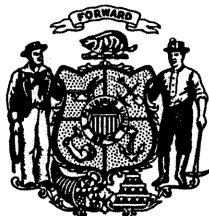


WISCONSIN LEGISLATIVE COUNCIL STAFF

RULES CLEARINGHOUSE

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One E. Main St., Ste. 401
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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 00-064

AN ORDER to amend GHSS 2.06 (7) (b), 3.05 (2) (b) and (7) (b) and 4.05 (2) (c) and (7) (b), relating to educational and experience requirements prior to sitting for the fundamentals examination.

Submitted by **DEPARTMENT OF REGULATION AND LICENSING**

03-29-00 RECEIVED BY LEGISLATIVE COUNCIL.
04-17-00 REPORT SENT TO AGENCY.

RNS:DD:jal;rv

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

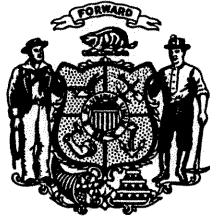
☒

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CLEARINGHOUSE RULE 00-064

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 September 1998.]

1. Statutory Authority

It is assumed that the examining board is promulgating these rules upon the advice of the professional geologist section, the professional hydrologist section and the professional soil scientist section per s. 470.03 (1), Stats. This should be noted in the analysis.

2. Form, Style and Placement in Administrative Code

a. Both the relating clause and the analysis refer to "educational and experience requirements prior to sitting for the fundamentals examination." While the experience requirements treated by the draft can be substituted for educational requirements, it may be misleading to refer to "educational" requirements.

b. The relating clause should also refer to required examinations.

c. The analysis refers to amendments of a "housekeeping nature." It appears that the revision of the experience requirements treated by the rule from five years to four years is substantive, not housekeeping.

d. The analysis refers to amendments that relate to the "clarity and grammar" of the current rules. While SECTIONS 1, 3 and 5 in some respects improve clarity, they do not relate to the grammar of the current rules.

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

a. It appears that in the analysis, reference to s. 470.04, Stats., should be included in the list of statutes interpreted.

b. Should ss. GHSS 2.06 (7) (d) and 4.05 (7) (d) be amended or repealed by the rule? Each contains reference to the examination on the elements of practice essential to the public health, safety or welfare.

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

The third paragraph of the analysis, describing SECTIONS 2 and 4 of the rule, is awkwardly drafted.

STATE OF WISCONSIN
EXAMINING BOARD OF PROFESSIONAL GEOLOGISTS,
HYDROLOGISTS AND SOIL SCIENTISTS

IN THE MATTER OF RULE-MAKING	:	PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE	:	EXAMINING BOARD OF
EXAMINING BOARD OF	:	PROFESSIONAL GEOLOGISTS,
PROFESSIONAL GEOLOGISTS,	:	HYDROLOGISTS AND
HYDROLOGISTS AND	:	SOIL SCIENTISTS
SOIL SCIENTISTS	:	ADOPTING RULES
	:	(CLEARINGHOUSE RULE 00-)

PROPOSED ORDER

See CR-99-088

An order of the Examining Board of Professional Geologists, Hydrologists and Soil Scientists to amend GHSS 2.06 (7) (b), 3.05 (2) (b) and (7) (b) and 4.05 (2) (c) and (7) (b), relating to educational and experience requirements prior to sitting for the fundamentals examination.

Analysis prepared by the Department of Regulation and Licensing.

ANALYSIS

✓ Statutes authorizing promulgation: ss. 15.08 (5) (b), 227.22 (2), 470.03 (1) (a), (b) and (c), and 470.04, Stats. *470.03*

Statutes interpreted: ss 470.03 (1) (a), (b) and (c), and 470.05, Stats.

