

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

IN THE MATTER OF RULE-MAKING : 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 04-118)

ORDER

An order of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors to amend A-E 6.05 (1) and (2) (b), and 6.07 (1) and (2), relating to the names of examinations for land surveyors.

Analysis prepared by the Department of Regulation and Licensing.

ANALYSIS

Statute interpreted:

Section 443.06, Stats.

Statutory authority:

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

Explanation of agency authority:

Under the current rules, s. A-E 6.05, both the national and state examinations are referred to as the “principles and practice examination,” although the state examination is relative to Wisconsin-specific practice. Also, in s. A-E 6.07 (1) and (2), the examination is referred to as the “principles and practice” examination. The use of the same name for the state and national examinations has caused confusion; therefore, the state examination is renamed as the “state jurisdictional examination.”

Related statute or rule:

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

Plain language analysis:

These changes will clarify that there are two national examinations and a state jurisdictional examination, which involve principles and practice. However, the state jurisdictional examination is an independent examination relative to Wisconsin-specific practice. The use of the term principles and practice for both the state and national examination has caused some confusion; therefore, it is necessary to distinguish between the examinations by renaming the state portion as the state jurisdictional examination.

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

Not applicable.

Comparison with rules in adjacent states:

Not applicable.

Summary of factual data and analytical methodologies:

Since 1992, an applicant for registration as a land surveyor in Wisconsin must successfully complete a state-specific examination, in addition to two national examinations conducted by the National Council of Examiners for Engineering and Land Surveying (NCEES). The state-specific examination was developed by the Office of Examinations, Wisconsin Department of Regulation and Licensing, and has been known informally as the state jurisdictional examination. The state examination is given on the same day as the national principles and practice examination, and is considered a “principles and practice” examination, relative to Wisconsin-specific practice.

The existence and scope of the various national and state examinations required for registration was verified by contact with the National Council of Examiners for Engineering and Land Surveying and the Office of Examinations for the Wisconsin Department of Regulation and Licensing.

Determination of significant fiscal effect on the private sector:

The department has determined that this rule will have no significant fiscal effect on the private sector.

Fiscal estimate:

The proposed rules will have no impact on the department’s funds.

Effect on small business:

Pursuant to s. 227.114 (1) (a), Stats., these proposed rules will have no significant economic impact on a substantial number of small businesses. The Department’s Small Business

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 A. Haack, Paralegal, Department of Regulation and Licensing, 1400 East Washington Avenue, Madison, WI 53708-8935. Email: pamela.haack@drl.state.wi.us. Telephone: 608-266-0495.

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

Written comments may be submitted to Pamela Haack at the Department of Regulation and Licensing, Office of Legal Counsel, 1400 East Washington Avenue, Room 171, P.O. Box 8935, Madison, Wisconsin 53708. Email address: pamela.haack@drl.state.wi.us. Comments must be received on or before November 26, 2004, to be considered in the rule-making process.

TEXT OF RULE

SECTION 1. A-E 6.05 (1) and (2) (b) are amended to read:

A-E 6.05 Examination. (1) **LAND SURVEYOR EXAMINATION REQUIRED.** Applicants for registration as a land surveyor shall take and pass an examination. The examination parts are the national fundamentals of surveying examination, ~~and the national principles and practice of surveying examination and the state jurisdictional examination, which is relative to Wisconsin specific practice.~~ ~~The principles and practice examination is divided into 2 sections, a “national” and a “state” section which are~~ Each of the 3 required examinations is scored separately.

(2) (b) The national principles and practice examination ~~and the state jurisdictional examination~~ requires an ability to apply principles and judgment to problems involving the U.S. system of public land surveys, Wisconsin plane coordinate surveys, the relocation of lost and obliterated corners, the legal essentials of resurveys, disputed boundaries, defective deed descriptions, riparian rights, adverse possession, the Wisconsin statutes relating to land surveying including the preparation and filing of plats, the writing and interpreting of land descriptions, the technical essentials of land surveying and subdivision of lands including practical problems requiring a knowledge of the basic theory and fundamental concepts of field astronomy, geometry of curves, topography and photogrammetry.

SECTION 2. A-E 6.07 (1) and (2) are amended 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~~ state jurisdictional examination.

(2) Subject to sub. (3), a temporary permit granted under this section expires on the date of the next scheduled ~~principles and practice~~ 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 ~~principles and practice~~ state jurisdictional 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