



PROFESSIONAL LAND SURVEYOR SECTION
Room 121A, 1400 East Washington Avenue, Madison
Contact: Brittany Lewin (608) 266-2112
October 13, 2015

The following agenda describes the issues that the Professional Land Surveyor Section plans to consider at the meeting. At the time of the meeting, items may be removed from the agenda. Please consult the meeting minutes for a record of the actions of the Professional Land Surveyor Section.

AGENDA

9:00 A.M.

OPEN SESSION – CALL TO ORDER – ROLL CALL

- A) Adoption of Agenda (1-2)**
- B) Approval of the Minutes (3-5)**
 - 1. July 30, 2015
- C) Administrative Updates**
- D) Legislative/Administrative Rule Matters – Discussion and Consideration**
 - 1. Review of Public Hearing and Clearinghouse Comments for CR15-039 **(6-42)**
 - 2. Update on Pending and Possible Rulemaking Projects
- F) Informational Items**
- G) Items Added After Preparation of Agenda:**
 - 1. Introductions, Announcements and Recognition
 - 2. Election of Section Officers
 - 3. Appointment of Section Liaisons
 - 4. Administrative Updates
 - 5. Education and Examination Matters
 - 6. Credentialing Matters
 - 7. Practice Matters
 - 8. Legislative/Administrative Rule Matters
 - 9. Liaison Reports
 - 10. Informational Items
 - 11. Disciplinary Matters
 - 12. Presentations of Petitions for Summary Suspension
 - 13. Petitions for Designation of Hearing Examiner
 - 14. Presentation of Proposed Stipulations, Final Decisions and Orders
 - 15. Presentation of Proposed Final Decision and Orders
 - 16. Presentation of Interim Orders
 - 17. Petitions for Re-Hearing
 - 18. Petitions for Assessments

19. Petitions to Vacate Orders
20. Requests for Disciplinary Proceeding Presentations
21. Motions
22. Petitions
23. Speaking Engagement(s), Travel, or Public Relation Request(s)

A) Public Comments

ADJOURNMENT

NEXT MEETING DATE OCTOBER 22, 2015

**LAND SURVEYOR SECTION
EXAMINING BOARD OF ARCHITECTS, LANDSCAPE ARCHITECTS,
PROFESSIONAL ENGINEERS, DESIGNERS AND LAND SURVEYORS
MEETING MINUTES
July 30, 2015**

PRESENT: Bruce Bowden, Daniel Fedderly Matthew Janiak, Ruth G. Johnson,

STAFF: Brittany Lewin, Executive Director; Kelly Williams, Bureau Assistant; and other Department Staff

CALL TO ORDER

Matthew Janiak, Chair, called the meeting to order at 9:04 A.M. A quorum of four (4) members was confirmed.

ADOPTION OF AGENDA

MOTION: Bruce Bowden moved, seconded by Daniel Fedderly, to adopt the agenda as published. Motion carried unanimously.

APPROVAL OF MINUTES

MOTION: Bruce Bowden moved, seconded by Ruth G. Johnson, to approve the minutes of April 9, 2015 as published. Motion carried unanimously.

**PUBLIC HEARING AND REVIEW OF CLEARINGHOUSE COMMENTS FOR CR15-036
RELATING TO LAND SURVEYOR PROFESSIONAL LICENSURE**

MOTION: Dan Fedderly moved, seconded by Bruce Bowden, to accept all Clearinghouse comments for CR15-036 relating to Land Surveyor Professional Licensure. Motion carried unanimously.

MOTION: Bruce Bowden moved, seconded by Dan Fedderly, to authorize the Chair to approve the Legislative Report and Draft for CR15-036 relating to Land Surveyor Professional Licensure for submission to the Governor's Office and Legislature. Motion carried unanimously.

CLOSED SESSION

MOTION: Daniel Fedderly, seconded by Ruth G. Johnson to convene to Closed Session to deliberate on cases following hearing (§ 19.85(1) (a), Stats.); to consider licensure or certification of individuals (§ 19.85 (1) (b), Stats.); to consider closing disciplinary investigations with administrative warnings (§ 19.85 (1) (b), Stats. and § 440.205, Stats.); to consider individual histories or disciplinary data (§ 19.85 (1) (f), Stats.); and to confer with legal counsel (§ 19.85 (1) (g), Stats.). The Chair read the language of the motion aloud for the record. The vote of each member was ascertained by voice vote. Roll Call Vote: Bruce Bowden – yes; Dan Fedderly – yes Matthew Janiak – yes; Ruth G. Johnson – yes. Motion carried unanimously.

The Section convened into Closed Session at 10:01 A.M.

RECONVENE TO OPEN SESSION

MOTION: Daniel Fedderly moved, seconded by Ruth G. Johnson, to reconvene in Open Session at 12:34 P.M. Motion carried unanimously.

VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION

MOTION: Daniel Fedderly moved, seconded by Bruce Bowden, to affirm all motions made and votes taken in Closed Session. Motion carried unanimously.

APPLICATION MATTERS

MOTION: Daniel Fedderly moved, seconded by Ruth J. Johnson, to approve the following applications to sit for the PE Exam:
Copiskey, Todd
Lablonde, Dustin J.
Nelson, Jason
Smith, Julius
Spetz, Brian T
Thiry, Tyler
Zolotowski, Jess;
Motion carried unanimously.

MOTION: Dan Fedderly moved, seconded by Bruce Bowden, intent to deny the Professional Land Surveyor License application of Nikolay Tumbev, due to lack of experience as required by Wis. Admin. Code §§ A-E 6.03. (1) (a) 2. b., c., & e.. Motion carried unanimously.

MOTION: Bruce Bowden moved, seconded by Ruth G. Johnson, intent to deny the Professional Land Surveyor License application of Tyler T Bergstrom, due to lack of experience as required by Wis. Admin. Code §§ A-E 6.03. (1) (a) 2. b., c., e.. Motion carried unanimously.

ADMINISTRATIVE WARNING

MOTION: Dan Fedderly moved, seconded by Ruth G. Johnson, to issue an Administrative Warning in the matter of DLSC case number 14 LSR 002. Motion carried unanimously.

CASE CLOSINGS

MOTION: Dan Fedderly moved, seconded by Bruce Bowden, to close DLSC case numbers 13 LSR 002, 14 LSR 005, 13 LSR 003 against J.W.M., for Prosecutorial Discretion (P5). Motion carried unanimously.

PROPOSED STIPULATION FINAL DECISIONS AND ORDERS

14 LSR 013

MOTION: Bruce Bowden moved, seconded by Ruth G. Johnson, to adopt the Findings of Fact, Conclusions of Law, and Proposed Decision and Order in the matter of disciplinary proceedings against Ronald M. Pennequin, Respondent DLSC case number 14 LSR 013. Motion carried unanimously.

ADJOURNMENT

MOTION: Daniel Fedderly moved, seconded by Matthew Janiak, to adjourn the meeting. Motion carried.

The meeting adjourned at 12:35 P.M.

DRAFT

**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Katie Vieira Administrative Rules Coordinator		2) Date When Request Submitted: 9/29/2015 Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting	
3) Name of Board, Committee, Council, Sections: Professional Land Surveyor Section			
4) Meeting Date: 10/13/2015	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? CR15-039 - Public hearing and Clearinghouse comments	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes (Fill out Board Appearance Request) <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required: N/A	
10) Describe the issue and action that should be addressed: The Section will review and respond to the public hearing and Clearinghouse comments.			
11) Authorization			
Kathleen Vieira		9/29/2015	
Signature of person making this request		Date	
Supervisor (if required)		Date	
Executive Director signature (indicates approval to add post agenda deadline item to agenda)		Date	
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

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
DESIGNERS, AND LAND SURVEYORS	:	LAND SURVEYORS ADOPTING
	:	RULES
	:	(CLEARINGHOUSE RULE)

PROPOSED ORDER

The Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, and Land Surveyors propose an order to repeal A-E 7.01 (2) (d) and (e); to amend A-E 7.01 (2) (a), 7.06 (2), (3), and (5), 7.07, and 7.08 (1), (1) (c), (3) (e) and (g); to repeal and recreate A-E 7.02, 7.03, 7.04, and 7.05 relating to practice, conduct, and continuing education.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted:

s. 443.015 (2), Stats.

Statutory authority:

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

Explanation of agency authority:

Pursuant to ss. 15.08 (5) (b), and 227.11 (2) (a), Stats, the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, and Land Surveyors is generally empowered to promulgate rules that will provide guidance within the profession and interpret the statutes it enforces or administers. Section 443.015 (2), Stats., allows each section to draft rules that govern the professional conduct of licensees under its authority. These proposed rules address the conduct of professional land surveyors in the creation of minimum standards for property surveys. Therefore, the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, and Land Surveyors is authorized both generally and specifically to promulgate these proposed rules.

Related statute or rule:

Wisconsin Administrative Code Chapter A-E 7

Plain language analysis:

This proposed rule seeks to clarify various provisions of Wisconsin Administrative Code Chapter A-E 7, which sets forth the minimum standards of land surveyor's practice and to resolve inconsistencies between the rules in chapter A-E 7 and current practice within the profession. This rule will identify the information that should be included in maps and reports regarding the legal descriptions of property surveyed.

