

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, : NOTICE OF PUBLIC HEARING
LANDSCAPE ARCHITECTS, :
PROFESSIONAL ENGINEERS, :
DESIGNERS AND LAND SURVEYORS :

NOTICE IS HEREBY GIVEN that pursuant to authority vested in the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors in ss. 15.08 (5) (b), 227.11 (2) and 443.015, Stats., and interpreting s. 443.015, Stats., the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors will hold a public hearing at the time and place indicated below to consider an order to create ch. A-E 10, relating to continuing education for land surveyors.

Hearing Date, Time and Location

Date: May 27, 2009
Time: 1:45 P.M.
Location: 1400 East Washington Avenue
(Enter at 55 North Dickinson Street)
Room 121C
Madison, Wisconsin

APPEARANCES AT THE HEARING:

Interested persons are invited to present information at the hearing. Persons appearing may make an oral presentation but are urged to submit facts, opinions and argument in writing as well. Facts, opinions and argument may also be submitted in writing without a personal appearance by mail addressed to the Department of Regulation and Licensing, P.O. Box 8935, Madison, Wisconsin 53708. Written comments must be received by June 5, 2009, to be included in the record of rule-making proceedings.

Analysis prepared by the Department of Regulation and Licensing.

ANALYSIS

Statutes interpreted:

Section 443.015, Stats.

Statutory authority:

Sections 15.08 (5) (b), 227.11 (2) and 443.015, Stats.

Explanation of agency authority:

The Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors may approve and adopt rules proposed by any section of the board.

Related statute or rule:

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

Plain language analysis:

This proposed rule-making order creates continuing education requirements for renewal of a credential for land surveyors within the jurisdiction of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors as permitted in s. 443.015, Stats., by recently enacted 2007 Wisconsin Act 47.

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:

Continuing education requirements are 30 hours for each biennial renewal.

Illinois:

Continuing education requirements are 20 hours for each biennial renewal.

Michigan:

There are no continuing education requirements for land surveyors.

Minnesota:

Land surveyors require 24 hours of continuing education for each biennial renewal.

Summary of factual data and analytical methodologies:

The Land Surveyor Section of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors examined models of continuing education from national organizations related to their profession, as well as from other Wisconsin regulatory boards. In addition, the section received input from the Wisconsin Society of Land Surveyors, whose nine chapters met and discussed how the continuing education

program should operate so that it is beneficial to the public and land surveyors, noting also that Iowa and Illinois requirements were reviewed in preparing the input they provided.

The comparison information with the rules in adjacent states was obtained directly from contact with those states and a review of their rules. The comparison to the adjacent states demonstrates that the proposed rules are substantially consistent with the rules in those states.

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

Data was obtained from the Department of Regulation and Licensing's Credentialing Division Renewal Unit, additional information was obtained from the Wisconsin Society of Land Surveyors and research was conducted regarding the availability of continuing education credits offered via online courses, trade association sponsored seminars and other means, as well as the costs associated therewith. That data was compared with the requirements outlined in the proposed rules and based thereon, appears that these rules will have no significant impact on a substantial number of small businesses.

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 the 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 Office of Education and Exams and the Division of Management Services. The total one-time salary and fringe costs are estimated at \$7,685. The total on-going salary and fringe costs are estimated at \$3,683.

Effect on small business:

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

Agency contact person:

Pamela Haack, Paralegal, Department of Regulation and Licensing, 1400 East Washington Avenue, Room 152, P.O. Box 8935, Madison, Wisconsin 53708; telephone 608-266-0495; email at pamela.haack@wisconsin.gov.

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 to pamela.haack@wisconsin.gov. Comments must be received on or before June 5, 2009, to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. Ch. A-E 10 is created to read:

CHAPTER A-E 10
CONTINUING EDUCATION FOR LAND SURVEYORS

A-E 10.01 Authority and purpose. The rules in this chapter are adopted under the authority in ss. 15.08 (5) (b), 227.11 (2) and 443.06, Stats., and govern biennial continuing education of land surveyor registrants.

A-E 10.02 Definitions. As used in this chapter:

(1) “Biennium” means a 2-year period beginning February 1 of each even-numbered year.

(2) “Continuing education” means the planned, professional development activities designed to contribute to the advancement, extension and enhancement of the professional skills and scientific knowledge of the registrant in the practice of land surveying and for improvement of the safety and welfare of the public.

(3) “Professional development activities” means organized educational programs on topics related to the practice or theory of land surveying and which foster the enhancement of general or specialized knowledge, practice and values of land surveying.

(4) “Professional development hour” or “PDH” means 50 minutes of instruction or participation spent by the registrant in actual attendance or completion of an approved educational activity. If a program awards a continuing education unit rather than a “PDH,” one continuing education unit equals 10 “PDHs” of an approved educational activity.

A-E 10.03 Continuing education requirements. (1) (a) Beginning in the 2012 biennial registration period, and unless granted a waiver under s. A-E 10.07, every registrant shall complete at least 20 hours of approved professional development hours or equivalent continuing education hours, pertinent to the practice of land surveying, except that between initial registration and the first renewal period, a new registrant shall not be required to comply with the continuing education requirements for the first renewal of registration.

(b) The professional development hours shall be in each of the following categories:

1. Programs, courses or activities in the area of Wisconsin statutes and rules that regulate professional land surveyors and surveys.

2. Programs, courses or activities in the area of professional conduct and ethics.

3. Programs, courses or activities in the area of land surveying or related sciences.

(2) Continuing education offered by approved providers shall include, but not limited to the following:

(a) Successful completion of online, correspondence, televised, videotaped, and other short courses or tutorials.

