



State of Wisconsin \ DEPARTMENT OF REGULATION & LICENSING

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Administrative Rules in Final Draft Form

Examining Board of Architects, Landscape Architects, Professional Geologists, Professional Engineers, Designers and Land Surveyor

Rule: Chapters A-E 1 to 10

Clearinghouse Rule: No. 98-030

Regulatory Boards

Accounting; Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors; Professional Geologists, Hydrologists and Soil Scientists; Auctioneer; Barbering and Cosmetology; Chiropractic; Controlled Substances; Dentistry; Dietitians; Funeral Directors; Hearing and Speech; Medical; Nursing; Nursing Home Administrator; Optometry; Pharmacy; Physical Therapists; Podiatry; Psychology; Real Estate; Real Estate Appraisers; Social Workers, Marriage and Family Therapists and Professional Counselors; and Veterinary.

Committed to Equal Opportunity in Employment and Licensing

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

IN THE MATTER OF RULE-MAKING :
PROCEEDINGS BEFORE THE :
EXAMINING BOARD OF ARCHITECTS, : **REPORT TO THE LEGISLATURE**
LANDSCAPE ARCHITECTS, : **ON CLEARINGHOUSE RULE 98-030**
PROFESSIONAL GEOLOGISTS, : **(s. 227.19 (3), Stats.)**
PROFESSIONAL ENGINEERS, :
DESIGNERS AND LAND SURVEYORS :

I. THE PROPOSED RULE:

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

II. REFERENCE TO APPLICABLE FORMS:

No new or revised forms are required by these rules.

III. FISCAL ESTIMATES:

These rules will have no significant impact upon state or local units of government.

IV. STATEMENT EXPLAINING NEED:

This proposed rule-making of the Examining Board of Architects, Landscape Architects, Professional Geologists, Professional Engineers, Designers and Land Surveyors contains amendments which relate to definitions, statutory authority, and form, style, placement, clarity, grammar, punctuation and plain language.

The following are changes of a more substantive nature:

Rules are amended to clarify that the passing score set by all sections of the board represents the minimum competency standards required to protect the public health and safety. Rules are created relating to penalties for all sections of the board for examination candidates who cheat on an examination. Rules are amended to clarify that an engineer-in-training applicant may not take the principles and practice examination until the applicant obtains the appropriate amount of experience. Rules are amended to remove the unnecessary language describing the duration of the examination, which may change from time to time as the examination contents change. Rules are amended to require applicants for registration as a professional engineer and as a landscape architect to submit materials relating to qualification for an examination to the board office no later

than 90 days before the examination date. This would allow staff adequate time to process an applicant's materials and to communicate to the applicant the status of items submitted. Rules are clarified as to what constitutes an accredited college or university for meeting the educational requirement for land surveyors. Rules are amended to require that both experience and educational requirements for professional geologists must be completed within 10 years preceding the application.

V. NOTICE OF PUBLIC HEARING:

A public hearing was held on April 15, 1998. The following individuals registered at the public hearing: Steven R. Crosby, Waunakee, representing the Wisconsin Onsite Waste Disposal Association; Jeffrey L. Hammes, Madison, representing the Wisconsin Onsite Waste Disposal Association; and Dale E. Parker, Madison.

The following individuals submitted written comments opposing the repeal of the subfield of private sewage:

James G. Knickelbine, Denmark, WI
Andy Knickelbine, Manitowoc, WI
Wilbur B. Austin, County Sanitarian for Grant County Sanitation, Lancaster, WI
Phillip J. Gaudet, Land Use Inspector, Washington County, Land Use and Park Department, West Bend, WI
David Seils, Colgate, WI
Michael F. Corry, Administrator, Wisconsin Department of Commerce, Safety and Buildings Division, Madison, WI
David Lindner
Harold B. Hann, Sr., Hann's Construction
Kurt Johnson
Shea Steffert
David Phillips
Charles F. Tuschl, President, Tuschl Septic Systems, Inc., Cato, WI
James C. Converse, P.E., Professor, Biological Systems Engineering, UW-Madison, College of Agricultural and Life Sciences, Madison, WI
Alan J. Wepking, President, Wepking Pump Service, Inc., Lancaster, WI
Heidi M. Ferguson, Dale, WI
Dennis Brandt, Richland Center, WI
Steven R. Crosby, President, Wisconsin Onsite Waste Disposal Association, Inc.
Brian D. Bates, Bates Soil Testing, Sherwood, WI

VI. MODIFICATION MADE AS A RESULT OF PUBLIC HEARING TESTIMONY:

The subfield of private sewage systems is being retained in the rules. Repealing this subfield would prevent individuals from providing the service of designing sewage systems.

VII. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:

Comment 1. Statutory Authority - Section 443.037 (2) (a), Stats., provides that the applicant must have completed "at least 5 years of professional experience in geologic work *of a character satisfactory to the examining board* which demonstrates that the applicant is qualified to assume responsible charge of geologic work." The rule establishes that the experience is not of a character satisfactory to the board unless it was completed within the past ten years.

Comment 5.b. The language establishing the requirements for a degree-granting institution is the legislature's language. See, *inter alia*, s. 455.04 (1) (c), Stats.

The remaining recommendations suggested in the Clearinghouse Report were accepted in whole.

VIII. FINAL REGULATORY FLEXIBILITY ANALYSIS:

These proposed rules will have no significant economic impact on small businesses, as defined in s. 227.114 (1) (a), Stats.