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

None.

Comparison with rules in adjacent states:

Illinois:

The Minimum Standards of Practice for land surveyors identifies the types of surveys land surveyors may conduct such as a boundary survey, condominium survey, subdivision survey, mortgage inspection, and topographic survey. It also lists the required information that should be found on the plat (map). The minimum standards are binding on every land surveyor in the state except in the case of federal, state or local laws that may be more stringent. When special conditions exist, it must be noted on the plat (68 Ill Admin Code 1270.56).

Iowa:

The Minimum Standards for Property Surveys for land surveyors found in the Iowa Code are very similar to the current Wisconsin rules. It covers the same topics as the Wisconsin rules such as scope, definition, boundary location, descriptions, maps, measurements, and monuments and nearly mirrors the language. The scope of the rules encompasses each professional land surveyor and all of the property surveys performed in the state, except those done for acquisition plats (Iowa Admin. Code r. 193C-11.1).

Michigan:

Michigan does not set forth minimum standards for property surveys. Instead, Michigan Administrative Code requires land surveyors to draft complete and accurate plats, plans, drawings, and specifications. The information contained on a survey must include the following: "a drawing that includes the graphical and numerical scale used, a north arrow, identification of all government corners and related witnesses, a description in

compliance with state statute, [and a] statement of the manner of bearing determination.” (Mich. Admin. Code r. 339.17403).

Minnesota:

Minnesota does not set forth a minimum standard for property surveys in a manner similar to Illinois and Iowa. Instead, Minnesota identifies the requirements for plats (maps), and covers such topics as boundaries, mathematical data, easements and water boundaries. The statute further requires land surveyors to certify that they have surveyed a property or directly supervised a person who surveyed the property (Minn. Stat. s. 505.021).

Summary of factual data and analytical methodologies:

The Professional Land Surveyor Section reviewed and updated the minimum survey standards. Adjacent states’ statutes and administrative rules were also reviewed. The Section ensures the accuracy, integrity, objectivity and consistency of data was used in preparing the proposed rule and related analysis.

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

The rule was posted for public comment on the economic impact of the proposed rule, including how this proposed rule may affect businesses, local government units, and individuals, for a period of 14 days. No comments were received.

Fiscal Estimate and Economic Impact Analysis:

The Fiscal Estimate and Economic Impact Analysis are attached.

Effect on small business:

These proposed rules do not have a negative economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department’s Regulatory Review Coordinator may be contacted by email at Eric.Esser@wisconsin.gov, or by calling (608) 267-2435.

Agency contact person:

Katie Paff, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, Room 151, P.O. Box 8935, Madison, Wisconsin 53708; telephone 608-261-4472; email at Kathleen.Paff@wisconsin.gov.

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

Comments may be submitted to Katie Paff, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, Room 151, P.O. Box 8366, Madison, WI 53708-8935, or by email to Kathleen.Paff@wisconsin.gov. Comments must be received on or before the public hearing to be held on July 30, 2015 to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. A-E 7.01 (2) (a) is amended to read:

A-E 7.01 (2) (a) A note which states that an agreement to exclude work from the requirements of this chapter has been made and a list of those exclusions and the names of the parties making the agreement along with the signature of each party.

SECTION 2. A-E 7.01 (2) (d) and (e) are repealed.

SECTION 3. A-E 7.02 is repealed and recreated to read:

A-E 7.02 Definitions. For the purposes of this chapter:

(1) “Property survey” means any land surveying which includes describing, monumenting, or locating the boundary line or lines or corners of land surveyed, or mapping one or more lines or parcels of land. The term includes the restoration or perpetuation of a U.S. public survey corner.

(2) “Relative positional accuracy” means the length of the semi-major axis, expressed in feet or meters, of the error ellipse representing the uncertainty due to random errors in measurements in the location of the monument, or witness, marking any corner of the surveyed property at the 95 percent confidence level, 2 standard deviations; and is estimated by the results of a correctly weighted least squares adjustment of the survey.

(3) “Survey report” means a report that may be prepared when there is an existing map recorded or filed within 2 years of the certification of the map and no new monuments are established in the survey. A survey report shall include the purpose of the survey, information concerning the documents that were examined for the survey, the measurements that were made to verify the locations of the monuments found, and a copy of the map that was recorded or filed. The survey report shall be in compliance with all sections of this chapter except ss. A-E 7.05 (1), (2), (3) and (4).

SECTION 4. A-E 7.03, 7.04, and 7.05 are repealed and recreated to read:

A-E 7.03 Boundary location. Every property survey shall be made in accordance with the records of the register of deeds as nearly as practicable. The surveyor

shall acquire data necessary to retrace record title boundaries such as deeds, surveys, maps, certificates of title, highway, and center line or right-of-way lines and other boundary line locations. The professional land surveyor shall make field measurements necessary for the location of the parcel and shall analyze the data and make a careful determination of the position of the boundaries of the parcel being surveyed. The professional land surveyor shall set monuments marking the corners of the parcel unless monuments already exist at the corners.

7.04 Descriptions. Descriptions defining land boundaries created by a land surveyor for conveyance or to more accurately delineate land boundaries, or for other purposes shall be complete, providing unequivocal identification of lines or boundaries. The description shall contain necessary references to adjoining together with data and dimensions sufficient to enable the description to be mapped and retraced and shall describe the land surveyed by government lot, recorded private claim, quarter-quarter section, section, township, range and county. The forms of descriptions of property shall be one of the following:

(1) By metes and bounds commencing with a monument at a section corner or quarter section corner of the quarter section that it is in and not the center of the section or commencing with a monument at the end of a boundary line of a recorded private claim or federal reservation in which the land is located.

(2) By land boundaries being surveyed as a platted lot or outlot in a recorded subdivision or recorded addition to a recorded subdivision, the lots or outlots in that plat shall be described by the name of the plat and the lot or outlot and the block in the plat for all purposes, if such document is previously tied to two corners of the original government survey.

(3) By land boundaries being surveyed as an existing lot, outlot or parcel, on a recorded certified survey map, the survey shall be described by lot, outlot or parcel number and certified map number for all purposes, if such document is previously tied to two corners of the original government survey.

(4) By the parcel described as an aliquot part of a section subdivision from the public land system, the existing legal description is acceptable.

7.05 Maps. A map shall be drawn for every property survey, unless a survey report is filed as provided in A-E 7.02 (1), showing information developed by the survey. The map shall:

(1) Be drawn on media with the minimum size of 8 ½ x 11 inches and to a commonly accepted scale which shall be clearly stated and graphically illustrated by a bar scale on each map sheet containing a graphical depiction of the survey unless otherwise required by law.

(2) Be referenced as provided in s. 59.73 (1), Stats. along with a north arrow and reference to a monumented line.

(3) Show the length and bearing of the boundaries of the parcels surveyed. Where the boundary lines show bearings, lengths or locations which vary from those recorded in deeds, abutting plats, or other instruments, there shall be the following note placed along such line, “recorded as (show recorded bearing, length or location)”. Curve data shall be shown by any 3 of the following: central angle, radius, long chord bearing and length, and arc length.

(4) Describe all monuments or witness corners, intended to represent or reference corners of the survey, shall be shown and described as to size, shape, material, and their positions noted in relation to the survey corners and used for determining the location of the parcel and show by bearing and distance the relationship to the surveyed parcel and indicate whether such monuments were found or placed with all legend for all symbols and abbreviations used on the map.

(5) Show visible physical evidence of possession, encroachments, or occupation each way from the exterior lines of the survey shall be shown and dimensioned and show visible evidence of structures, improvements, rights-of-way, and easements.

(6) Show surveyed parcel bounded by water or inaccessible areas, the part shall be enclosed by a meander line showing complete data along all lines extending beyond the enclosure. The true boundary shall be clearly indicated on the map.

(7) Identify the professional land surveyor’s business name and address, the person or entity for whom the survey was made, completion date of the field work, and description of the parcel as provided in s. A-E 7.04.

(8) Bear the stamp or seal, name and business address and signature of the professional land surveyor under whose direction and control the survey was made with a statement certifying that the survey complies with this chapter and is correct to the best of the professional land surveyor’s knowledge and belief.

(9) Be filed as required by s. 59.45 (1), Stat., on media or electronically if acceptable by the county.

(10) Identify boundary lines on the survey. Boundary lines shall be clearly differentiated from other lines on the map.

(11) Coordinate values when shown on the face of the map they shall comply with and be subject to the provisions of s. 236.18, Stats., and include coordinate system, datum and adjustment.

SECTION 5. A-E 7.06 (2), (3), and (5), and 7.07 are amended to read:

A-E 7.06 (2) The minimum accuracy of linear measurements between points shall be better than 1 part in 3,000 on all property lines of boundary or interior the survey.