This proposed rule-making order of the Professional Geologists, Hydrologists and Soil Scientists contains amendments of a housekeeping nature that relate to the educational and experience requirements prior to sitting for the fundamentals examination for professional hydrology and soil science, and clarity and grammar of the current rules.

why? SECTIONS 2 and 4 amend provisions to reduce the fundamentals examination professional hydrologists and professional soil scientists experience from 5 to 4 years. *amend*

SECTIONS 1, 3, and 5 amend a provision to remove language containing reference to an examination that is not required.

TEXT OF RULE

SECTION 1. GHSS 2.06 (7) (b) is amended to read:

GHSS 2.06 (7) (b) All required examinations are scored separately. The fundamentals of geology and the principles and practice of geology examinations of the association of state boards of geology, ~~and the examination on the elements of practice essential to the public health,~~

2.06(7)(d) 2

~~safety or welfare~~ are scored separately. An applicant shall achieve a passing score on each of the required examinations to qualify for licensure.

SECTION 2. GHSS 3.05 (2) (b) is amended to read:

GHSS 3.05 (2) (b) Completed at least ~~5~~ 4 years of experience which is determined by the professional hydrologist section to be equivalent to the requirements of s. GHSS 3.04.

SECTION 3. GHSS 3.05 (7) (b) is amended to read:

GHSS 3.05 (7) (b) The fundamentals of hydrology and the principles and practice of hydrology examinations, ~~and the examination on the elements of practice essential to the public health, safety or welfare~~ are scored separately. An applicant shall achieve a passing score on each of the required examinations to qualify for licensure.

SECTION 4. GHSS 4.05 (2) (c) is amended to read:

GHSS 4.05 (2) (c) Have at least ~~5~~ 4 years of experience which is determined by the professional soil scientist section to be equivalent to the requirements of s. GHSS 4.04.

SECTION 5. GHSS 4.05 (7) (b) is amended to read:

GHSS 4.05 (7) (b) The fundamentals of soil science and the principles and practice of soil science examinations, ~~and the examination on the elements of practice essential to the public health, safety or welfare~~ are scored separately. An applicant shall achieve a passing score on each of the required examinations to qualify for licensure.

(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 Professional Geologists,
Hydrologists and Soil Scientists

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.

GHSS 4.05 (7) (d)

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.

INITIAL REGULATORY FLEXIBILITY ANALYSIS

These proposed rules will be reviewed by the department through its Small Business Review Advisory Committee to determine whether there will be an economic impact on a substantial number of small businesses, as defined in s. 227.114 (1) (a), Stats.

g:\rules\ghss2.doc
3/27/2000



State of Wisconsin
DEPARTMENT OF REGULATION AND
LICENSING

CORRESPONDENCE / MEMORANDUM

DATE: June 16, 2000

TO: Senate Chief Clerk
Assembly Chief Clerk
Senator Judy Robson, Senate Co-Chairperson
Representative Glenn Grothman, Assembly Co-Chairperson

FROM: Pamela A. Haack, Paralegal
Office of Administrative Rules
Department of Regulation and Licensing

SUBJECT: Amended Report to the Legislature

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

Clearinghouse Rule: 00-064

Attached is an amended "Report to the Legislature." The only amendment is under VI, Response to Legislative Council Staff Recommendations. I am sorry for any inconvenience this may have caused.

Thank you.

**STATE OF WISCONSIN
EXAMINING BOARD OF ARCHITECTS, LANDSCAPE ARCHITECTS,
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 00-050
PROFESSIONAL ENGINEERS,	:	(s. 227.19 (3), Stats.)
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:

The board creates s. A-E 2.02 (8) to clarify what a registrant must do in situations where plans and specifications are to be submitted for state approval by a licensee who did not do the original design work. This rule would allow Wisconsin registrants to finish projects in which the original design person because of death or dismissal is unable to finish it.

The board amends s. A-E 4.05 (1) (b), (2) (a) and (4) (b) to require that an applicant for professional engineer registration must complete their experience within 10 years preceding his or her application for registration and under s. A-E 4.05 (3) within 15 years preceding his or her application for registration. The Professional Engineers Section believes it is in the best interest of the health, safety and welfare of the citizenry of Wisconsin for an applicant's experience to be within 10 to 15 years immediately preceding their application, to assure that the applicant can apply the current professional engineering procedures.

