



RULES COMMITTEE
EXAMINING BOARD OF ARCHITECTS, LANDSCAPE ARCHITECTS,
PROFESSIONAL ENGINEERS, DESIGNERS, AND PROFESSIONAL LAND SURVEYORS
Room N208, 4822 Madison Yards Way, 2nd Floor, Madison, WI
Contact: Christian Albouras (608) 266-2112
April 23, 2019

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

AGENDA

1:00 PM

OPEN SESSION – CALL TO ORDER – ROLL CALL

- A. Adoption of Agenda (1-2)**
- B. Approval of Minutes of November 30, 2018 (3)**
- C. 1:00 P.M. PRELIMINARY PUBLIC HEARING: Scope Statement SS 022-19 for A-E 5, Relating to the Designer Permit, and Scope Statement SS 023-19 for A-E 6, Relating to Professional Land Surveyor Licensure (4-9)**
- D. Legislation/Administrative Rule Matters – Discussion and Consideration (10-38)**
 - 1. Wisconsin Act 108 Report Submitted on Behalf of the A-E Board
 - 2. Review and Discussion on Preliminary Rule Drafts for A-E 4, Relating to Professional Engineer Registration; and A-E 7, Relating to Minimum Standards for Property Surveys
 - 3. Review and Discussion on Scope Statements for A-E 2, Relating to General Requirements and Procedures; A-E 8, Relating to Professional Conduct; and A-E 3, Relating to Architect Registration
 - 4. Legislation and Pending or Possible Rulemaking Projects
- E. Public Comments**

ADJOURNMENT

MEETINGS AND HEARINGS ARE OPEN TO THE PUBLIC, AND MAY BE CANCELLED WITHOUT NOTICE.

Times listed for meeting items are approximate and depend on the length of discussion and voting. All meetings are held at 4822 Madison Yards Way, Madison, Wisconsin, unless otherwise noted. In order to confirm a meeting or to request a complete copy of the board's agenda, please call the listed contact person. The board may also consider materials or items filed after the transmission of this notice. Times listed for the commencement of

disciplinary hearings may be changed by the examiner for the convenience of the parties. Interpreters for the hearing impaired provided upon request by contacting the Affirmative Action Officer, 608-266-2112.

**A-E RULES COMMITTEE
EXAMINING BOARD OF ARCHITECTS, LANDSCAPE ARCHITECTS,
PROFESSIONAL ENGINEERS, DESIGNERS AND LAND SURVEYORS
MEETING MINUTES
NOVEMBER 30, 2018**

PRESENT: Bruce Bowden, Michael Heberling, Steven Hook, Mark Mayer, Dennis Myers, Rosheen Styczinski, Steven Wagner

STAFF: Erin Karow, Executive Director; Helen Leong, Administrative Rules Coordinator; Kate Stolarzyk, Bureau Assistant; and other DSPS staff

CALL TO ORDER

Rosheen Styczinski, Chair, called the meeting to order at 1:13 p.m. A quorum of seven (7) members was confirmed.

ADOPTION OF AGENDA

MOTION: Dennis Myers moved, seconded by Bruce Bowden, to adopt the agenda as published. Motion carried unanimously.

APPROVAL OF MINUTES

MOTION: Steven Hook moved, seconded by Dennis Myers, to adopt the minutes from September 25, 2018 and September 26, 2018 as published/amended. Motion carried unanimously.

**LEGISLATION/ADMINISTRATIVE RULE MATTERS – DISCUSSION AND
CONSIDERATION**

Draft Wisconsin Act 108 Report Review and Discussion

MOTION: Steven Wagner moved, seconded by Bruce Bowden, to request DSPS staff draft a Scope Statement revising A-E 2, relating to general requirements and procedures. Motion carried unanimously.

MOTION: Dennis Myers moved, seconded by Steven Wagner, to request DSPS staff draft a Scope Statement revising A-E 8 Relating to Professional Conduct. Motion carried unanimously.

ADJOURNMENT

MOTION: Michael Heberling moved, seconded by Steven Hook, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 3:08 p.m.

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

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Helen Leong, Administrative Rules Coordinator		2) Date When Request Submitted: April 11, 2019 <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: A-E Rules Committee, Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, and Professional Land Surveyors			
4) Meeting Date: April 23, 2019	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Preliminary Public Hearing: Preliminary Public Hearing: Scope Statement SS 022-19 for A-E 5, relating to the Designer Permit, and Scope Statement SS 023-19 for A-E 6, relating to Professional Land Surveyor Licensure Legislative and Administrative Rule Matters – Discussion and Consideration 1) Act 108 Report submitted on behalf of the A-E Board 2) Review and discussion on Preliminary Rule Drafts for A-E 4, relating to Professional Engineer Registration; and A-E 7, relating to Minimum Standards of Property Surveys 3) Review and Discussion on Scope Statements for: A-E 2, relating to General Requirements and Procedures; A-E 8, relating to Professional Conduct; and A-E 3, relating to Architect Registration 4) Updates on Legislation and Pending or Possible Rulemaking Projects	
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 <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed: The A-E Board was directed to hold preliminary public hearing on the scope statements for A-E 5, relating to the Designer Permit, and A-E 6, relating to Professional Land Surveyor Licensure, pursuant to s. 227.136 (1), Stats. After the Committee reviews any public comments and feedback, the Chair may then implement the Scope Statements pursuant to s. 227.135 (2), Stats.			
11) Authorization			
Signature of person making this request <i>Helen Leong</i>		Date <i>April 11, 2019</i>	
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.			

Notice of Preliminary Hearing on Statement of Scope

The Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, and Professional Land Surveyor Rules Committee announces that it will hold a preliminary public hearing on two Statements of Scope:

- SS 022-19 for A-E 5, relating to designer permit.
- SS 023-19 for A-E 6, relating to professional land surveyor licensure.

The type of the proposed rules is permanent. In accordance with s. 227.136, Stats., the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, and Professional Land Surveyor is seeking public comment and feedback on two Statements of Scope, SS 022-19 and SS 023-19, at the time and place shown below.

Hearing Information

Date: April 23, 2019

Time: 1:00 pm

Location: 4822 Madison Yards Way, Room N208
Madison, Wisconsin

Appearances at the Hearing and Submittal of Written Comments

Persons wishing to provide oral or written comments regarding the Statement of Scope for the proposed administrative rule may appear during the hearing.

Comments may be submitted to Helen Leong, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, P.O. Box 8366, Madison Wisconsin 53708-8366 or by email to DSPSAdminRules@wisconsin.gov.

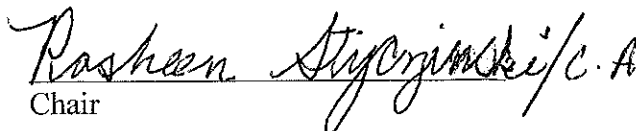
The Statement of Scope may be reviewed and comments made at https://docs.legis.wisconsin.gov/code/scope_statements/comment.

