VanHenkelum, Respondent DLSC case number 12 LSR 003. Motion carried unanimously.

14 LSR 011

MOTION: Bruce Bowden moved, seconded by Ruth G. Johnson, to adopt the Findings of Fact, Conclusions of Law, and Proposed Decision and Order in the matters of disciplinary proceedings against Bruce W. Cecka, Respondent DLSC case number 14 LSR 011. Motion carried unanimously.

ADJOURNMENT

MOTION: Ruth G. Johnson moved, seconded by Bruce Bowden, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 11:38 A.M.

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

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Katie Vieira (Paff) Administrative Rules Coordinator		2) Date When Request Submitted: 7/15/2015 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: Land Surveyors Section			
4) Meeting Date: 7/30/2015	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Public Hearing and Review of Clearinghouse Comments for CR15-036 relating to land surveyor professional licensure	
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 Section will review and discuss the Clearinghouse comments.			
11) Authorization			
Katie Vieira (Paff)		07/15/15	
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	
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.			

STATE OF WISCONSIN
EXAMINING BOARD OF ARCHITECTS, LANDSCAPE ARCHITECTS,
PROFESSIONAL ENGINEERS, DESIGNERS AND 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 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 (bm), Stats., an applicant for registration as a professional land surveyor shall have satisfactorily completed at least 60 semester credits in a civil engineering or land surveying curriculum including no less than 12 semester credits in professional land surveying which shall be in the following categories of study:

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

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

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

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

(b) Received a bachelor's degree in civil engineering of not less than 4 years duration from a college or university accredited by a regional accrediting agency approved by the state where the college or university is located. The curriculum shall include no less than 16 of 24 semester credits in courses concentrating on the legal

principles of professional land surveying and the technical aspects of professional land surveying. These courses shall include areas of study such as research of public and private records, principles of evidence and the interpretation of written documents used in boundary determination, the study of the legal elements of professional land surveying including those involving resurveys, boundary disputes, defective descriptions, riparian rights and adverse possession, the study of the professional and judicial functions of a professional land surveyor, the study of surveying methods for measuring distance and angular values, note keeping, computation and writing descriptions and the study of the Wisconsin statutes and local ordinances relating to the preparation of subdivision maps and plats, other land divisions and real property creation. The applicant may be allowed to receive up to 8 credits in certain other courses relating to surveying. These courses may include "engineering surveying," "municipal surveying," "route surveying," "highway surveying," "topographic surveying," "geodetic surveying," "photogrammetry," "cartography," "construction surveying," "air photo interpretation," "artillery surveying," "geographic information systems," "land information systems" and "remote sensing systems."

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

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

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

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

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

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

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

SECTION 13. A-E 6.07 is repealed.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CONTINUING EDUCATION FOR
PROFESSIONAL LAND SURVEYORS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 41. EFFECTIVE DATE. The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin administrative register, pursuant to s. 227.22 (2) (intro.), Stats.

(END OF TEXT OF RULE)

Dated _____

Agency _____

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

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

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 15-036

AN ORDER 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), (2) (b), and (10), 6.06 (intro.), 7.01 (2) (intro.), 7.03, 7.05 (6), 7.08 (1) (b) and (3) (b) and (i), 8.02, 8.03 (1), (3) (intro.) and (a), and (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., (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.

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

04-23-2015 RECEIVED BY LEGISLATIVE COUNCIL.
05-21-2015 REPORT SENT TO AGENCY.

MSK:MQ

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

Margit Kelley
Clearinghouse Assistant Director

Terry C. Anderson
Legislative Council Director

Jessica Karls-Rupflinger
Legislative Council Deputy Director

CLEARINGHOUSE RULE 15-036

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.]

2. Form, Style and Placement in Administrative Code

- a. In the introductory clause for the proposed rule, for the listed treatment of s. A-E 6.04 (1) (intro.), a period should replace the comma in the reference to the rule section’s introductory material. Specifically, the listing should reference “(intro.)”. [s. 1.03 (3), Manual.]
- b. In the treatment clause for SECTION 6 of the proposed rule, a period should be inserted in the reference to “(intro.)”.
- c. SECTIONS 19 and 20 of the proposed rule could be combined, as both SECTIONS amend subsections of the same rule section. [s. 1.04 (2) (a) 4., Manual.]
- d. SECTIONS 33 and 34 of the proposed rule could be combined, as both SECTIONS amend subsections of the same rule section.

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

In s. A-E 6.04 (1), the language referencing a statutory citation should include reference to the proper subsection. Specifically, this provision should reference “s. 443.06 (2) (bm), Stats.”.

5. Clarity, Grammar, Punctuation and Use of Plain Language

In the treatment clause for SECTION 37 of the proposed rule, the word “are” should replace the word “is”.

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

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Katie Vieira (Paff) Administrative Rules Coordinator		2) Date When Request Submitted: 7/16/2015 <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: Land Surveyor Section			
4) Meeting Date: 7/30/2015	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Public Hearing and Review of Clearinghouse Comments for CR15-039 amending A-E 7 relating to practice, conduct, and continuing education	
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 Section will review and discuss the Clearinghouse comments.			
11) Authorization			
Katie Vieira (Paff)		7/16/2015	
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.			

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.

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.

I propose the following:

A-E 7.06 (2) The minimum accuracy of linear measurements between points shall be the larger of 1/100th foot or better than 1 part in 3,000 on all lines of the survey.

My reasoning is that on lines less than 30 feet in length, the 1 part in 3,000 requirement approaches an unattainable value. Additional reasoning is that the nearest 1/100th foot is the least number needed per (5) below. For example, DOT often acquires an additional 10 feet of right-of-way to widen a road or ditch. For a 10-foot long line, 1 part in 3,000 is 0.003 foot. Why would we expect lines to be measured to the nearest 0.003 foot and then only require showing the answer to the nearest 1/100th foot? I have also seen acquisitions with 3-foot lines, which is equivalent to 0.001 foot at 1 part in 3,000.

Do note that the wording states "minimum" accuracy. Greater accuracy is always a choice.

~~(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.~~

My comments.

1. It sounds to me that the first sentence of the proposed revision states an allowable accuracy. The second sentence says that if one does not meet that accuracy, that's ok. Does that give the surveyor the option to not meet it on "a bad hair day"?

2. What is the allowable, 2 centimeters (0.656 foot) or 0.7 foot? Incidentally, the above is written as "0.07 feet" which should be written as "0.07 foot."

3. What is the intended meaning of the phrase "...will result in survey measurements for which the maximum allowable relative positional precision may be exceeded."

3a. First it needs to be determined if the subject is relative positional accuracy or precision. At a minimum we need to be consistent.

3b. Is the intent of the last phrase "...will result in survey measurements for which the maximum allowable relative positional accuracy may not be realized economically?"

3c. If 3b above is the intent, then there should be a requirement to state why the maximum allowable relative positional accuracy was not met.

(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.

I propose the following:

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

My comment.

I am aware of situations where showing distances to the nearest 1/1,000th foot is advantageous. We should not prohibit this additional information.



**WISCONSIN LEGISLATIVE COUNCIL
RULES CLEARINGHOUSE**

Scott Grosz
Clearinghouse Director

Terry C. Anderson
Legislative Council Director

Margit S. Kelley
Clearinghouse Assistant Director

Jessica Karls-Rupflinger
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 15-039

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) (intro.) and (c) and (3) (e) and (9); and to repeal and recreate A-E 7.02, 7.03, 7.04, and 7.05, relating to practice, conduct, and continuing education.

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

05-01-2015 RECEIVED BY LEGISLATIVE COUNCIL.
06-01-2015 REPORT SENT TO AGENCY.

SG:DWS

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 and Jessica Karls-Rupflinger
Clearinghouse Co-Directors

Terry C. Anderson
Legislative Council Director

Laura D. Rose
Legislative Council Deputy Director

CLEARINGHOUSE RULE 15-039

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.]

2. Form, Style and Placement in Administrative Code

- a. SECTIONS 3 and 4 of the proposed rule may be combined into a single section as both sections relate to the same treatment. [s. 1.04 (2) (a) 1., Manual.]
- b. The proposed rule should be revised to move the substantive provisions included in the definition of “survey report” in s. A-E 7.02 (3) to another location in ch. A-E 7. [s. 1.01 (7) (b), Manual.]
- c. In SECTION 6, “(intro.)” should be added to s. A-E 7.08 (1) of the treatment clause as the introduction is being amended. Additionally, the introductory material should be revised to end in a colon as described in s. 1.03 (3) of the Manual.
- d. In s. A-E 7.08 (3) (g), the underscored text should follow stricken text. [s. 1.06 (1) (a), Manual.]

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

The introduction of s. A-E 7.05 refers to the survey report referenced in s. A-E 7.02 (1). It appears that the survey report is actually defined under s. A-E 7.02 (3) and the reference should be changed to reflect this discrepancy. [See, also, comment 2. b., above.]

5. Clarity, Grammar, Punctuation and Use of Plain Language

a. Section A-E 7.04 (4), is unclear. In the interest of remaining parallel with the prior subsections, it appears that the word “if” should be inserted between the comma and the word “the.”

b. In s. A-E 7.05 (4), the word “shall” used in the first sentence appears unneeded and is confusing. It appears that the word “shall” in the introductory paragraph is sufficient. Generally, the subsection should be revised for clarity.

c. In s. A-E 7.05 (9), a comma should be inserted between “media” and “or”.

d. In s. A-E 7.06 (3), the exemption from the maximum allowable relative positional accuracy should be clarified, through the inclusion of specific circumstances and processes that apply when the maximum allowable relative positional accuracy may be exceeded. Additionally, rather than saying, “it is recognized”, who will be responsible for making this determination?

e. In s. A-E 7.06 (5), the word “at” should be underlined in addition to the word “least” as neither word appears in the current language of the subsection.

f. The first introductory sentence of s. A-E 7.07 is unclear. It appears that the word “recorded” should be inserted between “be” and “according”, and that the word “otherwise” should be inserted between “unless” and “determined”, but it is not clear that these modifications match the drafter’s intent.

g. In s. A-E 7.08 (1) (c), a comma should be inserted in the first sentence after “disturbed” and before “except”.

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

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Katie Vieira (Paff) Administrative Rules Coordinator		2) Date When Request Submitted: 7/16/2015 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: Land Surveyor Section			
4) Meeting Date: 07/30/2015	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Update on CR13-020 relating to electronic seals and signatures and CR15-040 relating to entrance to exams and	
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: CR13-020 relating to electronic seals and signatures became effective on June 1, 2015. A public hearing will be held for CR15-040 relating to entrance to exams on at the next Joint Board meeting at 9:15AM on October 7, 2015.			
11) Authorization			
Katie Vieira (Paff)		7/16/2015	
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.			

CERTIFICATE

**STATE OF WISCONSIN
DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES**

I, Brittany Lewin, Executive Director, Division of Policy Development in the Wisconsin Department of Safety and Professional Services and custodian of the official records of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, and Professional Land Surveyors, do hereby certify that the annexed rules were duly approved and adopted by the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, and Professional Land Surveyors on the 22 day of April, 2015.

I further certify that said copy has been compared by me with the original on file in this office and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the board at 1400 East Washington Avenue, Madison, Wisconsin this 22 day of April, 2015.



**Brittany Lewin, Executive Director
Division of Policy Development
Department of Safety & Professional Services**

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 13-020)

ORDER

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

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted:

s. 443.17, Stats.

Statutory authority:

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

Explanation of agency authority:

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

Related statute or rule:

s. A-E 2.02

Plain language analysis:

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

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

There are no comparable or existing proposed federal regulations.

Comparison with rules in adjacent states:

The following comparisons are the result of various internet searches:

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

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

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

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

Summary of factual data and analytical methodologies:

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

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

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

Fiscal Estimate and Economic Impact Analysis:

The Fiscal Estimate and Economic Impact Analysis are attached.

Effect on small business:

These proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department's Regulatory Review Coordinator may be contacted by email at Eric.Esser@wisconsin.gov, or by calling (608) 267-2435.

Agency contact person:

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

TEXT OF RULE

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

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

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

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

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

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

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

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

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

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

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

SECTION 6. EFFECTIVE DATE. The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, pursuant to s. 227.22 (2) (intro.), Stats.

(END OF TEXT OF RULE)

Dated

April 22, 2015

Agency

Rosheem Styczyński
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

Wis. Admin. Ch. A-E 2.02

3. Subject

Electronic Seals and Signatures

4. Fund Sources Affected

GPR FED PRO PRS SEG SEG-S

5. Chapter 20, Stats. Appropriations Affected

6. Fiscal Effect of Implementing the Rule

No Fiscal Effect Increase Existing Revenues Increase Costs
 Indeterminate Decrease Existing Revenues Could Absorb Within Agency's Budget
 Decrease Cost

7. The Rule Will Impact the Following (Check All That Apply)

State's Economy Specific Businesses/Sectors
 Local Government Units Public Utility Rate Payers
 Small Businesses (if checked, complete Attachment A)

8. Would Implementation and Compliance Costs Be Greater Than \$20 million?

Yes No

9. Policy Problem Addressed by the Rule

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

10. Summary of the businesses, business sectors, associations representing business, local governmental units, and individuals that may be affected by the proposed rule that were contacted for comments.

This proposed rule was posted on the Department of Safety and Professional Services website and on the Wisconsin government website for 14 business days to solicit comments from the public. No businesses, business sectors, associations representing business local governmental units or individuals contacted the department about the proposed rule.

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

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

12. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred)

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

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

Electronic seals and signatures will allow greater flexibility in filing plans, specifications, plats, and reports and other documents. The benefit will go towards architects, landscape architects, professional engineers, designers and land

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

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

14. Long Range Implications of Implementing the Rule

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

15. Compare With Approaches Being Used by Federal Government

There are no comparable federal rules.

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

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

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

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

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

17. Contact Name

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 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.