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

IN THE MATTER OF RULE-MAKING	:	PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE	:	EXAMINING BOARD OF ARCHITECTS,
EXAMINING BOARD OF ARCHITECTS,	:	LANDSCAPE ARCHITECTS, PROFESSIONAL
LANDSCAPE ARCHITECTS,	:	GEOLOGISTS, PROFESSIONAL ENGINEERS,
PROFESSIONAL GEOLOGISTS,	:	DESIGNERS AND LAND SURVEYORS
PROFESSIONAL ENGINEERS,	:	ADOPTING RULES
DESIGNERS AND LAND SURVEYORS	:	(CLEARINGHOUSE RULE 98-030)

PROPOSED ORDER

An order of the Examining Board of Architects, Landscape Architects, Professional Geologists, Professional Engineers, Designers and Land Surveyors to *repeal* Figure A-E 3.03, 5.06 (5) and 6.05 (7) (b); to *renumber* A-E 10.05 (1); to *renumber and amend* A-E 6.05 (7) (a); to *amend* ch. A-E 1 (title), 2.01, 2.03 (2) (intro.), 3.02 (title) and 3.02, 3.05 (4) (title) and (4), 3.06 (intro.), (1), (2) and (3), 4.02 (title) and 4.02, 4.03 (1), (a), (b), (c), (d) (intro.), 1. to 4., (2) (a) (intro.), 1. to 5., (b), (c) (intro.), 1. to 11., (d) (intro.), 1. to 6., (e), (3) (a), (b) (intro.), 1. 2., (4) (a) (intro.), 1., 2., (b) (intro.), 1., 2., (c), (5) (a), (b), (6) and (7) (a), 4.07, 4.08 (1) (a), (3) and (6), 4.09 (intro.), (1) to (4), ch. A-E 5 (title), 5.02 (title) and 5.02, 5.03 (1) (intro.), (a), (b) and (c), 5.04 (1) (a) 1. to 3., (b) (intro.), 1. to 4., (c) (intro.), 1., (e) (intro.), 1., (f) (intro.), 1. to 4. and (6), 5.05 (intro.), (1), (2) and (3), 5.06 (1), (2) (intro.), (a), (b), (2) (d), (3), (4) and (6) (a), 6.02 (title) and 6.02, 6.03 (1) (a) (intro.), 1. (intro.), a. to h., 2. (intro.), a. to c., (b) 1. to 4., 6.04 (intro.), 6.06 (intro.), (1) to (3), 7.05 (1) to (5) and (7), 7.08 (3) (a) to (h), 8.03 (2) (intro.), (a), (b), (3) (intro.), (a) to (c), (5) (intro.), (a) to (d), 8.04 (1) to (6), 8.05 (1) (a) to (f), 8.06 (1) and (2), 8.07 (1), 8.08 (1), 8.09 (1), 8.11 (title), (intro.), (1) to (4), 9.02 (title) and 9.02, 9.05 (3), 10.02 (title) and 10.02, 10.05 (2) (a) 1., 2., (b) 1. and 2., and to *create* a Note following A-E 3.03 (1), a Note following A-E 3.05 (3), 3.05 (9), 4.08 (8), a Note following A-E 5.04 (3), 5.04 (9), a Note following A-E 6.05 (4), 6.05 (10), 9.05 (1) (c) and (8), 10.05 (1) (b), a Note following A-E 10.05 (3) and 10.05 (8), relating to the registration and regulation of architects, landscape architects, professional geologists, professional engineers, designers and land surveyors.

Analysis prepared by the Department of Regulation and Licensing.

ANALYSIS

Statutes authorizing promulgation: ss. 15.08 (5) (b) and 227.11 (2), Stats.

Statutes interpreted: ss. 443.03, 443.035, 443.037, 443.04, 443.05, 443.06, 443.07, 443.09 and 443.10, Stats.

This proposed rule-making order of the Examining Board of Architects, Landscape Architects, Professional Geologists, Professional Engineers, Designers and Land Surveyors contains amendments which relate to the definitions, the statutory authority, and the form, style, placement, clarity, grammar, punctuation and plain language of the current rules.

The following are changes of a more substantive nature:

Rules are amended to clarify that the passing score set by all sections of the board represents the minimum competency standards required to protect the public health and safety. Rules are created relating to penalties for all sections of the board for examination candidates who cheat on an examination. Rules are amended to clarify that an engineer-in-training applicant may not take the principles and practice examination until the applicant obtains the appropriate amount of experience. Rules are amended to remove the unnecessary language describing the duration of the examination, which may change from time to time as the examination contents change. Rules are amended to require applicants for registration as a professional engineer and as a landscape architect to submit materials relating to qualification for an examination to the board office no later than 90 days before the examination date. This would allow staff adequate time to process an applicant's materials and to communicate to the applicant the status of items submitted. Rules are clarified as to what constitutes an accredited college or university for meeting the educational requirement for land surveyors. Rules are amended to require that both experience and educational requirements for professional geologists must be completed within 10 years preceding the application.

TEXT OF RULE

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

Chapter A-E 1 (title)

~~AUTHORITY AND PRACTICE~~

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

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

SECTION 3. A-E 2.03 (2) (intro.) is amended to read:

A-E 2.03 (2) (intro.) Every firm maintaining one or more places of business in Wisconsin shall have;

SECTION 4. A-E 3.02 (title) and 3.02 are amended to read:

A-E 3.02 (title) APPLICATION FOR REGISTRATION. ~~An application for registration as an architect is available upon request to the board office located at 1400 East Washington Avenue, Madison, Wisconsin 53702.~~ An applicant who files an application but who does not comply with a request for information related to the application within one year from the date of the request shall file a new application and fee.