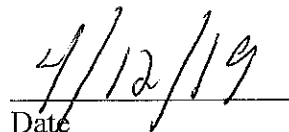
NOTE: This hearing was previously scheduled for April 24, 2019 at 11:00 am with the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, and Professional Land Surveyor. The hearing date and time have been changed.

Agency Contact Person

Helen Leong, DSPSAdminRules@wisconsin.gov, (608) 266-0797

This Notice of Preliminary Hearing on Statement of Scope is approved by:


Chair


Date

STATEMENT OF SCOPE

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

Rule No.: A-E 5

Relating to: Designer Permit

Rule Type: Permanent

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

N/A

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

The Designer Section of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, and Professional Land Surveyors (A-E Board) has determined that chapter A-E 5, relating to Designer Permit, needs to be reviewed and potentially amended to provide clarification on qualifications for the permit. A full review of the chapter will be undertaken to examine the education, experience, and specific types of permit requirements to ensure consistency and clarity for applicants.

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

A comprehensive review will be undertaken to evaluate and potentially amend A-E 5 to provide clarification for designer permit applicants. There has been confusion in the applications related to experience and how it is defined in the rules for the different fields of the designer permit. The Designer Section would like to provide improved guidance on how the applicant's education and experience needs to relate to the field of the specific designer permit. A comprehensive review of the chapter is required to ensure consistency and clarity in the review and approval of applications for designers. The alternative of not reviewing and potentially amending the rules would be less beneficial to affected entities.

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

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

Section 440.035 (1m), Stats., states that, "each examining board or affiliated credentialing board attached to the department or an examining board shall ... independently exercise its powers, duties and functions prescribed by law with regard to rule-making, credentialing and regulation."

Section 443.07 (1), Stats., provides that, "an applicant for a permit as a designer shall submit as evidence satisfactory to the designer section of the examining board ... to indicate that he or she is competent to be..." a designer. Subsection (3) states, "permits shall be granted, designated, and limited to the fields and subfields of technology as are determined by the designer section and recognized in engineering design practice." Subsection (5) states, "the permit shall, on its face, restrict the holder thereof to the specific field and subfields of designing in which the permittee acquired his or her experience in designing. If qualified in more than one type of designing, persons may receive permits for more than one field or subfield of designing as may be determined by the designer section."

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

The Department estimates approximately 120 hours will be needed to perform the review and develop any rule changes. The Department will assign existing staff to perform the review and develop the rule changes. No additional resources will be required.

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

Those who plan to apply for a designer permit.

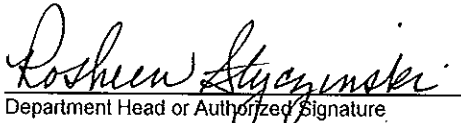
7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule:

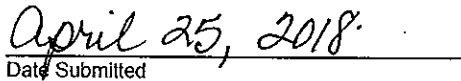
None.

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

The rule changes contemplated in this project are not expected to have any negative economic impacts on any of the affected entities.

Contact Person: Helen Leong, Administrative Rules Coordinator
Division of Policy Development, Department of Safety and Professional Services
(608) 266 – 2112 DSPSAdminRules@wisconsin.gov


Department Head or Authorized Signature


Date Submitted

STATEMENT OF SCOPE

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

Rule No.: A-E 6

Relating to: Professional Land Surveyor Licensure

Rule Type: Permanent

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

Not applicable.

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

The Professional Land Surveyor Section of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, and Professional Land Surveyors (A-E Board) has determined that chapter A-E 6, relating to Professional Land Surveyor Licensure, needs to be reviewed and potentially amended to provide clarification for professional land surveyor applicants.

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

A comprehensive review will be undertaken to evaluate and potentially amend A-E 6 to provide clarification for applicants for professional land surveyor licensure. Section members have raised concerns regarding how to consistently apply the code language on experience requirements for applications to be a professional land surveyor, such as how to appropriately weigh Wisconsin-based experience. Additionally, the Section would like to further review A-E 6 to ensure that 2013 Wisconsin Act 358 has been fully implemented in this chapter.

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

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

Section 443.02 (4), Stats., provides that "no person may engage in or offer to engage in the practice of professional land surveying in this state or use or advertise any title or description tending to convey the impression that the person is a professional land surveyor unless the person has been granted a license under this chapter to engage in the practice of professional land surveying."

Section 443.06 (1) (a), Stats., provides that applications "for a license to engage in the practice of professional land surveying shall be made to the professional land surveyor section of the examining board ... which shall require the applicant to submit such information as the professional land surveyor section deems necessary."

Section 443.06 (2) (am) to (cm) requires that applicants submit "evidence satisfactory to the professional land surveyor section" for education that is "approved by the professional land surveyor section" and

experience that "has demonstrated practice of satisfactory character that indicates that the applicant is competent to engage in the practice of professional land surveying."

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

The Department estimates approximately 120 hours will be needed to perform the review and develop any rule changes. The Department will assign existing staff to perform the review and develop the rule changes. No additional resources will be required.

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

Applicants to be a professional land surveyor in the state of Wisconsin

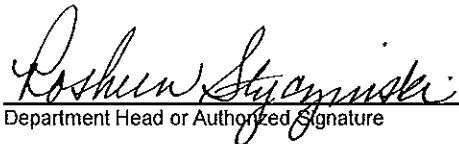
7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule:

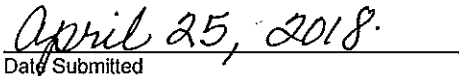
None.

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

The rule changes contemplated in this project are not expected to have any negative economic impacts on any of the affected entities.

Contact Person: Helen Leong, Administrative Rules Coordinator
Division of Policy Development, Department of Safety and Professional Services
(608) 266 – 2112 DSPSAdminRules@wisconsin.gov


Department Head or Authorized Signature


Date Submitted

Rosheen Styczinski
Chairperson

James A. Gersich
Vice Chairperson

Tim R. Garland
Secretary

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



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March 29, 2019

Senator Stephen Nass, Senate Co-Chairperson
Joint Committee for Review of Administrative Rules
Room 10 South, State Capitol
Madison, WI 53702

Representative Joan Ballweg, Assembly Co-Chairperson
Joint Committee for Review of Administrative Rules
Room 210 North, State Capitol
Madison, WI 53702

RE: Report Submitted in Compliance with s. 227.29 (1), Stats.

Dear Senator Nass and Representative Ballweg:

This report has been prepared and submitted in compliance with s. 227.29 (1), Stats.

I. Unauthorized rules, as defined in s. 227.26 (4) (a), Stats.:

After careful review of the agency's administrative rules, the agency has determined that no promulgated rules are unauthorized rules, as defined in s. 227.26 (4) (a), Stats.

II. Rules for which the authority to promulgate has been restricted:

Rule	Description of the legislation that restricted the authority	Action taken to address or reason for not taking an action
ss. A-E 3.05 (8), A-E 5.04 (8) (a)	Repeal of s. 443.09 (6), Stats., in 2009 Act 350.	Scope Statement, SS 022-19, was published on March 4, 2019 and expires on September 4, 2021. Scope Statement for ch. A-E 3 to be presented to the Architect Section at the April 24, 2019 meeting.

