

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 20-009)

PROPOSED ORDER

An order of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, and Professional Land Surveyors to amend A-E 6.03 (1) (intro.) and (a) 2. (intro.) and e., 6.04 (2) (a) and (b), 6.05 (1), (7), and (8), and 6.06 (title), (2), and (4); to repeal and recreate A-E 6.02 (1); and to create A-E 6.03 (1) (a) 3. and (b) 8. and (3), 6.06 (1g) and (1r), and 6.07, relating to professional land surveyor licensure.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted:

Section 443.06, Stats.

Statutory authority:

Sections 15.08 (5) (b) and 443.06 (1) (a) and (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 443.06 (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.”

Related statute or rule:

None.

Plain language analysis:

This rule project removes an option for meeting the educational requirement for licensure where an applicant does not have a college degree, as that provision has sunset under state statute. It also clarifies that responsible charge of teaching the practice of professional land surveying may be claimed as qualifying experience for licensure as allowed by state statute. The rule project also clarifies that there are three separate examinations required for licensure, and clarifies the documentation that must be submitted as part of an application for licensure.

It also adds a section specifying the application process for obtaining a reciprocal license, which requires applicants who are licensed in another jurisdiction to submit a reciprocity application form, fee, college transcripts, a statement as to whether the applicant has been disciplined or is under investigation in another state, and evidence of passage of the Wisconsin jurisdictional exam.

Finally, the rule project makes several revisions to the rule text to bring into conformity with current drafting standards and to improve readability.

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

The federal government does not regulate the licensure of professional land surveyors.

Summary of public comments received on statement of scope and a description of how and to what extent those comments and feedback were taken into account in drafting the proposed rule:

N/A.

Comparison with rules in adjacent states:

Illinois: Illinois rules require that licensed professional land surveyors have attained a baccalaureate degree in land surveying or a related science (Ill. Admin Code 1270.5 (a)). Applicants for licensure must also complete the fundamentals of land surveying exam, the principals and practice of land surveying exam, as well as a state jurisdictional exam (Ill. Admin Code 1270.20). Illinois rules do not provide that teaching experience in land surveying be counted towards the experience requirement for licensure (Ill. Admin Code 1270.13).

Illinois allows licensees of another jurisdiction to apply for licensure by “endorsement.” The jurisdiction in which the applicant is licensed must have requirements that are substantially equivalent to the requirements for licensure in Illinois. The applicant must also pass the Illinois jurisdictional exam and may be required to appear before the board for an oral interview (Ill. Admin Code 1270.30).

Iowa: Iowa employs a sliding scale of education and surveying experience such that where the length and content of the applicant's college program increases, the required surveying experience to take the fundamentals of land surveying exam decreases. Acceptable education ranges from an associate's program to an accredited surveying and mapping baccalaureate degree (IAC 193C.5.1 (6)). All applicants must have at least four years of surveying experience prior to taking the principles and practice of land surveying exam (Id.). Iowa rules does not specify that teaching experience in land surveying can be counted towards the experience requirement. Iowa also requires applicants to take a state specific exam to determine competency to practice specifically in Iowa (Id.). Applicants are also required to submit 5 letters of recommendation, 3 of which are from licensed professional land surveyors (IAC 193C.5.1(5)).

Iowa law allows licensees of another jurisdiction to apply for a "comity" license based on a showing that the requirements for licensure in their current jurisdiction are substantially equivalent for Iowa licensure. Iowa also requires applicants to pass the Iowa jurisdictional exam (IAC 193C.5.2).

Michigan: Michigan requires applicants to have a baccalaureate degree in land surveying, or a baccalaureate degree in another field if it meets the requirements under MI Admin Code R339.17201. Michigan statute also requires an applicant to have 8 years of professional experience, 5 of which may be years of education (Mich. Stats., Section 339.2004). Administrative rules do not specify that teaching experience may count towards the professional experience requirement. Individuals also are required to pass the fundamentals of land surveying examination as well as the principles and practice of land surveying examination (MI Admin Code R339.17201). Finally, Michigan may grant a reciprocal license to an individual licensed by another jurisdiction if the requirements for licensure in that jurisdiction are determined to be equivalent to Michigan's requirements (Mich. Stats., Section 339.2013).

Minnesota: Minnesota requires applicants to graduate from a bachelor's in land surveying program, or another bachelor's degree that contains a minimum of 22 semester or 32 quarter credits in land surveying (Minn. Admin Rules 1800.3505). Applicants must pass the fundamentals of land surveying examination prior to obtaining qualifying land surveying experience, which does not include teaching experience in land surveying. The required hours and topics vary depending on whether the applicant has a bachelor's from a land surveying program or another bachelor's degree (Id.). Following receipt of the qualifying land surveying experience, applicants must pass the principles and practice of surveying exam (Id.). Minnesota allows for licensure by "comity" where an applicant submits documentation to the board, and the board finds the applicant to be eligible for licensure (Minn. Admin Rules 1800.0850).

Summary of factual data and analytical methodologies:

The professional land surveyor section performed a comprehensive review of its rules as required by 2017 Wisconsin Act 108, and determined that the changes encompassed by this document are necessary to remove an obsolete provision, to ensure the rules are not in conflict with state statute, and to bring the rules into line with current drafting standards and to improve readability.