Note: Applications are available upon request to the board office located at P.O. Box 8935, 1400 East Washington Avenue, Madison, Wisconsin 53708.

SECTION 5. A Note following A-E 3.03 (1) is created to read:

Note: A current copy of the Intern Development Program Table of Training Requirements may be obtained from the Bureau of Business and Design Professions located at 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708.

SECTION 6. Figure A-E 3.03 is repealed. *why?*

SECTION 7. A Note following A-E 3.05 (3) is created to read:

Note: An otherwise qualified applicant with a disability shall be provided with reasonable accommodations.

SECTION 8. A-E 3.05 (4) (title) and (4) are amended to read:

A-E 3.05 (4) (title) GRADING. ~~The form, schedule and grading for the examination is established by the national council of architectural registration boards.~~ The passing scores set by the board represent the minimum competency required to protect public health and safety.

SECTION 9. A-E 3.05 (9) is created to read:

A-E 3.05 (9) CHEATING. Any applicant for registration who receives aid or cheats in any other manner in connection with the examination shall be barred from completing the examination or shall not be given a passing grade, or both.

SECTION 10. A-E 3.06 (intro.), (1), (2) and (3) are amended to read:

A-E 3.06 APPLICATION CONTENTS. (intro.) An application shall include all of the following:

(1) Transcripts or apprenticeship records verifying the applicant's education and training;

(2) References from at least 5 individuals having personal knowledge of the applicant's experience in the practice of architecture, 3 of whom are ~~licensed~~ registered architects;

(3) A chronological history of the applicant's employment; ~~and.~~

SECTION 11. A-E 4.02 (title) and 4.02 are amended to read:

A-E 4.02 (title) APPLICATION FOR REGISTRATION. ~~Applications for certification as an engineer in training and registration as a professional engineer are available upon request to the board office located at 1400 East Washington Avenue, Madison, Wisconsin 53702.~~ An applicant who files an application but who does not comply with a request for information related to the application within one year from the date of the request shall file a new application and fee.

Note: Applications are available upon request to the board office located at 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708.

SECTION 12. A-E 4.03 (1), (a), (b), (c), (d) (intro.), 1. to 4., (2) (a) (intro.), 1. to 5., (b), (c) (intro.), 1. to 11., (d) (intro.), 1. to 6., (e), (3) (a), (b) (intro.), 1., 2., (4) (a) (intro.), 1., 2., (b) (intro.), 1., 2., (c), (5) (a), (b), (6) and (7) (a) are amended to read:

A-E 4.03 (1) RESEARCH AND DEVELOPMENT. (a) Problem identification, including consideration of alternative approaches to problem solving;

(b) Planning, including selecting a theoretical or experimental approach;

(c) Execution of plan, including completing design calculations;

(d) (intro.) Interpreting and reporting results, including, all of the

following:

1. Evaluating project feasibility studies;

2. Analyzing research and development data;

3. Producing interpretive reports;

4. Formulating conclusions and recommendations; ~~and.~~

(2) DESIGN. (a) (intro.) Problem identification, including, all of the following:

1. Identifying design objectives;

2. Identifying possible design concepts or methods;

3. Selecting methods to be employed in consideration of aesthetics, cost and reliability;.

4. Defining performance specifications and functional requirements such as materials, energy balances and environmental considerations;.

5. Formulating conceptual design specifications; ~~and;~~.

(b) Planning, including defining safety, health and environmental constraints;.

(c) (intro.) Execution of plan, including; all of the following:

1. Developing design concepts;.

2. Conducting feasibility studies;.

3. Evaluating design and design methods;.

4. Solving design problems;.

5. Preparing designs, layouts and models;.

6. Selecting materials and components;.

7. Conducting value analysis of design;.

8. Producing final designs;.

9. Preparing supporting technical information;.

10. Preparing detailed working drawings;.

11. Preparing specifications and data sheets; ~~and;~~.

(d) (intro.) Interpreting and reporting results, including; all of the following:

1. Evaluating design for conformity to specifications;.

2. Evaluating design solutions for efficiency, economic and technical feasibility and economic alternatives;.

3. Evaluating design impact on public health, safety and welfare;.

4. Evaluating design solution for adherence to laws and codes;
5. Evaluating product liability risk;
6. Reviewing designs with clients or management; and,

(e) Implementation of results, including interacting with engineers from other disciplines of engineering;

(3) CONSTRUCTION. (a) Problem identification, including checking working drawings and specifications; and,

(b) (intro.) Execution of plan, including, all of the following:

1. Consulting with designers; and,
2. Identifying and requesting design changes;

(4) MANUFACTURING, PRODUCTION AND OPERATIONS. (a) (intro.) Planning, including, all of the following:

1. Proposing design or methods improvement; and,
2. Planning operational processes and strategies;

(b) (intro.) Execution of plan, including, all of the following:

1. Preparing feasibility of new or improved products, systems and processes;
2. Determining feasibility of new or improved products, systems and processes;

(c) Interpreting and reporting results, including preparing final reports;

(5) MAINTENANCE. (a) Problem identification, including determining causes of failures in equipment, structures or schedules;

(b) Interpreting and reporting results, including reporting the causes of failures in equipment, structures or schedules;