III. Rules that are obsolete or that have been rendered unnecessary:

Rule	Description of why the rule is obsolete or has been rendered unnecessary.	Action taken to address or reason for not taking an action
s. A-E 2.05	Replacing the term "board" with "section" to be more accurate in rules of general	Scope Statement for ch. A-E 2 requested on November 30, 2018.

	applicability, in accordance with statutory changes in 2011 Act 146.	
ss. A-E 3.05, A-E 4.07, A-E 9.05	Because the sections have determined that applicants should take a national exam to satisfy statutory requirements, specific provisions related to examination conduct are unnecessary.	Scope Statement for ch. A-E 3 to be presented to the Architect Section at the April 24, 2019 meeting. Scope Statement for ch. A-E 4, SS 008-18, expires August 12, 2020. Scope Statement, SS 024-19, was published on March 4, 2019 and expires on September 4, 2021.
s. A-E 3.03 (1)	Updating the name of the Intern Architect Development Program with the new name provided by the National Council of Architectural Registration Boards.	Final rule submitted to the Legislature, CR 18-029.

IV. Rules that are duplicative or, superseded by, or in conflict with another rule, a state statute, a federal statute or regulation, or a ruling of a court of competent jurisdiction:

After careful review of the agency's administrative rules, the agency has determined that no promulgated rules are duplicative, superseded by, or in conflict with another rule, a state statute, a federal statute or regulation, or a ruling of a court of competent jurisdiction.

V. Rules that are economically burdensome:

Rule		Action taken to address or reason for not taking an action
s. A-E 8.04 (5)	The provision will be revised to ensure that it is not interpreted in an unnecessarily economically burdensome way.	Scope Statement for ch. A-E 8 requested on November 30, 2018.

Thank you.

Sincerely,



Rosheen Styczinski

Chairperson

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

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

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

PROPOSED ORDER

An order of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, and Professional Land Surveyors to repeal s. A-E 4.04, s. A-E 4.06, s. A-E 4.07 (1), s. A-E 4.07 (4), s. A-E 4.07 (7), and s. A-E 4.08 (1); to renumber s. A-E 4.03 (1), s. A-E 4.05 (1) (d), s. A-E 4.05 (3); to renumber and amend s. A-E 4.02, s. A-E 4.03 (intro.), s. A-E 4.05 (title), s. A-E 4.05 (1) (intro.), (a), (b), (c), and s. A-E 4.05 (2); to amend s. A-E 4.02 (title), s. A-E 4.03 (title), s. A-E 4.07 (6), s. A-E 4.08 (title), s. A-E 4.08 (2) (intro.), and s. A-E 4.08 (2) (a); and to create s. A-E 4.015, s. A-E 4.02 (2), s. A-E 4.025, s. A-E 4.026 (1) (e), s. A-E 4.026 (1) (f), s. A-E 4.026 (2) (d), s. A-E 4.026 (2) (e), s. A-E 4.026 (2m), s. A-E 4.03 (1) (b), s. A-E 4.03 (1) (d), s. A-E 4.07 (1m), s. A-E 4.08 (3), and s. A-E 4.08 (4), relating to professional engineer registration.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted: ss. 443.04, 443.05, 443.09 (4), and 443.10, Stats.

Statutory authority: ss. 15.08 (5) (b) and 227.11 (2) (a), Stats.

Explanation of agency authority:

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

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

Related statute or rule:

s. A-E 13

Plain language analysis:

The Section has reviewed the chapter and made revisions to:

- Ensure applicants may use the National Council of Examiners for Engineering and Surveying (NCEES) uniform reporting standards as evidence for application requirements;
- Clarify that candidates who pass the NCEES Structural Engineering examination are not required to take the Principles and Practice of Engineering exam (PE Exam);
- Remove the requirement that applicants for initial licensure have a reference who is registered in Wisconsin; and
- Reorganize the chapter for clarity, consistency, and to meet drafting standards.

Section 1 creates definitions for the chapter for “ABET” and “NCEES.”

Sections 2, 3, and 4 amend s. A-E 4.02. Sections 2 and 3 clarify that a new application and fee may be required, to be more consistent with current department policies. Section 4 also creates a new subsection to cross-reference other chapters relating to professional engineers and continuing education.

Section 5 creates s. A-E 4.025 to separately treat information about how to apply for an engineer-in-training certificate. Previously, this information was included in statutes and s. A-E 4.06. By consolidating the requirements into one section, the chapter will be easier for applicants to use. Additionally, the new s. A-E 4.025 clarifies that applicants may use the NCEES Record with verification as evidence of qualifications.

Sections 6 and 12 move the listing of application requirements to the beginning of the chapter into s. A-E 4.026 to consolidate application requirements making the chapter easier to use. The created subsections (1) (e), (1) (f), (2) (d), and (2) (e) are moved from s. A-E 4.08. Section 12 renumbers s. A-E 4.05 and amends it to conform to drafting standards.

Sections 7, 8, 9, 10, and 13 consolidate the experience requirements into s. A-E 4.03 by including s. A-E 4.04 and s. A-E 4.05 (3). Section A-E 4.03 is also amended to clarify that qualifying experience must be gained under the supervision of a registered professional engineer, consistent with NCEES model administrative rules. Section 13 renumbers s. A-E 4.05 (3) into s. A-E 4.03, to further consolidate provisions relating to experience requirements.

Section 11 repeals s. A-E 4.04, because the content was moved into s. A-E 4.03 (1) (d).

Section 14 repeals s. A-E 4.06, because it was moved into the newly created s. A-E 4.025 (1) (a).

Sections 15, 17, and 19 repeal s. A-E 4.07 (1), (4), and (7), respectively, because the examinations are provided by NCEES.

Section 16 creates a new subsection to specify which examinations are required for licensure. The new subsection also clarifies that if an applicant takes the NCEES Structural Engineering examination, then the applicant is not required to take an NCEES Principles and Practice of Engineering examination.

Section 18 clarifies that the Professional Engineer Section sets the passing scores for minimum competency.

Sections 20, 21, 22, and 23 amend s. A-E 4.08 to repeal information moved to other sections of the chapter, and focus on applications for reciprocity. Additionally, the section clarifies that applicants may use the NCEES Record with verification as evidence of qualifications, and adds cross-references to relevant statutory provisions.

Summary of, and comparison with, existing or proposed federal regulation: None.

Comparison with rules in adjacent states:

Illinois:

Illinois licenses Professional Engineers and Structural Engineers separately. Applicants for the Structural Engineer license must pass the NCEES Structural Engineer exam in order to qualify. The State Board of Professional Engineers and the Structural Engineering Board do accept NCEES records as evidence for examinations, education, and license verifications for applicants by endorsement. They do not accept an NCEES record for verification of employment or experience. An applicant must submit evidence of experience supervised by licensed Professional Engineers or Structural Engineers, as appropriate, but the supervisor is not required to be licensed in Illinois. The specific requirements of licensure are in sections 1380.210 through 1380.325, IL Admin. Code.

