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**RULES COMMITTEE**  
**EXAMINING BOARD OF ARCHITECTS, LANDSCAPE ARCHITECTS,**  
**PROFESSIONAL ENGINEERS, DESIGNERS, AND PROFESSIONAL LAND SURVEYORS**  
**Room N208, 4822 Madison Yards Way, 2<sup>nd</sup> Floor, Madison, WI**  
**Contact: Christian Albouras (608) 266-2112**  
**January 7, 2020**

*The following agenda describes the issues that the Committee 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 description of the actions of the Committee.*

**AGENDA**

**1:00 PM**

**OPEN SESSION – CALL TO ORDER – ROLL CALL**

- A. Adoption of Agenda (1-2)**
- B. Approval of Minutes of October 8, 2019 (3-4)**
- C. 1:00 P.M. Public Hearing: CR 19-151 – A-E 3 Relating to Architect Registration Examinations (5-13)**
  - 1. Review and Respond to Public Comments and Clearinghouse Report
- D. 1:00 P.M. Public Hearing: CR 19-152 – A-E 9 Relating to Landscape Architect Registration (14-24)**
  - 1. Review and Respond to Public Comments and Clearinghouse Report
- E. 1:00 P.M. Public Hearing: CR 19-151 – A-E 7 Relating to Minimum Standards for Property Surveys (25-50)**
  - 1. Review and Respond to Public Comments and Clearinghouse Report
- F. Administrative Rule Matters – Discussion and Consideration**
  - 1. Pending or Possible Rulemaking Projects
- G. Public Comments**

**ADJOURNMENT**

**NEXT DATE: APRIL 21, 2020**

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MEETINGS AND HEARINGS ARE OPEN TO THE PUBLIC, AND MAY BE CANCELLED WITHOUT NOTICE.

Times listed for meeting items are approximate and depend on the length of discussion and voting. All meetings are held at 4822 Madison Yards Way, Madison, Wisconsin, unless otherwise noted. In order to confirm a meeting or to request a complete copy of the board's agenda, please call the listed contact person. The board may also consider materials or items filed after the transmission of this notice. Times listed for the commencement of disciplinary hearings may be changed by the examiner for the convenience of the parties. Interpreters for the hearing impaired provided upon request by contacting the Affirmative Action Officer, 608-266-2112.

**A-E RULES COMMITTEE  
EXAMINING BOARD OF ARCHITECTS, LANDSCAPE ARCHITECTS,  
PROFESSIONAL ENGINEERS, DESIGNERS AND LAND SURVEYORS  
MEETING MINUTES  
OCTOBER 8, 2019**

**PRESENT:** Bruce Bowden, Michael Heberling, Steven Hook (*via Skype*), Dennis Myers, Rosheen Styczinski, Steven Wagner (*via Skype*)

**EXCUSED:** Kristine Cotharn, Karl Linck

**STAFF:** Christian Albouras, Executive Director; Dale Kleven, Administrative Rules Coordinator; Megan Glaeser, Bureau Assistant; and other DSPS staff

**CALL TO ORDER**

Rosheen Styczinski, Chairperson, called the meeting to order at 1:11 p.m. A quorum was confirmed with six (6) members present.

**ADOPTION OF AGENDA**

**Amendments to the Agenda**

- Open Session - Under “D. Legislative & Administrative Rule Matters” **ADD:**
  - “6. A-E Board Report”
- Update page numbering for “D. Legislative & Administrative Rule Matters; 5. Preliminary Review and Discussion on A-E 8, Relating to Professional Conduct (42-46)”

**MOTION:** Dennis Myers moved, seconded by Bruce Bowden, to adopt the Agenda as amended. Motion carried unanimously.

**APPROVAL OF MINUTES OF APRIL 24, 2019**

**MOTION:** Michael Heberling moved, seconded by Dennis Myers, to adopt the Minutes from April 24, 2019 as published. Motion carried unanimously.