(6) ADMINISTRATION. Administration and management, including execution of plan by communicating with others;

(7) OTHER ENGINEERING TASKS. (a) Conducting systems analysis or operations research; and,

SECTION 13. A-E 4.07 is amended to read:

A-E 4.07 ENGINEER-IN-TRAINING. An applicant for certification as an engineer-in-training shall take and pass a fundamentals examination. ~~Engineer-in-training applicants may also take the principles and practice, and the barrier free design examinations.~~

SECTION 14. A-E 4.08 (1) (a) is amended to read:

A-E 4.08 (1) (a) The fundamentals examination requires an understanding of the physical and mathematical sciences involved in the fundamentals of engineering. ~~The duration of the examination is 8 hours, administered in one day.~~

SECTION 15. A-E 4.08 (3) and (6) are amended to read:

A-E 4.08 (3) APPLICATION FOR EXAMINATION. An application for examination must be filed with the board no later than ~~60~~ 90 days before the scheduled date for the examination. An applicant applying for reexamination shall file the application for reexamination no later than 45 days before the scheduled date for the examination.

Note: An otherwise qualified applicant with a disability shall be provided with reasonable accommodations.

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

SECTION 16. A-E 4.08 (8) is created to read:

A-E 4.08 (8) CHEATING. Any applicant for registration who receives aid or cheats in any other manner in connection with the examination shall be barred from completing the examination or shall not be given a passing grade, or both.

SECTION 17. A-E 4.09 (intro.) and (1) to (4) are amended to read:

A-E 4.09 APPLICATION CONTENTS. (intro.) An application shall include all of the following:

(1) Transcripts or apprenticeship records verifying the applicant's education and training;

(2) References from at least 5 individuals having personal knowledge of the applicant's experience in professional engineering, 3 of whom are ~~licensed~~ registered professional engineers;

(3) A chronological history of the applicant's employment; ~~and~~.

(4) Any additional data, exhibits or references showing the extent and quality of the applicant's experience that may be required by the professional ~~engineers~~ engineer section.

SECTION 18. Chapter A-E 5 (title) is amended to read: ~~to read:~~

Chapter A-E 5 (title)

DESIGNER PERMIT REGISTRATION

SECTION 19. A-E 5.02 (title) and 5.02 are amended to read:

A-E 5.02 (title) APPLICATION FOR PERMIT. ~~An application for a designer permit is available upon request to the board office located at 1400 East Washington Avenue, Madison, Wisconsin 53702.~~ Any applicant who files an application but who does not comply with a request for information related to the application within one year from the date of the request shall file a new application and fee.

Note: Applications are available upon request to the board office located at 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708.

SECTION 20. A-E 5.03 (1) (intro.), (a), (b) and (c) are amended to read:

A-E 5.03 (1) GENERAL. (intro.) An applicant's experience shall demonstrate that the applicant has a working knowledge of all of the following:

(a) Basic mathematics, physics and mechanics;

(b) Materials and structures;

(c) Administrative codes and other relevant Wisconsin law; ~~and~~.

SECTION 21. A-E 5.04 (1) (a) 1. to 3., (b) (intro.), 1. to 4., (c) (intro.) and 1. are amended to read:

A-E 5.04 (1) (a) 1. Basic mathematics, physics and mechanics;

2. Materials and structures;

3. Graphic techniques, including drafting and sketching, reading and interpreting blueprints and preparing specifications;

(b) (intro.) The examination for a permit in the field of heating, ventilating and air conditioning systems requires an applicant to demonstrate competency in all of the following:

1. User requirements for maintenance of temperature;
2. Humidity and ventilation systems;
3. Energy sources;
4. Heating, ventilating and air conditioning systems, including ducted, piped, unitary, steam and hot water systems; ~~and.~~

(c) (intro.) The examination for a permit in the field of plumbing systems requires an applicant to demonstrate competency in all of the following:

1. User requirements for water supply, drainage and disposal, including private septic systems; ~~and.~~

SECTION 22. A-E 5.04 (1) (e) (intro.), 1., (f) (intro.) and 1. to 4. are amended to read:

A-E 5.04 (1) (e) (intro.) The examination for a permit in the field of electrical systems requires the applicant to demonstrate competency in all of the following:

1. User requirements for both primary and secondary distribution, illumination, controls and switches and communication systems; ~~and.~~

(f) (intro.) The examination for a permit in the field of fire protection systems requires the applicant to demonstrate competency in all of the following:

1. User requirements for fire protection of life and property, life safety requirements, methods of fire prevention, wet and dry standpipes, use of fire retardants and fire proof materials;
2. Suppression;
3. Fire characteristics;
4. Smoke; ~~and.~~

SECTION 23. A Note following A-E 5.04 (3) is created to read:

Note: An otherwise qualified applicant with a disability shall be provided with reasonable accommodations.

SECTION 24. A-E 5.04 (6) is amended to read:

A-E 5.04 (6) GRADING OF WRITTEN EXAMINATIONS. The passing scores set by the board represent the minimum competency required to protect public health and safety. An applicant's experience rating is not considered by the board in grading the applicant's written examination.

SECTION 25. A-E 5.04 (9) is created to read:

A-E 5.04 (9) CHEATING. Any applicant for registration who receives aid or cheats in any other manner in connection with the examination shall be barred from completing the examination or shall not be given a passing grade, or both.