Iowa:

Iowa licenses Professional Engineers, with the license being granted for the specific branch of engineering, including Structural Engineering, related to the education, experience, and the NCEES Principles and Practice of Engineering examination the applicant passed. The Engineering and Land Surveying Examining Board requires applicants file a standardized, notarized application online with transcripts sent directly from the institution and references mailed in signed and sealed envelopes. An applicant must provide five references, three of whom are licensed professional engineers and at least one of whom supervised the applicant in gaining their qualifying experience.

References are not required to be licensed in Iowa. The specific requirements of licensure are in sections 193C.3.1 through 193C.4.3, IA Admin. Code.

Michigan:

Effective April 4, 2017, Michigan no longer requires five references as part of the application. However, qualifying experience must still be verified by individuals. Applicants are also no longer required to apply to sit for NCEES exams through the Board of Professional Engineers.

Applicants must submit a transcript to verify educational background to the Board, and must take the NCEES Principles and Practice of Engineering exam. The specific requirements of licensure are in sections R 339.16001 through R 339.16034, MI Admin. Code.

Minnesota:

The Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience, and Interior Design accepts NCEES records as evidence of qualifying examination scores, education, experience, and license verifications for applicants by comity.

Applicants are required to take the NCEES Principles and Practice of Engineering exam. While references are not required, qualifying experience must be verified by each of the applicant's supervisors and submitted with the application. Supervisors are not required to be licensed in the state of Minnesota. The specific requirements of licensure are in sections 1800.2500 through 1800.2900, MN Admin. Rules.

Summary of factual data and analytical methodologies:

The Professional Engineer Section of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, and Professional Land Surveyors closely reviewed A-E 4 and the National Council of Examiners for Engineering and Surveying (NCEES) model administrative rules to develop the proposed rule revisions.

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

Fiscal Estimate and Economic Impact Analysis:

The Fiscal Estimate and Economic Impact Analysis is attached.

Effect on small business:

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

Agency contact person:

Helen Leong, Administrative Rules Coordinators, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, Wisconsin 53705-8366; telephone 608-266-0797; email at DSPSAdminRules@wisconsin.gov.

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

Comments may be submitted to Helen Leong, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, Wisconsin 53705-8366; telephone 608-266-0797, or by email to DSPSAdminRules@wisconsin.gov. **Comments must be received on or before * to be included in the record of rule-making proceedings.**

TEXT OF RULE

SECTION 1. A-E 4.015 is created to read:

A-E 4.015 Definitions. In this chapter:

- (1) "ABET" means the Accreditation Board for Engineering and Technology.
- (2) "NCEES" means the National Conference of Examiners for Engineering and Surveying.

SECTION 2. A-E 4.02 (title) is amended to read:

A-E 4.02 (title) ~~Application for registration~~ Applications.

SECTION 3. A-E 4.02 is renumbered A-E 4.02 (1) and amended to read:

A-E 4.02 (1) 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~~ may be required to file a new application and fee.

SECTION 4. A-E 4.02 (2) is created to read:

A-E 4.02 (2) A renewal applicant shall comply with s. A-E 2.05 and ch. A-E 13.

SECTION 5. A-E 4.025 is created to read:

A-E 4.025 Application for an engineer-in-training certificate. (1) An applicant for engineer-in-training is required to submit all of the following:

(a) Evidence of a passing score of a fundamentals examination, in accordance with s. A-E 4.07 (1m) (a).

(b) Transcripts verifying the applicant's education and training, or a specific record of experience satisfactory to the professional engineer section to meet the requirements of s. 443.05, Stats.

(2) Submission of a properly executed and issued NCEES record with verification may be accepted as evidence of the information that is required by the professional engineer section.

SECTION 6. A-E 4.026 (1) (e), (1) (f), (2) (d), (2) (e), and (2m) are created to read:

A-E 4.026 (1) (e) References from at least 5 individuals having personal knowledge of the applicant's engineering work, 3 or more of whom are registered professional engineers, one of whom has served as supervisor in responsible charge of the applicant's engineering work.

(f) A chronological history of the applicant's employment.

(2) (d) References from at least 5 individuals having personal knowledge of the applicant's engineering work, 3 or more of whom are registered professional engineers, one of whom has served as supervisor in responsible charge of the applicant's engineering work.

(e) A chronological history of the applicant's employment.

(2m) NCEES RECORD. Submission of a properly executed and issued NCEES record with verification may be accepted as evidence of the information that is required by the professional engineer section.

SECTION 7. A-E 4.03 (title) is amended to read:

A-E 4.03 (title) Engineering experience requirements for the professional engineer application.

SECTION 8. A-E 4.03 (intro.) is renumbered A-E 4.03 (1g) (a) and amended to read:

A-E 4.03 (1g) (a) QUALIFYING EXPERIENCE. To qualify as satisfactory experience in engineering work for the purpose of meeting requirements of s. 443.04, Stats., an applicant's experience shall include the application of engineering principles and data and shall demonstrate an applicant's progressive development of competence to do engineering work. ~~The experience shall be acquired in the areas of engineering practice listed in subs. (1) to (7) or in other areas of engineering practice or academic course work~~

~~which in the opinion of the board provides the applicant with a knowledge of engineering principles and data at least equivalent to that which would be acquired by experience in the areas of practice listed. Experience in all areas listed is not required.~~

SECTION 9. A-E 4.03 (1) (b) and (d) are created to read:

A-E 4.03 (1) (b) The experience shall be acquired under the supervision of a registered professional engineer and in the areas of engineering practice listed in subs. (1r) to (7), or acquired in other areas of engineering practice or academic course work which in the opinion of the section provides the applicant with a knowledge of engineering principles and data at least equivalent to that which would be acquired by experience in the areas of practice listed. Experience gained under the technical supervision of an unregistered individual may be considered if the appropriate credentials of the unregistered supervisor are submitted to the section.

(d) Experience in all areas listed is not required. Not more than one year of satisfactory experience credit may be granted for any calendar year.

SECTION 10. A-E 4.03 (1) is renumbered A-E 4.03 (1r).

SECTION 11. A-E 4.04 is repealed.

SECTION 12. A-E 4.05 (title), (1) (intro.), (a), (b), (c), and (d) and (2) are renumbered A-E 4.026 (title), (1) (intro.), (a), (b), (d), and (c) and (2) and amended to read:

A-E 4.026 Requirements Application for registration as a professional engineer.