**PUBLIC HEARING: CLEARINGHOUSE RULE CR 19-075 – A-E 4 RELATING TO PROFESSIONAL ENGINEER REGISTRATION**

**MOTION:** Dennis Myers moved, seconded by Bruce Bowden, to reject Clearinghouse comment number(s) 2b and 5a, and to accept all remaining Clearinghouse comments for Clearinghouse Rule CR 19-075, relating to professional engineer registration. Motion carried unanimously.

**MOTION:** Bruce Bowden moved, seconded by Dennis Myers, to authorize the Chairperson or highest-ranking member of the Professional Engineer Section to approve the Legislative Report and Draft for Clearinghouse Rule 19-075, relating to professional engineer registration, for submission to the Governor’s Office and Legislature. Motion carried unanimously.

## LEGISLATIVE ADMINISTRATIVE RULE MATTERS

### **Review and Discussion on Preliminary Draft Rules for A-E 3, Relating to Architect Registration Examinations**

**MOTION:** Steven Wagner moved, seconded by Dennis Myers, to authorize the Chairperson, upon approval of the Architect Section, to approve the preliminary rule draft of A-E 3, relating to architect registration examinations, to post for economic impact comments and submission to the Clearinghouse. Motion carried unanimously.

### **Review and Discussion on Preliminary Draft Rules for A-E 5, Relating to Designer Permits**

**MOTION:** Michael Heberling moved, seconded by Dennis Myers, to authorize the Chairperson of the Designer Section to approve the preliminary rule draft of A-E 5, relating to designer permits, to post for economic impact comments and submission to the Clearinghouse. Motion carried unanimously.

### **Review and Discussion on Preliminary Draft Rules for A-E 9, Relating to Landscape Architect Registration**

**MOTION:** Rosheen Styczinski moved, seconded by Dennis Myers, to approve the preliminary rule draft of A-E 9, relating to landscape architect registration, to post for economic impact comments and submission to the Clearinghouse. Motion carried unanimously.

## **ADJOURNMENT**

**MOTION:** Dennis Myers moved, seconded by Michael Heberling, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 2:31 p.m.

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

**AGENDA REQUEST FORM**

<b>1) Name and Title of Person Submitting the Request:</b>  <b>Dale Kleven</b> <b>Administrative Rules Coordinator</b>		<b>2) Date When Request Submitted:</b>  <b>12/26/19</b> Items will be considered late if submitted after 12:00 p.m. on the deadline date: ▪ 8 business days before the meeting	
<b>3) Name of Board, Committee, Council, Sections:</b>  <b>Rules Committee of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Professional Land Surveyors</b>			
<b>4) Meeting Date:</b>  <b>1/7/20</b>	<b>5) Attachments:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>6) How should the item be titled on the agenda page?</b> <b>1:00 P.M. Public Hearing: CR 19-151 – A-E 3 Relating to Architect Registration Examinations</b> <b>1. Review and Respond to Public Comments and Clearinghouse Report</b>  <b>1:00 P.M. Public Hearing: CR 19-152 – A-E 9 Relating to Landscape Architect Registration</b> <b>1. Review and Respond to Public Comments and Clearinghouse Report</b>  <b>1:00 P.M. Public Hearing: CR 19-153 – A-E 7 Relating to Minimum Standards for Property Surveys</b> <b>1. Review and Respond to Public Comments and Clearinghouse Report</b>  <b>Administrative Rule Matters – Discussion and Consideration</b> <b>1. Pending or Possible Rulemaking Projects</b>	
<b>7) Place Item in:</b> <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both		<b>8) Is an appearance before the Board being scheduled?</b>  <input type="checkbox"/> Yes ( <a href="#">Fill out Board Appearance Request</a> ) <input checked="" type="checkbox"/> No	<b>9) Name of Case Advisor(s), if required:</b>
<b>10) Describe the issue and action that should be addressed:</b>    			
<b>11) Authorization</b>			
Signature of person making this request		Date	
<i>Dale Kleven</i>		<i>December 26, 2019</i>	
Supervisor (if required)		Date	
Executive Director signature (indicates approval to add post agenda deadline item to agenda)    Date			
<b>Directions for including supporting documents:</b> 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 PROFESSIONAL LAND  
SURVEYORS

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IN THE MATTER OF RULEMAKING	:	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 PROFESSIONAL	:	PROFESSIONAL LAND SURVEYORS
LAND SURVEYORS	:	ADOPTING RULES
	:	(CLEARINGHOUSE RULE )

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PROPOSED ORDER

An order of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, and Professional Land Surveyors to repeal A-E 3.05 (6) to (9) and amend A-E 3.04 (1) and 3.05 (1) (intro.), relating to architect registration examinations.