The board amends s. A-E 6.04 to identify the educational requirements for becoming a land surveyor, which becomes effective July 1, 2000. The requirement will increase the educational requirement from a two-year degree to a four-year college or university degree.

V. NOTICE OF PUBLIC HEARING:

A public hearing was held on April 12, 2000. There were no appearances at the public hearing and there were no written comments received.

VI. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:

Response to Comment 1. The statute provides that that be of a character satisfactory to the board. In order to be satisfactory to the board, the experience must be gained within 10 years of the date of application.

The requirement is for four years of experience within the previous 10 years. That would seem to provide adequate time for the birth of a child or to serve on active duty in the military.

Response to Comment 5.b. The first comment has been accepted. In response to the second part of Comment 5.b., the wording is not ambiguous.

The remaining suggestions recommended in the Clearinghouse Report were accepted in whole.

VII. 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.

JUN 15 2000

**STATE OF WISCONSIN
EXAMINING BOARD OF PROFESSIONAL GEOLOGISTS,
HYDROLOGISTS AND SOIL SCIENTISTS**

IN THE MATTER OF RULE-MAKING PROCEEDINGS BEFORE THE EXAMINING BOARD OF, PROFESSIONAL GEOLOGISTS, HYDROLOGISTS AND SOIL SCIENTISTS	: : : : : :	PROPOSED ORDER OF THE EXAMINING BOARD OF PROFESSIONAL GEOLOGISTS, HYDROLOGISTS AND SOIL SCIENTISTS ADOPTING RULES (CLEARINGHOUSE RULE 00-064)
--	--	--

TO: Senator Judy Robson, Senate Co-Chairperson
Joint Committee for the Review of Administrative Rules
Room 15 South, State Capitol
Madison, Wisconsin 53702

PLEASE TAKE NOTICE that the EXAMINING BOARD OF PROFESSIONAL GEOLOGISTS, HYDROLOGISTS AND SOIL SCIENTISTS is submitting in final draft form rules relating to experience requirements prior to sitting for the fundamentals examination.

Please stamp or sign a copy of this letter to acknowledge receipt. If you have any questions concerning the final draft form or desire additional information, please contact Pamela Haack at 266-0495.

**STATE OF WISCONSIN
EXAMINING BOARD OF PROFESSIONAL GEOLOGISTS,
HYDROLOGISTS AND SOIL SCIENTISTS**

IN THE MATTER OF RULE-MAKING :
PROCEEDINGS BEFORE THE : REPORT TO THE LEGISLATURE
EXAMINING BOARD OF : ON CLEARINGHOUSE RULE 00-064
PROFESSIONAL GEOLOGISTS, : (s. 227.19 (3), Stats.
HYDROLOGISTS AND SOIL :
SCIENTISTS :

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:

The examining board is promulgating these rules upon the advice of the Professional Geologist Section, the Professional Hydrologist Section and the Professional Soil Scientist Section. This rule-making order of the Examining Board of Professional Geologists, Hydrologists and Soil Scientists contains amendments that relate to the experience requirements prior to sitting for the fundamentals examination for professional hydrology and soil science, and clarity of the current rules. These rules amend provisions to reduce the experience required to sit for the professional hydrologists and professional soil scientists fundamentals examination from 5 to 4 years. These rules also amend a provision to remove language containing reference to an examination that is not required. And lastly, these rules repeal references to the examination on the elements of practice essential to the public health, safety or welfare.

V. NOTICE OF PUBLIC HEARING:

A public hearing was held on May 23, 2000. There were no appearances at the public hearing nor were any written comments received.

VI. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:

All of the recommendations suggested in the Clearinghouse Report were accepted in whole.