**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: Professional Land Surveyor Section												
4) Meeting Date: 7/30/15	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Informational Item - NCEES Annual Meeting Summary of Motions										
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: For informational purposes, no action necessary. The Section previously delegated the Chair to vote and attend the Annual Meeting.												
<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%; border-bottom: 1px solid black;"> 11) Signature of person making this request </td> <td style="width: 20%; text-align: center; border-bottom: 1px solid black;"> Authorization </td> <td style="width: 20%; border-bottom: 1px solid black;"> Date </td> </tr> <tr> <td style="border-bottom: 1px solid black;"> Supervisor (if required) </td> <td></td> <td style="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="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
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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.												

MOTIONS TO BE PRESENTED AT THE 2015 ANNUAL MEETING

Advisory Committee on Council Activities

ACCA Motion 1

Move that the Generic P.E. Licensure Plus Protected S.E. Title and Restricted S.E. Practice approach as defined under Charge 2 of the ACCA report be incorporated into the *Model Law* and *Model Rules* and that the appropriate committee or task force be charged to develop specific language for that purpose, including the Thresholds definition as described under Charge 2. Further, move that the language be presented to NCEES for approval before being charged to the UPLG Committee for final incorporation into the *Model Law* and *Model Rules*.

Rationale

This approach not only protects the S.E. title but also regulates the practice of structural engineering, and thus better safeguards the health, safety, and welfare of the public relative to structures with an elevated level of threat. While it is essentially discipline-specific licensure for one segment of the engineering profession, it still maintains a connection with generic licensure, and the provisions can be embedded in the statutes and rules of most jurisdictions.

ACCA also recommends that the approach include both variations described in its report: the P.E. Plus S.E. and the S.E. Only. If an individual is content to restrict his or her practice to only structural engineering, he or she should not be required to take both the PE and SE exams and maintain both licenses.

Board of directors' position

Endorses, non-consent agenda

ACCA Motion 2

Move that a Special Committee on Bylaws be charged with proposing amendments at the 2016 annual meeting to remove *Bylaws* 7.12, Committee on Nominations, to bring *Bylaws* Article 11, Elections, in compliance with the current process for electing national officers and to make *Bylaws* provisions for a Tellers Committee to be formed for contested elections as described under Charge 5 of the ACCA report.

Rationale

ACCA concluded that the Committee on Nominations exists to forward nominations made by others and to serve as tellers at the annual meeting, if needed. It felt that the committee could be eliminated as a standing committee and that the *Bylaws* could be modified to allow for the president to appoint a Tellers Committee if and when needed (e.g., counting the votes of the Council to decide a contested election). ACCA recommends that the Tellers Committee empaneled by the president should consist of a past NCEES treasurer and the current secretary-treasurer from each zone, with provisions that no one would be eligible to serve as a teller for an election in which he or she is a candidate.

Board of directors' position

Endorses, consent agenda

ACCA Motion 3

Move that a Special Committee on Bylaws be charged with proposing amendments at the 2016 annual meeting to incorporate the following language into the *Bylaws*.

Section 3.xx. International Affiliate Organization. An International Affiliate Organization of NCEES shall be a legally constituted entity having a collateral and supportive position with the licensure of engineers and surveyors. International Affiliate Organizations are entitled to representation at Council meetings but do not have voting privileges. On approval of the presiding officer, they may be granted the privilege of the floor. Acceptance of any International Affiliate Organization shall be by majority vote of the Council. International Affiliate Organizations shall pay dues as set forth in the *Bylaws*.

Section 3.xx. International Affiliate Member. An international affiliate member of NCEES shall be a person who is a member of an International Affiliate Organization. Such person shall not have the right to serve on standing committees.

Section 3.05 Representatives. A representative shall be a member of [an International Affiliate or a Participating Organization](#) designated to represent ~~it~~ [his or her respective organization](#) at meetings of the Council.

Section 6.01 Annual Business Meetings. The Annual Business Meeting of the Council shall be held at the time and place selected by the Board of Directors.

Notice of the Annual Business Meeting shall be ~~mailed sent~~ to each Member Board, member, associate member, [International Affiliate Organization](#), and ~~participating~~ [Organization](#) not less than four weeks prior to each meeting.

The Board of Directors shall prepare a consent agenda for each Annual Business Meeting. Individual motions may be removed from the consent agenda upon request by any Member Board.

ARTICLE 10. MEMBERSHIP FEES.

Section 10.01 Fees. Annual fees of Member Boards, ~~as well as dues for participating organizations~~, are due on January 1 for the ensuing calendar year. The fee schedule for Member Boards shall be based on the number of licensees of record as of December 31 of the preceding calendar year.

Section 10.011 Fee Schedule. The annual membership fees for Member Boards shall be determined by the Council in accordance with the financial policy.

Section 10.012 Inactive Status. Any Member Board in arrears in membership fees 90 days prior to the Annual Business Meeting shall be placed in an inactive status by the Board of Directors. Member Boards in an inactive status shall not be entitled to vote. Individual members of Member Boards may not hold office or serve on committees. Representatives of boards in inactive status may attend meetings of the Council and may have the privilege of the floor. To be reinstated to an active status and to all the rights and privileges pertaining thereto, an inactive Member Board shall pay all fees and assessments in arrears plus those that have accrued during such inactive status period.

Section 10.013 Dues. [Annual dues for International Affiliate Organizations and Participating Organizations are due on January 1 for the ensuing calendar year.](#)

~~**Section 10.0134 Participating Organizations Obligations Dues Schedule.**~~ [Payments for The annual membership dues of by participating organizations International Affiliate Organizations and Participating Organizations shall be paid in accordance with a schedule established annually by the Board of Directors.](#)

Rationale

ACCA recognized the increased importance of developing and maintaining relationships with international organizations that are advancing licensure in the engineering and surveying professions. Currently, the NCEES *Bylaws* precludes these organizations from NCEES membership. Therefore, creating this new member category is required to allow formal affiliation of international organizations with NCEES.

This change will allow foreign partners that have been approved to offer NCEES examinations to have formal affiliation with NCEES. ACCA recommends that all new agreements with foreign partners that will offer NCEES examinations stipulate that those partners become International Affiliate Organization members of NCEES. The Council may also choose to approve membership as an International Affiliate Organization for other international stakeholder groups engaged in the engineering or surveying professions.

Board of directors' position

Endorses, consent agenda

ACCA Motion 4

Move that Administrative Policy 4 be amended as follows:

AP 4 Past Examinations

~~Past examination booklets will not be made available except through NCEES.~~ Exam items from past examinations that are no longer in use may be included in sample exams and sold to the general public through NCEES.

Rationale

The proposed revision is intended to clarify how items from examinations that are no longer in use may be shared with the general public by NCEES.

Board of directors' position

Endorses, consent agenda

ACCA Motion 5

Move that Professional Policy 5 and Position Statement 17 be amended as follows:

PP 5 Expedited Comity Licensure

NCEES promotes expedited comity licensure by all member boards for any professional engineer, structural engineer, or professional surveyor with a current Council Record who has been determined by NCEES to be a Model Law Engineer, Model Law Structural Engineer, or Model Law Surveyor, respectively.

PS 17 Expedited Comity Licensure

In order to facilitate the mobility of qualified professionals ~~engineers~~ among jurisdictions, NCEES supports and promotes expedited comity licensure by all member boards for any professional engineer, structural engineer, or professional surveyor with a current Council Record who has been determined by NCEES to be a Model Law Engineer, Model Law Structural Engineer, or Model Law Surveyor, respectively.

NCEES supports and promotes the adoption of procedures by all jurisdictions to facilitate and achieve comity licensure of professionals who have been designated by NCEES to be Model Law Engineers, Model Law Structural Engineers, or Model Law Surveyors. NCEES also supports and promotes that this comity licensure be approved in any jurisdiction within one week of receipt of ~~a~~both the completed application and the Council Record as well as the passing of any required jurisdiction-specific exams, provided that the jurisdiction statutes do not prohibit such expedited comity licensure.

NCEES is committed to working with individual member boards to maximize the full applicability and acceptance of the Council Records program for engineers and surveyors in all jurisdictions.

Rationale

The proposed revisions are to provide consistency with *Model Rules* 230.60 F, Expedited Comity Licensure, which includes structural engineers and professional surveyors along with professional engineers. The proposed revisions to PP 5 and PS 17 are to include Model Law Structural Engineer and Model Law Surveyor along with Model Law Engineer with respect to these provisions for expedited comity licensure.

Board of directors' position

Endorses, consent agenda

ACCA Motion 6

Move that Position Statement 2 be amended as follows:

PS 2 Certification of Engineers and Surveyors

NCEES does not oppose those programs wherein professional organizations and societies recognize or certify their members for any purpose, provided such certification does not imply legal licensure. NCEES opposes certification by any organization or society wherein the purpose of such certification is to substitute for legal licensure as established by the statutes of the various jurisdictions.

Rationale

The proposed revision is intended to add surveyors to this position statement regarding certification programs. Surveyors as well as engineers have various certification programs (e.g., Certified Federal Surveyor), and this revision will include them in this provision regarding certification programs.

Board of directors' position

Endorses, consent agenda

ACCA Motion 7

Move that the UPLG Committee be charged with incorporating the following changes into *Model Rules* 210.20 B and with deleting *Model Rules* 260.20.

Model Rules 210.20 Definitions

B. The following definitions are included in the *Model Rules* only:

1. Model Law Engineer—The term “Model Law Engineer” refers to an individual who has obtained licensure as a professional engineer in at least one jurisdiction as the result of satisfying the following conditions:
 - a. Earns one of the following:
 - (1) A bachelor’s degree in engineering from a program accredited by the Engineering Accreditation Commission of ABET (EAC/ABET)
 - (2) A master’s degree in engineering from a program accredited by the Engineering Accreditation Commission of ABET (EAC/M-ABET)
 - b. Passes the NCEES Fundamentals of Engineering (FE) examination and an NCEES Principles and Practice of Engineering (PE) examination using the NCEES cut score
 - c. Meets one of the following experience requirements:
 - (1) Completes 4 years of acceptable engineering experience after confirmation of a bachelor of science degree in an engineering program accredited by EAC/ABET
 - (2) Completes 3 years of acceptable engineering experience after confirmation of a bachelor of science degree in engineering from an EAC/ABET-accredited engineering program and holds a master’s degree in engineering
 - (3) Completes 3 years of acceptable engineering experience after confirmation of a master’s degree in engineering from an EAC/M-ABET-accredited engineering program
 - (4) Completes 2 years of acceptable engineering experience and has an earned doctoral degree in engineering from an institution that offers EAC/ABET-accredited programs
 - d. Has a record clear of disciplinary action
~~To maintain~~ For Model Law Engineer status [to continue after such has been designated by NCEES](#), the individual must ~~maintain a record clear of disciplinary action pursuant to NCEES Model Law, Section 150.10~~ [meet the requirements provided in B4 below](#).
2. Model Law Surveyor—The term “Model Law Surveyor” refers to an individual who has obtained licensure as a professional surveyor in at least one jurisdiction as the result of satisfying the following conditions:
 - a. Graduates from an EAC/ABET-accredited Surveying Engineering Group program, a Surveying and Geomatics Group program accredited by the Applied Science Accreditation Commission of ABET, Inc. (ASAC/ABET), or a Surveying and Geomatics Group program accredited by the Engineering Technology Accreditation Commission of ABET, Inc. (ETAC/ABET)
 - b. Passes the NCEES Fundamentals of Surveying (FS) examination and the NCEES Principles and Practice of Surveying (PS) examination using the NCEES cut score
 - c. Completes 4 years of acceptable surveying experience after confirmation of a bachelor of science degree in a surveying/geomatics program accredited by ASAC/ABET, EAC/ABET, or ETAC/ABET, which may include up to 1 year of experience for a graduate with a surveying/geomatics degree

- d. Has a record clear of disciplinary action
The jurisdiction may also require a Model Law Surveyor to pass its state-specific examination for surveyors. ~~To maintain For~~ Model Law Surveyor status to continue after such has been designated by NCEES, the individual must ~~maintain a record clear of disciplinary action pursuant to NCEES Model Law, Section 150.10~~ meet the requirements provided in B4 below.
3. Model Law Structural Engineer—The term “Model Law Structural Engineer” refers to an individual who has obtained licensure in at least one jurisdiction as the result of satisfying the following conditions:
- a. Earns one of the following:
 - (1) A bachelor’s degree in engineering from a program accredited by EAC/ABET
 - (2) A master’s degree in engineering from a program accredited by EAC/M-ABET
 - b. Passes a minimum of 18 semester (27 quarter) hours of structural analysis and design courses. At least 9 of the semester (14 quarter) hours must be structural design courses.
 - c. Passes the NCEES FE examination
 - d. Passes one of the following:
 - (1) 16 hours of NCEES structural examinations, 8 hours of which were from the SE II taken prior to January 1, 2011
 - (2) 16-hour state-written structural examinations taken prior to 2004
 - (3) NCEES SE II plus 8-hour state-written structural examinations taken prior to January 1, 2011
 - (4) NCEES 16-hour Structural Engineering (SE) examination taken after January 1, 2011
 - e. Meets one of the following experience requirements:
 - (1) Completes 4 years of acceptable structural engineering experience after confirmation of a bachelor of science degree in an engineering program accredited by EAC/ABET
 - (2) Completes 3 years of acceptable structural engineering experience after confirmation of a bachelor of science degree in engineering from an EAC/ABET-accredited engineering program and holds a master’s degree in engineering that includes at least 6 semester (9 quarter) hours of structural engineering (in addition to the 18 hours noted above)
 - (3) Completes 3 years of acceptable structural engineering experience after confirmation of a master’s degree in engineering from an EAC/M-ABET-accredited engineering program that includes at least 6 semester (9 quarter) hours of structural engineering (in addition to the 18 hours noted above)
 - (4) Completes 2 years of acceptable structural engineering experience and has an earned doctoral degree in engineering focused on structural engineering from an institution that offers EAC/ABET-accredited programs
 - f. Has a record clear of disciplinary action
~~To maintain For~~ Model Law Structural Engineer status to continue after such has been designated by NCEES, the individual must ~~maintain a record clear of disciplinary action pursuant to NCEES Model Law, Section 150.10~~ meet the requirements provided in B4 below.
4. Continuance of Model Law Engineer, Model Law Surveyor, and Model Law Structural Engineer Status—Once a licensed professional has been designated as meeting the requirements for one of these statuses, such individual shall continue to be so designated even if the Model Law or Model Rules are revised at a later date, provided that the individual continually maintains his or her Model Law status, maintains a record clear of disciplinary action pursuant to NCEES Model Law, Section 150.10, and has not retired his or her license nor allowed such license to expire.