SECTION 26. A-E 5.05 (intro.), (1), (2) and (3) are amended to read:

A-E 5.05 APPLICATION CONTENTS. (intro.) An application shall include all of the following:

- (1) Transcripts or apprenticeship records verifying the applicant's education and training;
- (2) References from 3 individuals who have personal knowledge of the applicant's work involving the preparation of plans and specifications, one of whom shall be a licensed registered architect, professional engineer or designer;
- (3) A chronological history of the applicant's employment;

SECTION 27. A-E 5.06 (1), (2) (intro.), (a) and (b) are amended to read:

A-E 5.06 (1) Design services which may be performed by designers are the preparation of plans and specifications, consultation, investigation and evaluation in connection with the preparation of plans and specifications in those fields ~~and subfield~~ set forth in sub. (2).

(2) (intro.) Permits for the design of engineering systems shall be issued in the following fields ~~and subfield~~:

- (a) The field of heating, ventilation and air conditioning systems;
- (b) The field of plumbing systems;

SECTION 28. A-E 5.06 (2) (d), (3) and (4) are amended to read:

A-E 5.06 (2) (d) The field of electrical systems; and,

(3) Permit numbers shall designate the fields or subfield to which permits are restricted.

(4) Designers may not perform design services in those fields or subfield for which they do not hold a permit, unless the designer or building involved is exempt under ss. 443.14 and 443.15, Stats.

SECTION 29. A-E 5.06 (5) is repealed.

SECTION 30. A-E 5.06 (6) (a) is amended to read:

A-E 5.06 (6) (a) A master plumber's license restricted to private sewage systems issued pursuant to s. 145.14, Stats., shall be deemed equivalent to 4 years of approved experience in designing private sewage systems. ~~The mathematics and mechanical science portions of the examination for the subfield of private sewage systems may be waived for an applicant who holds such license. An applicant who does not hold such license shall take the mathematics, mechanical science and practice portions of the examination for the subfield of private sewage systems.~~

*why?
weren't
other parts
left in
rule?*

SECTION 31. A-E 6.02 (title) and 6.02 are amended to read:

A-E 6.02 (title) APPLICATION FOR REGISTRATION. ~~An application for registration as a land surveyor is available upon request to the board office located at 1400 East Washington Avenue, Madison, Wisconsin 53702.~~ Any applicant who files an application but who does not comply with a request for information related to the application within one year from the date of the request shall file a new application and fee.

Note: Applications are available upon request to the board office located at 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708.

SECTION 32. A-E 6.03 (1) (a) (intro.), 1. (intro.), a. to h., 2. (intro.), a., b., c., (b) 1., 2., 3. and 4. are amended to read:

A-E 6.03 (1) (a) (intro.) At least two-thirds of an applicant's experience shall be acquired in all of the following:

1. (intro.) Locating land boundaries and land boundary corners including all of the following services:

a. Researching public and private records;

monuments;

- b. Relocating lost and obliterated corners;
- c. Establishing, reestablishing or perpetuating survey

length and bearing;

- d. Subdividing sections;
- e. Establishing or retracing property lines to determine

acquired by field measurements;

- f. Reestablishing obliterated property lines;
- g. Preparing descriptions of real property from data
- h. Conducting resurveys; and,

2. (intro.) Preparing maps including all of the following:

a. Maps of sections or portions of sections or townships as established by the original public land survey and subdivisions of those sections in accordance with the ~~manuals of surveying instructions by the federal government and the state of Wisconsin; statutes of the United States and the rules and regulations made by the secretary of the interior in conformity thereto.~~

b. Subdivision plats prepared in accordance with the Wisconsin Statutes ~~statutes~~ or local ordinances;

c. Certified survey maps prepared in accordance with the Wisconsin Statutes ~~statutes~~ or local ordinances;

(b) 1. Preparing highway and railroad rights-of-way maps;

2. Construction staking for highways, roads, streets or similar projects within the boundaries of established ~~rights-of-way; rights-of-way.~~

3. Performing topographic surveys;

4. Developing control networks for aerial photography unless property lines are used for control; and,

SECTION 33. A-E 6.04 (intro.) is amended to read:

A-E 6.04 EDUCATIONAL REQUIREMENTS FOR LAND SURVEYORS. (intro.) To meet the educational requirements of s. 443.06 (2) (a), Stats., requiring "a course in land

surveying of not less than 2 years duration approved by the section” an applicant for registration as a land surveyor shall have satisfactorily completed at least 60 semester credits in a civil engineering or land surveying curriculum including no less than 12 semester credits in land surveying which granted by a college or university accredited by a regional accrediting agency approved by the state board of education in the state in which the college or university is located. Credits in land surveying shall be in the following categories of study:

SECTION 34. A Note following A-E 6.05 (4) is created to read:

Note: An otherwise qualified applicant with a disability shall be provided with reasonable accommodations.

SECTION 35. A-E 6.05 (7) (a) is renumbered A-E 6.05 (7) and amended to read:

A-E 6.05 (7) EXAMINATION GRADING. The passing scores set by the board represent the minimum competency required to protect public health and safety. Experience rating may not be weighed as part of the examination grade.

SECTION 36. A-E 6.05 (7) (b) is repealed.

SECTION 37. A-E 6.05 (10) is created to read:

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

SECTION 38. A-E 6.06 (intro.), (1), (2) and (3) are amended to read:

A-E 6.06 APPLICATION CONTENTS. (intro.) An application for registration shall include all of the following:

- (1) Transcripts verifying the applicant’s education;.
- (2) References from at least 5 individuals having personal knowledge of the applicant’s experience in land surveying, 3 of whom are ~~licensed~~ registered land surveyors;.
- (3) A chronological history of the applicant’s employment; ~~and~~;

SECTION 39. A-E 7.05 (1) to (5) and (7) are amended to read:

A-E 7.05 (1) Be drawn to a convenient scale;.