~~(3) In a closed traverse the sum of the measured angles shall agree with the theoretical sum by a difference not greater than 30 seconds per angle, or the sum of the total angles may not differ from the theoretical sum by more than 120 seconds, whichever is smaller.~~ The maximum allowable relative positional accuracy for a survey is plus or minus 2 cm (0.07 feet) plus 50 parts per million, based on the direct distance between the two corners being tested. It is recognized that in certain circumstances, the size or configuration of the surveyed property, or the relief, vegetation or improvements on the surveyed property will result in survey measurements for which the maximum allowable relative positional precision may be exceeded.

(5) Bearings or angles on any property survey map shall be shown to at least the nearest 30 seconds. Distances shall be shown to the nearest 1/100th foot.

A-E 7.07 Monuments. The type and position of monuments to be set on any survey shall be according to s. 236.15 (1) (b), Stats., unless determined by the nature of the survey, the permanency required, the nature of the terrain, the cadastral features involved, and the availability of material. Coordinate values are not acceptable in lieu of monuments.

SECTION 6. A-E 7.08 (1), (1) (c), and (3) (e) and (g) are amended to read:

A-E 7.08 (1) WHEN MONUMENT RECORD REQUIRED. A U.S. public land survey monument record shall be prepared and filed with the county ~~surveyor's office~~ survey records as part of any land survey within 60 days of setting or accepting the corner which includes or requires the perpetuation, restoration, ~~reestablishment~~ or use of a U.S. public land survey corner, and,

(1) (c) The witness ties or U.S. public land survey monument referenced in an existing U.S. public land survey monument record have been destroyed or disturbed except where the witness ties and the U.S. public land survey monument referenced in an existing U.S. public land survey monument record have been found and verified and a note stating this has been placed on the property survey.

(3) (e) A description of any material discrepancy between the location of the corner monument as restored or ~~reestablished~~ and the monument location of that corner as previously ~~restored or reestablished~~ established.

(3) (g) Whether the corner was determined ~~reestablished~~ through lost-corner-proportionate methods.

SECTION 7. EFFECTIVE DATE. 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.

(END OF TEXT OF RULE)

Dated _____

Agency _____

Chairperson
Examining Board of Architects, Landscape
Architects, Professional Engineers,
Designers, and Professional Land Surveyors

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis

Original Updated Corrected

2. Administrative Rule Chapter, Title and Number

A-E 7

3. Subject

Practice, conduct, and continuing education

4. Fund Sources Affected

GPR FED PRO PRS SEG SEG-S

5. Chapter 20, Stats. Appropriations Affected

6. Fiscal Effect of Implementing the Rule

No Fiscal Effect Increase Existing Revenues Increase Costs
 Indeterminate Decrease Existing Revenues Could Absorb Within Agency's Budget
 Decrease Cost

7. The Rule Will Impact the Following (Check All That Apply)

State's Economy Specific Businesses/Sectors
 Local Government Units Public Utility Rate Payers
 Small Businesses **(if checked, complete Attachment A)**

8. Would Implementation and Compliance Costs Be Greater Than \$20 million?

Yes No

9. Policy Problem Addressed by the Rule

This proposed rule seeks to clarify various provisions of Wisconsin Administrative Code Chapter A-E 7, which sets forth the minimum standards of land surveyor's practice and to resolve inconsistencies between the rules in chapter A-E 7 and current practice within the profession. This rule will identify the information that should be included in maps and reports regarding the legal descriptions of property surveyed.

10. Summary of the businesses, business sectors, associations representing business, local governmental units, and individuals that may be affected by the proposed rule that were contacted for comments.

This proposed rule was posted on the Department of Safety and Professional Services website and on the Wisconsin government website for 14 business days to solicit comments from the public. No businesses, business sectors, associations representing business, local governmental units, or individuals contacted the department about the proposed rule during that time period

11. Identify the local governmental units that participated in the development of this EIA.

None. This rule does not affect local government units.

12. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred)

This rule will have no economic or fiscal impact on specific business, business sectors, public utility rate payers, local government units or the state's economy as a whole.

13. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule

The current rule provides greater clarity and updates the administrative code to reflect current practices for professional land surveyors with regards to minimum survey standards. The alternative to implementing the rule would be to

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

continue with rules that are outdated and unclear.

14. Long Range Implications of Implementing the Rule

Greater compliance with minimum survey standards resulting from clearer, more appropriate administrative rules.

15. Compare With Approaches Being Used by Federal Government

None.

16. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

Illinois: The Minimum Standards of Practice for land surveyors identifies the types of surveys land surveyors may conduct such as a boundary survey, condominium survey, subdivision survey, mortgage inspection, and topographic survey. It also lists the required information that should be found on the plat (map). The minimum standards are binding on every land surveyor in the state except in the case of federal, state or local laws that may be more stringent. When special conditions exist, it must be noted on the plat (68 Ill Admin Code 1270.56).

Iowa: The Minimum Standards for Property Surveys for land surveyors found in the Iowa Code are very similar to the current Wisconsin rules. It covers the same topics as the Wisconsin rules such as scope, definition, boundary location, descriptions, maps, measurements, and monuments and nearly mirrors the language. The scope of the rules encompasses each professional land surveyor and all of the property surveys performed in the state, except those done for acquisition plats (Iowa Admin. Code r. 193C-11.1).

Michigan: Michigan does not set forth minimum standards for property surveys. Instead, Michigan Administrative Code requires land surveyors to draft complete and accurate plats, plans, drawings, and specifications. The information contained on a survey must include the following: “a drawing that includes the graphical and numerical scale used, a north arrow, identification of all government corners and related witnesses, a description in compliance with state statute, [and a] statement of the manner of bearing determination.” (Mich. Admin. Code r. 339.17403).

Minnesota: Minnesota does not set forth a minimum standard for property surveys in a manner similar to Illinois and Iowa. Instead, Minnesota identifies the requirements for plats (maps), and covers such topics as boundaries, mathematical data, easements and water boundaries. The statute further requires land surveyors to certify that they have surveyed a property or directly supervised a person who surveyed the property (Minn. Stat. s. 505.021).

17. Contact Name

Katie Paff

18. Contact Phone Number

(608) 261-4472

This document can be made available in alternate formats to individuals with disabilities upon request.

A-E 7.06 (2) The minimum accuracy of linear measurements between points shall be better than 1 part in 3,000 on all property lines of boundary or interior the survey.

I propose the following:

A-E 7.06 (2) The minimum accuracy of linear measurements between points shall be the larger of 1/100th foot or better than 1 part in 3,000 on all lines of the survey.

My reasoning is that on lines less than 30 feet in length, the 1 part in 3,000 requirement approaches an unattainable value. Additional reasoning is that the nearest 1/100th foot is the least number needed per (5) below. For example, DOT often acquires an additional 10 feet of right-of-way to widen a road or ditch. For a 10-foot long line, 1 part in 3,000 is 0.003 foot. Why would we expect lines to be measured to the nearest 0.003 foot and then only require showing the answer to the nearest 1/100th foot? I have also seen acquisitions with 3-foot lines, which is equivalent to 0.001 foot at 1 part in 3,000.

Do note that the wording states "minimum" accuracy. Greater accuracy is always a choice.

~~(3) In a closed traverse the sum of the measured angles shall agree with the theoretical sum by a difference not greater than 30 seconds per angle, or the sum of the total angles may not differ from the theoretical sum by more than 120 seconds, whichever is smaller.~~ The maximum allowable relative positional **accuracy** for a survey is plus or minus 2 cm (0.07 feet) plus 50 parts per million, based on the direct distance between the two corners being tested. It is recognized that in certain circumstances, the size or configuration of the surveyed property, or the relief, vegetation or improvements on the surveyed property will result in survey measurements for which the maximum allowable relative positional **precision** may be exceeded.

My comments.

1. It sounds to me that the first sentence of the proposed revision states an allowable accuracy. The second sentence says that if one does not meet that accuracy, that's ok. Does that give the surveyor the option to not meet it on "a bad hair day"?

2. What is the allowable, 2 centimeters (0.656 foot) or 0.7 foot? Incidentally, the above is written as "0.07 feet" which should be written as "0.07 foot."

3. What is the intended meaning of the phrase "...will result in survey measurements for which the maximum allowable relative positional precision may be exceeded."

*3a. First it needs to be determined if the subject is relative positional **accuracy** or **precision**. At a minimum we need to be consistent.*

*3b. Is the intent of the last phrase "...will result in survey measurements for which the maximum allowable relative positional **accuracy** may not be realized economically?"*

3c. If 3b above is the intent, then there should be a requirement to state why the maximum allowable relative positional accuracy was not met.

(5) Bearings or angles on any property survey map shall be shown to at least the nearest 30 seconds. Distances shall be shown to the nearest 1/100th foot.

I propose the following:

(5) Bearings or angles on any property survey map shall be shown to at least the nearest 30 seconds. Distances shall be shown to at least the nearest 1/100th foot.

My comment.

I am aware of situations where showing distances to the nearest 1/1,000th foot is advantageous. We should not prohibit this additional information.