~~Model Rules 260.20 Grandfathering of Model Law Engineers and Model Law Structural Engineers~~

~~Any licensed professional who meets the criteria of the Model Law Engineer as defined in Section 210.20 B.1 or Model Law Structural Engineer as defined in Section 210.20 B.3 shall continue to be designated Model Law Engineer or Model Law Structural Engineer, even if the Model Law or Model Rules is revised at a later date, provided that~~

~~A. The licensee has continually maintained his or her status as Model Law Engineer or Model Law Structural Engineer~~

~~B. The licensee is not on revoked status or has not retired his or her license~~

~~C. The licensee has a record clear of disciplinary action and maintains a record clear of disciplinary action~~

Rationale

ACCA believes that *Model Rules 260.20, Grandfathering of Model Law Engineers and Model Law Structural Engineers*, is not in the correct place in the *Model Rules* and that the language would be more clearly understood and applied if moved to and combined with *Model Rules 210.20, Definitions*, which defines Model Law status.

This proposed change is to also include Model Law Surveyors under the provision and to replace the word “grandfathering” with “continuance.”

Board of directors’ position

Endorses, consent agenda

ACCA Motion 8

Move that Position Statement 35 be adopted as follows:

PS 35 Future Education Requirements for Engineering Licensure

One of the goals of NCEES is to advance licensure standards for all professional engineers. Those standards describe the technical and professional competency needed to safeguard the health, safety, and welfare of the public. The Council recognizes that future demands for increasing technical and professional skills and the reduction that has occurred in the formal education requirements needed to obtain a bachelor’s degree in engineering from a program accredited by the Engineering Accreditation Commission of ABET (EAC/ABET) have resulted in the need for additional education beyond the bachelor’s degree for those entering the engineering profession.

NCEES has identified several future pathways by which a candidate for licensure as a professional engineer might obtain the body of knowledge needed to meet these educational requirements, including the following:

- A. A bachelor’s degree in engineering from a program accredited by EAC/ABET and a master’s or earned doctoral degree in engineering in the same technical area from an institution that offers EAC/ABET-accredited programs, or the equivalent
- B. A bachelor’s degree and a master’s degree in engineering from a program accredited by EAC/ABET
- C. A bachelor’s degree from a program accredited by EAC/ABET that has a minimum of 150 semester credit hours, of which at least 115 semester credit hours are in mathematics, science, or engineering combined and at least 75 of these semester credit hours are in engineering
- D. A bachelor’s degree in engineering from a program accredited by EAC/ABET and at least 30 additional semester credit hours of upper-level undergraduate or graduate-level coursework in engineering on topics relevant to the practice of engineering (e.g., engineering-related science, mathematics, or professional practice topics such as business, communications, contract law, management, ethics, public policy, and quality control) from approved course providers (e.g., institutions that have EAC/ABET-accredited programs, or institutions or organizations accredited by an NCEES-approved accrediting body)

NCEES will continue to explore alternative educational pathways for candidates for licensure as professional engineers to develop the body of knowledge needed for entry into the profession. These alternatives will be developed through collaboration with technical engineering societies and other stakeholders engaged with the engineering profession.

Rationale

At the 2014 NCEES annual meeting, the Oklahoma State Board of Licensure for Professional Engineers and Land Surveyors made a motion, which the Council passed, requesting that

“... the NCEES president assign a charge to the appropriate committee/task force to draft an NCEES position statement that reflects the education standards defined in the MLE 2020 and the MLSE 2020 definitions regarding further education standards for professional engineering licensure ...”

The proposed position statement follows the directives of the motion and includes only the information related to additional education related to professional engineering licensure that was previously included in the NCEES *Model Law* and *Model Rules*. The committee made some minor edits to reflect current terminology used in the accreditation and licensure communities. The language was also modified to make no reference to the year 2020, thereby resolving the potential for confusion about an effective date for implementation of additional education requirements for professional engineering licensure. This was stated as the primary concern behind the motion.

NCEES has a responsibility to recommend changes to the licensure process that will ensure protection of the health, safety, and welfare of the public now and in the future as described in the NCEES strategic plan and in the mission and vision statements.

NCEES is continuing to fulfill this responsibility by promoting, through the proposed position statement, education requirements for licensure *in the future*. Creating this position statement sets the platform for continued dialogue on this important issue. It is consistent with the NCEES-established processes and summarizes NCEES' efforts on future education requirements for professional engineering licensure over the past 15 years—a complex issue requiring careful and continuing deliberation and one that this position statement will serve to facilitate.

Board of directors' position

Endorses, consent agenda

ACCA Motion 9

Move that Administrative Policy 11 be revised as follows:

AP 11 ~~Sponsored Activities for Annual Business Meeting Planning~~

~~The host member board may make~~ NCEES will make all arrangements for ~~sponsored activities and souvenirs for~~ the annual business meeting. ~~However, NCEES will not acknowledge sponsorship in programs and other meeting literature.~~ The host member board will assist in recruiting board members to deliver invocations as needed during the meeting and in working with NCEES staff to coordinate possible offsite workshops.

Rationale

The current policy does not reflect current practice. NCEES no longer provides support for member boards hosting the annual meeting to purchase souvenirs to distribute to attendees. Member boards no longer make arrangements for sponsored activities. Many are restricted from accepting money from sponsors, which has resulted in NCEES having to pay for whatever was planned. Therefore, NCEES now plans and pays for all meeting-related activities and souvenirs with no involvement from the host board. This motion will not change informal responsibilities assumed by the host member board (e.g., recruiting individuals to deliver invocations and coordinating offsite activities with NCEES staff).

Board of directors' position

Endorses, consent agenda

Committee on Education

Education Motion 1

Move that *Model Rules 240.30* be modified as shown below.

Model Rules 240.30 Continuing Professional Competency

The purpose of the continuing professional competency requirement is to demonstrate a continuing level of competency of professional engineers and/or professional surveyors.

A. Introduction

Every licensee shall meet the continuing professional competency requirements of these regulations for professional development as a condition for licensure renewal.

B. Definitions

Terms used in this section are defined as follows:

1. Professional Development Hour (PDH)—One contact hour (nominal) of instruction or presentation. The PDH is the common denominator for other units of credit.
2. Ethics/Business-Related Course or Activity—A qualifying course or activity with content areas related to (1) the awareness of ethical concerns and conflicts; (2) an enhanced familiarity with the codes of conduct; (3) an understanding of standards of practice or care; (4) project management and risk-assessment management; or (5) other similar topics aimed at maintaining, improving, or expanding the skills set and knowledge relevant to the licensee's field and methods of practice.
3. Continuing Education Unit (CEU)—Unit of credit customarily used for continuing education courses. One continuing education unit equals 10 hours of class in an approved continuing education course.
4. College Semester/Quarter Hour—Credit for course in ABET-approved programs or other related college course approved in accordance with subsection E of this section.
5. Course/Activity—Any qualifying course or activity with a clear purpose and objective that will maintain, improve, or expand the skills and knowledge relevant to the licensee's field of practice. Regular duties are not considered qualified activities.
6. Dual Licensee—An individual who is licensed as both a professional engineer and a professional surveyor

C. Requirements

Every licensee is required to obtain the equivalent of 15 PDHs per annual renewal period, 30 PDHs per biennial renewal period, or 45 PDHs per triennial renewal period. These PDHs may be obtained anytime during the applicable renewal period. A minimum of 1 PDH of each 15 PDHs shall be earned by successfully completing a course or activity that has content areas that focus on (a) professional engineering or surveying ethics, or (b) improving a licensee's methods of business practice or operations or otherwise advancing professionally related skills and practices as applicable to the practice of engineering or surveying. If a licensee exceeds the annual requirement in any renewal period, a maximum of 15 PDHs may be carried forward into the subsequent renewal period. PDHs may be earned as follows:

1. Successful completion of college courses
- ~~2. Successful completion of continuing education courses~~
- ~~3. Successful completion of short courses/tutorials and distance education courses offered through correspondence, television, videotapes, or the Internet~~
2. Successful completion of short courses, tutorials, webinars, and distance-education courses offered for self-study, independent study, or group study and through synchronous or asynchronous delivery methods such as live, correspondence, archival, or the Internet
- ~~4~~3. Presenting or attending qualifying seminars, in-house courses, workshops, or professional or technical presentations made at meetings, conventions, ~~or~~ conferences, or educational institutions
- ~~5~~4. Teaching or instructing in 1 through ~~4~~3 above
- ~~6~~5. Authoring published papers, articles, books, or accepted licensing examination items
- ~~7~~6. Active participation in professional or technical societies
- ~~8~~7. Patents
- ~~9~~8. Active participation in educational outreach activities pertaining to professional licensure or the surveying/engineering professions that involve K-12 or higher education students

D. Units

The conversion of other units of credit to PDHs is as follows:

1. 1 ~~college or unit~~ semester hour45 PDHs
2. 1 ~~college or unit~~ quarter hour.....30 PDHs
3. 1 continuing education unit10 PDHs
4. 1 hour of professional development in coursework, seminars, or professional

- or technical presentations made at meetings, conventions, or conferences1 PDH
- 5. For teaching in 1 through 4 above, apply multiple of 2*
- 6. Publications
 - a. Each published peer-reviewed paper or book in the licensee’s area of professional practice.....10 PDHs
 - b. Each published paper or article (other than 6.a above) in the licensee’s area of professional practice.....5 PDHs
- 7. Active participation in professional and technical society (each organization)2 PDHs
- 8. Each patent.....10 PDHs
- 9. 1 hour of outreach activities1 PDH (not to exceed 3 PDHs)

* Teaching credit is valid only for the first offering or presentation. Full-time faculty may not claim teaching credit associated with their regular duties.

E. Determination of Credit

The board has final authority with respect to approval of courses, credit, PDH value for courses, and other methods of earning credit.

1. Credit for college or community college approved courses will be based upon course credit established by the college.
2. Credit for qualifying seminars and workshops will be based on 1 PDH for each hour of attendance. Attendance at qualifying programs presented at professional and/or technical society meetings will earn PDHs for the actual time of each program.
3. Credit determination for activities in subsections D.6 and D.8 is the responsibility of the licensee (subject to review as required by the board).
4. Credit for activity in subsection D.7, active participation in professional and technical societies (limited to 2 PDHs per organization), requires that a licensee serve as an officer and/or actively participate in a committee of the organization. PDHs are not earned until the end of each year of service is completed.

F. Recordkeeping

The licensee is responsible for maintaining records to be used to support credits claimed. Records required include, but are not limited to (1) a log showing the type of activity claimed, sponsoring organization, location, duration, instructor’s or speaker’s name, and PDHs earned; and (2) attendance verification records in the form of completion certificates or other documents supporting evidence of attendance.

G. Exemptions

A licensee may be exempt from the continuing professional competency requirements for one of the following reasons:

1. New licensees by way of examination or comity shall be exempt for their first renewal period.
2. A licensee serving on temporary active duty in the armed forces of the United States for a period of time exceeding 120 consecutive days in a year shall be exempt from obtaining the PDHs required during that renewal period.
3. Licensees experiencing physical disability, illness, or other extenuating circumstances may apply for an exemption or an extension of time to obtain the credits, subject to the review and approval of the board. Supporting documentation must be furnished to the board.
4. Licensees who list their occupation as “Retired” or “Inactive” on the board-approved renewal form and who further certify that they are no longer receiving any remuneration from providing professional engineering or surveying services shall be exempt from the PDHs required. In the event such an individual elects to return to active practice of professional engineering or surveying, PDHs must be earned before returning to active practice for each year exempted, not to exceed the annual requirement for 2 years.

H. Reinstatement

A licensee may bring an inactive license to active status by obtaining all delinquent PDHs. However, if the total number required to become current exceeds 30, then 30 shall be the maximum number required.

I. Requirements for Renewal

To renew a license, an applicant must either meet the requirements of *[insert jurisdiction name]* or meet the requirements of the Model Continuing Professional Competency (CPC) Renewal Standard for the number of consecutive reporting periods corresponding to the CPC requirements of *[insert jurisdiction name]* (i.e., biennial or other). A reporting period for the Model CPC Renewal Standard is defined as January 1–December 31 of 1 calendar year.

J. Dual Licensees

The number of PDHs required shall remain 15, at least one-third of which shall be obtained in each

profession.

K. Forms

All renewal applications will require the certification of CPC credits as specified by the board. The licensee must supply sufficient detail on a CPC form to permit audit verification and retain any backup documentation. The licensee must certify and sign the CPC form and submit the form, if required, with the renewal application and fee or upon notification of audit.

L. Model CPC Standard

The Model CPC Standard requires licensees to acquire 15 PDHs in each calendar year in compliance with the provisions of subsections A, B, C, D, E, and J above. Licensees meeting this standard shall document their CPC activities on the Model CPC standard reporting form.

Rationale

As described in the committee's report, these changes are to remove archaic language and allow modern delivery methods for CPC activities.

Board of directors' position

Endorses, consent agenda

Committee on Examination Policy and Procedures

EPP Motion 1

Move that EDP 11 be amended as follows:

EDP 11 Item Writers, Pass-Point Evaluators, Reviewers, and Scorers

- A. Each person involved as an item writer, pass-point evaluator, reviewer, or scorer for the NCEES PE or PS examinations must ~~be professionally licensed, have an active professional license issued by an NCEES member board, must be~~ qualified in the appropriate discipline, and ~~must be~~ familiar with requirements for and capabilities of candidates who are minimally qualified to practice in that discipline. Engineers and surveyors with licenses that have inactive or retired status are ineligible to serve in these positions.

