

Clearinghouse Rule 06-057

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, : ARCHITECTS, LANDSCAPE
LANDSCAPE ARCHITECTS, : ARCHITECTS, PROFESSIONAL
PROFESSIONAL ENGINEERS, : ENGINEERS, DESIGNERS AND LAND
DESIGNERS AND LAND SURVEYORS : SURVEYORS ADOPTING RULES
: (CLEARINGHOUSE RULE 06-)

PROPOSED ORDER

An order of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors to repeal A-E 6.03 (1) (a) 1. i. and 2. d.; to amend A-E 6.03 (1) (a) 1. a., b., c. and g., (2) (a) 2. e., and 6.04 (1) (b) and (2) (b); and to create A-E 6.03 (1) (b) 6. and 7. relating to land surveyor education and experience requirements.

Analysis prepared by the Department of Regulation and Licensing.

ANALYSIS

Statutes interpreted:

Section 443.06, Stats.

Statutory authority:

Sections 15.08 (5) (b) and 227.11 (2), Stats.

Explanation of agency authority:

The Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors, under the authority of s. 443.06, Stats, may establish the requirements for registration as a land surveyor.

Related statute or rule:

There are no other statutes or rules other than those listed above.

Plain language analysis:

The proposed revision to s. A-E 6.03 changes the current rules to recognize and incorporate developments in the land surveyor profession, including new experience options in the field of surveying. The proposed revision of s. A-E 6.03 modifies the experience requirement to include the preparation of transportation project plats and condominium plats. The revisions also clarify the type of other experience that would be allowed to satisfy the requirements for licensure.

The proposed revisions to s. A-E 6.04 reflect changes in the land surveying curriculum as a result of advances in surveying technology. The revisions specifically recognize that such courses satisfy the educational requirements for registration as a land surveyor in Wisconsin.

SECTION 1 adds the language “interpreting legal descriptions, deeds and survey maps” to the qualifying work experience requirement in s. A-E 6.03 (1) (a) 1. a. SECTION 1 also eliminates the term “relocate” because it is redundant and the actual surveying function is the “location” of lost corners. And SECTION 1 adds language describing the type of land survey system corners (USPLS) involved in location surveys.

SECTION 2 is being revised to eliminate the writing and interpreting land descriptions because it was added to s. A-E 6.01 (1) (a) 1. a. The provision also eliminates the preparation of certain types of maps as qualifying experience due to changes in the field of surveying.

SECTION 3 modifies the existing language to specify the type of official plats and maps which satisfy the qualifying experience in s. A-E 6.03 (1) (a) 2. e.

SECTION 4 creates two additional types of work experience which satisfy the one-third experience requirement in s. A-E 6.03 (1) (b).

SECTION 5 is being revised to add additional acceptable courses due to changes in the land surveying curriculum. SECTION 5 also adds a specific minimum number of credits, 16, out of a total number of 24 semester credits required in principles of land surveying and technical aspects of land surveying for applicants with a bachelor’s degree in civil engineering. The change also allows applicants with civil engineering degrees to receive a specified number of semester credits, 8, in other survey-related courses.

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

There is no existing or proposed federal regulation.

Comparison with rules in adjacent states:

Iowa

The specific educational and experience requirements for initial licensing in Iowa: graduation from a course of two years or more in mathematics, physical sciences, mapping and surveying or engineering in a school or college and six years of practical experience. The Iowa rules differentiate between graduates with an accredited surveying degree and graduates with other bachelor of science degree with respect to the length of experience required but do not delineate the credit hours of surveying required. The knowledge and experience requirement is described to include surveying plats, subdivision plats, acquisition plats, corner certificates, original surveys, retracement for obliterated corners, accretions, adverse possession and Iowa laws regarding minimum standards for surveying, plotting and corner certification.

Illinois

The educational requirements for licensure as a land surveyor in the state of Illinois are a baccalaureate degree in land surveying from an accredited college or university or a baccalaureate degree from an accredited college or university in a related science including 24 semester hours of land surveying. The definition of related science includes core courses in mathematics (15 semester hours), physics or chemistry (8 semester hours), geology, geography, dendrology, astronomy, biology, soil mechanics, and engineering sciences (20 semester hours). The experience requirement for licensure in Illinois is four years with not less than 25% or more than 50% of cumulative actual experience in the following areas: procedures to perform boundary surveys, location or reestablishment of section corners and surveys for subdivisions and condominiums.

Michigan

Applicants for licensure in Michigan must possess an acceptable bachelor's degree in land surveying from an approved school. There are currently only two schools in Michigan that are approved. The Michigan code does not specify exact credit hour requirements. The applicant must also verify four years of practical professional surveying experience. The Michigan code describes the type of acceptable experience, which may include land surveying, geodetic surveying, utilizing and managing land information systems, surveying for construction layout and cartographic surveying for the making of maps.

Minnesota

Graduation from a four-year land surveying curriculum which includes 32 semester or 48 quarter credits of land surveying or a non-surveying bachelor's degree approved by the board which includes a minimum of 22 semester credits or 32 quarter credits in land surveying. The experience requirement is a minimum of 320 hours of specified field work and office experience in surveying that includes section subdivision, boundary surveys, land title surveys, government corner restoration, geodetic surveys, staking subdivisions and common interest communities (condominiums), right-of-way surveys, easement surveys, drafting, topographic surveys and plats. For graduates with non-

surveying bachelor's degrees, a minimum of 5 years of qualifying experience in specified surveying procedures is required for licensure.