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

The proposed rule was posted on the department's website for 14 days to solicit comments on possible economic impact. 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 Daniel.Hereth@wisconsin.gov, or by calling (608) 267-2435.

Agency contact person:

Dale Kleven, 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 608-261-4472; email at DSPSAdminRules@wisconsin.gov.

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

Comments may be submitted to Dale Kleven, 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 the public hearing scheduled for 1:00 PM on April 21, 2020 to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. A-E 6.02 (1) is repealed and recreated to read:

A-E 6.02 Licensure requirements for professional land surveyors.

(1) An applicant for a professional land surveyor license, in accordance with s. 443.06 (2), Stats., shall complete all of the following:

(a) Meet at least one of the following education and experience requirements:

1. Completion of a bachelor's degree 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.

2. Completion of an associate degree of 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.

- (b) Receive a passing score on the fundamentals of land surveying examination.
- (c) Receive a passing score on the principles and practice of land surveying examination.
- (d) Receive a passing score on the state jurisdictional examination of this state.

SECTION 2. A-E 6.03 (1) (intro.) and (a) 2. (intro.) and e. are amended to read:

A-E 6.03 (1) (intro.) 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 the 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. must satisfy all of the following:~~

(a) 2. (intro.) Preparing ~~maps including all~~ at least one map from each of the following categories:

- e. ~~Official~~ Other plats or maps of land in this state in accordance with ch. A-E 7.

SECTION 3. A-E 6.03 (1) (a) 3. and (b) 8. and (3) are created to read:

A-E 6.03 (1) (a) 3. Other experience which, in the opinion of the professional land surveyor section, provides the applicant with knowledge of the practice of land surveying at least equivalent to that which is generally acquired by experience in the areas listed in this paragraph.

(b) 8. Other experience which, in the opinion of the professional land surveyor section, provides the applicant with knowledge of the practice of land surveying at least equivalent to that which is generally acquired by experience in the areas listed in this paragraph.

(3) Academic coursework or teaching and having responsible charge over academic coursework related to the practice of professional land surveying that provides the applicant with knowledge and skills in some areas of practice under sub. (1) may, subject to s. 443.06 (1) (b), Stats., be claimed as equivalent experience.

SECTION 4. A-E 6.04 (2) (a) and (b) are amended to read:

A-E 6.04 (2) (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 5. A-E 6.05 (1), (7), and (8) are amended to read:

A-E 6.05 (1) Applicants for licensure as a professional land surveyor shall take and pass ~~an examination~~ 3 examinations. The ~~examination parts are~~ examinations include 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 in this state. Each of the 3 required examinations is scored separately.

(7) The passing scores set by the ~~board~~ professional land surveyor section represent the minimum competency required to protect public health and safety. Experience rating may not be weighed as part of the examination grade.

(8) An applicant for a land surveyor examination who fails an examination, or any part of an examination may retake any part of the examination failed at a regularly-scheduled administration of the examination. If an applicant fails to pass on reexamination of the parts failed, or the current examination parts equivalent to the parts failed, within 4 years from the date of receipt of the results of the first failure of the examination or any part of the examination, the applicant is required to take and pass the entire examination. If the applicant retakes the entire examination, the applicant shall pay the original examination fee under s. 440.05 (1), Stats. The ~~board~~ professional land surveyor section shall determine which parts of a current examination are equivalent to the examination parts failed by an applicant.

SECTION 6. A-E 6.06 (title) is amended to read:

A-E 6.06 Application ~~contents~~ for licensure as a professional land surveyor.

SECTION 7. A-E 6.06 (1g) and (1r) are created to read:

A-E 6.06 (1g) Verification of successful completion of all examinations required under s. A-E 6.05.

(1r) A completed application form.

SECTION 8. A-E 6.06 (2) and (4) are amended to read:

A-E 6.06 (2) References from at least 5 individuals having personal knowledge of the applicant's experience in land surveying, 3 of whom are ~~registered~~ professional land surveyors.

(4) Any additional data, exhibits or references indicating the extent and quality of the applicant's experience ~~which~~ that the professional land surveyor section may require.

SECTION 9. A-E 6.07 is created to read:

A-E 6.07 Application for reciprocity. (1) An application for licensure by reciprocity shall include all of the following:

(a) A completed reciprocity application form.

(b) The fees authorized in s. 440.05 (1), Stats.

(c) Notice of whether the applicant has been disciplined in any state in which the applicant has held a license and any pending complaints against the applicant or investigations of the applicant relating to the practice of professional land surveying.

(d) A certified transcript of qualifying coursework completed by the applicant.

(e) Verification of the applicant's licensure submitted directly to the professional land surveyor section by all states in which the applicant has ever held a license.

(f) Verification of successful completion of all examinations required under s. A-E 6.05.

(2) Reciprocity may be granted, in accordance with s. 443.06 (2) (d), Stats., to a person who holds an unexpired license issued by the proper authority in any state or territory or possession of the United States or in any country where the requirements for licensure meet or exceed the standards required by the professional land surveyor section.

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)

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

Dated _____

Agency _____

Chair

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