Rationale

The proposed language requires item writers and others involved with exam development to have active licenses to ensure that they write relevant questions consistent with current standards. Some inactive or retired members may not have practiced or maintained competency for several years. The language also ensures that these participants' professional licenses are issued by an NCEES member board and not by a foreign jurisdiction.

Board of directors' position

Endorses, consent agenda

EPP Motion 2

Move that EDP 3C be amended as follows:

EDP 3 Engineering and Surveying Examinations and Formats

- A. The Fundamentals of Engineering examination shall be administered via computer-based testing (CBT) and have supplied references.
- B. The Principles and Practice of Engineering examinations shall be offered only in the following disciplines and shall be open-book, pencil-and-paper examinations (unless otherwise noted) as defined in EAP 4:
1. GROUP I
 - a. Chemical
 - b. Civil
 - c. Electrical and Computer—Computer Engineering
 - d. Electrical and Computer—Electrical and Electronics
 - e. Electrical and Computer—Power
 - f. Environmental
 - g. Mechanical
 - h. 16-hour Structural Engineering
 2. GROUP II
 - a. Agricultural/Biological
 - b. Architectural
 - c. Control Systems
 - d. Fire Protection
 - e. Industrial
 - f. Metallurgical/Materials
 - g. Mining/Mineral Processing
 - h. Naval Architecture/Marine
 - i. Nuclear
 - j. Petroleum
 - k. Software
- C. The surveying examinations shall be available as follows:
1. The Fundamentals of Surveying examination shall be administered via CBT and have supplied references.
 2. The Principles and Practice of Surveying examination shall be a closed-book, pencil-and-paper examination as defined in EAP 4. (Effective through April 2016)
 3. The Principles and Practice of Surveying examination shall be administered via CBT and have supplied references. (Effective October 2016)
 34. Member boards shall reserve the right to administer, score, and report certain state-specific examinations ~~in conjunction with the Principles and Practice of Surveying examination. State-specific~~

~~examinations shall be scored and reported separately and apart from those published by NCEES for national examinations.~~

Rationale

The proposed amendments in section C reflect the movement of the PS exam from a pencil-and-paper exam to CBT one. Sections A and B are shown for reference.

Board of directors' position

Endorses, consent agenda

EPP Motion 3

Move that EAP 2 be amended as follows:

EAP 2 Examination Schedules

A. Pencil-and-paper examinations

A 10-year schedule of examination dates shall be published, and the schedule shall be updated annually by NCEES staff and affirmed by the board of directors. The examination dates should avoid conflicts with public and religious holidays.

Member boards will schedule and administer examinations on the ~~NCEES-published~~ day for each examination. ~~The PE and PS examinations will be administered on Friday.~~ For the 16-hour Structural Engineering examination, the Vertical Forces (gravity/other) and Incidental Lateral component will be administered only on Friday, and the Lateral Forces (wind/earthquake) component will be administered only on Saturday.

Any request for deviation from this policy by a member board must be submitted to the NCEES office within the prescribed lead-time in order to be considered for approval. A request for any deviation must conform to the applicable NCEES guidelines and must be approved by the NCEES compliance and security manager. Each request will be reviewed on its own merits.

B. CBT examinations

NCEES will administer CBT examinations in the published timeframes as noted in the *Security and Administrative Procedures Manual*. The schedule shall be updated annually by NCEES staff and affirmed by the board of directors.

Rationale

The proposed amendment reflects the movement of the PS exam from a pencil-and-paper exam to CBT and corrects a redundancy between lines 2 and 3 regarding when the exam will be held.

Board of directors' position

Endorses, consent agenda

EPP Motion 4

Move that EDP 13 be amended as follows:

EDP 13 Security of Examination Material

No items or item banks ~~developed in current use~~ for NCEES examinations shall be used for any purpose outside of the NCEES examination program.

All member boards shall observe approved NCEES requirements.

Rationale

This amendment is conjunction with ACCA-proposed revisions of AP 4 shown on page xx.

Board of directors' position

Endorses, consent agenda

EPP Motion 5

Move that EAP 6 be amended as follows:

EAP 6 Access to and Review of Examinations

There shall be no post-administration access to, or review of, examination ~~questions~~ materials by an examinee or his or her representative.

Member boards may request that an examinee's results from a pencil-and-paper examination be verified by NCEES by manual verification, for a fee established by the board of directors. NCEES will not accept requests for manual verification from individual examinees. No specific examinee comments will be addressed.

Rationale

The proposed amendment expands the prohibition of post-administration review of any materials by examinees or their representatives.

Board of directors' position

Endorses, consent agenda

EPP Motion 6

Move that EAP 4 be amended as follows:

EAP 4 Materials Permitted and not Permitted in Examination Room

A. Pencil-and-Paper and CBT Examinations

1. Devices or materials that might compromise the security of the examination or examination process are not permitted. These include any devices with copying, recording, or communication capabilities.
2. Only models of calculators as specified or supplied by NCEES are permitted in the examination room.
- ~~3. Devices having a QWERTY keypad arrangement similar to a typewriter or keyboard are not permitted. Devices not permitted include but are not limited to palmtop, laptop, handheld, and desktop computers; calculators; databanks; data collectors; and organizers.~~
- ~~4. Communication devices such as cell phones and pagers are not permitted.~~
53. Only NCEES-supplied marking and erasing instruments are permitted for use in the examination room.
4. Other items specifically allowed by the current *NCEES Examinee Guide* are permitted.

B. ~~CBT Examinations~~

- ~~1. Devices or materials that might compromise the security of the examination or examination process are not permitted.~~
- ~~2. Only models of calculators as specified or supplied by NCEES are permitted in the examination room.~~
- ~~3. Communication devices such as cell phones and pagers are not permitted.~~
- ~~4. Only NCEES-supplied marking and erasing instruments are permitted for use in the examination room.~~

~~*****~~

Rationale

The proposed changes are to broaden the language so that it allows for changing technologies that would violate NCEES standards and to eliminate listing particular devices.

Board of directors' position

Endorses, consent agenda

EPP Motion 7

Move that EAP 8 be amended as follows:

EAP 8 Release and Use of Examination Results

- D. Examination results for any examinee who fails to comply with the conditions stated in the NCEES *Examinee Guide* are subject to invalidation by NCEES in accordance with the list below. Exam irregularities that may be grounds for exam invalidation by the member boards are included in the second list below. The identity of any examinee whose results are invalidated and the reason for invalidation will be provided to the affected member board. Examinees identified by post-exam collusion analysis are subject to EAP 8C above.

The following items in the NCEES *Examinee Guide* are grounds for a candidate to be dismissed from the exam room and for a candidate's exam results to be invalidated by NCEES:

- ~~Having a cell phone in his or her possession~~
- Having a device with copying, recording, or communication capabilities in his or her possession. ~~These include but are not limited to cameras, pagers, PDAs, radios, headsets, tape players, calculator watches, electronic dictionaries, electronic translators, transmitting devices, and digital media players such as iPods.~~
- Having a calculator that is not on the NCEES-approved list
- Removing pages from his or her exam booklet on pencil-and-paper examinations
- Leaving the exam area without authorization

The following are the items in the NCEES *Examinee Guide* that are grounds for a candidate's exam results to be invalidated by a member board:

- Having loose papers, legal pads, writing tablets, or unbound notes in his or her possession
- Using a non-NCEES writing instrument or eraser to complete any portion of the exam
- Beginning the exam before the proctor instructs him or her to do so
- Failing to stop writing immediately when time is called on pencil-and-paper examinations
- Writing on anything other than the exam booklet or answer sheet on pencil-and-paper examinations
- Violating any other terms stated in these regulations that are cause for dismissal or exam invalidation

The following item in the NCEES *Examinee Guide* falls under collusion and is already grounds for invalidation by the member boards:

- Copying from another examinee's answer sheet or colluding with other examinees

Rationale

The proposed changes are consistent with changes in Motion 6 and avoid conflicts between EDP 4 and EAP 8.

Board of directors' position

Endorses, consent agenda

Committee on Finances

Finance Motion 1

Move that the adoption of the 2015–16 operating budget as shown in Appendix B be postponed to the end of the last business session in order to take into account any subsequent actions adopted by the Council that may affect this budget.

Board of directors' position

Endorses, consent agenda

Finance Motion 2

Move that the adoption of the 2015–16 capital budget as shown in Appendix C be postponed to the end of the last business session in order to take into account any subsequent actions adopted by the Council that may affect this budget.

Board of directors' position

Endorses, consent agenda

Finance Motion 3

Move that Financial Policy 7 be amended as follows:

FP 7 Examination Charges

All examination charges shall be reviewed [annually by the Committee on Finances](#), and ~~approved annually by any proposed changes shall be brought before~~ the Council [for approval](#). The current exam prices are as follows:

<u>Examination</u>	<u>Price</u>	<u>Date Approved</u>	<u>Effective Administration Date</u>
Computer-based FE*	\$225	8/13	1/14
Computer-based FS*	\$225	8/13	1/14
PE**	\$250	8/11	4/13
PS**	\$250	8/11	4/13
Structural Lateral Forces component**	\$400	8/09	4/11
Structural Vertical Forces component**	\$400	8/09	4/11

For computer-based examinations, examinees are required to pay NCEES directly.

*Price includes exam development, scoring, and computer-based exam administration.

**Price includes exam development, scoring, shipping, and materials. Exam administration fees will remain separate for pencil-and-paper exams.

Rationale

The amendments are to clarify that the Committee on Finance reviews examination fees. After that, any proposed modifications are brought before the Council for approval.

Board of directors' position

Endorses, consent agenda

Finance Motion 4

Move that Financial Policy 7 be amended as follows:

FP 7 Examination Charges

All examination charges shall be reviewed and approved annually by the Council. The current exam prices are as follows:

<u>Examination</u>	<u>Price</u>	<u>Date Approved</u>	<u>Effective Administration Date</u>
Computer-based FE*	\$225	8/13	1/14
Computer-based FS*	\$225	8/13	1/14
PE**	\$250	8/11	4/13
PS**	\$250	8/11	4/13
<u>Computer-based PS*</u>	<u>\$300</u>	<u>8/15</u>	<u>10/16</u>
Structural Lateral Forces component**	\$400	8/09	4/11
Structural Vertical Forces component**	\$400	8/09	4/11

For computer-based examinations, examinees are required to pay NCEES directly.

*Price includes exam development, scoring, and computer-based exam administration.

**Price includes exam development, scoring, shipping, and materials. Exam administration fees will remain separate for pencil-and-paper exams.

Rationale

At its February 2015 meeting, the board of directors approved administering the PS exam via CBT beginning October 1, 2016. After discussing expenses incurred, the reserve impact, the length of the exam, and exam volumes, the Finance Committee recommends that the CBT PS exam charge be set at \$300.

Board of directors' position

Endorses, consent agenda

Committee on Law Enforcement

Law Enforcement Motion 1

Move that *Model Law* 120.60 F be amended as follows:

Model Law 120.60 Board Powers

- F. The board has the authority for citation and fining of persons engaged in the practice of engineering or surveying in this jurisdiction ~~who are not licensed or authorized in this jurisdiction~~ as provided by law.
[This board authority applies to licensed, unlicensed, authorized, and unauthorized persons.](#)

Rationale

Model Law 150.10 B states that “any licensee or intern that violates a provision of this Act or any rule or regulation of the board may be assessed a fine in an amount determined by the board of not more than *[insert amount]* dollars for each offense.” However, *Model Law* 120.60 provides only for the citation and fining of unlicensed individuals; it does not speak to licensees or interns. This amendment is to make it clear that the board has the authority to fine those individuals as well.

Board of directors’ position

Endorses, consent agenda

UPLG Motion 1

Move that *Model Law* 110.20 N be amended as follows:

Model Law 110.20 Definitions

N. Or the Equivalent—The term “Or the Equivalent,” as used in this Act, shall mean an equivalent educational program/curriculum to an engineering program accredited by the Engineering Accreditation Commission of ABET (EAC/ABET) that meets the NCEES Engineering Education Standard or a surveying program accredited by EAC/ABET, the Engineering Technology Accreditation Commission of ABET (ETAC/ABET), or the Applied Science Accreditation Commission of ABET (ASAC/ABET)/curriculum that meets the NCEES Surveying Education Standard, as applicable.

Rationale

The term “or the equivalent” is used throughout the *Model Law* and *Model Rules* when referring to non-ABET-accredited programs. However, as the Education Committee discussed in its 2014 conference report, the term does not define how that equivalency is determined. The Council passed a motion last year to replace “or the equivalent” with “meets the NCEES Engineering Education Standard” because the standard provides appropriate criteria for evaluating the equivalency of coursework from non-ABET-accredited programs compared to an ABET review. UPLG is proposing to change the definition of “or the equivalent” to be the NCEES Engineering Education Standard as well as the NCEES Surveying Education Standard because the phrase is used throughout the model documents and applies to both engineering and surveying. It also recommends that a committee be charged with reviewing the use of “or the equivalent” in all NCEES publications.

Board of directors’ position

Endorses, consent agenda

UPLG Motion 2

Move that *Model Law* 110.20 B4 be amended as follows:

Model Law 110.20 Definitions

A. Engineer

5. Practice of Engineering—The term “Practice of Engineering,” as used in this Act, shall mean any service or creative work requiring engineering education, training, and experience in the application of engineering principles and the interpretation of engineering data to engineering activities that potentially impact the health, safety, and welfare of the public.

The services may include, but not be limited to, providing planning, studies, designs, design coordination, drawings, specifications, and other technical submissions; teaching engineering design courses; performing surveying that is incidental to the practice of engineering; and reviewing construction or other design products for the purposes of monitoring compliance with drawings and specifications related to engineered works.

Surveying incidental to the practice of engineering excludes the surveying of real property for the establishment of land boundaries, rights of way, easements, and the dependent or independent surveys or resurveys of the public land survey system.