(1) FOUR YEAR COURSE OF STUDY. ~~A four year course of study requires~~ An applicant for professional engineer based on a four-year course of study is required to submit all of the following:

(a) A transcript verifying the applicant's bachelor of science degree ~~(B.S.)~~ in engineering from a school or college of engineering accredited by the ~~engineering accreditation commission of the accreditation board for engineering and technology (EAC/~~ Engineering Accreditation Commission of ABET) in engineering of not less than 4 years, or a diploma of graduation in engineering of not less than 4 years deemed by the professional engineer section to be equivalent to a ~~B.S.~~ bachelor of science degree in engineering from an ~~EAC/~~ Engineering Accreditation Commission of ABET accredited school or college of engineering.

(b) A specific record of 4 or more years of experience in accordance with s. A-E 4.03 within the 10 years preceding the application in engineering work of a character satisfactory to the professional engineer section indicating that the applicant is competent to be placed in responsible charge of engineering work. Experience gained in obtaining a master's degree in engineering and experience gained in obtaining a Ph.D. in engineering or in an engineering related program shall each be deemed equivalent to one year of qualifying experience.

~~(d) Successful Evidence of successful completion of the a fundamentals of engineering examination and the a principles and practice of engineering examination, in accordance with s. A-E 4.07 (1m).~~

~~(2) TWO YEAR COURSE OF STUDY. A 2-year course of study requires~~ An applicant for professional engineer based on a 2-year course of study is required to submit all of the following:

~~(a) A transcript verifying the applicant's associate degree in engineering related course of study from a technical school or college accredited by the engineering technology accreditation commission of the accreditation board for engineering and technology (ETAC/~~ Engineering Technology Accreditation Commission of ABET) in an engineering related course of study of not less than 2 years. This shall be deemed equivalent to a degree from a technical school or college approved by the professional engineer section.

~~(b) A specific record of 6 or more years of experience in accordance with s. A-E 4.03 within the 10 years preceding the application in engineering work of a character satisfactory to the professional engineer section indicating that the applicant is competent to be placed in responsible charge of engineering work.~~

~~(c) Successful Evidence of successful completion of the a fundamentals of engineering examination and the a principles and practice of engineering examination, in accordance with s. A-E 4.07 (1m).~~

SECTION 13. A-E 4.05 (3) is renumbered A-E 4.03 (1g) (c).

SECTION 14. A-E 4.06 is repealed.

SECTION 15. A-E 4.07 (1) is repealed.

SECTION 16. A-E 4.07 (1m) is created to read:

A-E 4.07 (1m) REQUIRED EXAMINATIONS.

(a) The required fundamentals examination is an NCEES Fundamentals of Engineering examination.

(b) The required principles and practice of engineering examination is an NCEES Principles and Practice of Engineering examination, or, in the alternative, the applicant may take the NCEES Structural Engineering examination in its entirety.

SECTION 17. A-E 4.07 (4) is repealed.

SECTION 18. A-E 4.07 (6) is amended to read:

A-E 4.07 (6) GRADING OF WRITTEN EXAMINATIONS. The passing scores set by the ~~board~~ section represent the minimum competency required to protect public health and safety. Experience ratings may not be weighed as a part of the examinations.

SECTION 19. A-E 4.07 (7) is repealed.

SECTION 20. A-E 4.08 (title) is amended to read:

A-E 4.08 (title) **Application ~~contents~~ for reciprocity.**

SECTION 21. A-E 4.08 (1) is repealed.

SECTION 22. A-E 4.08 (2) (intro) and (a) are amended to read:

A-E 4.08 (2) (intro) An application for registration by ~~comity~~ reciprocity from another state shall include all of the following:

(a) Verification of registration submitted directly from all states, territories, or provinces of Canada where the applicant is or has been registered, including a statement regarding any disciplinary action taken.

SECTION 23. A-E 4.08 (3) and (4) are created to read:

A-E 4.08 (3) Submission of a properly executed and issued NCEES record with verification may be accepted as evidence of the information that is required by the professional engineer section.

(4) Reciprocity may be granted, in accordance with s. 443.10 (1) (d), Stats., to a person who holds an unexpired registration issued by an authority in any state or territory or possession of the United States or in any country in which the requirements for registration are of a standard not lower than required by the professional engineer section.

SECTION 24. 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)

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

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

PROPOSED ORDER

An order of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, and Professional Land Surveyors to repeal s. A-E 7.02 (1) and (2) and s. A-E 7.06 (2); to renumber and amend s. A-E 7.03 and s. A-E 7.08 (2); to amend s. A-E 7.02 (3), s. A-E 7.025, s. A-E 7.04 (1), (3), and (4), s. A-E 7.05, s. A-E 7.06 (title) and (1), s. A-E 7.06 (3), s. A-E 7.07, s. A-E 7.08 (1) (intro.) and (a) to (c), s. A-E 7.08 (2) (Note), and s. A-E 7.08 (3) (i); to repeal and recreate s. A-E 7.01; and to create s. A-E 7.02 (1m), s. A-E 7.03 (2), s. A-E 7.05 (7m), s. A-E 7.06 (1m), s. A-E 7.08 (1g) and (1r), s. A-E 7.08 (2) (b), and s. A-E 7.08 (4), relating to minimum standards for property surveys.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted: ss. 443.015 (2) and 443.12 (1), Stats.

Statutory authority: ss. 15.08 (5) (b) and 443.015 (2), Stats.

Explanation of agency authority:

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

Section 443.015 (2), Stats., provides that “each section of the examining board may promulgate rules governing the professional conduct of individuals, firms, partnerships, and corporations registered, permitted, certified, or granted a certificate of authorization by that section.”

Related statute or rule:

A-E 2, relating to general requirements and procedures; A-E 8, relating to professional conduct

Plain language analysis:

The Section conducted an evaluation and update of ch. A-E 7 to ensure consistency with current professional practices and applicable Wisconsin statutes. As a result, the following updates have been made:

- Recreates A-E 7.01 to require that all property surveys performed by professional land surveyors comply with the minimum accuracies required by A-E 7.06, and to enumerate the sections of A-E 7 that professional land surveyors and clients may exclude from their contracts.
- Amends the definition of “survey report” to remove the requirement that the existing map have been recorded or filed within the last 6 years.
- Clarifies that maps shall show evidence of possession or use by others if observed by the professional land surveyor while establishing corners.
- Creates requirements for U.S. Public Land Survey Monument Record Addendums, as an alternative to U.S. Public Land Survey Monument Records, where the witness ties or monuments have been destroyed or disturbed.
- Replaces references to “registers of deeds” or “county surveyor” with “the county office deemed appropriate to receive and retain property survey records.”
- Simplifies the relative positional accuracy measurements provision.
- Amends the chapter to conform to drafting standards for consistency and clarity and updates cross-references in light of other amendments.

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

When the land was first surveyed in Wisconsin, it was divided into a grid and each grid is approximately 36 square miles (the measurements were not always precise due to the instruments the surveyors were using, among other limitations). This grid system is known as the U.S. Public Land Survey System (PLSS). Where federal interests and rights exist, the Bureau of Land Management (BLM) is the legally identified authority and data steward for the PLSS under the Office of Management and Budget (OMB) Revised Circular A-16. The Circular provides direction for federal agencies that produce, maintain, or use spatial data either directly or indirectly in the fulfillment of their mission and provides for improvements in the coordination and use of spatial data. The Circular

also describes effective and economical use and management of spatial data assets in the digital environment for the benefit of the federal government and the nation. The Circular establishes a coordinated approach to electronically develop the National Spatial Data Infrastructure and establishes the Federal Geographic Data Committee (FGDC).