Joerg Feldbinder
3414 East Avenue South,
La Crosse, WI 54601

Katie Paff
Administrative Rules Coordinator, DSPS
1400 East Washington Avenue
PO Box 8366
Madison, WI 53708-8935

Re: Submittal of written comment for hearing on a permanent rule to revise A-E 7, July 30, 2015

To the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, and Land Surveyors

During my practice of land surveying, I have met frustrated property owners and neighbors in great distress, sometimes caused by poorly performed surveys. We in the WSLs have had extensive discussions in an attempt to provide the legislature with appropriate suggestions to revise current rules and regulations in order to minimize poorly performed property surveys. In my opinion, the main reason that land surveying is a regulated profession is for the protection of the public. We try to protect the public by developing minimum standards. Just recently, I came across an article that described the concerns I have in a very apt way (please see the full article attached):

“Even though the surveyor is the source of the lawsuit because the surveyor slapped some math on the ground and brought chaos into the neighborhood, what did the surveyor do wrong, what rule was broken? Where is it written that blatantly incorrect surveying results constitute malpractice! It’s not. Yes, it is perfectly OK to amputate the wrong leg in the surveying profession as long as you do it with precision...None of the standards differentiate between good practice and bad. This is because none of them really define what it means to survey property...Simply defining what it means to survey property would go a long way.”

Therefore, I propose to the Board to consider revising A-E 7.02 to include definitions of surveys from Mr. Lucas’s article, such as:

- **Boundary Survey** means: A survey of property that is either characterized as an “original survey” or a “retracement survey”
- **Original Survey** means: A survey of property being conducted for the owner(s) of a parent tract of land in order to: 1) delineate new property lines for a subdivision of the parent tract; 2) reconfigure existing property lines under common ownership for a new subdivision of property; or 3) subdivide a section or portions of a section of land as a part of the Public Land Survey System (PLSS), that is under common ownership, where no such subdivision has ever been previously conducted on the ground. The purpose of an original survey is to create an original subdivision or re-subdivision of land under common ownership.

- **Retracement Survey** means: A survey of existing property lines or the boundaries of any tract of land in order to determine where the property lines have become established on the ground, either through a previous original survey of the property lines being retraced or by the application of appropriate boundary law principles governed by the facts and evidence found in the course of performing the retracement survey. A proper retracement survey shall include, but is not limited to: 1) appropriate record and field research; 2) gathering and evaluating the best available evidence indicating where the property lines being retraced have become established on the ground; 3) if necessary, interviews with local landowners familiar with the property boundary lines in the community; and 4) reporting these findings on an appropriate map of survey indicating the corners and the lines retraced, the monuments found or set during the course of the survey, and an explanation of the boundary law principles employed by the surveyor in making such determination.ⁱⁱ

I would further propose revising A-E 7.05 (5) to include the **purpose** of the survey as an **Original Survey** or a **Retracement Survey**.

"Given these two fundamental principles, an original survey creates new tracts of land for a common grantor, and is largely a measurement and math task. In contrast, the object of a retracement survey is to find where the boundaries were previously "staked out" or otherwise established on the ground. This is largely an evidentiary exercise as opposed to a measurement task."ⁱⁱⁱ

Thank you for your time and consideration.

Sincerely

Joerg Feldbinder
Registered Professional Land Surveyor
Wisconsin and Iowa

July 24, 2015

ⁱ Lucas, Jeffrey. "Defining Property Surveying." *Point of Beginning*, June 1, 2015, 30-32.

ⁱⁱ *ibid*

ⁱⁱⁱ *ibid*

Defining Property Surveying

Yes, it's old ground, but we'll keep going over it and over it until we start to get it right

By Jeffery N. Lucas, PLS, Esq.

I recently attended two separate board of licensure meetings in two different states, both of which I'm licensed in. One board regulates both land surveyors and engineers, so it is made up of mostly engineers. The other board is a surveying board made up of surveyors.

At both meetings, the discussion turned to surveying standards of practice, testing, attrition rates, and the various and sundry problems facing the surveying profession which no one seems to have answers for. At one of the meetings, an engineer member of the board finally pronounced: "This sounds like a profession in crisis." Welcome to the 21st Century, Mr. Board Member! I'm glad you are at least awake.

FUNDAMENTAL PROBLEM IN A NUTSHELL

I'm going to cover some old ground here, but my observation is that this ground needs to be gone over and over again until something starts to happen. There is only one reason that land surveying is a regulated profession, and that is for the protection of the public. If that is not happening (and that is a board responsibility), or if the way surveying is practiced actually harms the public (this also should be a board responsibility), then either changes

need to be made to ensure the public is protected or land surveying needs to be deregulated, *caveat emptor*.

Everybody's enacting legislation says basically the same thing:

In order to safeguard life, health, and property, and to promote the public welfare, the practice of land surveying in this state is a learned profession to be practiced and regulated as such, and its practitioners in this state shall be held accountable to the state and members of the public by high professional standards in keeping with the ethics and practices of the other learned professions in this state.¹ [Emphasis added.]

The boundary surveyor, in contrast to other related professionals such as engineers, photogrammetrists, cartographers, geodesists, GIS professionals, etc., comes into contact with the public and their real property and real property interests more often than all of these other practitioners combined. My own experience in researching case law shows me that surveyors are involved in, or are the root cause of, more lawsuits than all of these other professionals as well. There are two reasons for this, and in reality the ultimate reason is a combination of both.

It is *because* surveyors come into contact with the real property interests of individual landowners more often than their allied professionals do that they end up being involved in some way with more lawsuits. The other reason, which reveals itself when you read these cases, is that surveyors don't know what they are doing. They create problems that did not exist until the visitation of the surveyor. Both of these circumstances combine in a sort of perfect storm event, bringing surveyors



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into lawsuits, or surveyors causing lawsuits, more than all of their brethren.

And this is in spite of the fact that not every landowner who is wronged can institute a lawsuit. As my old law professor told us, and experience has verified, the vast majority of triable offenses never see the light of day in a courtroom. Of those that do, only a small fraction of trial court decisions ever go up on appeal where an opinion might be written up that gets published. Even with all of these factors that suppress the number of court cases that get published, the number of cases involving surveyors and boundary disputes are legion.

In many instances, there is nothing to be gained by suing the surveyor because the surveyor has no assets. Unlike malpractice suits against other professional service providers (e.g., doctors, lawyers, etc.), there may be no insurance coverage to pay the freight for the legal action, so there is no legal action. The title company isn't going to foot the bill over a boundary location dispute, because in most instances that is not a title problem. Besides, the survey exception in the title insurance policy exempts from coverage anything that an accurate survey might reveal but that nobody bothered to get a survey for.

Finally, and most importantly, even though the surveyor is the source of the lawsuit because the surveyor slapped



some math on the ground and brought chaos into the neighborhood, what did the surveyor do wrong? What rule was broken? Where is it written that blatantly incorrect surveying results constitute malpractice? It's not. Yes, it is perfectly OK to amputate the wrong leg in the surveying profession as long as you do it with precision. This is the problem in a nutshell, but nobody who matters (let's say, maybe, your board of licensure?) wants to do anything about it.

DO NOTHING BOARDS, DO NOTHING STANDARDS

This is where I get the term "do nothing boards." They do nothing to stop these surveying practices that are actually harming the public. Now, most of these boards have adopted so-called standards of practice that dictate how to survey, right? Well ... no ... actually these so-called standards are part of the problem. The vast majority of them actually provide cover for the very practices that are harming individual landowners.

First of all, they are not "standards of practice," even though the trend seems to be moving away from calling them "minimum technical standards." As the old saying goes, you can put lipstick on a pig but it's still a pig. They are "standards" in name only. They are really glorified mapping requirements. None of them address the real issue at hand. Has the practitioner protected or harmed the landowners affected by the results of the survey?

None of the standards differentiate between good practice and bad. This is because none of them really define what it means to survey property. Is slapping math on the ground surveying property? Well, if we don't say it doesn't, then the argument can be made that it does. Besides, what rule was violated in the "standards"? Well ... none ... because there is none.

The standards not only allow but guarantee the least qualified and most unethical surveyors will be hired to do all of the smaller surveying projects involving unsophisticated clients. This puts them in direct contact with the people and the property rights our boards are supposed to be protecting. These unsophisticated landowner-clients call around until they

get the lowest price they can get, and the cheapest surveyor is the one who does the job. And that surveyor goes to work under the guise of performing a boundary survey, slaps some math on the ground, sets new pins at every corner even though pins already exists at each corner, and leaves a little or much chaos in his wake. Is that really surveying property?

These "standards" provide cover for consumer fraud. One surveyor slaps math on the ground and calls that a "boundary survey." Another surveyor does the hard work of gathering and evaluating the best available evidence that leads to a well-reasoned opinion on the only question open to the land surveyor: Where has the property become established on the ground? This too is called a "boundary survey." See any problems with this? It's called

deceptive trade practices (a.k.a. "consumer fraud") and most jurisdictions have enacted legislation that deals with it. There are at least five violations of the Deceptive Trade Practices Act under Alabama law on this one example. But our standards provide cover for this activity. This is where I get the term "do nothing standards."

SIMPLY, A GOOD PLACE TO START

Simply defining what it means to survey property would go a long way towards solving at least this one problem with the surveying profession and the way it is practiced.