A person shall be construed to practice engineering, within the meaning and intent of this Act, if he or she does any of the following:

- a. Practices any discipline of the profession of engineering or holds himself or herself out as able and entitled to practice any discipline of engineering
- b. Represents himself or herself to be a professional engineer by verbal claim, sign, advertisement, letterhead, or card or in any other way
- c. Through the use of some other title, implies that he or she is a professional engineer or licensed under this Act

B. Professional Surveyor (Professional Land Surveyor, Professional Surveyor and Mapper, Geomatics Professional, or equivalent term)

4. Practice of Surveying—The term “Practice of Surveying,” as used in this Act, shall mean providing, or offering to provide, professional services using such sciences as mathematics, geodesy, and photogrammetry, and involving both (1) the making of geometric measurements and gathering related information pertaining to the physical or legal features of the earth, improvements on the earth, the space above, on, or below the earth and (2) providing, utilizing, or developing the same into survey

products such as graphics, data, maps, plans, reports, descriptions, or projects. Professional services include acts of consultation, investigation, testimony evaluation, expert technical testimony, planning, mapping, assembling, and interpreting gathered measurements and information related to any one or more of the following:

- a. Determining by measurement the configuration or contour of the earth's surface or the position of fixed objects thereon
- b. Determining by performing geodetic surveys the size and shape of the earth or the position of any point on the earth
- c. Locating, relocating, establishing, reestablishing, or retracing property lines or boundaries of any tract of land, road, right of way, or easement
- d. Making any survey for the division, subdivision, or consolidation of any tract(s) of land
- e. Locating or laying out alignments, positions, or elevations for the construction of fixed works
- f. Determining, by the use of principles of surveying, the position for any survey monument (boundary or nonboundary) or reference point; establishing or replacing any such monument or reference point
- g. Creating, preparing, or modifying electronic² or computerized² or other data, relative to the performance of the activities in items a–f above

~~A person shall be construed to practice or offer to practice surveying, within the meaning and intent of this Act, who engages in surveying or who by verbal claim, sign, advertisement, letterhead, card, or in any other way represents the person to be a professional surveyor or through the use of some other title implies that the individual is a professional surveyor or that the person is licensed or authorized under this Act or who holds the person out as able to perform or who does perform any surveying service or work or any other service designated by the practitioner which is recognized as surveying.~~

A person shall be construed to practice surveying, within the meaning and intent of this Act, if he or she does any of the following:

- a. Engages in or holds himself or herself out as able and entitled to practice surveying
- b. Represents himself or herself to be a professional surveyor by verbal claim, sign, advertisement, letterhead, or card or in any other way
- c. Through the use of some other title, implies that he or she is a professional surveyor or licensed under this act

Rationale

The paragraph was reorganized to make it easier to read and to make it parallel to the structure of A5, which is shown for reference.

Board of directors' position

Endorses, consent agenda

UPLG Motion 3

Move that *Model Law* 110.20 O be amended as follows:

Model Law 110.20 Definitions

- O. Authoritative—The term “Authoritative,” as used in this Act or Rules promulgated under this Act, shall mean being presented as trustworthy and competent when used to describe products, processes, applications, or data resulting from the practice of surveying.

Rationale

This language was added because “authoritative” is not referenced anywhere else in *Model Law*; the law needs to point to the rules because “authoritative” is used throughout *Model Rules* 210.25.

Board of directors' position

Endorses, consent agenda

UPLG Motion 4

Move that *Model Law* 130.10 C be amended as follows:

Model Law 130.10 General Requirements for Licensure

Education, experience, and examinations (as described in the *Model Rules*) are required for licensure as a professional engineer or professional surveyor.

A. Certification or Enrollment as an Engineer Intern

The following shall be considered as minimum evidence that the applicant is qualified for certification as an engineer intern.

1. Graduating from an engineering program of 4 years or more accredited by the Engineering Accreditation Commission of ABET (EAC/ABET), or the equivalent, or an engineering master's program accredited by EAC/ABET
2. Passing the NCEES Fundamentals of Engineering (FE) examination

C. Certification or Enrollment as a Surveyor Intern

~~Completion of one of the~~ The following shall be considered as minimum evidence that the applicant is qualified for certification or enrollment as a surveyor intern.

1. Graduating from a surveying program of 4 years or more accredited by EAC/ABET, the Engineering Technology Accreditation Commission of ABET (ETAC/ABET), the Applied Science Accreditation Commission of ABET (ASAC/ABET), or the equivalent
2. Graduating from a program related to surveying of 4 years or more as approved by the board and with a specific record of 2 years of progressive experience in surveying
3. Graduating from a program of 4 years or more as approved by the board and with a specific record of 4 years of progressive experience in surveying

In addition to satisfying one of the above requirements, the applicant shall pass the NCEES Fundamentals of Surveying (FS) examination

Rationale

This change is to make the language parallel with 130.10 A, which is shown for reference.

Board of directors' position

Endorses, consent agenda

UPLG Motion 5

Move that *Model Law* 130.30 B4 be amended as follows:

Model Law 130.30 Examinations

B. Examinations may be taken only after the applicant has met the other minimum requirements as given in Sections 130.10 and 130.20 of this Act and has been approved by the board for admission to the examinations. The board may offer the following examinations:

4. NCEES Principles and Practice of Surveying (PS) examination—The examination consists of subject matters in applied surveying, ~~divided in separate parts as determined by the board~~. Passing ~~these parts~~ this examination qualifies the examinee for licensure as a professional surveyor, provided the examinee has met the other requirements for licensure required by this Act.

D. The board may prepare and require additional examinations in engineering and surveying. Specifications for such additional examinations may be published and be made available to any individual interested in being licensed as a professional engineer or as a professional surveyor.

Rationale

The phrase “divided in separate parts as determined by the board” is misplaced in B4 because it does not apply to the NCEES PS exam. The language is most likely meant to refer to state-specific surveying exams. The authorization for member boards to prepare and require additional examinations such as these is already included in the same section of the *Model Law* under paragraph D, which is shown for reference.

Board of directors' position

Endorses, consent agenda

UPLG Motion 6

Move that *Model Rules* 210.20 B be amended as follows:

Model Rules 210.20 Definitions

B. The following definitions are included in the *Model Rules* only:

2. Model Law Surveyor—The term “Model Law Surveyor” refers to an individual who has obtained licensure as a professional surveyor in at least one jurisdiction as the result of satisfying the following conditions:
 - ~~a. Graduates from an EAC/ABET accredited Surveying Engineering Group program, a Surveying and Geomatics Group program accredited by the Applied Science Accreditation Commission of ABET, Inc. (ASAC/ABET), or a Surveying and Geomatics Group program accredited by the Engineering Technology Accreditation Commission of ABET, Inc. (ETAC/ABET)~~
 - a. Earns one of the following:
 - (1) A bachelor’s degree from a surveying engineering program accredited by the Engineering Accreditation Commission of ABET (EAC/ABET)
 - (2) A bachelor’s degree from a surveying and geomatics program accredited by the Applied Science Accreditation Commissions of ABET (ASAC/ABET)
 - (3) A bachelor’s degree from a surveying and geomatics program accredited by the Engineering Technology Accreditation Commission of ABET (ETAC/ABET)
 - b. Passes the NCEES Fundamentals of Surveying (FS) examination and the NCEES Principles and Practice of Surveying (PS) examination using the NCEES cut score
 - c. Completes 4 years of acceptable surveying experience after confirmation of a bachelor of science degree in a surveying/geomatics program accredited by ASAC/ABET, EAC/ABET, or ETAC/ABET, which may include up to 1 year of experience for a graduate with a surveying/geomatics degree
 - d. Has a record clear of disciplinary action

The jurisdiction may also require a Model Law Surveyor to pass its state-specific examination for surveyors. To maintain Model Law Surveyor status, the individual must maintain a record clear of disciplinary action pursuant to NCEES *Model Law*, Section 150.10.

Rationale

The language was modified to clarify that a bachelor’s degree is required, which is one of the things the NCEES Records program looks for when determining whether someone qualifies for this designation. In addition, the three ABET-accredited programs were separated into different paragraphs to make it easier to read.

Board of directors’ position

Endorses, consent agenda

UPLG Motion 7

Move that *Model Rules* 230.20 be amended as follows:

Model Rules 230.20 Experience

A. As a Professional Engineer¹

In evaluating experience that indicates to the board that the applicant may be competent to practice engineering, the following will be considered:

1. Experience must be progressive on engineering projects to indicate that it is of increasing quality and requiring greater responsibility.
2. Only work of an engineering nature that follows graduation from a program accredited by the Engineering Accreditation Commission of ABET (EAC/ABET) or a program deemed to be substantially equivalent is creditable.
3. Experience must not be obtained in violation of the licensure act.
4. Experience gained in the armed services, to be creditable, must be of a character equivalent to that which would have been gained in the civilian sector doing similar work. Normally, it would be expected that the applicant served in an engineering or engineering-related group while in the armed services.
5. Experience should be gained under the supervision of a licensed professional engineer; if it is not, an explanation should be made showing why the experience should be considered acceptable. Experience gained under the technical supervision of an unlicensed individual may be considered if the appropriate credentials of the unlicensed supervisor are submitted to the board.

6. For sales experience to be creditable, it must be demonstrated that engineering principles were required and used in gaining the experience.
7. Teaching experience, to be creditable, must be in engineering or engineering-related courses at an advanced level in a college or university offering an engineering program of 4 years or more that is approved by the board.
8. Experience gained in engineering research and design projects by members of an engineering faculty where the program is approved by the board is creditable.
9. Successful completion of graduate study leading to the master's degree in engineering from an institution that offers EAC/ABET-accredited programs may be used for credit for 1 year's experience. If the earned doctoral degree in engineering is completed under the same conditions, 2 years' total experience may be credited; the 2 years' credit includes the 1 year for the master's degree. If the earned doctoral degree is obtained without the master's degree, the credit for experience may be 2 years.
10. Experience may not be anticipated. The experience must have been gained by the time of the application.
11. Experience in construction, to be creditable, must demonstrate the application of engineering principles.
12. Experience should include demonstration of a knowledge of engineering mathematics, physical and applied science, properties of materials, and the fundamental principles of engineering design.
13. Experience should include demonstration of the application of engineering principles in the practical solution of engineering problems.
14. The board may deem professional experience acquired by applicants outside the United States to be equivalent to the minimum board requirements established by regulations for professional experience in that jurisdiction.
- ~~15. Experience may be summarized as shown in Appendix A, Suggested Guidelines for Evaluating Progressive Engineering Experience. Appendix A is for reference only, and the language should not be adopted into the board rules.~~

B. As a Professional Surveyor²

In evaluating experience that indicates to the board that the applicant may be competent to practice surveying, the following will be considered:

1. Experience must be progressive on surveying projects to indicate that it is of increasing quality and requiring greater responsibility.
2. Experience must not be obtained in violation of the licensure act.
3. Experience gained in the armed services, to be creditable, must be of a character equivalent to that which would have been gained in the civilian sector doing similar work. Normally it would be expected that the applicant served in a surveying or surveying-related group while in the armed services.
4. Experience should be gained under the supervision of a licensed professional surveyor or, if not, an explanation should be made showing why the experience should be considered acceptable. Experience gained under the technical supervision of an unlicensed individual may be considered if the appropriate credentials of the unlicensed supervisor are submitted to the board.
5. Teaching experience, to be creditable, must be in surveying or surveying-related courses at an advanced level in a surveying program that is or surveying-related courses approved by the board.
6. A substantial portion of the experience must be spent in charge of work related to property conveyance and/or boundary line determination.
7. Adequate experience in the technical field aspects of the profession must be demonstrated.
8. Experience may not be anticipated. The experience must have been gained by the time of the application.
9. Experience should include demonstration of the application of surveying principles in the practical execution of surveying tasks.
- ~~10. Experience may be summarized as shown in Appendix B, Suggested Guidelines for Evaluating Progressive Surveying Experience. Appendix B is for reference only, and the language should not be adopted into the board rules.~~
10. Experience gained in surveying research projects by members of a surveying faculty where the program is approved by the board is creditable.
11. Successful completion of graduate study leading to the master's degree in surveying from an institution that offers EAC/ABET-, ASAC/ABET-, or ETAC/ABET-accredited programs may be used for credit for 1 year's experience. If the earned doctoral degree in surveying is completed under the same conditions, 2 year's total experience may be credited; the 2 years' credit includes the 1 year for the master's degree. If the earned doctoral degree is obtained without the master's degree, the credit for experience may be 2 years.

12. The board may deem professional experience acquired by applicants outside the United States to be equivalent to the minimum board requirements established by regulations for professional experience in that jurisdiction.

¹ Experience may be summarized as shown in Appendix A, Suggested Guidelines for Evaluating Progressive Engineering Experience. Appendix A is for reference only, and the language should not be adopted into the board rules.

² Experience may be summarized as shown in Appendix B, Suggested Guidelines for Evaluating Progressive Surveying Experience. Appendix B is for reference only, and the language should not be adopted into the board rules.

Rationale

Paragraphs 10–12 were added to *Model Rules* 230.20 B to include experience descriptions that are also in 230.20 A, which is shown for reference. After UPLG worked on the language and modified it to apply to surveying, it sent the language to the EPS Committee for review to make sure EPS agreed with the proposed changes. EPS agreed with all of the changes except the addition of the following proposed language: “Only work of a surveying nature that follows graduation from a program accredited by EAC/ABET, ASAC/ABET, ETAC/ABET, or a program deemed to be substantially equivalent is creditable. Up to 2 years of experience earned prior to graduation may be allowed by the board.” UPLG therefore did not include this paragraph in the motion.

UPLG is also proposing to make A15 and the original B10 footnotes because they are not part of the model language for boards to adopt. The more appropriate place for them is as clarifying notes to each section.

Board of directors’ position

Endorses, consent agenda

UPLG Motion 8

Move that *Model Rules* 230.50 B be amended as follows:

***Model Rules* 230.50 Classifications and Disciplines of Engineers and Surveyors**

A. Classification of Engineers

Engineering applicants shall be licensed or certified under one of the classifications as prescribed by the laws of this jurisdiction:

1. Engineer intern—by education and examination
2. Professional engineer—by education, examination, and experience, or by comity
3. Discipline professional engineer—by verification of discipline competence

B. Classification of Surveyors

Surveying applicants shall be licensed or certified under one of the classifications as prescribed by the laws of this jurisdiction.

