



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Ronald Sklansky
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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 02-090

AN ORDER to create A-E 6.07, relating to land surveyor temporary permits.

Submitted by **DEPARTMENT OF REGULATION AND LICENSING**

06-17-2002 RECEIVED BY LEGISLATIVE COUNCIL.

07-08-2002 REPORT SENT TO AGENCY.

RNS:DD

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 02-090

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. Section A-E 6.07 (1) and (2) refer to the "state jurisdictional examination." That term does not appear to be used elsewhere in ch. A-E 6. Consideration should be given to using different terminology, cross-referencing the appropriate current rule, or defining the term.

b. It is suggested that s. A-E 6.07 (2) be redrafted as follows: "Subject to sub. (3), a temporary permit granted under this section expires on the date of the next scheduled state jurisdictional examination if the applicant fails to appear for the examination. If the applicant appears for the examination, a temporary permit granted under this section expires on the date upon which the applicant is notified that he or she has passed or failed the state jurisdictional examination."

c. In s. A-E 6.07 (3), "those" should replace "such."

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

Section 443.06 (3), Stats., provides that a temporary permit is revocable by the land surveyor's section at its pleasure. Consideration should be given to including that provision in the rule or referencing the provision in a note to the rule.

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 02-)

PROPOSED ORDER

An order of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors to create A-E 6.07 relating to land surveyor temporary permits.

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 (3), Stats. *cf. 2007 section 443.06*

Section 443.06 (3), Wis. Stats., provides for the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors, to grant a temporary permit for the practice of land surveying to applicants who hold a valid land surveying license in another state. Current laws and rules do not specify an expiration date for the temporary permit.

The proposed rule would clarify the expiration date of the temporary permit to be the date the applicant is notified that he or she passed or failed the state jurisdictional examination. If the applicant did not appear to be tested, the temporary permit would expire on the date of the next scheduled state jurisdictional examination.

The proposed rules would consist of three sections. The first section would identify the requirements for obtaining a temporary permit. The second section would describe the conditions under which the temporary permit would expire. And the third section would provide for the board to grant an extension of the temporary permit under certain conditions.

TEXT OF RULE

SECTION 1. A-E 6.07 is created to read:

A-E 6.07 Temporary permits. (1) An applicant for registration to practice land surveying in this state who has paid the required fee and who holds an unexpired certificate of

"state jurisdictional exam" x-ref?
3 state-section of principles & practice. define?
exam

registration as a land surveyor in another state with requirements for registration which, in the opinion of the land surveyor section, are substantially equivalent to the requirements for registration in this state may be granted a temporary permit to practice land surveying pending the applicant's completion of the state jurisdictional examination.

Except as provided
(2) A temporary permit granted under this section shall automatically expire on the date of the next scheduled state jurisdictional examination if the applicant fails to appear for the examination, or the date upon which the applicant is notified that he or she has passed or failed the state jurisdictional examination. *2 sentences*

(3) The section may grant an extension of the temporary permit if the applicant is prevented by exigent circumstances from sitting for the next regularly scheduled examination, and may in such circumstances permit the applicant to sit for the examination on a date other than the date of the regularly scheduled examination.

(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.), Wis. 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.

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), Wis. Stat.

**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 02-090)**

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 land surveyor temporary permits.

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 02-090)**
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:

Section 443.06 (3), Wis. Stats., provides for the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors, to grant a temporary permit for the practice of land surveying to applicants who hold a valid land surveying license in another state. Current laws and rules do not specify an expiration date for the temporary permit.

This rule will clarify the expiration date of the temporary permit to be the date the applicant is notified that he or she passed or failed the principles and practice examination. If the applicant did not appear to be tested, the temporary permit would expire on the date of the next state jurisdictional examination.

V. NOTICE OF PUBLIC HEARING:

A public hearing was held on July 24, 2002. 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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8/19/02

STATE OF WISCONSIN
EXAMINING BOARD OF ARCHITECTS, LANDSCAPE ARCHITECTS,
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: (CLEARINGHOUSE RULE 02-090)

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Statutes interpreted: s. 443.06 (3), Stats.

Section 443.06 (3), Wis. Stats., provides for the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors, to grant a temporary permit for the practice of land surveying to applicants who hold a valid land surveying license in another state. Current laws and rules do not specify an expiration date for the temporary permit.

The proposed rule would clarify the expiration date of the temporary permit to be the date the applicant is notified that he or she passed or failed the principles and practice examination. If the applicant did not appear to be tested, the temporary permit would expire on the date of the next state jurisdictional examination.

The proposed rules would consist of three sections.

The first section would identify the requirements for obtaining a temporary permit.

The second section would describe the conditions under which the temporary permit would expire.

The third section would provide for the board to grant an extension of the temporary permit under certain conditions.

TEXT OF RULE

SECTION 1. A-E 6.07 is created to read:

A-E 6.07 Temporary permits. (1) An applicant for registration to practice land surveying in this state who has paid the required fee and who holds an unexpired certificate of registration as a land surveyor in another state with requirements for registration which, in the opinion of the land surveyor section, are substantially equivalent to the requirements for registration in this state may be granted a temporary permit to practice land surveying pending the applicant's completion of the principles and practice examination.

(2) Subject to sub. (3), a temporary permit granted under this section expires on the date of the next scheduled principles and practice examination if the applicant fails to appear for the examination. If the applicant appears for the examination, a temporary permit granted under this section expires on the date upon which the applicant is notified that he or she has passed or failed the principles and practice examination.

(3) The section may grant an extension of the temporary permit if the applicant is prevented by exigent circumstances from sitting for the next regularly scheduled examination, and may in those circumstances permit the applicant to sit for the examination on a date other than the date of the regularly scheduled examination.

(4) The temporary permit is revocable by the section at its pleasure, pursuant to s. 443.06 (3), Stats.

(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.), Wis. 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. Stat.

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8/19/02