We could start with the two fundamental principles of surveying — the surveyor is either an original surveyor setting out new boundary lines for the very first time, for a common grantor; or the surveyor is a retracing surveyor finding where the

New Definitions

Legal columnist Jeff Lucas believes a clearer definition of surveying products is a good starting point for fixing what ails the profession. He has some suggestions:

- **Boundary Survey** — A survey of property that is either characterized as an "original survey" or a "retracement survey."
- **Original Survey** — A survey of property being conducted for the owner(s) of a parent tract of land in order to: 1) delineate new property lines for a subdivision of the parent tract; 2) reconfigure existing property lines under common ownership for a new subdivision of property; or 3) subdivide a section or portions of a section of land as a part of the Public Land Survey System (PLSS), that is under common ownership, where no such subdivision has ever been previously conducted on the ground. The purpose of an original survey is to create an original subdivision or re-subdivision of land under common ownership.
- **Retracement Survey** — A survey of existing property lines or the boundaries of any tract of land in order to determine where the property lines have become established on the ground, either through a previous original survey of the property lines being retraced or by the application of appropriate boundary law principles governed by the facts and evidence found in the course of performing the retracement survey. A proper retracement survey shall include, but is not limited to: 1) appropriate record and field research; 2) gathering and evaluating the best available evidence indicating where the property lines being retraced have become established on the ground; 3) if necessary, interviews with local landowners familiar with the property boundary lines in the community; and 4) reporting these findings on an appropriate map of survey indicating the corners and the lines retraced, the monuments found or set during the course of the survey, and an explanation of the boundary law principles employed by the surveyor in making such determination.

lines have already become established on the ground. These principles are so well established under American property law they hardly need citation, so for the sake of brevity I'm not going to list citations.

Given these two fundamental principles, an original survey creates new tracts of land for a common grantor, and is largely a measurement and math task. The object is to, as precisely as possible, "stake out" the geometry from the plan of subdivision on the ground. In contrast, the object of a retracement survey is to find where the boundaries were previously "staked out" or otherwise established on the ground. This is largely an evidentiary exercise as opposed to a measurement task. Were we to define these two functions in our standards, this would leave little or no room for doing something else, like slapping a deed on the ground while performing a retracement survey. (See the sidebar article for proposed definitions).

Neither the author nor POB intend this column to be a source of legal advice for surveyors or their clients. The law changes and differs in important respects for different jurisdictions. If you have a specific legal problem, the best source of advice is an attorney admitted to the bar in your jurisdiction.

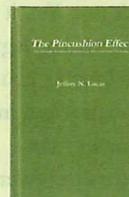
Along with these definitions, there would need to be training in the "appropriate boundary law principles," but this is not unprecedented. The American Land Title Association (ALTA) standards already call for an understanding and application of these principles, as we discussed in my column back in April. I believe forcing the surveyor to explain the boundary law principles employed would go a long way towards ending the practice of setting new pins in the ground when pins already exist at the corners. What boundary law principle would the wayward surveyor cite? The doctrine of monuments!

The real question is: Are we ready for the land surveying profession to actually

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Don't miss Jeffery Lucas' latest book, "The Pincushion Effect." The book can be purchased through the Point of Beginning Store <http://www.pobonline.com/products>.



take a stand on what it means to survey property? Or are we just going to muddle along until society finds a better way?

I pray for the former, but anticipate the latter.

FOOTNOTE

1. § 34-11-2(c), Code of Ala.1975.



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To: Land Surveyors Section, Department of Safety and Professional Services
From: Francis R Thousand
Date: July 31, 2015
RE CR 15-039

Thank you Chairman Janiak and Section Members for the opportunity to speak at this hearing. As you know I am a licensed Professional Land Surveyor. I received my license in 1976. I am also the Executive Director of the Wisconsin Society of Land Surveyors. The Wisconsin Society of Land Surveyors held a number of meetings involving surveyors from across the state and even some for the adjoining states to discuss this rule change. I am in support of the draft rule over all. However I do have issues with the draft in a couple sections.

I was happy to see a couple of new concepts were added to this version. Very few Professional Land Surveyors are including traverse work within their surveys. It is GPS that dominates the work being done. The concept of positional accuracy is finally replacing the old traverse closer as a measure of the minimum requirements for a survey. There are very few traverses being run these days. To make the rule work with what is actually occurring is important. The concept of a survey report is also being introduced with these changes. There has been a reluctance to create a new map if you resurvey a property multiple times. I believe the survey report will let the public know that a surveyor was at the property and it will show what was done.

We also need to keep in mind that the rule is the minimum standards for a property survey. When the either circumstance or some other rule, ordinance or standard dictate that more detail needs to be measured that work does not need to be part of the minimum.

The current draft the changes starts with A-E 7.01(2)(a). I believe we need to change A-E 7.01(2) to add the survey report to the list of items that cannot be waived. I believe it is important that the survey report is given the same requirement as the map since in some cases it will replace the map. I feel it is important that any deviations from the minimum standard should be documented. If you could waive the report than everyone would do a report instead of a map which would intern leave no record of what the professional land surveyor did. As a minimum the professional land surveyor needs to prepare a map or report.

I would like to see **A-E 7.01 (2)**, changed to wording similar to:

(2) The land surveyor and his or her client or employer may agree in a signed statement to exclude any land surveying work from the requirements of this chapter except the

preparation of a U.S. public land survey monument record and a map or survey report of work performed. The map or survey report prepared by the land surveyor for the client or employer shall include:

This added language removes the option of waiving the survey report as well as the map.

I would like to see **A-E 7.01(2)(c)** changed to wording similar to:

The Relative Positional accuracy in decimal feet, if the minimum accuracy established by s. A-E 7.06(3) has been waived.

Since we are adding the concept of positional accuracy it should be used to define what is being waived. By not changing that section, the rule is using two different concepts at the same time. In Section 5 of the proposed rule the language is changing to define relative positional accuracy. The language for this section should be consistent with the other sections of the rule.

In Section 4 under A-E 7.04, there is no provision to create a metes and bounds description within a plat or CSM without starting at a section corner. WSLs had suggested language that would allow a description to begin at a point on the boundary of a plat or CSM. If the surveyor was describing a line between two lot owners in a CSM to resolve an encroachment, he or she would have to start at the nearest section corner to comply with A-E 7.04. Language similar to

(5) The description of the point of beginning of the line or parcel described shall be indicated by bearing and distance from a boundary line of a quarter section, recorded private claim or federal reservation in which the line or parcel is located, or if the line or parcel is located within a plat or Certified Survey Map the point of beginning shall be described by a bearing and distance from a boundary of the lot of the plat or Certified Survey Map.

In Section 4 of the proposed rule in the first sentence of A-E 7.05 Maps, I believe the reference should be to A-E 7.02(3) and not (1) as written.

Also in Section 4, I strongly disagree with including 7.05 (5) in the minimum standards for a property surveys. This section will increase the cost of all surveys by a factor of 10. On some surveys the issues raised by this section need to be addressed but that should be in contract between the surveyor and his client and not in the minimum standard. There are many requests for surveys which do not need this information included. Because it will put such a burden on the surveyor, this portion of the rule will be ignored.

The change to Section 4, A-E 7.05 (7) which includes the business name and address on the survey is going to cause confusion. I have done surveys for five different businesses. I am currently working for three or four businesses right now. My contact information is on file at DSPS and up to date. Anyone looking for me can find it there. Three of the businesses no longer exist so you could find me by trying to contact me at those businesses. As WSLs Executive Director, I get a lot of mail returns as surveyors change jobs. Most companies have a standard title block with company information on it already. Is that what is meant by this change? I also don't see the significance of the completion date of the field work. The survey is not complete with the completion of the field work. These are minimum standards and I don't see how this is a minimum requirement.

I have same concerns about adding the business name and address in Section 4, A-E 7.05 (8). It is not necessary and will cause confusion.

In regards the changes to Section 5, A-E 7.07, I don't agree with the setting of a 2" pipes at every corner on a survey. If it was appropriate to set a 1" iron when the corner was originally set, why do we need to replace it with a bigger monument on a resurvey? In some cases it may be appropriate but that should be left to the discretion of the Professional Land Surveyor. I would omit the reference to S. 236.15 (1)(b) stats,. It is unnecessary and adds additional cost to the public without a beneficial return.



Wisconsin Society of Land Surveyors

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Testimony of the Wisconsin Society of Land Surveyors Clearinghouse Rule 15-039

Of the 1200 plus Professional Land Surveyors licensed to practice in the state, approximately 1/2 are members of The Wisconsin Society of Land Surveyors (WSLS). In addition to our 600+ licensed members, our organization consists of 200+ members that are students, technicians, and geospatial professionals.

Since 2011 our members have been discussing the revisions to Wisconsin Administrative Code Chapter A-E 7. We have had countless discussions, many debates and 2 full day seminars to ensure that the laws pertaining to the minimum standards for property surveys in our state are fair, just, and a lasting memorial to the surveyors of the state and the citizens we serve.

With that, the WSLS is happy to have this opportunity to provide both written and oral testimony in regards to CR 15-039, and the revisions we suggested in 2013. But we are also somewhat disappointed that our suggestions were overlooked in some instances.