1. Surveyor intern—by education and/or experience, and examination
2. Professional surveyor—by education ~~and/or experience~~, ~~and~~ examination, and experience, or by comity (and appropriate jurisdiction-specific examination)

Rationale

The change to B2 is to make it parallel to the engineering language in A2, which is shown for reference.

Board of directors’ position

Endorses, consent agenda

UPLG Motion 9

Move that the following preface replace the current introduction to the *Model Law* and that it be added to the *Model Rules* to explain the intent of the documents, how they fit with the NCEES vision and mission, how boards can use them, and that they are updated by member board vote at the annual meeting.

PREFACE

Purpose of the NCEES *Model Law* and *Model Rules*

The vision of the National Council of Examiners for Engineering and Surveying is to “provide leadership in professional licensure of engineers and surveyors through excellence in uniform laws, licensing standards, and professional ethics in order to safeguard the health, safety, and welfare of the public and to shape the future of professional licensure.” The mission of NCEES is to “advance licensure for engineers and surveyors in order to safeguard the health, safety, and welfare of the public.”

NCEES serves as an organization through which its members—the engineering and surveying licensure boards in all U.S. states and territories—can counsel and act together to better discharge their duties as individual, autonomous regulatory agencies. One of the primary ways NCEES fulfills its vision and supports its mission is by providing the *Model Laws* and *Model Rules* for adoption by its member boards.

The NCEES *Model Law* sets forth broad ideas about the regulation of engineering and surveying licensure. It is an enabling document that defines the board’s powers and duties. It is designed to assist legislative counsels, legislators, and NCEES members in preparing new or amendatory legislation. Each line in the sections is numbered to facilitate use of this document as a working model.

The *Model Rules* complements the *Model Law* by providing model rules and regulations for the ways member boards can carry out the general concepts introduced and set forth in the law. While it is designed to explain broad provisions stated in the *Model Law* by offering the details from an administrative perspective, the *Model Rules*, just like a board’s regulations or rulemaking process, functions only within the authority granted by the *Model Law*. The *Model Rules* is designed to assist NCEES member board members, board counsel, and board administrators in preparing and updating board rules.

Revisions to the *Model Law* and *Model Rules* are decided at the NCEES annual business meeting each year. By vote, the majority of NCEES member boards have agreed that the language in them represents the gold standard for engineering and surveying licensure requirements in the United States. The intent of NCEES in preparing these uniform model documents is to present its member boards with a high-level benchmark—and yet a sound and realistic guide—that will provide greater uniformity of qualifications for licensure, raise these qualifications to a higher level of accomplishment, and simplify the interstate licensure of engineers and surveyors.

Rationale

The *Model Law* currently has an introduction explaining the purpose of the document. The *Model Rules* does not. Because these publications are intended to be used together, UPLG recommends including the same preface in each of them so that it is clear that these documents are meant to work as a unit, not separately. The preface would replace the current introduction to the *Model Law*. Much of preface content derives from the current *Model Law* introduction, but it also now references the NCEES vision and mission, explains that member boards vote on amendments each year at the annual business meeting, and includes mention of the *Model Rules*.

Board of directors’ position

Endorses, consent agenda

UPLG Motion 10

Move that *Model Law* 110.10 A and 110.20 A5 be amended as follows:

Model Law 110.10 General Provisions

- A. Regulation of Engineers and Surveyors—In order to safeguard the health, safety, and welfare of the public, the practice of engineering and/or the practice of surveying in this jurisdiction is/are hereby declared to be subject to regulation in the public interest. It shall be unlawful for any person to practice, or to offer to practice, engineering and/or surveying in this jurisdiction, as defined in the provisions of this Act, or to use in connection with their name or otherwise assume, or advertise any title or description tending to convey the impression that they are a licensed engineer and/or surveyor, unless such person has been duly licensed or authorized or is exempted under the provisions of this Act. The practice of engineering or surveying shall be deemed a privilege granted by this jurisdiction through the licensing board based on the qualifications of the individual as evidenced by ~~his or her~~ that individual's certificate of licensure, which shall not be transferable.

Model Law 110.20 Definitions

- A. Engineer
5. Practice of Engineering—The term “Practice of Engineering,” as used in this Act, shall mean any service or creative work requiring engineering education, training, and experience in the application of engineering principles and the interpretation of engineering data to engineering activities that potentially impact the health, safety, and welfare of the public.

The services may include, but not be limited to, providing planning, studies, designs, design coordination, drawings, specifications, and other technical submissions; teaching engineering design courses; performing surveying that is incidental to the practice of engineering; and reviewing construction or other design products for the purposes of monitoring compliance with drawings and specifications related to engineered works.

Surveying incidental to the practice of engineering excludes the surveying of real property for the establishment of land boundaries, rights of way, easements, and the dependent or independent surveys or resurveys of the public land survey system.

~~A person~~ An individual shall be construed to practice engineering, within the meaning and intent of this Act, if he or she does any of the following:

- a. Practices any discipline of the profession of engineering or holds himself or herself out as able and entitled to practice any discipline of engineering
- b. Represents himself or herself to be a professional engineer by verbal claim, sign, advertisement, letterhead, or card or in any other way
- c. Through the use of some other title, implies that he or she is a professional engineer or licensed under this Act

Rationale

These are housekeeping changes. The change in Paragraph 5 is proposed because the definition of “person” in *Model Law* 110.10 M includes firms, and this section does not apply to firms.

Board of directors’ position

Endorses, consent agenda

UPLG Motion 11

Move that *Model Law* 120.50 and *Model Rules* 220.10 D be amended as follows:

Model Law 120.50 Board Organization and Meetings

The board shall hold at least *[insert number]* regular meetings each year. ~~Special meetings may be held as the bylaws or rules of the board provide. Other meetings may be called as prescribed by jurisdictional law.~~ The board shall elect or appoint annually from among its membership the following officers: a chairperson, a vice chairperson, and a secretary. A quorum of the board shall consist of no fewer than *[insert number]* professional engineer members, *[insert number]* professional surveyor members, and *[insert number]* public members.

Model Rules 220.10 Organization of the Board

D. Meetings

- ~~1.~~ The board holds at least *[insert number]* regular meetings each year. ~~Other meetings may be called as prescribed by law. (Section 120.50, Board Organization and Meetings, NCEES Model Law)~~
- ~~2.~~ Notices of meeting dates and times are normally given *[insert amount of time required]* in advance for all the regular meetings of the year. For special meetings, *[insert number of days]* notice must be given.
- ~~3.~~ Place of meetings is determined in advance by members of the board.
- ~~4.~~ All meetings are open to the public unless the meeting is closed for reasons defined by the laws of this jurisdiction.

Rationale

The language is being moved from the *Model Rules* to the *Model Law* because the language is duplicated in the two documents. UPLG feels that the rules language is clearer, so it proposes replacing the language in the law with it.

Board of directors' position

Endorses, consent agenda

UPLG Motion 12

Move that *Model Law* 120.60 J–M, *Model Law* 120.70, and *Model Rules* 220.10 H–I be amended as follows:

Model Law 120.60 Board Powers

- ~~J.~~ The board shall have the power to employ such staff as necessary for the proper performance of its work. The board may employ an individual who shall be responsible for the administration of the policies of the board and for the processing of its routine operations. The board may also employ those persons required and qualified, including full or part-time, necessary to perform the administration of the laws of this jurisdiction and those rules regulating the practice of engineering and surveying. This includes the use of consultants when deemed necessary.
- ~~JK.~~ The board shall have the power to appoint committees to assist the board's efforts in carrying out the responsibilities of this Act. ~~All individuals appointed by the board to serve on committees are entitled to reimbursement of expenses as approved by the board.~~
- ~~KL.~~ The board shall have the power to adopt and collect fees in amounts necessary to enable the board to carry out its function under this Act.
- ~~LM.~~ The board shall be authorized to use electronic transmissions for all purposes permitted under statute *[citation for jurisdiction law]*.
- ~~MN.~~ The attorney general of this jurisdiction or his or her assistants may act as legal adviser to the board and render such legal assistance as may be necessary in carrying out the provisions of this Act. The board may employ or retain counsel and necessary assistance to aid in the enforcement of this Act, and the compensation and expenses therefore shall be paid from the funds of the board.

Model Law 120.70 Receipts and Disbursements

The board administrator shall receive, disburse, and account for all monies derived under the provisions of this Act. This fund shall be known as the "Professional Engineers' and Professional Surveyors' Fund," shall be kept in a local bank or deposited with the jurisdiction treasurer, and shall be paid out only upon requisitions submitted by the board administrator. All monies in this fund are hereby specifically appropriated for the use of the board. The board administrator shall give a surety bond to this jurisdiction in such sum as may be required by the laws of this jurisdiction. The premium on said bond shall be regarded as a proper and necessary expense of the board. The board administrator shall receive such salary as the board shall determine. The board ~~shall employ such staff as are necessary for the proper performance of its work and~~ shall make expenditures from the

abovementioned fund for any purpose which, in the opinion of the board, is reasonably necessary for the proper performance of its duties under this Act, including the expenses of the board's delegates to meetings of and membership fees to the National Council of Examiners for Engineering and Surveying (NCEES) and any of its subdivisions. Individuals appointed by the board to serve on committees, or who perform other services required by the board, are entitled to reimbursement of expenses as approved by the board. Under no circumstances shall the total amount of warrants issued in payment of the expenses and compensation provided for in this Act exceed the amount of monies collected.

Model Rules 220.10 Organization of the Board

H. Board Administrator

~~The board may employ an individual who shall be responsible for the administration of the policies of the board and for the processing of its routine operations.~~

I. Employment of Personnel

~~The board may employ those persons required and qualified, including full or part time, necessary to perform the administration of the laws of this jurisdiction and those rules regulating the practice of engineering and surveying. This includes the use of consultants when deemed necessary. (Section 120.70, Receipts and Disbursements, NCEES Model Law)~~

Rationale

Model Rules 220.10 H and I were combined and moved to Model Law 120.60, along with the related language stricken in Model Law 120.70; the language belongs in the law because it gives the board the authority to employ staff. The new language in Model Law 120.70 was moved from the original Model Law 120.60 J because it is more appropriate to be included under the disbursements section; the language needs to stay in the law rather than move to the rules because boards will need the authorization of the legislature to spend the money. The words "or who perform other services required by the board" were added to ensure that the language also applies to investigators, expert witnesses, exam writers, etc.

Board of directors' position

Endorses, consent agenda

UPLG Motion 13

Move that *Model Law 120.80 E* and *Model Rules 220.10 K* be amended as follows:

Model Law 120.80 Records and Reports

~~E. Board records and papers of the following class are of a confidential nature and are not public records: file records of examination problems and solutions, examination scores, letters of inquiry and reference concerning applicants, transcripts of college courses and grades, email addresses, board inquiry forms concerning applicants, pending and closed complaints and investigative files until a formal hearing may commence or until final disciplinary action is taken, cases dismissed without disciplinary action, all other materials of like confidential nature, and information otherwise protected by law.~~

E. The Freedom of Information Act requires most records, papers, and reports of the board to be public in nature and to be obtained from the board upon written request and payment of costs of reproduction, handling, and mailing. Other records, papers, and reports, most of which are confidential, are not considered to be public in nature and are not available except when required by court action or the jurisdiction's public records laws. These include, but are not limited to, examination material for examinations not yet given, file records of examination problems and solutions, examinations scores, letters of inquiry and reference concerning applicants, transcripts of college courses and grades, email addresses, board inquiry forms concerning applicants, pending and closed complaints and investigative files until a formal hearing may commence or until final disciplinary action is taken, cases dismissed without disciplinary action, all other materials of like confidential nature, and information otherwise protected by law.

Model Rules 220.10 Organization of the Board

K. Records

~~The Freedom of Information Act requires most records, papers, and reports of the board to be public in nature and to be obtained from the board upon written request and payment of costs of reproduction, handling, and mailing. Other records, papers, and reports, most of which are confidential, are not considered to be public in nature and are not available except when required by court action or the jurisdiction's public records laws. These include, but are not limited to, examination material for~~

~~examinations not yet given, file records of examination problems and solutions, examinations scores, letters of inquiry and reference concerning applicants, transcripts of college courses and grades, email addresses, board inquiry forms concerning applicants, pending and closed complaints and investigative files until a formal hearing may commence or until final disciplinary action is taken, cases dismissed without disciplinary action, all other materials of like confidential nature, and information otherwise protected by law. (In part from Section 120.80 E, Records and Reports, NCEES Model Law)~~

Rationale

The language in the *Model Law* and *Model Rules* is duplicative and is more appropriate in the law because of the importance of public information requests in legal situations. UPLG felt that the language in the rules is clearer so recommends moving it to the law.

Board of directors' position

Endorses, consent agenda

UPLG Motion 14

Move that *Model Law* 120.90 and *Model Rules* 220.10 L be amended as follows:

Model Law 120.90 Roster

A complete roster showing the names, last known addresses, and license or certificate number of all professional engineers, professional surveyors, and firms holding a certificate of authorization shall be published by the board ~~as established by board regulations.~~

Model Rules 220.10 Organization of the Board

L. Roster

~~The board administrator shall publish and make public a roster showing the names, last known addresses, and license or certificate numbers of all professional engineers, professional surveyors, and firms holding a certificate of authorization in this jurisdiction. (Section 120.90, Roster, NCEES Model Law)~~

A roster of all licensees and firms holding a certificate of authorization will be updated annually and shall be accessible to the public.

Rationale

The current *Model Rules* 120.90 language duplicates language in *Model Law* 220.10 L. It is being replaced with language that does not duplicate the law but goes beyond it by saying how often the roster should be published. The language in the law is being deleted because of this change to the rules.

Board of directors' position

Endorses, consent agenda

UPLG Motion 15

Move that *Model Law* 130.10 be amended as follows:

Model Law 130.10 General Requirements for Licensure

Education, experience, and examinations ~~(as described in the *Model Rules*)~~ are required for licensure as a professional engineer or professional surveyor.