(b) Successful completion of a college or university course in the area of land surveying, related sciences and surveying ethics. One semester credit hour of course work is equivalent to 20 professional development hours and one quarter credit hour of course work is equivalent to 13.5 professional development hours.

(c) Successful completion of land surveying courses or programs offering professional development hours on land surveying topics.

(d) Active participation and successful completion of land surveying programs, seminars, tutorials, workshops, short courses or in-house courses.

(e) Attending program presentations at related technical or professional meetings at which at least one hour is spent discussing surveying issues or attending a lecture on survey-related issues, or both. Each qualified meeting will be awarded 1 professional development hour.

(f) Teaching or instructing courses or programs on a land surveying topic. Teaching credit is valid for teaching a course or seminar for the first time only and does not apply to faculty in the performance of their regularly assigned duties. Two professional development hours will be awarded for every hour of teaching or presentation.

(g) Authoring land surveying related papers or articles that appear in circulated journals or trade magazines. Credit is earned in the biennium of publication. A maximum of 5 professional development hours per renewal will be awarded for this activity.

(3) Continuing education shall be completed within the preceding 2-year registration period.

(4) A land surveyor who fails to meet the continuing education or professional development hours by the renewal date may not engage in the practice of land surveying until the

registration is renewed based upon proof of compliance with the continuing education requirements.

A-E 10.04 Standards for approval. (1) To be approved for credit, a continuing education program shall meet all of the following criteria:

(a) The program of instruction constitutes an organized method of learning which contributes directly to the professional competency of the registrant and pertains to subject matters which integrally relate to the practice of the profession.

(b) The program is conducted by individuals who have specialized education, training or experience and are considered qualified concerning the subject matter of the program.

(c) The program provides proof of attendance by the registrants and fulfills pre-established goals and objectives.

(2) Approved providers for continuing education programs shall include, but not be limited to the following:

(a) Wisconsin society of land surveyors (WSLS).

(b) National council of examiners for engineering and surveying (NCEES).

(c) National society of professional land surveyors (NSPS).

(d) American congress on surveying and mapping (ACSM).

(e) Colleges, universities or other educational institutions approved by the land surveyor section.

(f) Other technical or professional societies or organizations.

(3) An advisory committee selected by the land surveyor section will make recommendations as to approval of courses, credit, PDH value for courses and other methods of earning credit.

(4) Credit for college or technical school approved courses will be based upon course credit established by the college or technical school.

(5) Credit for qualifying seminars and workshops will be based on one PDH unit for each hour of attendance. Attendance at qualifying programs presented at professional and for technical meetings will earn one PDH.

A-E 10.05 Certificate of completion, proof of attendance. (1) Each registrant shall certify on the renewal application full compliance with the continuing education requirements set forth in this chapter.

(2) The land surveyor section may conduct a random audit of its registrants on a biennial basis for compliance with these requirements. It is the responsibility of each registrant to retain or otherwise produce evidence of compliance.

(3) The land surveyor section may require additional evidence demonstrating compliance with the continuing education requirements, including but not limited to a certificate of attendance or documentation of completion or credit for the courses completed.

(4) If there appears to be a lack of compliance with the continuing education or professional development requirements, a registrant shall be notified in writing and requested to submit evidence of compliance within 30 days of the notice.

(5) The land surveyor section may require a registrant to appear for an interview to address any deficiency or lack of compliance with the continuing education or professional development requirements.

A-E 10.06 Recordkeeping. It shall be the responsibility of the registrant to maintain records of continuing education or professional development hours for at least 4 years from the date the certificate or statement of attendance is signed. The recordkeeping shall include all of the following:

(1) The name and address of the sponsor or provider.

(2) A brief statement of the subject matter.

(3) Printed program schedules, registration receipts or other proof of participation.

(4) Certificate of attendance.

(5) The number of hours attended in each program and the date and place of the program.

A-E 10.07 Waiver of continuing education. (1) A renewal applicant seeking renewal of registration without having fully complied with the continuing education requirements shall file a renewal application along with the required fee, and a statement setting forth the facts concerning non-compliance and requesting a waiver of the requirements. The request for waiver shall be made prior to the renewal date. If the land surveyor section finds from the affidavit or any other evidence submitted that extreme hardship has been shown for granting a waiver, the land surveyor section shall waive enforcement of the continuing education requirements for the applicable renewal period.

(2) Extreme hardship shall be determined on an individual basis by the land surveyor section and is defined as an inability to devote sufficient hours to fulfilling the continuing education requirements during the applicable renewal period because of one of the following:

(a) Full-time service in the uniformed services of the United States of America during a substantial part of the biennium.

(b) An incapacitating illness documented by a statement from a currently licensed physician.

(c) A physical inability to travel to the sites of approved programs documented by a currently licensed physician.

(d) A retirement from the occupation of land surveying whereby the renewal applicant no longer receives remuneration from providing land surveying services.

(e) Any other extenuating circumstances.

(3) A renewal applicant who prior to the expiration date of the license, submits a request for a waiver shall be deemed to be in good standing until the final decision on the application by the land surveyor section.

A-E 10.08 Comity. An applicant for registration from another state who is applying for registration to practice land surveying under s. A-E 4.09 (2), shall submit proof of completion of continuing education obtained in another jurisdiction within the 2 years prior to application.

COPIES OF RULE

Copies of this proposed rule are available upon request to Pamela Haack, Paralegal, Department of Regulation and Licensing, 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708, or by email at pamela.haack@wisconsin.gov.

Ch. A-E 10 (Continuing education-land surveyors) Hearing Notice 4-8-09