WSLS Proposed a change to A-E 7.01 (2) was not included in CR 15-039.

It is our position that A-E 7.01 (2) must include the survey report as an exception item that cannot be waived by rule.

* **A-E 7.01 (2)** The land surveyor and his or her client or employer may agree in a signed statement to exclude any land surveying work from the requirements of this chapter except the preparation of a U.S. public land survey monument record and a map or *survey report* of work performed. The map or *survey report* prepared by the land surveyor for the client or employer shall include:

This added language removes the option of waiving the survey report which is an important record for the public and the following surveyors that a Professional Land Surveyor was at the site and explains the conclusions made. It also allows a greater flexibility for the surveyor.

SECTION 1. A-E 7.01 (2) (a) is amended to read:

A-E 7.01 (2) (a) was not included in the WSLS proposed changes of February 2013 therefore we have no testimony.

SECTION 2. A-E 7.01 (2) (d) and (e) are repealed.

A-E 7.01 (2) (d) and (e) were both stricken from the WSLS proposed changes of February 2013 therefore we have no objection.

SECTION 3. A-E 7.02 is repealed and recreated to read:

A-E 7.02 Definitions. For the purpose of this chapter:

WLSL did not repeal A-E 7.02 but did make the following changes and additions:

It is our position that A-E 7.02 must include the survey definition in the section.

* A-E 7.02 **Property survey, definition.** In this chapter, "property survey" means any land surveying *as defined in 443.01* which includes: ~~as one of its principal purposes~~ describing *those lands surveyed*; monumenting; locating the boundary lines, *lines or corners* of; or mapping one or more lines or parcels of land. The term includes the restoration, perpetuation or reestablishment of a U.S. public survey corner.

This language includes reference to s. Chapter 443.01** which gives a clear and concise definition of the practice of professional land surveying. Which is necessary to avoid confusion.
(**443.01 may need further citing of the statute)

CR 15-039

* A-E 7.02 (1) "Property survey" means any land surveying which includes describing, monumenting, or locating the boundary line or lines or corners of land surveyed, or mapping one or more lines or parcels of land. The term includes the restoration or perpetuation of a U.S. public survey corner.

It is our position that A-E 7.02 (1) as proposed in 15-039 is unnecessary because of the previously given definition, and must be replaced with the following:

(1) **Survey Report.** In lieu of preparing a map, a survey report, may be prepared when there is an existing map recorded or filed and no new monuments are established in the survey. The survey report shall be in compliance with all sections of this chapter except A-E 7.05 (1), (2), (3) and (4) and include: (1) the purpose of the survey; (2) information concerning the documents that were examined for the survey; (3) what measurements were made to verify the locations of the monuments found.

This definition is necessary to bring consistency to this Chapter. It defines what a surveyors report is and when it can be used creating flexibility for the surveyor and a possible option for the client.

CR 15-039

* A-E 7.02 (2) "Relative positional accuracy" means the length of the semi-major axis, expressed in feet or meters, of the error ellipse representing the uncertainty due to random errors in measurements in the location of the monument, or witness, marking any corner of the surveyed property at the 95 percent confidence level, 2 standard deviations; and is estimated by the results of a correctly weighted least squares adjustment of the survey.

It is our position that A-E 7.02 (2) as proposed in CR 15-039 is largely the same as the WLSL proposal of February 2013 with the exception of one line.

(2) "Relative Positional Precision" means the length of the semi-major axis, expressed in feet or meters, of the error ellipse representing the uncertainty due to random errors in measurements in the location of the monument, or witness, marking any corner of the surveyed property relative to the monument, or witness, *marking any other corner of the surveyed property* at the 95 percent confidence level (two standard deviations). Relative Positional

Precision is estimated by the results of a correctly weighted least squares adjustment of the survey.

We are agreeable to A-E 7.02 (2) as proposed in CR 15-039 with the addition of the omitted line as proposed by WSLS in 2013 and shown in bold italics above, as it defines a relationship between two points rather than just one point.

CR 15-039

A-E 7.02 (3) "Survey report" means a report that may be prepared when there is an existing map recorded or filed within 2 years of the certification of the map and no new monuments are established in the survey. A survey report shall include the purpose of the survey, information concerning the documents that were examined for the survey, the measurements that were made to verify the locations of the monuments found, and a copy of the map that was recorded or filed. The survey report shall be in compliance with all sections of this chapter except ss. A-E 7.05 (1), (2), (3) and (4).

It is our position that A-E 7.02 (3) as proposed in CR 15-039 is unnecessary because "Survey Report" was previously defined in A-E 7.02 (1).

SECTION 4. A-E 7.03, 7.04, and 7.05 are repealed and recreated to read:

CR 15-039

A-E 7.03 Boundary location. Every property survey shall be made in accordance with the records of the register of deeds as nearly as practicable. The surveyor shall acquire data necessary to retrace record title boundaries such as deeds, surveys, maps, certificates of title, highway, and center line or right-of-way lines and other boundary line locations. The professional land surveyor shall make field measurements necessary for the location of the parcel and shall analyze the data and make a careful determination of the position of the boundaries of the parcel being surveyed. The professional land surveyor shall set monuments marking the corners of the parcel unless monuments already exist at the corners.

It is our position that A-E 7.03 must include the U.S. Public Land Survey Monument Record; right-of-way plats, it should also strike the phrase; survey, traversing and connecting monuments and replace the phrase with one word: measurements.

A-E 7.03 Boundary location. Every property survey shall be made in accordance with the records of the register of deeds as nearly as is practicable. The surveyor shall acquire data necessary to retrace record title boundaries such as *U.S. Public Land Survey Monument Records*, deeds, maps, certificates of title, center line/*right-of-way plats*, and other boundary line information. The surveyor shall analyze the data and make a careful determination of the position of the boundaries of the parcel being surveyed. The surveyor shall make ~~a field survey, traversing and connecting monuments~~ *measurements* necessary for location of the parcel and coordinate the facts of the survey with the analysis. The surveyor shall set monuments marking the corners of the parcel unless monuments already exist at the corners.

By making these additions and subtractions the rule will give a more defined expectation of the surveyor when performing research, and it will allow the methodology of surveying to expand as technology becomes more advanced.

The Differences in A-E 7.04 (1) (2) (3) and (4) are largely structural and grammatical.

CR 15-039

A-E 7.04 Descriptions. Descriptions defining land boundaries created by a land surveyor for conveyance or to more accurately delineate land boundaries, or for other purposes shall be complete, providing unequivocal identification of lines or boundaries. The description shall contain necessary references to adjoiners together with data and dimensions sufficient to enable the description to be mapped and retraced and shall describe the land surveyed by government lot, recorded private claim, quarter-quarter section, section, township, range and county. The forms of descriptions of property shall be one of the following:

A-E 7.04 Descriptions. Descriptions defining land boundaries *written created by a land surveyor for conveyance or to more accurately describe*; or for other purposes shall be complete, providing unequivocal identification of lines or boundaries. The description shall contain necessary *ties calls* to adjoiners together with data and dimensions sufficient to enable the description to be mapped and retraced and shall describe the land surveyed by government lot, recorded private claim, quarter-quarter section, section, township, range and county.

It is our position that the word "describe" is more applicable than "delineation" because this section deals with descriptions. Also, the word "ties" implies something that is removed from the property and is connected by a "tie", the word "calls" is more applicable in this context and more consistent with normal survey terminology.

CR 15-039

A-E 7.04 (1) By metes and bounds commencing with a monument at a section corner or quarter section corner of the quarter section that it is in and not the center of the section or commencing with a monument at the end of a boundary line of a recorded private claim or federal reservation in which the land is located.

WSLS addresses metes and bounds descriptions under (4) below.

A-E 7.04 (2) By land boundaries being surveyed as a platted lot or outlot in a recorded subdivision or recorded addition to a recorded subdivision, the lots or outlots in that plat shall be described by the name of the plat and the lot or outlot and the block in the plat for all purposes, if such document is previously tied to two corners of the original government survey.

WSLS addresses platted land descriptions under (1) below.

A-E 7.04 (3) By land boundaries being surveyed as an existing lot, outlot or parcel, on a recorded certified survey map, the survey shall be described by lot, outlot or parcel number and certified map number for all purposes, if such document is previously tied to two corners of the original government survey.

WSLS addresses Certified Survey lots and outlot descriptions under (2) below.

A-E 7.04 (4) By the parcel described as an aliquot part of a section subdivision from the public land system, the existing legal description is acceptable.

WSLS addresses aliquot portions of a section descriptions under (3) below.

A-E 7.04 (1) When the land boundaries being surveyed are part of a platted lot or outlot in a recorded subdivision or recorded addition to a recorded subdivision, the lots or outlots in that plat shall be described by the name of the plat and the lot or outlot and the block in the plat for all purposes.

This section is very similar to CR 15-039 (2) with the exception of the last sentence in CR 15-039. It is our position that the last sentence of CR 15-039 should be omitted. This will allow the surveyor to survey the property as it was originally created, any tie to a section line whether existing on the original plat or not could cause confusion.