Rationale

This language is the introduction paragraph to an in-depth description of requirements for licensure in the *Model Law*. The language pointing to the *Model Rules* is being deleted because the *Model Rules* contains an abbreviated version of the information in this section and does not expand on it.

Board of directors' position

Endorses, consent agenda

UPLG Motion 16

Move that *Model Law 130.30 A* be amended as follows:

Model Law 130.30 Examinations

- A. The examinations will be held at such times and places as the board directs [and/or in accordance with NCEES examination policy](#). The board shall determine the acceptable passing grade on jurisdiction-specific examinations.

Rationale

The new language is to allow for NCEES computer-based examinations and for state-specific examinations.

Board of directors' position

Endorses, consent agenda

UPLG Motion 17

Move that *Model Law 130.30 B* and *Model Rules 230.40 A* and *C* be amended as follows:

Model Law 130.30 Examinations

- B. Examinations may be taken only after the applicant has met the other minimum requirements as given in Sections 130.10 and 130.20 of this Act and has been approved by the board for admission to the examinations. The board may offer the following examinations:
1. NCEES Fundamentals of Engineering (FE) examination—~~The examination consists of subject matters in the fundamentals of engineering. Passing this examination qualifies the examinee for certification as an engineer intern, provided the examinee has met all other requirements for certification required by this Act.~~
 2. NCEES Principles and Practice of Engineering (PE) examination—~~The examination consists of subject matters in applied engineering. Passing this examination qualifies the examinee for licensure as a professional engineer, provided the examinee has met the other requirements for licensure required by this Act.~~
 3. NCEES Structural Engineering (SE) examination
 4. NCEES Fundamentals of Surveying (FS) examination—~~The examination consists of subject matters in the fundamentals of surveying. Passing this examination qualifies the examinee for certification as a surveyor intern, provided the examinee has met all other requirements for certification required by this Act.~~
 - 4.5. NCEES Principles and Practice of Surveying (PS) examination—~~The examination consists of subject matters in applied surveying, divided in separate parts as determined by the board. Passing these parts qualifies the examinee for licensure as a professional surveyor, provided the examinee has met the other requirements for licensure required by this Act.~~
 5. ~~NCEES Structural Engineering (SE) examination—The examination shall be considered and referred to as one 16-hour examination. The examination consists of two 8-hour components: the Vertical Forces (gravity/other) and Incidental Lateral component and the Lateral Forces (wind/earthquake) component. A candidate must receive acceptable results on both 8-hour components to pass the SE examination. A candidate may sit for each component in separate exam administrations but must receive acceptable results on both components within a five-year period. Receiving acceptable results on only one 8-hour component shall not be sufficient for licensure purposes.~~

Model Rules 230.40 Examinations

- A. Classification of Engineering Examinations

This jurisdiction or its designee will provide the following examinations, prepared and furnished by NCEES, meeting the requirements of this jurisdiction for licensure as a professional engineer:

1. ~~The~~ NCEES Fundamentals of Engineering (FE) examination ~~and~~—[The examination consists of subject matters in the fundamentals of engineering. Passing this examination qualifies the examinee for certification as an engineer intern, provided the examinee has met all other requirements for certification required by this Act.](#)
2. ~~The~~ NCEES Principles and Practice of Engineering (PE) examination ~~in the appropriate discipline~~—[The examination consists of subject matters in applied engineering. Passing this examination qualifies the examinee for licensure as a professional engineer, provided the examinee has met the other requirements for licensure required by this Act.](#)

3. ~~The~~ NCEES Structural Engineering (SE) examination—~~The examination~~ shall be considered and referred to as one 16-hour examination. The SE examination consists of two 8-hour components: the Vertical Forces (gravity/other) and Incidental Lateral component and the Lateral Forces (wind/earthquake) component. A candidate must receive acceptable results on both 8-hour components to pass the SE examination. A candidate may sit for each component in separate exam administrations but must receive acceptable results on both components within a 5-year period. Receiving acceptable results on only one 8-hour component shall not be sufficient for licensure purposes.

C. Classification of Surveying Examinations

This jurisdiction will provide the following examinations, prepared and furnished by NCEES, meeting the requirements of this jurisdiction for licensure as a professional surveyor:

1. ~~The~~ NCEES Fundamentals of Surveying (FS) examination—~~and—The examination consists of subject matters in the fundamentals of surveying. Passing this examination qualifies the examinee for certification as a surveyor intern, provided the examinee has met all other requirements for certification required by this Act.~~
2. ~~The~~ NCEES Principles and Practice of Surveying (PS) examination—~~The examination consists of subject matters in applied surveying, divided in separate parts as determined by the board. Passing these parts qualifies the examinee for licensure as a professional surveyor, provided the examinee has met the other requirements for licensure required by this Act.~~

Jurisdictions have the right to administer separate modules on jurisdiction laws and procedures for the practice of surveying. ~~(In part from Section 130.30, Examinations, NCEES Model Law)~~

Rationale

The NCEES examinations are defined in detail in the *Model Law* but just listed in the *Model Rules*. UPLG believes they should instead be listed in the law because it is broader and that the full definitions of them should be included in the rules. In *Model Law* 130.30 B, Structural Engineering, was moved to match the order of *Model Rules* 230.40.

Board of directors' position

Endorses, consent agenda

UPLG Motion 18

Move that *Model Law* 130.30 C and *Model Rules* 230.40 H–M be amended as follows:

Model Law 130.30 Examinations

- C. A candidate failing ~~one an~~ examination may apply for re-examination in accordance with NCEES policy ~~or as directed by the board. Before readmission to the examination, in the event of a second failure, the examinee may, at the discretion of the board, be required to appear before the board with evidence of having acquired the additional knowledge needed to pass the examination.~~

Model Rules 230.40 Examinations

H. Instructions for Examinees

1. Instructions provided prior to each examination will declare an examination to be open- or closed-book. Instructions will communicate what materials are allowed in the examination room in accordance with established NCEES policy.
- ~~1.~~ 2. Failure to Attend an Examination
 - ~~1.~~ a. An applicant who fails to attend an examination for which he or she has been scheduled will forfeit the fee paid for the exam, except in the case of illness, death in the family, or military deployment. Refunds, if any, will be determined based upon NCEES or jurisdictional policies.
 - ~~2.~~ b. Failure of an applicant to attend an examination for which he or she has been scheduled to attend does not count as a failure of the examination.
- ~~J.~~ J. Pencil-and-Paper Examination Offerings
 - ~~1.~~ 1. ~~An applicant failing 3 or more attempts of the same NCEES examination, regardless of the jurisdiction in which the examination is administered, must submit an application to be readmitted to future administrations of the same NCEES examination. If readmitted by the board, an applicant must wait at least 11⁺ months until the next yearly interval the failed NCEES examination is offered before retaking the examination. At the end of the waiting period and continuing thereafter, an applicant may take the examination only once every calendar year. (Section 130.30 C, Examinations, NCEES Model Law)~~

1. All applicants for an NCEES pencil-and-paper examination must register with NCEES after being approved by the licensing board of their jurisdiction.
2. A candidate failing an NCEES pencil-and-paper examination may apply to retake the examination in accordance with *[insert the rules/regulations of the licensing board]*.
- ~~23.~~ An applicant for ~~the PE or PS~~ an NCEES pencil-and-paper examinations will be notified by the board at least ~~60~~*[insert number]* days before the examination date of approval to take the examination. The applicant must notify the board whether he or she plans to sit for the examination at least ~~45~~*[insert number]* days before the examination date.

~~KJ.~~ Computer-Based Examination Offerings

1. An applicant must register with NCEES to take ~~the FE or FS~~ an NCEES computer-based examination.
2. An applicant failing ~~the FE or FS~~ an NCEES computer-based examination may be allowed to retake the examination in accordance with NCEES policy.

~~LK.~~ Examination Results

Examination results will be released in accordance with established NCEES policy.

~~ML.~~ Review of Examinations

There shall be no post-administration access to, or review of, NCEES examination questions. Member boards may request that NCEES manually verify an examinee's results from a pencil-and-paper examination. Such verification shall be conducted in accordance with NCEES policy.

~~† NCEES pencil and paper examinations are not typically offered at exactly 12-month intervals. The time between annual offerings may be less or more than 12 months of actual time on the calendar.~~

Rationale

The change to the *Model Law* is to make it broader and to allow for computer-based testing (CBT) so that it does not contradict NCEES Examination Administration Policy 1, which states, “A candidate for a CBT exam may take the examination only one time per testing window and no more than three times in a 12-month period.”

The change to *Model Rules* 230.40 I is to move the language to the examinee instructions section, where it is more appropriate. A new J1 (under Pencil-and-Paper Examination Offerings) was added to parallel the language in section K (Computer-Based Examination Offerings). The new J2 replaces the old J1 to make the language broader and to allow for the transition of the PS and PE exams to CBT. UPLG believes that the language in the original J1 is too specific for the model documents in this period of transition. The specific language, if needed, may be more appropriate as an NCEES policy. UPLG recommends that the appropriate committee be charged with considering whether the stricken language in section J should be made into an NCEES policy. NCEES currently has a policy addressing the number of retakes for CBT in EAP 1 as mentioned above but does not have one for pencil-and-paper exams.

Finally, references to specific exam names in sections J and K were changed to “NCEES pencil-and-paper examination” or “NCEES computer-based examination.” This is to allow for the transition of the PS examination to CBT in October 2016 and for the PE exam transitions as they begin to occur.

Board of directors' position

Endorses, consent agenda

UPLG Motion 19

Move that *Model Rules* 230.40 G be amended as follows:

Model Rules 230.40 Examinations

G. ~~Study Information-Exam Preparation Materials~~

- ~~1.—The board will not distribute copies of questions used on prior examinations. NCEES does offer for sale copies of questions on prior examinations, and copies may be purchased directly from it.~~
- ~~2.—The board may publish and make available ~~specifications exam preparation materials~~ for all examinations that are specific to the jurisdiction. Exam preparation materials for NCEES examinations are available through NCEES. (Section 130.30 D, Examinations, NCEES Model Law)~~

Rationale

The title is being changed to make it consistent with what NCEES currently calls the materials on the website and in other publications. The first sentence is being deleted because this is already covered under *Model Rules* 230.40 M, which states, “There shall be no post-administration access to, or review of, NCEES examination questions.” The other changes are for simplification and clarity.

Board of directors’ position

Endorses, consent agenda

UPLG Motion 20

Move that *Model Law* 140.10 A be amended as follows:

Model Law 140.10 Certificates of Licensure, Seals

- A. The board shall issue to any applicant for licensure as a professional engineer or professional surveyor who, in the opinion of the board, has met the requirements of this Act, a certificate of licensure giving the licensee proper authority to practice his or her profession in this jurisdiction. The certificate of licensure for a professional engineer shall carry the designation “Professional Engineer” and for a professional surveyor, “Professional Surveyor.” It shall give the full name of the licensee with licensure number and shall be signed by the ~~board chairperson and the board administrator~~ appropriate authority under the seal of the board.

Rationale

This change is to make the language broader for jurisdictions that have someone other than the chair (such as the executive director) sign the certificates of licensure.

Board of directors’ position

Endorses, consent agenda

UPLG Motion 21

Move that *Model Law* 140.20 B be amended as follows:

Model Law 140.20 Expirations, Renewals, and Reinstatement to Active Practice

- A. Certificates of licensure shall expire on the date designated by the board and shall become invalid after that date unless renewed. It shall be the duty of the board to notify every individual licensed under this Act of the expiration date of the certificate of licensure and the amount of the fee required for its renewal.
- B. Renewal may be effected during the renewal period by meeting the requirements established by the board, [including the requirements for continuing professional competency as a condition for renewal](#). Renewal of an expired certificate may be effected under rules promulgated by the board regarding requirements for re-examination and penalty fees.
- C. If a licensee is granted inactive status, the licensee may return to active status by notifying the board in advance of this intention, by paying appropriate fees, and by meeting all requirements of the board, including demonstration of continuing professional competency as a condition of reinstatement.

Rationale

UPLG feels that the *Model Law* should state that it is within the authority of the board to require continuing professional competency (CPC); the *Model Rules* still explains what the actual CPC requirements are. UPLG sent this proposed change to the Education Committee to review, and that committee concurred.

Board of directors' position

Endorses, consent agenda

UPLG Motion 22

Move that *Model Law* 170.30 B be amended as follows:

Model Law 170.30 Exemption Clause

- B. Contingent License—A contingent license may be issued by the board or board administrator to an applicant for ~~comity~~-licensure [by comity](#) if the applicant appears to meet the requirements for ~~comity~~-licensure [by comity](#). Such a contingent license will be in effect from its date of issuance until such time as the board takes final action on the application for ~~comity~~-licensure [by comity](#). If the board determines that the applicant does not meet the requirements for issuance of a ~~comity~~-license, the contingent license shall be immediately and automatically revoked upon notice to the applicant and no ~~comity~~-license will be issued.

Rationale

The word “comity” is stricken in the last sentence because there is no “comity license.” Rather, comity is a path for licensure. The other changes are to help clarify that.

Board of directors' position

Endorses, consent agenda

UPLG Motion 23

Move that the appropriate committee be charged with considering whether the Model Law Engineer, Model Law Surveyor, and Model Law Structural Engineer designations as defined in *Model Rules* 210.20 should be removed from the *Model Rules* and instead be included as a professional policy in the *NCEES Manual of Policy and Position Statements*.

Rationale

In its discussions, committee members noted that the definitions of Model Law Engineer (MLE), Model Law Surveyor (MLS), and Model Law Structural Engineer (MLSE), which are currently located in *Model Rules* 210.20 B, are actually internal designations given to licensees by the NCEES Records program after a thorough review of their credentials to see if they meet the requirements. Licensing boards expedite comity licensure when someone holds an NCEES Record and is designated to be an MLE, MLS, or MLSE.