Individual states and counties have authority and data stewardship where no such federal interests or rights exist.

Comparison with rules in adjacent states:

Illinois:

The Land Surveyors Licensing Board is under the Illinois Department of Financial and Professional Regulation and advises the Secretary on matters of education, experience, professional conduct and competence. Illinois has a chapter on the Minimum Standards of Practice for professional land surveyors. The chapter outlines standards for ALTA/ACSM land title surveys, boundary surveys, condominium surveys, subdivision surveys, mortgage inspections, topographic surveys, and minimum standards for writing parcel legal descriptions. Section 1270.56, Illinois Administrative Code.

Iowa:

The Engineering and Land Surveying Examining Board is under the Iowa Professional Licensing Bureau. Iowa has a chapter on Standards for Land Surveying for professional land surveyors. The chapter outlines standards for plats of surveys, plats for subdivisions, U.S. public land survey corner certificates, and requirements relating to the Iowa plane coordinate system, boundary locations, measurements, and monumentation. Chapter 355, Standards for Land Surveying.

Michigan:

The Michigan Board of Professional Surveyors is under the Department of Licensing and Regulatory Affairs. Michigan has standards of practice and professional conduct on the solicitation of employment, conflicts of interest, and requirements for competence and that, “[a] licensee is responsible for clear, accurate, and complete development of plats, plans, drawings, specifications, survey reports, and other instruments of service as is customary in the practice of the licensee's profession, and the material shall properly satisfy the need for which it is intended.” R 339.17403 (2), Michigan Administrative Code. No more specific minimum standards for property surveys are established by administrative rule.

Minnesota:

The Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience and Interior Design regulates the professions and enforces the statutes and rules in order to protect the health, safety and welfare of the public. Chapter 1805 outlines rules of professional conduct for all of the professions of the Board for

professional and personal conduct, conflicts of interest, improper solicitation of employment, false or malicious statements, knowledge of the misconduct of others, and discrimination. Chapter 1805, Minnesota Rules. No more specific minimum standards for property surveys are established by administrative rule.

Summary of factual data and analytical methodologies:

The Professional Land Surveyor Section of the A-E Board reached out to stakeholders once the scope statement was approved for implementation to gather input from interested parties. The Wisconsin Society of Land Surveyors submitted comments which were considered and acted upon by the Professional Land Surveyors Section at their August 22, 2018 meeting. A draft of A-E 7 was further considered at the November 1, 2018 meeting. On December 3, 2018, the working draft of A-E 7 was posted on the department website to provide opportunity for stakeholders to consider the proposed amendments. The Professional Land Surveyor Section met on January 10, 2019 to consider public comments on the proposed amendments to A-E 7. After further amendments in response to public comments, the working draft of A-E 7 was posted on the department website on January 14, 2018. The Professional Land Surveyor Section met on April 23, 2019 to consider public comments on the proposed amendments to A-E 7 before approving the preliminary rule draft to the A-E Rules Committee and A-E Board.

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

The proposed rules will be posted for a period of 14 days to solicit public comment on economic impact, including how the proposed rules may affect businesses, local government units, and individuals.

Fiscal Estimate and Economic Impact Analysis:

The Fiscal Estimate and Economic Impact Analysis is attached.

Effect on small business:

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

Agency contact person:

Helen Leong, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, Wisconsin 53708; telephone 608-266-0797; email at DSPSAdminRules@wisconsin.gov.

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

Comments may be submitted to Helen Leong, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, WI 53708-8366, or by email to DSPSAdminRules@wisconsin.gov. Comments must be received on or before * to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. A-E 7.01 is repealed and recreated to read:

A-E 7.01 Scope. (1) The minimum standards of this chapter apply to any property survey performed by professional land surveyors in this state, except where otherwise provided in this chapter.

(2) The minimum accuracies in s. A-E 7.06 apply to any property survey performed by professional land surveyors in this state.

(3) If other standards for property surveys are prescribed by statute, administrative rule, or ordinance, and the standards are more restrictive than those in this chapter, the more restrictive standards govern.

(4) Except with regard to a U.S. public land survey monument record or addendum and a map of work performed, the professional land surveyor and client may enter a signed agreement to exclude land surveying work from the requirements of ss. A-E 7.03 (2), 7.05 (5) and (7m), and 7.07, where all of the following are performed:

(a) The professional land surveyor shall certify on the face of the map to the agreement.

(b) The map includes 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.

SECTION 2. A-E 7.02 (1) and (2) are repealed.

SECTION 3. A-E 7.02 (1m) is created to read:

A-E 7.02 (1m) “Property survey” means an activity performed in the practice of professional land surveying, as defined in s. 443.01 (6s), Stats.

SECTION 4. A-E 7.02 (3) is amended to read:

A-E 7.02 (3) “Survey report” means a ~~report~~ property survey that may be prepared in compliance with s. A-E 7.025 when there is an existing map recorded or filed ~~within the last 6 years~~ and no new monuments are established in the survey.

SECTION 5. A-E 7.025 is amended to read:

A-E 7.025 Survey report, requirements. A survey report, as defined in A-E 7.02 (3), shall include the purpose of the survey, information concerning the documents that were examined for the survey, and 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 s. A-E 7.05 (1), (2), (3), and (4)~~ and shall be filed as required under s. 59.45 (1), Stats., on media, or electronically if acceptable by the county.

SECTION 6. A-E 7.03 is renumbered A-E 7.03 (1) and is amended to read:

A-E 7.03 Boundary location. (1) Every property survey shall be made in accordance with the records of the register of deeds as nearly as practicable. The professional land surveyor shall acquire data necessary to retrace record title boundaries such as U.S. Public Land Survey Monument Records, 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.~~

SECTION 7. A-E 7.03 is created to read:

A-E 7.03 (2) The professional land surveyor shall set monuments marking the corners of the parcel unless monuments already exist at the corners.

SECTION 8. A-E 7.04 (1), (3), and (4) are amended to read:

(1) By metes and bounds commencing with a monument at a section corner or quarter section corner of the quarter section in which that land is located or a monument established by the U.S. Public Land Survey that it is 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. Descriptions shall meet the requirements in s. A-E 7.06 ~~(3)~~.

(3) By land boundaries being surveyed as an existing lot, outlot or parcel, on a recorded certified survey map, the property survey shall be described by lot, outlot or parcel number and certified map number for all purposes.

(4) By the parcel described as an aliquot part of a section from the ~~public land system~~ U.S. Public Land Survey.

SECTION 9. A-E 7.05 is amended to read:

A-E 7.05 Maps. A map shall be drawn for every property survey, unless a survey report is filed as provided in s. A-E ~~7.02 (3)~~ 7.025, showing information developed by the property survey. The map shall include all of the following requirements:

(1) ~~Be~~ The map shall 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 property survey unless otherwise required by law.