Analysis prepared by the Department of Safety and Professional Services.

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ANALYSIS

**Statutes interpreted:** Section 443.09 (4), Stats.

**Statutory authority:** Sections 15.08 (5) (b) and 443.02 (3), Stats.

**Explanation of agency authority:**

Section 15.08 (5) (b), Stats., provides an examining board “[s]hall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains...”

Section 443.02 (3), Stats., provides that “[n]o person may offer to practice architecture, landscape architecture, or professional engineering or use in connection with the person’s name or otherwise assume, use or advertise any title or description tending to convey the impression that he or she is an architect, landscape architect, or professional engineer or advertise to furnish architectural, landscape architectural, or professional engineering services unless the person has been duly registered or has in effect a permit under s. 443.10 (1) (d).”

**Related statute or rule:** Section 443.09 (4), Stats.

**Plain language analysis:**

- Section A-E 3.05 (1) (intro.) is revised to reflect that the Architect Section has adopted the Architect Registration Examination administered by the National Council of Architectural Registration Boards.

- Section A-E 3.05 (4) is revised to clarify that the authority to set the passing scores for the examination required for registration as an architect rests with the Architect Section.
- Section A-E 3.05 (6), (7), and (9) are repealed. As the Architect Section does not administer the examination required for registration as an architect, these provisions are obsolete.
- Section A-E 3.05 (8) is repealed, as it was invalidated by the repeal of s. 443.09 (6), Stats., in 2009 Wisconsin Act 350.

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

None.

**Comparison with rules in adjacent states:**

**Illinois:**

Rules of the Illinois Department of Financial and Professional Regulation address the examination for licensure to practice architecture in Illinois (68 Ill. Adm. Code 1150.40). The Department has adopted the Architect Registration Examination administered by the National Council of Architectural Registration Boards.

**Iowa:**

Rules of the Iowa Architectural Examining Board address the examination for licensure to practice architecture in Iowa (193B IAC 2.3 and 2.4). The Board has adopted the Architect Registration Examination administered by the National Council of Architectural Registration Boards.

**Michigan:**

Rules of the Michigan Board of Architects address the examination for licensure to practice architecture in Michigan (Mich Admin Code, R 339.15204). The Board has adopted the Architect Registration Examination administered by the National Council of Architectural Registration Boards.

**Minnesota:**

Rules of the Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience, and Interior Design address the examination for licensure to practice architecture in Minnesota (Minnesota Rules, part 1800.1200). The Board has adopted the Architect Registration Examination administered by the National Council of Architectural Registration Boards.

**Summary of factual data and analytical methodologies:**

The A-E Board conducted a thorough review of the A-E administrative rules in preparation of their first biennial report in response to 2017 Act 108 and s. 227.29, Stats. As a result of this review, the Board identified several places in ch. A-E 3 where the rules relating to examination requirements reference obsolete requirements or repealed provisions. The Architect Section also reviewed the chapter to ensure consistency with current practices relating to examinations required for registration.

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

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

**Fiscal Estimate and Economic Impact Analysis:**

The Fiscal Estimate and Economic Impact Analysis document is attached.

**Effect on small business:**

These proposed rules do not have an 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 Daniel.Hereth@wisconsin.gov or by calling (608) 267-2435.

**Agency contact person:**

Dale Kleven, Administrative Rules Coordinators, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, Wisconsin 53705-8366; telephone 608-261-4472; email at DSPSAdminRules@wisconsin.gov.

