



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Ronald Sklansky
Clearinghouse Director

Richard Sweet
Clearinghouse Assistant Director

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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 01-092

AN ORDER to amend A-E 6.04 (2) (b), relating to the number of required semester credits in land surveying for an applicant applying with a bachelor's degree in civil engineering.

Submitted by **DEPARTMENT OF REGULATION AND LICENSING**

07-27-01 RECEIVED BY LEGISLATIVE COUNCIL.

08-24-01 REPORT SENT TO AGENCY.

RNS:DD;jal;tlu

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 01-092

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.]

2. Form, Style and Placement in Administrative Code

a. The last sentence of the department’s analysis is unclear in the context of the proposed rule change. The rule doubles the number of required credits but does not change language of the current rule regarding the content of the credits. It is suggested that the department review the last sentence of its analysis for clarity and add to the analysis a precise description of what the rule does regarding the number of required credits. In this regard, is it significant that the require credits are now referred to as “semester” credits?

b. Is it necessary to include in the rule a statement of to which applications the revision first applies? Will it apply to all applications submitted on or after the effective date of the rule or is some other initial applicability contemplated?

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

IN THE MATTER OF RULE-MAKING	:	PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE	:	EXAMINING BOARD OF
EXAMINING BOARD OF,	:	ARCHITECTS, LANDSCAPE
ARCHITECTS, LANDSCAPE	:	ARCHITECTS, PROFESSIONAL
ARCHITECTS, PROFESSIONAL	:	ENGINEERS, DESIGNERS AND LAND
ENGINEERS, DESIGNERS AND	:	SURVEYORS ADOPTING RULES
LAND SURVEYORS	:	(CLEARINGHOUSE RULE 01-092)

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 ARCHITECTS, LANDSCAPE ARCHITECTS, PROFESSIONAL ENGINEERS, DESIGNERS AND LAND SURVEYORS is submitting in final draft form rules relating to the number of required semester credits in land surveying for an applicant applying with a bachelor's degree in civil engineering.

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 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 01-092)**
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:

Current rules of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors require a land surveyor applicant applying with a degree in civil engineering of not less than 4 years duration from a college or university, to have only 12 credits in courses concentrating on land surveyor education. The required subject matter includes 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 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 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. While the scope of the subject matter is comprehensive and adequate, the requirement that the candidate complete only 12 credits within these areas will invariably result in lapses in coverage of vital land surveying principles and practices. The proposed rule, by increasing the number of required land surveying credits from 12 to 24, will require a candidate to complete core land surveying courses that the Land Surveyors Section deems necessary as the minimal competency educational standard for the protection of the health, safety and welfare of the citizenry of Wisconsin.

V. NOTICE OF PUBLIC HEARING:

A public hearing was held on November 12, 2001. There were no appearances nor were any written comments received.

VI. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:

All of the suggestions recommended 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.

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2/19/02

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

IN THE MATTER OF RULE-MAKING : PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE : EXAMINING BOARD OF ARCHITECTS,
EXAMINING BOARD OF ARCHITECTS, : LANDSCAPE ARCHITECTS,
LANDSCAPE ARCHITECTS, : PROFESSIONAL ENGINEERS,
PROFESSIONAL ENGINEERS, : DESIGNERS AND LAND SURVEYORS
DESIGNERS AND LAND SURVEYORS : ADOPTING RULES
: (CLEARINGHOUSE RULE 01-092)

PROPOSED ORDER

An order of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors to amend A-E 6.04 (2) (b), relating to the number of required semester credits in land surveying for an applicant applying with a bachelor's degree in civil engineering.

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: s. 443.06 (2) (am), Stats.

Current rules of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors require a land surveyor applicant applying with a degree in civil engineering of not less than 4 years duration from a college or university, to have only 12 credits in courses concentrating on land surveyor education. The required subject matter includes 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 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 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. While the scope of the subject matter is comprehensive and adequate, the requirement that the candidate complete only 12 credits within these areas will invariably result in lapses in coverage of vital land surveying principles and practices. The proposed rule, by increasing the number of required land surveying credits from 12 to 24, will require a candidate to complete core land surveying courses that the Land Surveyors Section deems necessary as the minimal competency educational standard for the protection of the health, safety and welfare of the citizenry of Wisconsin.

TEXT OF RULE

SECTION 1. A-E 6.04 (2) (b) is amended to read:

A-E 6.04 (2) (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 ~~12~~ 24 semester credits in courses concentrating on the legal principles of land surveying and the technical aspects of 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 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 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.

(END OF TEXT OF RULE)

The rules adopted in this order shall take effect one year 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 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 rules will have no significant economic impact on a substantial number of small businesses, as defined in s. 227.114 (1) (a), Wis. Stats.

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2/19/02