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

(3) ~~Show~~ The map shall show the length and bearing of the boundaries of the parcels surveyed. Bearings, angles, and distances on any property survey map shall be in accordance with s. A-E 7.06 (5). 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~~ at least 3 of the following: central angle, radius, long chord bearing and length, and arc length.

(4) ~~Describe~~ The map shall describe all monuments used for determining the location of the parcel boundary and show by bearing and distance their relationship to the surveyed parcel. All monuments shall be indicated by whether such monuments were found or set including a description of the monument with a legend for all symbols and abbreviations used on the map.

(5) ~~Show observed~~ The map shall show evidence of possession or use by others in the parcel or across any perimeter line of the property if observed by the professional land surveyor while establishing corners.

(6) ~~Show~~ The map shall 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 map shall identify the professional land surveyor's 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.

(7m) The map shall identify the person or entity for whom the property survey was made.

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

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

(11) ~~Coordinate~~ The map shall 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 10. A-E 7.06 (title) and (1) are amended to read:

A-E 7.06 (title) Measurements Relative positional accuracy measurements.

(1) Measurements shall be made with instruments and methods capable of attaining the ~~required accuracy for the particular circumstances involved~~ relative positional accuracy in accordance with this section.

SECTION 11. A-E 7.06 (1m) is created to read:

A-E 7.06 (1m) Relative positional accuracy shall be the value expressed in feet that represents the uncertainty between points of the boundary of the parcel being surveyed due to random errors in measurements at a 95 percent confidence level.

SECTION 12. A-E 7.06 (2) is repealed.

SECTION 13. A-E 7.06 (3) is amended to read:

A-E 7.06 (3) The maximum allowable deviation in relative positional accuracy ~~for a survey is plus or minus 0.07 foot plus 50 parts per million, based on the direct distance between the any two adjacent property corners being tested. 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 at the discretion of the licensee performing the survey. The licensee shall provide justification for exceeding the maximum allowable relative positional accuracy.~~ may not exceed plus or minus 0.13 foot plus 100 parts per million.

SECTION 14. A-E 7.07 is amended to read:

A-E 7.07 Monuments. The type and position of monuments to be set on any property survey shall be according to s. 236.15 (1), Stats., unless determined by the nature of the property 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 15. A-E 7.08 (1) (intro.) and (a) to (c) are amended to read:

A-E 7.08 (1) WHEN MONUMENT RECORD REQUIRED. A U.S. public land survey monument record ~~or U.S. public land survey monument record addendum~~ shall be prepared and filed with the county survey records as part of any land survey within 60 days ~~of setting or accepting the corner which includes or requires the perpetuation, restoration, or use of~~ if a U.S. public land survey corner has been reestablished, perpetuated, or restored and a monument set or reset, and when any of the following situations arise:

(a) There is no U.S. public land survey monument record for the corner on file in the office of the county surveyor ~~or the register of deeds for the county in which the corner is located; or, the county office deemed appropriate to receive and retain property survey records.~~

(b) The professional land surveyor who performs the property 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, the county office deemed~~ appropriate to receive and retain property survey records.

(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.~~

SECTION 16. A-E 7.08 (1g) and (1r) are created to read:

A-E 7.08 (1g) If a U.S. public land survey corner monument of record is recovered in place and holding securely at the previously documented corner location, based on the witness ties, no additional U.S. public land survey monument record or U.S. public land survey monument record addendum shall be required.

(1r) The preparation of a U. S. public land survey monument record or U. S. public land survey monument addendum may be waived in writing by the county surveyor of the county in which the U.S. public land survey corner is located, if a U.S. public land survey monument record is on file and the county surveyor has an active U.S. public land survey monument maintenance program in place.

SECTION 17. A-E 7.08 (2) is renumbered A-E 7.08 (2) (a) and amended to read:

A-E 7.08 (2) FORM REQUIRED. **(a)** A U.S. public land survey monument record shall be prepared for items (1) (a) and (b) on the board- approved form or on a form substantially the same as the ~~board-~~ approved form which includes all the elements required by this section. A form used for this purpose shall be entitled, "U.S. Public Land Survey Monument Record".

SECTION 18. A-E 7.08 (2) (b) is created to read:

A-E 7.08 (2) (b) A U.S. public land survey monument record addendum shall be prepared for item (1) (c) on the approved form or on a form substantially the same as the approved form. A form used for this purpose shall be entitled, "U.S. Public Land Survey Monument Record Addendum".

SECTION 19. A-E 7.08 (2) (Note) is amended to read:

A-E 7.08 (2) (Note) Forms are available on the department's website at dsps.wi.gov, or ~~by calling by request from the Department of Safety and Professional Services, P.O. Box 8935, Madison, Wisconsin 53708, or call (608) 266 - 2112.~~

SECTION 20. A-E 7.08 (3) (i) is amended to read:

A-E 7.08 (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~~ the professional land surveyor's knowledge and belief.

SECTION 21. A-E 7.08 (4) is created to read:

A-E 7.08 (4) MONUMENT RECORD ADDENDUM REQUIREMENTS. A U.S. public land survey monument record addendum shall include all of the following elements:

- (a)** The monument marking the corner location, or monuments giving reference to a nearby inaccessible corner location, and include the elements found in sub. (3) (a), (b), (d), and (e).
- (b)** A description of the record evidence used to reset the corner monument back in its prior location.
- (c)** The stamp and signature or seal and signature of the professional land surveyor under whose direction and control the corner location was determined or witness monument established.
- (d)** A statement certifying that the U.S. public land survey monument record addendum is correct and complete to the best of the professional land surveyor's knowledge and belief.

SECTION 22. 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)

STATEMENT OF SCOPE

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

Rule No.: A-E 2

Relating to: General procedures

Rule Type: Permanent

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

N/A

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

The Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, and Professional Land Surveyors (A-E Board) is conducting a thorough review of the A-E administrative rules in preparation of their first biennial report in response to 2017 Act 108 and s. 227.29, Stats. As a result of this review, the A-E Board has determined that chapter A-E 2, relating to general requirements and procedures, needs to be amended to ensure that the requirements are current with standards of practice and consistent with statute.

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

The A-E Board will undertake a comprehensive review to evaluate A-E 2 to provide clarification on the rules relating to branch offices and notice requirements; replacing the term “board” with “section” to be more accurate in A-E 2.05, in accordance with statutory changes in 2011 Act 146; and potentially update other provisions to ensure that the requirements are current with standards of practice and consistent with statute.

The alternative of not amending the rules would be less beneficial to affected entities due to lack of clarity regarding the roles of the Board and the Sections.

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

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

Section 443.015 (2), Stats., provides that “each section of the examining board may promulgate rules governing the professional conduct of individuals, firms, partnerships, and corporations registered, permitted, certified, or granted a certificate of authorization by that section.”