- (2) Be referenced as provided in s. ~~59.64~~ 59.73 (1), Stats.;

(3) Show the exact length and bearing of the boundaries of the parcels surveyed. Where the boundary lines show bearings, lengths or locations which vary from those recorded in deeds, abutting plats, or other instruments there shall be the following note placed along such lines, "recorded as (show recorded bearing, length or location)"

(4) Describe all monuments used for determining the location of the parcel and show by bearing and distance their relationship to the surveyed parcel and indicate whether such monuments were found or placed

(5) Identify the person for whom the survey was made, the date of the survey, and describe the parcel as provided in s. A-E 7.04

(7) Be filed as required by s. ~~59.60 (2)~~ 59.45 (1), Stats.

SECTION 40. A-E 7.08 (3) (a) to (h) are amended to read:

A-E 7.08 (3) (a) The identity of the corner, as referenced to the U.S. public land survey system

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

(c) Reference ties to at least 4 witness monuments. Witness monuments shall be concrete, natural stone, iron, bearing trees or other equally durable material, except wood other than bearing trees

(d) A plan view drawing depicting the relevant monuments and reference ties which is sufficient in detail to enable accurate relocation of the corner monument if the corner monument is disturbed

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

(f) Whether the corner was restored through acceptance of an obliterated evidence location or a found perpetuated location

(g) Whether the corner was reestablished through lost-corner-proportionate methods

(h) The directions and distances to other public land survey corners which were used as evidence or used for proportioning in determining the corner location; and

SECTION 41. A-E 8.03 (2) (intro.), (a), (b), (3) (intro.), (a) to (c), (5) (intro.), (a) to (d) are amended to read:

A-E 8.03 (2) (intro.) "Incompetency in the practice of architecture, landscape architecture, professional geology, professional engineering, designing or land surveying" means conduct which demonstrates any of the following:

(a) Lack of ability or fitness to discharge the duty owed by an architect, landscape architect, professional geologist, professional engineer, designer or land surveyor to a client or employer or to the public;

(b) Lack of knowledge of the fundamental principles of the profession or an inability to apply fundamental principles of the profession;

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

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

(b) Preparation of deficient plans, drawings, maps, specifications or reports;

(c) Engaging in conduct which evidences a lack of trustworthiness to transact the business required by the profession;

(5) (intro.) "Supervision," "direct supervision," "responsible charge," and "direction and control," mean direct, personal, active supervision and control of the preparation of plans, drawings, documents, specifications, reports, maps, plats and charts. The terms do not include any of the following:

(a) Indirect or casual supervision;

(b) Delegation of any decision requiring professional judgment;

(c) Casual review or inspection of prepared plans, drawings, specifications, maps, plats, charts, reports or other documents;

(d) Mere assumption by an architect, landscape architect, professional geologist, professional engineer, designer or land surveyor of responsibility for work without having control of the work;

SECTION 42. A-E 8.04 (1) to (6) are amended to read:

A-E 8.04 (1) Shall accurately and truthfully represent to a prospective client or employer the capabilities and qualifications which the registrant has to perform the services to be rendered;

(2) Shall represent the costs and completion times of a proposed project to a client or prospective client as accurately and truthfully as is reasonably possible;

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

(4) May not use advertising or publicity which is fraudulent or deceptive;

(5) May not represent that he or she is engaged in a partnership or association with another unless there exists in fact a partnership or association;

(6) May not collect a fee for recommending the services of another unless written notice is first given to all parties concerned;

SECTION 43. A-E 8.05 (1) (a) to (f) are amended to read:

A-E 8.05 (1) (a) Shall avoid conflicts of interest. If an unavoidable conflict of interest arises, the registrant shall immediately inform the client or employer of all the circumstances which may interfere with or impair the registrant's obligation to provide professional services. Under these circumstances a registrant may not proceed to provide professional services without the full approval and consent of the client or employer;

(b) Shall notify the employer or client and withdraw from employment at any time if it becomes apparent that it is not possible to faithfully discharge the responsibilities and duties owed to the client or employer;

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

(d) May not accept payment from any party other than a client or employer for a particular project or may not have any direct or indirect financial interest in a service or phase of a service to be provided as part of a project unless the employer or client approves;

(e) May not solicit or accept anything of value from material or equipment suppliers in return for specifying or endorsing a product;.

(f) May not violate the confidences of a client or employer, except as otherwise required by rules in this chapter;.

SECTION 44. A-E 8.06 (1) and (2) are amended to read:

A-E 8.06 (1) Shall use reasonable care and competence in providing professional services;.

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

SECTION 45. A-E 8.07 (1) is amended to read:

A-E 8.07 (1) Shall assist in enforcing laws which prohibit the unlicensed practice of architecture, professional geology, professional engineering, designing and land surveying by reporting violations to the board;.

SECTION 46. A-E 8.08 (1) is amended to read:

A-E 8.08 (1) Shall furnish the board with information indicating that any person or firm has violated provisions in ch. 443, Stats., rules in this chapter or other legal standards applicable to the profession; and;.