A-E 7.04 (2) When the land boundaries being surveyed are part of an existing lot, outlot or parcel, on a recorded Certified Survey Map, the survey shall be described by the lot, outlot or parcel number and Certified Survey Map number, for all purposes.

Again, this section is very similar to CR 15-039 (3) with the exception of the last sentence in CR 15-039. It is our position that the last sentence of CR 15-039 should be omitted. This will allow the surveyor to survey the property as it was originally created, any tie to a section line whether existing on the original CSM or not could cause confusion.

A-E 7.04 (3) When the parcel is described as an aliquot part of a section subdivision from the public land system, the existing legal description is acceptable.

WSLS and CR 15-039 agree on this language.

A-E 7.04 (4) When a ~~and by metes and bounds~~ description is created it shall commence with a monument at a section or quarter section corner of the quarter section in which the land is located; or a monument ~~or, if the land is located in a recorded subdivision, a recorded addition to the subdivision, or recorded certified survey map, then by the number or other description of the lot, block or sub-division of the land which has been previously tied to a corner marked and established by the U.S. public land survey, that is not the center of the section; or commencing with a monument at the end of a boundary line of a recorded private claim or federal reservation in which the subdivision is located.~~

It is our position that the clarification is necessary as to which USPLS corners should be used as a commencement point, this will eliminate a USPLS tie that crosses the entire section to get to the point of beginning (commencing at the NW Corner for a survey in the SE ¼ of the SE 1/4).

In addition to the descriptions listed above, WSLS has listed two directions that apply to all the above.

A-E 7.04 (5) The description of the point of beginning of the line or parcel described shall be indicated by bearing and distance from a boundary line of a quarter section, recorded private claim or federal reservation in which the line or parcel is located, or if the line or parcel is located within a plat or Certified Survey Map the point of beginning shall be described by a bearing and distance from a boundary of the lot of the plat or Certified Survey Map.

With the exception of (4) none of the above address a section line tie. This direction is to apply to every type of description. This will aide in future mapping.

In addition, WSLs has listed one more direction to be included in A-E 7.04 as it relates to descriptions.

A-E 7.04 (6) A closed description created by a surveyor shall have an error in closure in the latitudes and departures not greater than 1 part in 3000.

Because none of the above address a mathematical closure. This direction is to apply to every type of description. This will serve as a quality control measure as well as ensure that the description is retractable.

CR 15-039

7.05 Maps. A map shall be drawn for every property survey, unless a survey report is filed as provided in A-E 7.02 (1), showing information developed by the survey. The map shall:

WSLS proposal is identical with the exception of grammar for clarification.

A-E 7.05 Maps. A map shall be drawn for every property survey, unless a Survey Report is filed as provided in A-E .02(1), showing information developed by the survey. Such ~~The~~ map shall:

CR 15-039

7.05 (1) Be drawn on media with the minimum size of 8 ½ x 11 inches and to a commonly accepted scale which shall be clearly stated and graphically illustrated by a bar scale on each map sheet containing a graphical depiction of the survey unless otherwise required by law.

WSLS proposal is identical with the exception of the last sentence in CR 15-039.

(1) Be drawn on a media with minimum size of 8 ½ x 11 inches and to a commonly accepted scale which shall be clearly stated and graphically illustrated by a bar scale on each map sheet containing a graphical depiction of the survey.

It is our position that a bar scale be included as stated.

CR 15-039

7.05 (2) Be referenced as provided in s. 59.73 (1), Stats. along with a north arrow and reference to a monumented line.

(2) Be referenced as provided in ~~A-E 7.04 s. 59.73 (1), Stats.~~

CR 15-039

7.05 (3) Show the length and bearing of the boundaries of the parcels surveyed. Where the boundary lines show bearings, lengths or locations which vary from those recorded in deeds, abutting plats, or other instruments, there shall be the following note placed along such line, "recorded as (show recorded bearing, length or location)". Curve data shall be shown by any 3 of the following: central angle, radius, long chord bearing and length, and arc length.

It is our position that clarification is necessary to establish a consistent accuracy of angular and horizontal distant measurements.

(3) Show the ~~exact~~ length and bearing of the boundaries of the parcels surveyed. *Bearings or angles on any property survey map shall be shown to the nearest 1 second. Distances shall be shown to the nearest 1/100th foot, (0.01 foot).* Where the boundary lines show bearings, lengths or locations which vary from those recorded in deeds, abutting plats, or other instruments, there shall be the following note placed along such line, "recorded as (show recorded bearing, length or location)". *Curve data shall be shown and include central angle, radius, long chord bearing and length, and arc length.*

In addition we feel that curve data is a form of quality control and necessary in the reestablishment of boundary lines and should not be limited to 3 items.

CR 15-039

7.05 (4) Describe all monuments or witness corners, intended to represent or reference corners of the survey, shall be shown and described as to size, shape, material, and their positions noted in relation to the survey corners and used for determining the location of the parcel and show by bearing and distance the relationship to the surveyed parcel and indicate whether such monuments were found or placed with all legend for all symbols and abbreviations used on the map.

It is our position that the CR 15-039 (4) proposed is too cumbersome and lends itself to confusion and interpretation.

(4) Describe all monuments used for determining the location of the parcel *boundary* and show by bearing and distance their relationship to the surveyed parcel. ~~and indicate whether such monuments were found or placed.~~ *All monuments shall be indicated by whether such monuments were found or set, and a description of the monument.*

This section states the same amount of information in not so many words.

CR 15-039

7.05 (5) Show visible physical evidence of possession, encroachments, or occupation each way from the exterior lines of the survey shall be shown and dimensioned and show visible evidence of structures, improvements, rights-of-way, and easements.

WSLS Proposal did not include this language for the following reasons:

It is not our duty to determine what is and what is not an encroachment.

This rule would cause unnecessary effort for the surveyor.

This rule would cause unnecessary expense for the client.

Because this language was not included in our proposal it is our position that it is not included in the A-E 7 revisions.

CR 15-039

7.05 (6) Show surveyed parcel bounded by water or inaccessible areas, the part shall be enclosed by a meander line showing complete data along all lines extending beyond the enclosure. The true boundary shall be clearly indicated on the map.

It is our position that the language be changed to match the following:

(9) When the surveyed parcel includes a water boundary or other inaccessible area, the survey shall be closed by a line or lines between meander corners.

CR 15-039

7.05 (7) Identify the professional land surveyor's business name and address, the person or entity for whom the survey was made, completion date of the field work, and description of the parcel as provided in s. A-E 7.04.

7.05 (8) Bear the stamp or seal, name and business address and signature of the professional land surveyor under whose direction and control the survey was made with a statement certifying that the survey complies with this chapter and is correct to the best of the professional land surveyor's knowledge and belief.

It is our position that the proposed CR 15-039 (7) and (8) be revised to the following:

(5) Identify the person for whom the survey was made, the date of the survey, and describe the parcel as provided in s. A-E 7.04.

(6) Bear the stamp or seal, *name* and signature of the land surveyor under whose direction and control the survey was made with a statement certifying that the survey *complies with this chapter and further states that the survey is* correct to the best of the surveyor's knowledge and belief.

Including a business name should be a choice made by the surveyor and not a rule that is enforced by law.

CR 15-039

7.05 (9) Be filed as required by s. 59.45 (1), Stat., on media or electronically if acceptable by the county.

It is the position of the WSLs that citing s. 59.45 (1)(a) 2 is more appropriate and provides a greater clarification.

(7) Be filed as required by s. 59.45 (1) *(a) 2*, Stats. *on durable white media or electronically, if acceptable by that county.*

Additionally s. 59.45 (1) pertains to County Surveyors and their responsibilities, some sections of which do not apply to the non-county surveyor.

CR 15-039

7.05 (10) Identify boundary lines on the survey. Boundary lines shall be clearly differentiated from other lines on the map.

It is our position that the proposed CR 15-039 (10) be revised to the following:

(8) All boundary lines surveyed shall be clearly differentiated from other lines on the map.

CR 15-039

7.05 (11) Coordinate values when shown on the face of the map they shall comply with and be subject to the provisions of s. 236.18, Stats., and include coordinate system, datum and adjustment.

Aside from wording differences, the WSLs and CR 15-039 are in agreement.

(10) When coordinate values are shown on the face of the map they shall comply with, and be subject to the provisions of s. 236.18, Stats. and include coordinate system, datum and adjustment.

SECTION 5. A-E 7.06 (2), (3), and (5), and 7.07 are amended to read:

WSLS Proposed a change to A-E 7.06 (1) was not included in CR 15-039.

It is our position that A-E 7.06 (1) must include instrument capabilities.

(1) Measurements shall be made with instruments and methods capable of attaining the required accuracy for the particular ~~problem~~ *circumstances* involved.

In addition, changing the word "problem" to circumstance is more clear.

CR 15-039

A-E 7.06 (2) The minimum accuracy of linear measurements between points shall be better than 1 part in 3,000 on all property lines of boundary or interior the survey.

Aside from wording differences, the WSLs and CR 15-039 are in agreement.