Summary of factual data and analytical methodologies:

No study resulting in the collection of factual data was used relating to this rule. The primary methodology for revising the rule is the board's analysis and determination that a rule change is necessary.

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

The proposed rule would change the education and experience requirements for registration as a land surveyor in Wisconsin. There are 1579 active land surveyors licensed in Wisconsin. Of the active 1579 land surveyor licensees in Wisconsin, a significant percentage of them probably work in small businesses.

In order for a land surveyor to obtain their license, the applicant must demonstrate that they are qualified to become a land surveyor. These registration requirements can be met in several different ways, which include a certain amount of education and experience requirements.

These registration requirements would be changed as it relates to education and experience requirements. The experience requirements in the proposed rule would clarify existing rules and allow for the experience requirements to be met by working on Transportation Project Plats and Condominium Plats. This rule would merely clarify and add areas in which experience credit can be given as well as expand the types of courses that will be allowed to satisfy the educational requirements and reallocate the number of credits that can be taken in certain educational areas. The total amount of education and experience required for registration will not be changed.

There will be no additional reporting requirements, bookkeeping requirements, or compliance costs. This rule will not have an effect on small business.

Section 227.137, Stats., requires an "agency" to prepare an economic impact report before submitting the proposed rule-making order to the Wisconsin Legislative Council. The Department of Regulation and Licensing is not included as an "agency" in this section.

Anticipated costs incurred by private sector:

The department finds that this rule has no significant fiscal effect on the private sector.

Fiscal estimate:

The department estimates that this rule will require staff time in the Division of Professional Credentialing and the Division of Board Services. The total staff salary and fringe is estimated at \$2,100.

Effect on small business:

These proposed rules will have no significant economic impact on a small businesses, as defined in s. 227.114 (1), Stats. The Department's Regulatory Review Coordinator may be contacted by email at larry.martin@drl.state.wi.us, or by calling (608) 266-8608.

Agency contact person:

Pamela Haack, Paralegal, Department of Regulation and Licensing, Office of Legal Counsel, 1400 East Washington Avenue, Room 152, P.O. Box 8935, Madison, Wisconsin 53708-8935. Telephone: (608) 266-0495. Email: pamela.haack@drl.state.wi.us.

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

Comments may be submitted to Pamela Haack, Paralegal, Department of Regulation and Licensing, 1400 East Washington Avenue, Room 152, P.O. Box 8935, Madison, Wisconsin 53708-8935, or by email at pamela.haack@drl.state.wi.us. Comments must be received on or before August 3, 2006 to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. A-E 6.03 (1) (a) 1. a., b., c. and g. are amended to read:

A-E 6.03 (1) (a) 1. a. Researching public and private records and interpreting legal descriptions, deeds, and survey maps.

b. ~~Relocating~~ Locating lost and obliterated corners and United States public land survey system corners, reestablishing or perpetuating monuments of the corners.

c. Establishing, reestablishing ~~or~~ and perpetuating survey monuments.

g. Preparing descriptions of real property from data acquired by field measurements and other evidence of property location.

SECTION 2. A-E 6.03 (1) (a) 1. i. and 2. d. are repealed.

SECTION 3. A-E 6.03 (1) (a) 2. e. is amended to read:

A-E 6.03 (1) (a) 2. e. Official plats or maps of land in this state in accordance with the Wisconsin administrative code.

SECTION 4. A-E 6.03 (1) (b) 6. and 7. are created to read:

A-E 6.03 (1) (b) 6. Transportation project plats in accordance with Wisconsin statutes or local ordinances.

7. Condominium plats prepared in accordance with Wisconsin statutes or ordinances.

SECTION 5. A-E 6.04 (1) (b) and (2) (b) are amended to read:

A-E 6.04 (1) (b) No more than 4 credits may be in courses related to land surveying such as ~~“Engineering Surveying,” “Municipal Surveying,” “Route Surveying,” “Highway Surveying,” “Topographic Surveying,” “Geodetic Surveying,” “Photogrammetry,” “Cartography,” “Construction Surveying,” “Air Photo Interpretation” and “Artillery Surveying.”~~ “engineering surveying,” “municipal surveying,” “route surveying,” “highway surveying,” “topographic surveying,” “geodetic surveying,” “photogrammetry,” “cartography,” “construction surveying,” “air photo interpretation,” “artillery surveying,” “geographic information systems,” “land information systems” and remote sensing systems.”

(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 16 of 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, other land divisions and real property creation. The applicant may be allowed to receive up to 8 credits in certain other courses relating to surveying. These courses may include “engineering surveying,” “municipal surveying,” “route surveying,” “highway surveying,” “topographic surveying,” “geodetic surveying,” “photogrammetry,” “cartography,” “construction surveying,” “air photo interpretation,” “artillery surveying,” “geographic information systems,” “land information systems” and “remote sensing systems.”

(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 Engineers, Designers
and Land Surveyors

A-E 6 CR06- (Experience, educational requirements-LS) Draft to CH 5-24-06