SECTION 47. A-E 8.09 (1) is amended to read:

A-E 8.09 (1) Shall comply with the requirements in ch. 443, Stats., rules in this chapter and all other federal, state and local codes which relate to the practice of architecture, landscape architecture, professional geology, professional engineering, designing and land surveying; and;.

SECTION 48. A-E 8.11 (title), (intro.), (1) to (4) are amended to read:

A-E 8.11 (title) SUSPENSION OF REGISTRATION: EFFECT. (intro.) Any registrant whose ~~license~~ registration has been suspended is prohibited during the term of the suspension from engaging in any of the following:

(1) Offering to perform any service which requires a ~~license;~~ registration.

(2) Performing any professional service which requires a ~~license;~~ registration.

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

(4) Entering into contracts the performance of which require a license, and, registration.

SECTION 49. A-E 9.02 (title) and 9.02 are amended to read:

A-E 9.02 (title) APPLICATION FOR REGISTRATION. An applicant who files an application but does not comply with a request for information related to the application within one year from the date of the request shall file a new application and fee.

SECTION 50. A-E 9.05 (1) (c) is created to read:

A-E 9.05 (1) (c) The passing scores set by the board represent the minimum competency required to protect public health and safety.

SECTION 51. A-E 9.05 (3) is amended to read:

A-E 9.05 (3) APPLICATION FOR EXAMINATION. An applicant for initial registration shall file an application for examination with the board not less than ~~2 months~~ 90 days before the scheduled date of the examination.

Note: An otherwise qualified applicant with a disability shall be provided with reasonable accommodations.

SECTION 52. A-E 9.05 (8) is created to read:

A-E 9.05 (8) CHEATING. Any applicant for registration who receives aid or cheats in any other manner in connection with the examination shall be barred from completing the examination or shall not be given a passing grade, or both.

SECTION 53. A-E 10.02 (title) and 10.02 are amended to read:

A-E 10.02 (title) APPLICATION FOR REGISTRATION. ~~An application for registration as a professional geologist is available upon request to the board office located at 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708.~~ An applicant who files an application but does not comply with a request for information related to the application within one year from the date of the request shall file a new application and fee.

Note: Applications are available upon request to the board office located at 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708.

SECTION 54. A-E 10.05 (1) is renumbered A-E 10.05 (1) (a).

SECTION 55. A-E 10.05 (1) (b) is created to read:

A-E 10.05 (1) (b) The passing scores set by the board represent the minimum competency required to protect public health and safety.

SECTION 56. A-E 10.05 (2) (a) 1., 2., (b) 1. and 2. are amended to read:

A-E 10.05 (2) (a) 1. Completed at least 4 years of professional experience in geologic work of a character satisfactory to the board within the previous 10 years, at least ~~4~~ one year of which must have been performed under the supervision of a person who is at the time of application registered as a professional geologist under this chapter or who, during the period of supervised experience, was registered as a professional geologist in another state, territory or possession of the United States or in another country that has registration requirements for professional geologists that are not lower than the requirements for registration under this chapter.

2. Have been awarded a postgraduate degree in geology, geophysics, geochemistry, hydrogeology, engineering geology, geotechnical engineering or a related geological science granted by a college or university accredited by a regional accrediting agency approved by the state board of education in the state in which the college or university is located, or accredited by a Canadian accrediting agency satisfactory to the board, and have completed at least 3 years of professional experience in geologic work of a character satisfactory to the board within the previous 10 years which demonstrates that the applicant is qualified to assume responsible charge of geologic work.

(b) 1. Completed at least 6 years of professional experience in geologic work of a character satisfactory to the board within the previous 10 years which demonstrates that the applicant is qualified to assume responsible charge of geologic work.

2. Have been awarded a postgraduate degree in geology, geophysics, geochemistry, hydrogeology, engineering geology, geotechnical engineering or a related geological science granted by a college or university accredited by a regional accrediting agency approved by the state board of education in the state in which the college or university is located, or accredited by a Canadian accrediting agency satisfactory to the board, and have completed at least 5 years of professional experience in geologic work of a character satisfactory to the board within the previous 10 years which demonstrates that the applicant is qualified to assume responsible charge of geologic work.

SECTION 57. A Note following A-E 10.05 (3) is created to read:

Note: An otherwise qualified applicant with a disability shall be provided with reasonable accommodations.

SECTION 58. A-E 10.05 (8) is created to read:

A-E 10.05 (8) CHEATING. Any applicant for registration who receives aid or cheats in any other manner in connection with the examination shall be barred from completing the examination or shall not be given a passing grade, or both.

(END OF TEXT OF RULE)

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.

Dated _____ Agency _____

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

FISCAL ESTIMATE

1. The anticipated fiscal effect on the fiscal liability and revenues of any local unit of government of the proposed rule is: \$0.00.
2. The projected anticipated state fiscal effect during the current biennium of the proposed rule is: \$0.00.
3. The projected net annualized fiscal impact on state funds of the proposed rule is: \$0.00.

FINAL REGULATORY FLEXIBILITY ANALYSIS

These proposed rules will have no significant economic impact on small businesses, as defined in s. 227.114 (1) (a), Stats.