VII. FINAL REGULATORY FLEXIBILITY ANALYSIS:

These 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 PROFESSIONAL GEOLOGISTS,
HYDROLOGISTS AND SOIL SCIENTISTS

IN THE MATTER OF RULE-MAKING	:	PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE	:	EXAMINING BOARD OF
EXAMINING BOARD OF	:	PROFESSIONAL GEOLOGISTS,
PROFESSIONAL GEOLOGISTS,	:	HYDROLOGISTS AND
HYDROLOGISTS AND	:	SOIL SCIENTISTS
SOIL SCIENTISTS	:	ADOPTING RULES
	:	(CLEARINGHOUSE RULE 00-064)

PROPOSED ORDER

An order of the Examining Board of Professional Geologists, Hydrologists and Soil Scientists to repeal GHSS 2.06 (7) (d) and 4.05 (7) (d); and to **amend** GHSS 2.06 (7) (b), 3.05 (2) (b) and (7) (b) and 4.05 (2) (c) and (7) (b), relating to experience requirements prior to sitting for the fundamentals examination.

Analysis prepared by the Department of Regulation and Licensing.

ANALYSIS

Statutes authorizing promulgation: ss. 15.08 (5) (b), 227.22 (2), 470.03 (1) (a), (b) and (c), and 470.04, Stats.

Statutes interpreted: ss 470.03 (1) (a), (b) and (c), 470.04 and 470.05, Stats.

The Examining Board of Professional Geologists, Hydrologists and Soil Scientists is promulgating these rules upon the advice of the Professional Geologist Section, the Professional Hydrologist Section and the Professional Soil Scientist Section.

This rule-making order of the Examining Board of Professional Geologists, Hydrologists and Soil Scientists contains amendments that relate to the experience requirements prior to sitting for the fundamentals examination for professional hydrology and soil science, and clarity of the current rules.

SECTIONS 2 and 4 amend provisions to reduce the experience required to sit for the professional hydrologists and professional soil scientists fundamentals examination from 5 to 4 years.

SECTIONS 1, 3, and 5 amend a provision to remove language containing reference to an examination that is not required.

SECTIONS 6 and 7 repeal references to the examination on the elements of practice essential to the public health, safety or welfare.

TEXT OF RULE

SECTION 1. GHSS 2.06 (7) (b) is amended to read:

GHSS 2.06 (7) (b) All required examinations are scored separately. The fundamentals of geology and the principles and practice of geology examinations of the association of state boards of geology, ~~and the examination on the elements of practice essential to the public health, safety or welfare~~ are scored separately. An applicant shall achieve a passing score on each of the required examinations to qualify for licensure.

SECTION 2. GHSS 3.05 (2) (b) is amended to read:

GHSS 3.05 (2) (b) Completed at least ~~5~~ 4 years of experience which is determined by the professional hydrologist section to be equivalent to the requirements of s. GHSS 3.04.

SECTION 3. GHSS 3.05 (7) (b) is amended to read:

GHSS 3.05 (7) (b) The fundamentals of hydrology and the principles and practice of hydrology examinations, ~~and the examination on the elements of practice essential to the public health, safety or welfare~~ are scored separately. An applicant shall achieve a passing score on each of the required examinations to qualify for licensure.

SECTION 4. GHSS 4.05 (2) (c) is amended to read:

GHSS 4.05 (2) (c) Have at least ~~5~~ 4 years of experience which is determined by the professional soil scientist section to be equivalent to the requirements of s. GHSS 4.04.

SECTION 5. GHSS 4.05 (7) (b) is amended to read:

GHSS 4.05 (7) (b) The fundamentals of soil science and the principles and practice of soil science examinations, ~~and the examination on the elements of practice essential to the public health, safety or welfare~~ are scored separately. An applicant shall achieve a passing score on each of the required examinations to qualify for licensure.

SECTION 6. GHSS 2.06 (7) (d) is repealed.

SECTION 7. GHSS 4.05 (7) (d) is repealed.

(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 Professional Geologists,
Hydrologists and Soil Scientists

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

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6/15/2000