The *Model Law* does not contain the three designations but instead has a broader section listing the general requirements for licensure. The *Model Rules* also has separate sections detailing education, experience, and examination requirements for licensure. While the MLE, MLS, and MLSE designations are extremely effective tools in making it easier to become licensed in other jurisdictions, UPLG believes they are out of place in the *Model Rules*. They are NCEES terms that are not intended to be adopted into each jurisdiction's laws and rules.

Therefore, the committee feels that they would be more appropriate in the Professional Policy section of the NCEES *Manual of Policy and Position Statements*, which already includes policies on expedited comity licensure and the NCEES Records program.

One point to note is that UPLG is proposing other changes to related language in the *Model Rules* this year (see Motions 25 and 31); this motion is not to relocate the designations now but for the Council to approve the concept of relocating them. Any other references to them in the *Model Rules*, such as in 230.60, would need to be addressed by the appropriate committee and brought forth for Council vote in 2016 if this motion passes.

Board of directors' position

Endorses, consent agenda

UPLG Motion 24

Move that *Model Rules* 210.20 A be amended as follows:

Model Rules 210.20 Definitions

A. The NCEES *Model Law*, Section 110.20, Definitions, provides definitions ~~of the following terms: that also apply to these *Model Rules*.~~

- ~~1. Engineer~~
 - ~~a. Engineer~~
 - ~~b. Professional engineer~~
 - ~~c. Professional engineer, retired~~
 - ~~d. Engineer intern~~
 - ~~e. Practice of engineering~~
 - ~~f. Inactive status~~
- ~~2. Professional Surveyor~~
 - ~~a. Professional surveyor~~
 - ~~b. Professional surveyor, retired~~
 - ~~c. Surveyor intern~~
 - ~~d. Practice of surveying~~
 - ~~e. Inactive status~~
- ~~3. Board~~
- ~~4. Jurisdiction~~
- ~~5. Responsible charge~~
- ~~6. Rules of professional conduct~~
- ~~7. Firm~~
- ~~8. Managing agent~~
- ~~9. Rules~~
- ~~10. Signature~~
- ~~11. Seal~~
- ~~12. Licensee~~
- ~~13. Person~~
- ~~14. Or the equivalent~~
- ~~15. Authoritative~~
- ~~16. Disciplinary action~~

Rationale

UPLG is proposing to point back to the *Model Law* definitions rather than repeat the terms in the *Model Rules* since the *Model Rules* does not expand on them.

Board of directors' position

Endorses, consent agenda

UPLG Motion 25

Move that *Model Rules* 210.20 B be amended as follows:

Model Rules 210.20 Definitions

B. The following definitions are included in the *Model Rules* only:

1. Model Law Engineer—The term “Model Law Engineer” refers to an individual who has obtained licensure as a professional engineer in at least one jurisdiction as the result of satisfying the following conditions:
 - b. Passes the NCEES Fundamentals of Engineering (FE) examination and an NCEES Principles and Practice of Engineering (PE) examination ~~using the NCEES cut score~~
2. Model Law Surveyor—The term “Model Law Surveyor” refers to an individual who has obtained licensure as a professional surveyor in at least one jurisdiction as the result of satisfying the following conditions:
 - b. Passes the NCEES Fundamentals of Surveying (FS) examination and the NCEES Principles and Practice of Surveying (PS) examination ~~using the NCEES cut score~~

Rationale

UPLG believes this language should be removed for two reasons. First, “cut score” is not defined anywhere in the *Model Law* or *Model Rules*; the lack of a definition could be confusing to boards and applicants. Second, it is redundant to make this part of the model for boards to adopt because scoring is part of NCEES policy, which the member boards abide by as part of their agreement with NCEES.

Board of directors’ position

Endorses, consent agenda

UPLG Motion 26

Move that *Model Rules* 220.10 A–G be amended as follows:

Model Rules 220.10 Organization of the Board Operations

~~A. Vacancy on the Board~~

~~If a vacancy on the board occurs for any reason and the governor fails to appoint a successor within 3 months, the board may appoint a provisional member until the governor makes an appointment. (Section 120.10, Board Appointments, Terms, NCEES Model Law)~~

~~B. Qualifications of Members~~

~~Each public member of the board shall not be or have been a professional engineer or professional surveyor and shall be a citizen of the United States and resident of this jurisdiction. (Section 120.20, Board Qualifications, NCEES Model Law)~~

~~C. Officers~~

~~The board elects or appoints annually from its membership as officers a chairperson, a vice chairperson, and a secretary. (Section 120.50, Board Organization and Meetings, NCEES Model Law)~~

~~D. Meetings~~

~~1. The board holds at least [insert number] regular meetings each year. Other meetings may be called as prescribed by law. (Section 120.50, Board Organization and Meetings, NCEES Model Law)~~

~~2. Notices of meeting dates and times are normally given [insert amount of time required] in advance for all the regular meetings of the year. For special meetings, [insert number of days] notice must be given.~~

~~3. Place of meetings is determined in advance by members of the board.~~

~~4. All meetings are open to the public unless the meeting is closed for reasons defined by the laws of this jurisdiction.~~

~~E. Voting~~

~~All members of the board, including the chairperson, are entitled to vote and to make or to second motions. A majority vote of those present is required to pass a motion. The chairperson shall vote as a member of the board.~~

~~F. Rules of Order~~

~~The latest edition of *Roberts Rules of Order, Revised* shall govern the normal proceedings of the board. Exceptions include hearings that may be disciplinary in nature.~~

~~G. Compensation and Expenses~~

~~When attending to the work of the board, each member shall be entitled to the maximum allowable per diem set by the board. This includes meetings of committees of the board and time spent in necessary travel.~~

~~Further, members shall be reimbursed for all actual traveling, incidental, and clerical expenses necessarily incurred in carrying out the duties of the members of the board. (Section 120.30, Board Compensation, Expenses, NCEES Model Law)~~

Rationale

The stricken language repeats language that is already provided throughout the sections of *Model Law 120*, The Licensing Board, without providing additional information; therefore, UPLG is proposing to delete the duplicative language in the *Model Rules*. The committee is also proposing to change the title to be more appropriate for the remaining language.

Board of directors' position

Endorses, consent agenda

UPLG Motion 27

Move that *Model Rules 220.20* be amended as follows:

Model Rules 220.20 Adoption and Amendment of Rules and Regulations

~~Rules and regulations are adopted by this board under the provision of the laws governing the practice of engineering or surveying that may be reasonably necessary for the proper performance of the board's duties and the regulations of the proceedings before it. They must not be inconsistent with the constitution and laws of this jurisdiction.~~All rules or regulations adopted, amended, or repealed by this board shall comply with the provision of the administrative procedures act of this jurisdiction. [*insert chapter, title, code, jurisdiction, date*]~~(Section 120.60, Board Powers, NCEES Model Law).~~

Rationale

Model Law 120.60 A already defines board powers, so the stricken language above is not needed in the *Model Rules*. UPLG left the remaining administrative part because it is not included in the law and because the rules and regulations are the appropriate place to include the process for amending those rules and regulations.

Board of directors' position

Endorses, consent agenda

UPLG Motion 28

Move that *Model Rules 230.60 D–E* be amended as follows:

Model Rules 230.60 Applications

D. Reconsideration of Applications

Reconsideration may be requested of an application that has been denied when the request is based on additional information and/or evidence that could affect the original decision. A reconsideration request or request for a hearing must be made within ~~30~~ [*insert number*] days after the applicant has been notified that the decision was made to reject the original application.

E. ~~Disposal~~ Disposition of Applications

Applications may be approved, deferred for further information (more experience, questionable references, or other reasons), or denied.

1. Approved applications—When an application is approved by the board showing that the applicant has met all the requirements for licensure or certification required by the licensure act, the applicant shall be granted licensure or certification with notification by the board.
2. Deferred applications—Applications deferred for any reason are retained ~~on file pending late disposal when proper remedy as requested is presented until such date as a proper remedy is presented or until~~ [*insert deadline for responding to board's inquiry*].

Rationale

These are housekeeping changes to make the language more user friendly. UPLG also felt that “disposition” is the more appropriate word in the title for Paragraph E.

Board of directors' position

Endorses, consent agenda

UPLG Motion 29

Move that *Model Rules* 240.10 B be amended as follows:

Model Rules 240.10 Licensure

B. Certificates of Licensure

The board shall issue a certificate of licensure to an applicant who has met the requirements of this jurisdiction and who has paid the application fee. [The information shown on the certificate shall be in accordance with Model Law 140.10 Certificates of Licensure, Seals. The certificate will be signed as required by the board and will show the licensee's license number and seal of the board. \(Section 140.10, Certificates of Licensure, Seals, NCEES Model Law\)](#)

Rationale

Model Law 140.10 provides a better and slightly different description of what is to be on the certificate, so UPLG recommends changing the language in the *Model Rules* to point back to the law.

Board of directors' position

Endorses, consent agenda

UPLG Motion 30

Move that *Model Rules* 250.30 B be amended as follows:

Model Rules 250.30 Disciplinary Action Procedures

B. Probable Cause

When a complaint is received by the board, it is referred to an investigative committee designated by the board. Any board member on the investigative committee cannot vote at the disciplinary hearing. *[Some boards use one member on a rotating basis. Some boards do not use a committee but use an investigator who then confers with the board and the attorney for the board.]* The investigative committee makes a determination if probable cause exists for taking further action or for issuing a summons and notice of charges. [Action against the respondent may be brought in the name of the board or brought before the board in the name of the complainant versus the respondent.](#)

Rationale

Members of UPLG were concerned about the phrase “or brought before the board in the name of the complainant” in the last sentence of *Model Rules* 250.30 B because they believed that a board should not be filing charges in the name of the complainant. They recommended deleting that phrase and sent this change to the Law Enforcement Committee for feedback. The Law Enforcement Committee reviewed it and recommended that UPLG delete the entire sentence, not just that phrase. The rationale for the change is that the purpose of this section is clear without the sentence and deleting it would avoid any confusion.

Board of directors' position

Endorses, consent agenda

UPLG Motion 31

Move that *Model Law* 130.10 B and *Model Rules* 230.60 F be amended as follows:

Model Law 130.10 General Requirements for Licensure

B. Licensure as a Professional Engineer

2. Comity Licensure for a Professional Engineer

The following shall be considered as minimum evidence satisfactory to the board that the applicant is qualified for licensure by comity as a professional engineer:

- a. An individual holding a certificate of licensure to engage in the practice of engineering issued by a proper authority of any jurisdiction or any foreign country, based on requirements that do not conflict with the provisions of this Act and possessing credentials that are, in the judgment of the board, of a standard ~~not lower than that specified in that~~ provides proof of minimal competency and is comparable to the applicable licensure act in effect in this jurisdiction at the time such certificate was issued may, upon application, be licensed without further examination except as required to examine the applicant's knowledge of statutes, rules, and other requirements unique to this jurisdiction; or

Model Rules 230.60 Applications

F. ~~Expedited~~ Comity Licensure

1. The board is authorized to review and evaluate the applications of all comity applicants to determine if they meet or exceed the criteria to be licensed as a professional engineer, professional structural engineer, or professional surveyor as defined in Section 130.10 of the *Model Law*.
2. The board administrator is authorized to review and evaluate the applications of all comity applicants to determine if they meet or exceed the criteria of a Model Law Engineer, Model Law Structural Engineer, or Model Law Surveyor as defined in Section 210.20 of these Rules and as designated by NCEES. If the applicant meets or exceeds these requirements, the board administrator may issue a contingent license authorizing that individual to offer or provide engineering or surveying services in this jurisdiction. A list of all engineers issued contingent licenses will be placed on the agenda of the next meeting of the board for formal approval by the board. A list of all surveyors who have been issued contingent licenses and who have passed the appropriate jurisdiction-specific examination will be placed on the agenda of the next meeting for formal approval by the board.

Rationale

Last year's MBA Committee made a motion, which passed, to charge UPLG with incorporating the changes shown above in the *Model Law*. The MBA Committee's rationale was as follows: "By making this change in the *Model Law*, mobility would no longer hinge on a set of regulations that were in effect in the recent or distant past. For the sake of mobility and public protection, comity licensure could now be based upon a set of criteria that is reasonable and justifiable and that allows the member boards to fulfill their statutory duties of protection of the public. With these obsolete concepts, many qualified professional engineers and surveyors cannot get licensed in many jurisdictions; this is contrary to what the mission of NCEES is about."

UPLG will also propose modifications to *Model Rules* 230.60. UPLG believes the changes should be made because the new language points back to the law and leaves it within the purview of each licensing board. UPLG deleted "expedited" because the section will now apply to both regular and expedited licensure by comity.

Board of directors' position

Endorses, consent agenda

Future of Surveying Task Force

Future of Surveying Task Force Motion 1

Move that NCEES fund and facilitate a meeting that includes representatives from organizations interested in the future of surveying. This group would consider and recommend additional outreach opportunities to promote the value of a surveying license. This information would be forwarded to an NCEES committee or task force for action as appropriate.

Financial impact

The costs associated with funding this meeting are estimated to be \$32,000. This amount would fund a 25-member focus group to study this issue and make recommendations for increased outreach related to the future of surveying.

Rationale

A number of affiliated groups are impacted by the reduction in the number of individuals pursuing a career in surveying. A meeting of these affected stakeholders will help to identify potential options and partners to better market the profession.

Board of directors' position

Endorses, non-consent agenda

Future of Surveying Task Force Motion 2

Move that the board of directors be authorized to implement the NCEES Professional Surveying Program of Distinction for a trial period of five award cycles, with the first award to be made prior to the 2017 annual meeting. The award structure will essentially conform to the recommendations of the Future of Surveying Task Force.

Financial Impact

The costs associated with funding this award are estimated to be \$125,000 annually. This amount would allow the Council to annually recognize up to 10 surveying programs that meet the approved criteria for the NCEES Professional Surveying Program of Distinction.

Rationale

Many of the programs in surveying are struggling financially due to low numbers of students. The award would help to supplement the operations of programs to allow them to continue to operate and to graduate the future surveying generation.

Board of directors' position

Endorses, non-consent agenda