(2) A minimum accuracy of linear measurements between points/*corners* shall be *better than 1 part in 3,000 on all property lines of boundary or interior survey.*

CR 15-039

A-E 7.06 (3) ~~In a closed traverse the sum of the measured angles shall agree with the theoretical sum by a difference not greater than 30 seconds per angle, or the sum of the total angles may not differ from the theoretical sum by more than 120 seconds, whichever is smaller. The maximum allowable relative positional accuracy for a survey is plus or minus 2 cm (0.07 feet) plus 50 parts per million, based on the direct distance between the two corners being tested. It is recognized that in certain circumstances, the size or configuration of the surveyed property, or the relief, vegetation or improvements on the surveyed property will result in survey measurements for which the maximum allowable relative positional precision may be exceeded.~~

Aside from wording differences, the WSLs and CR 15-039 are in agreement.

(3) The maximum allowable Relative Positional Precision for a survey is plus or minus 2cm (0.07 feet) plus 50 parts per million (based on the direct distance between the two corners being tested). It is recognized that in certain circumstances, the size or configuration of the surveyed property, or the relief, vegetation or improvements on the surveyed property will result in survey measurements for which the maximum allowable Relative Positional Precision may be exceeded. ~~*In a closed traverse the sum of the measured angles shall agree with the theoretical sum by a difference not greater than 30 seconds per angle, or the sum of the total angles may not differ from the theoretical sum by more than 120 seconds, whichever is smaller.*~~

CR 15-039

A-E 7.06 (5) Bearings or angles on any property survey map shall be shown to at least the nearest 30 seconds. Distances shall be shown to the nearest 1/100th foot.

WSLS Proposal addressed CR 15-039 A-E 7.03 (5) previously in A-E 7.05 (3)

It is our position that CR 15-039 A-E 7.03 (5) be removed.

CR 15-039

A-E 7.07 Monuments. The type and position of monuments to be set on any survey shall be according to s. 236.15 (1) (b), Stats., unless determined by the nature of the survey,

the permanency required, the nature of the terrain, the cadastral features involved, and the availability of material. Coordinate values are not acceptable in lieu of monuments.

It is the position of the WSLs that reference to 236.15(1)(b) is unnecessary and will cause a great effort and cost on behalf of the surveyor and their client.

A-E 7.07 **Monuments.** The type and position of monuments to be set on any survey shall be determined by the nature of the survey, the permanency required, the nature of the terrain, the cadastral features involved, and the availability of material.

It is our position that A-E 7.07 as it relates to Monuments be simplified to that proposed in February 2013.

SECTION 6. A-E 7.08 (1), (1) (c), and (3) (e) and (g) are amended to read:

CR 15-039

A-E 7.08 (1) WHEN MONUMENT RECORD REQUIRED. A U.S. public land survey monument record shall be prepared and filed with the county ~~surveyor's office~~ survey records as part of any land survey within 60 days of setting or accepting the corner which includes or requires the perpetuation, restoration, ~~reestablishment~~ or use of a U.S. public land survey corner, and,

Aside from wording differences, the WSLs and CR 15-039 are in agreement.

(1) WHEN MONUMENT RECORD REQUIRED. A U.S. public land survey monument record shall be prepared and filed with the county ~~surveyor's office~~ **records** as part of any land survey ***within 60 days of setting or accepting the corner*** which includes or requires the perpetuation, restoration, reestablishment or use of a U.S. public land survey corner, and,

CR 15-039

A-E 7.08 (1) (c) The witness ties or U.S. public land survey monument referenced in an existing U.S. public land survey monument record have been destroyed or disturbed except where the witness ties and the U.S. public land survey monument referenced in an existing U.S. public land survey monument record have been found and verified and a note stating this has been placed on the property survey.

It is our position that the A-E 7.08 (1) (c) remains unchanged.

(c) The witness ties or U.S. public land survey monument referenced in an existing U.S. public land survey monument record have been destroyed or disturbed.

The CR 15-039 proposal is cumbersome and difficult to read and understand.

CR 15-039

A-E 7.08 (3) (e) A description of any material discrepancy between the location of the corner monument as restored ~~or reestablished~~ and the monument location of that corner as previously restored ~~or reestablished~~ established.

Aside from wording differences, the WSLS and CR 15-039 are in agreement.

(e) A description of any material discrepancy between the location of the corner as restored or reestablished and the location of that corner as previously restored or reestablished.

CR 15-039

A-E 7.08 (3) (g) Whether the corner was determined ~~reestablished~~ through lost-corner- proportionate methods.

Aside from wording differences, the WSLS and CR 15-039 are in agreement.

(g) Whether the corner was reestablished through lost-corner-proportionate methods.

On behalf of the Wisconsin Society of Land Surveyors, I respectfully submit this testimony as both written and oral.



Jeffrey L. DeMuth

President

From: [VanHout, Terry L.](#)
To: [Vieira, Kathleen A - DSPS](#)
Subject: CR15-039
Date: Thursday, July 30, 2015 9:07:54 AM

Ladies and Gentlemen,

I was able to read Jeff DeMuth, President of the Wisconsin Society of Land Surveyors written testimony on Clearinghouse Rule 15-039. The WSLS put many hours into the proposed changes at the state and local chapter and committee levels to have so many of the proposals overlooked. I support Jeff's written testimony and would appreciate if the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, and Land Surveyors would reconsider their position to that of the WSLS as stated by President Jeff DeMuth.

Thank you and have a great day.

Terry L. Van Hout PLS-2526
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Whoever is happy will make others happy too.

[Anne Frank](#)

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**WISCONSIN LEGISLATIVE COUNCIL
RULES CLEARINGHOUSE**

Scott Grosz
Clearinghouse Director

Margit S. Kelley
Clearinghouse Assistant Director

Terry C. Anderson
Legislative Council Director

Jessica Karls-Ruplinger
Legislative Council Deputy Director

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 15-039

AN ORDER to repeal A-E 7.01 (2) (d) and (e); to amend A-E 7.01 (2) (a), 7.06 (2), (3) , and (5), 7.07, and 7.08 (1) (intro.) and (c) and (3) (e) and (9); and to repeal and recreate A-E 7.02, 7.03, 7.04, and 7.05, relating to practice, conduct, and continuing education.

Submitted by **EXAMINING BOARD OF ARCHITECTS, LANDSCAPE
ARCHITECTS, PROFESSIONAL ENGINEERS, DESIGNERS, AND
PROFESSIONAL LAND SURVEYORS**

05-01-2015 RECEIVED BY LEGISLATIVE COUNCIL.

06-01-2015 REPORT SENT TO AGENCY.

SG:DWS

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



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Scott Grosz and Jessica Karls-Rupflinger
Clearinghouse Co-Directors

Terry C. Anderson
Legislative Council Director

Laura D. Rose
Legislative Council Deputy Director

CLEARINGHOUSE RULE 15-039

Comments

NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Reference Bureau and the Legislative Council Staff, dated December 2014.]

2. Form, Style and Placement in Administrative Code

- a. SECTIONS 3 and 4 of the proposed rule may be combined into a single section as both sections relate to the same treatment. [s. 1.04 (2) (a) 1., Manual.]
- b. The proposed rule should be revised to move the substantive provisions included in the definition of “survey report” in s. A-E 7.02 (3) to another location in ch. A-E 7. [s. 1.01 (7) (b), Manual.]
- c. In SECTION 6, “(intro.)” should be added to s. A-E 7.08 (1) of the treatment clause as the introduction is being amended. Additionally, the introductory material should be revised to end in a colon as described in s. 1.03 (3) of the Manual.
- d. In s. A-E 7.08 (3) (g), the underscored text should follow stricken text. [s. 1.06 (1) (a), Manual.]

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

The introduction of s. A-E 7.05 refers to the survey report referenced in s. A-E 7.02 (1). It appears that the survey report is actually defined under s. A-E 7.02 (3) and the reference should be changed to reflect this discrepancy. [See, also, comment 2. b., above.]

5. Clarity, Grammar, Punctuation and Use of Plain Language

a. Section A-E 7.04 (4), is unclear. In the interest of remaining parallel with the prior subsections, it appears that the word “if” should be inserted between the comma and the word “the.”

b. In s. A-E 7.05 (4), the word “shall” used in the first sentence appears unneeded and is confusing. It appears that the word “shall” in the introductory paragraph is sufficient. Generally, the subsection should be revised for clarity.

c. In s. A-E 7.05 (9), a comma should be inserted between “media” and “or”.

d. In s. A-E 7.06 (3), the exemption from the maximum allowable relative positional accuracy should be clarified, through the inclusion of specific circumstances and processes that apply when the maximum allowable relative positional accuracy may be exceeded. Additionally, rather than saying, “it is recognized”, who will be responsible for making this determination?

e. In s. A-E 7.06 (5), the word “at” should be underlined in addition to the word “least” as neither word appears in the current language of the subsection.

f. The first introductory sentence of s. A-E 7.07 is unclear. It appears that the word “recorded” should be inserted between “be” and “according”, and that the word “otherwise” should be inserted between “unless” and “determined”, but it is not clear that these modifications match the drafter’s intent.

g. In s. A-E 7.08 (1) (c), a comma should be inserted in the first sentence after “disturbed” and before “except”.