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

The Department estimates approximately 80 hours will be needed to perform the review and develop any rule changes. The Department will assign existing staff to perform the review and develop the rule changes. No additional resources will be required.

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

Licensed Architects, Landscape Architects, Professional Engineers, Designers, and Professional Land Surveyors and the associated firms, partnerships, and corporations registered, permitted, certified, or granted a certificate of authorization by that section.

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

None.

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

The rule changes contemplated in this project are not expected to have any negative economic impacts on any of the affected entities.

Contact Person: Helen Leong, Administrative Rules Coordinator
Division of Policy Development, Department of Safety and Professional Services
(608) 266 – 0797 DSPSAdminRules@wisconsin.gov

Authorized Signature

Date Submitted

STATEMENT OF SCOPE

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

Rule No.: A-E 8

Relating to: Professional conduct

Rule Type: Permanent

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

N/A

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

The Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, and Professional Land Surveyors (A-E Board) is conducting a thorough review of the A-E administrative rules in preparation of their first biennial report in response to 2017 Act 108 and s. 227.29, Stats. As a result of this review, the A-E Board has determined that chapter A-E 8, relating to professional conduct, needs to be amended to ensure that the requirements are current with standards of practice.

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

The A-E Board will revise A-E 8.04 (5) to ensure that it is not interpreted in an unnecessarily economically burdensome way. The A-E Board will further undertake a review of A-E 8 to potentially update other provisions to ensure that the requirements are current with standards of practice and consistent with ch. 443, Stats.

The alternative of not amending the rules would be less beneficial to affected entities due to potentially unclear prohibitions, including A-E 8.04 (5) which can be interpreted in an unnecessarily economically burdensome way.

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

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

Section 443.015 (2), Stats., provides that "each section of the examining board may promulgate rules governing the professional conduct of individuals, firms, partnerships, and corporations registered, permitted, certified, or granted a certificate of authorization by that section."

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

The Department estimates approximately 80 hours will be needed to perform the review and develop any rule changes. The Department will assign existing staff to perform the review and develop the rule changes. No additional resources will be required.

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

Licensed Architects, Landscape Architects, Professional Engineers, Designers, and Professional Land Surveyors

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

None.

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

The rule changes contemplated in this project are not expected to have any negative economic impacts on any of the affected entities.

Contact Person: Helen Leong, Administrative Rules Coordinator
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Authorized Signature

Date Submitted

STATEMENT OF SCOPE

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

Rule No.: A-E 3

Relating to: Architect registration examinations

Rule Type: Permanent

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

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

The A-E Board conducted a thorough review of the A-E administrative rules in preparation of their first biennial report in response to 2017 Act 108 and s. 227.29, Stats. As a result of this review, the Board has identified several places where the rules reference obsolete requirements or repealed provisions on examination requirements in A-E 3. The Architect Section will review the chapter to ensure consistency with current practices relating to examinations required for registration.

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

In accordance with the requirements of 2017 Act 108 and s. 227.29, Stats., the Architect Section will take action to correct and update the obsolete provisions identified in the report. Section A-E 3.05 includes several procedures for refunds, cheating, and examination review which need to be updated since the Section has adopted a national exam for registration.

If the Architect Section does not update these provisions, there may be conflicting procedures for applicants who want to review their examination results.

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

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

Section 443.02 (3), Stats., provides that "[n]o person may offer to practice architecture, landscape architecture, or professional engineering or use in connection with the person's name or otherwise assume, use or advertise any title or description tending to convey the impression that he or she is an architect, landscape architect, or professional engineer or advertise to furnish architectural, landscape architectural, or professional engineering services unless the person has been duly registered or has in effect a permit under s. 443.10 (1) (d)."

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

80 hours

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

Rev. 3/6/2012

Registered architects and individuals acquiring supervised experience in architectural work leading to registration as an architect

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

None.

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

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

Contact Person: Helen Leong, 608-266-0797, DSPSAdminRules@wisconsin.gov

Authorized Signature

Date Submitted

Administrative Rule	Status of Current Project	Anticipated Next Steps	Comments
A-E 1, relating to authority for the rules committee: Changing “shall” to “may”	Adoption Order ready for Board-approval.	Anticipated effective date of June 1, 2019.	
A-E 2, relating to general requirements and procedures: Act 108 review	Scope Statement for Board-approval.	Scope Statement will be submitted to the Governor’s Office for approval.	
A-E 3, relating to architectural experience: Updating the name of the Intern Architect Development Program to the Architectural Experience Program, in accordance with NCARB.	Adoption Order ready for Board-approval.	Anticipated effective date of June 1, 2019.	
A-E 3, relating to architect registration examination: In response to the Act 108 report, correcting outdated exam provisions	Scope statement pending Architect Section approval.	Scope Statement will be submitted to the Governor’s Office for approval.	<i>The Architect Section will meet on April 24, 2019.</i>
A-E 4, relating to professional engineer registration: Updating and revising the chapter for clarity and consistency with national standards.	Preliminary rule draft ready for Board-approval.	Will be posted for economic impact comments on dsps.wi.gov , submitted to Clearinghouse for review, and scheduled for a public hearing for next A-E Board meeting.	
A-E 5, relating to the designer permit: Updating the chapter to provide clarification on experience requirements	Scope Statement approved by the Governor’s Office. Preliminary Public Hearing	The A-E Board will designate a liaison for drafting the preliminary rule.	<i>The Designer Section does not have quorum.</i>
A-E 6, relating to professional land surveyor licensure: Updating the chapter to provide clarification on	Scope Statement approved by the Governor’s Office. Preliminary Public Hearing	Will draft the rule with the PLS Section, will discuss at the next meeting: July 11, 2019.	

Administrative Rule	Status of Current Project	Anticipated Next Steps	Comments
Wisconsin experience requirements			
A-E 7, relating to minimum standards for property surveys: Updating the chapter to provide clarification for licensees	Preliminary rule draft pending PLS Section approval.	Once a preliminary rule draft is approved, the rule will be posted for economic impact comments on dps.wi.gov , then submitted to Clearinghouse for review and scheduled for a public hearing for next A-E Board meeting.	<i>The PLS Section is scheduled to meet on April 23, 2019.</i>
A-E 8, relating to professional conduct: Act 108 Review	Scope Statement for Board-approval.	Scope Statement will be submitted to the Governor's Office for approval.	
A-E 9, relating to landscape architect registration: Update to ensure compliance with 2017 Act 278.	Scope Statement is approved for implementation.	The preliminary rule draft will be considered at the next Landscape Architect Section meeting on August 20, 2019.	
A-E 10, 11, 12, and 13, relating to continuing education: removing authorization for random audits.	Effective January 1, 2019	<i>This project will not appear on future reports, as it is complete.</i>	

Legislature is back in session.

Pending Bills	Status	Anticipated Next Steps	Comments
SB-156 , Retired Status Bill	Introduced, referred to the <i>Senate Committee on Public Benefits, Licensing, & State-Federal Relations</i>		