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9/14/98

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CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

CLEARINGHOUSE RULE 98-030

AN ORDER to repeal Figure A-E 3.03, 5.04 (1) (d), 5.06 (2) (c), (5) and (6) and 6.05 (7) (b); to renumber A-E 10.05 (1); to renumber and amend A-E 6.05 (7) (a); to amend ch. A-E 1 (title), 2.01, 2.03 (2) (intro.), 3.02 (title) and 3.02, 3.05 (4) (title) and (4), 3.06 (intro.), (1), (2) and (3), 4.02, 4.03 (1), (a), (b), (c) and (d) (intro.) and 1. to 4., (2) (a) (intro.) and 1. to 5., (b), (c) (intro.) and 1. to 11., (d) (intro.) and 1. to 6. and (e), (3) (a), (b) (intro.), 1. and 2., (4) (a) (intro.) 1. and 2., (b) (intro.), 1. and 2. and (c), (5) (a) and (b), (6) and (7) (a), 4.07, 4.08 (1) (a), (3) and (6), 4.09 (intro.) and (1) to (4), ch. A-E 5 (title), 5.02, 5.03 (1) (intro.), (a), (b) and (c), 5.04 (1) (a) 1. to 3., (b) (intro.) and 1. to 4., (c) (intro.), 1., (e) (intro.), 1. and (f) (intro.) and 1. to 4. and (6), 5.05 (intro.), (1), (2) and (3), 5.06 (1), (2) (intro.), (a) and (b), (2) (d), (3) and (4), 6.02, 6.03 (1) (a) (intro.), 1. (intro.) and a. to h. and 2. (intro.) and a. to c. and (b) 1. to 4., 6.04 (intro.), 6.06 (intro.) and (1) to (3), 7.05 (1) to (5) and (7), 7.08 (3) (a) to (h), 8.03 (2) (intro.), (a) and (b), (3) (intro.) and (a) to (c) and (5) (intro.) and (a) to (d), 8.04 (1) to (6), 8.05 (1) (a) to (f), 8.06 (1) and (2), 8.07 (1), 8.08 (1), 8.09 (1), 8.11 (title), (intro.) and (1) to (4), 9.02, 9.05 (3), 10.02, 10.05 (2) (a) 1. and 2. and (b) 1. and 2.; and to create a Note following A-E 3.03 (1), a Note following A-E 3.05 (3), 3.05 (9), 4.08 (8), a Note following A-E 5.04 (3), 5.04 (9), a Note following A-E 6.05 (4) and (10), 9.05 (1) (c) and (8), 10.05 (1) (b), a Note following A-E 10.05 (3) and (8), relating to the registration and regulation of architects, landscape architects, professional geologists, professional engineers, designers and land surveyors.

Submitted by **DEPARTMENT OF REGULATION AND LICENSING**

02-20-98 RECEIVED BY LEGISLATIVE COUNCIL.

03-20-98 REPORT SENT TO AGENCY.

RNS:RW:kjfjt

LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]

Comment Attached YES NO

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]

Comment Attached YES NO

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]

Comment Attached YES NO

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS
[s. 227.15 (2) (e)]

Comment Attached YES NO

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]

Comment Attached YES NO

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL
REGULATIONS [s. 227.15 (2) (g)]

Comment Attached YES NO

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]

Comment Attached YES NO

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CLEARINGHOUSE RULE 98-030

Comments

[NOTE: All citations to "Manual" in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated October 1994.]

1. Statutory Authority

The agency may wish to review SECTION 57 of the rule. It appears that the current rule is inconsistent with the relevant statute, s. 443.037, Stats., relating to experience requirements for professional geologists. Further, the proposed requirement that experience be completed *within the previous 10 years*, is a limitation that is not in the applicable statutory provisions. After a review of the rule, if the final rule retains the provisions of SECTION 57, the express statutory authority should be cited for their inclusion in the rule.

2. Form, Style and Placement in Administrative Code

a. In several provisions, "all of the following" is correctly inserted in an (intro.). However, this was not done in all provisions. For example, in SECTION 12, see s. A-E 4.03 (1) (d) (intro.), (2) (a) (intro.), (c) (intro.) and (d) (intro.), (3) (b) (intro.) and (4) (b) (intro.).

b. Several notes require that an otherwise qualified applicant with a disability be provided with reasonable accommodations. If these notes are creating a substantive requirement, they should be placed in the text of the rule. If they do not, they should refer to the provision that sets forth the requirement; e.g., "The federal Americans with Disabilities Act requires"

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

a. The rule contains several identical provisions relating to cheating on various examinations. (See, for example, SECTIONS 16, 38, 53 and 59.) In these SECTIONS, the rule

provides that any applicant who "receives aid" or "cheats in any other manner" during an examination will be barred from completing the examination or will not be given a passing grade, or both. As drafted, the provisions should be reviewed for the following clarity issues:

- (1) The intended scope of the term "aid" and the phrase "receives aid." The common meaning of "aid" is quite broad and could include "assistance" and other "aid" that is not in any way related to cheating. This aspect of the rule should be reviewed and revised to clarify the intended scope of the term and phrase.
- (2) The rule uses "will" in the provisions; this term is unclear. The term should be changed to "shall" if that is the intent of the agency.

b. SECTION 34 contains provisions relating to educational requirements for land surveyors. The amended rule refers to semester credits granted "by a college or university accredited by a regional accrediting agency approved by the state board of education" in the state in which the college or university is located. The reference to the "state board of education" may be too narrow to cover states that do not have such entities (like in Wisconsin, for example). Further, it is not clear that all "regional accrediting" agencies are "approved by" a state department. These aspects of the rule should be reviewed for clarity and accuracy.

c. The agency may wish to include an "initial applicability" section to provide for a clear transition between the prior rules and the revised rules, especially for pending applications.