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

Comments may be submitted to Dale Kleven, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, P.O. Box 8366, Madison, WI 53708-8366, or by email to DSPSAdminRules@wisconsin.gov. Comments must be received at or before the public hearing to be held on the proposed rules. Information concerning the date, time, and location of the public hearing will be published in the Wisconsin Administrative Register and posted on the Legislature’s website at <https://docs.legis.wisconsin.gov/code/chr/hearings>.

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TEXT OF RULE

SECTION 1. A-E 3.04 (1) is amended to read:

**A-E 3.04 (1)** For the purpose of meeting experience requirements for registration as an architect, an applicant may claim certain education as equivalent to experience in architectural work, as provided in s. 443.03 (2), Stats. To qualify as equivalent to experience in architectural work, the education shall be obtained at a university, college or technical school approved by the architect section of the examining board.

SECTION 2. A-E 3.05 (1) (intro.) is amended to read:

**A-E 3.05 (1) (intro.)** ARCHITECT EXAMINATION REQUIRED. An applicant for registration as an architect, unless applying under s. 443.10 (1), Stats., shall successfully complete the Architect Registration Examination administered by the National Council of Architectural Registration Boards, or an equivalent examination on architectural services which that measures the knowledge and skills necessary to competently practice architecture. ~~The examination shall test~~ and tests the following architectural services and service elements:

SECTION 3. A-E 3.05 (6) to (9) are repealed.

SECTION 4. 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.

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(END OF TEXT OF RULE)

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## ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

<b>1. Type of Estimate and Analysis</b> <input checked="" type="checkbox"/> Original <input type="checkbox"/> Updated <input type="checkbox"/> Corrected	<b>2. Date</b> November 4, 2019
<b>3. Administrative Rule Chapter, Title and Number (and Clearinghouse Number if applicable)</b> A-E 3	
<b>4. Subject</b> Architect registration examinations	
<b>5. Fund Sources Affected</b> <input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S	<b>6. Chapter 20, Stats. Appropriations Affected</b>
<b>7. Fiscal Effect of Implementing the Rule</b> <input checked="" type="checkbox"/> No Fiscal Effect <input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Increase Costs <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Indeterminate <input type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Could Absorb Within Agency's Budget	
<b>8. The Rule Will Impact the Following (Check All That Apply)</b> <input type="checkbox"/> State's Economy <input type="checkbox"/> Specific Businesses/Sectors <input type="checkbox"/> Local Government Units <input type="checkbox"/> Public Utility Rate Payers <input type="checkbox"/> Small Businesses <b>(if checked, complete Attachment A)</b>	
<b>9. Estimate of Implementation and Compliance to Businesses, Local Governmental Units and Individuals, per s. 227.137(3)(b)(1).</b> \$0	
<b>10. Would Implementation and Compliance Costs Businesses, Local Governmental Units and Individuals Be \$10 Million or more Over Any 2-year Period, per s. 227.137(3)(b)(2)?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<b>11. Policy Problem Addressed by the Rule</b> The Section has reviewed the chapter and made the following revisions: <ul style="list-style-type: none"><li>• Section A-E 3.05 (1) (intro.) is revised to reflect that the Architect Section has adopted the Architect Registration Examination administered by the National Council of Architectural Registration Boards.</li><li>• Section A-E 3.05 (4) is revised to clarify that the authority to set the passing scores for the examination required for registration as an architect rests with the Architect Section.</li><li>• Section A-E 3.05 (6), (7), and (9) are repealed. As the Architect Section does not administer the examination required for registration as an architect, these provisions are obsolete.</li><li>• Section A-E 3.05 (8) is repealed, as it was invalidated by the repeal of s. 443.09 (6), Stats., in 2009 Wisconsin Act 350.</li></ul>	
<b>12. 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.</b> The proposed rule was posted on the Department of Safety and Professional Services' website for 14 days in order to solicit comments from businesses, representative associations, local governmental units, and individuals that may be affected by the rule. No comments were received.	
<b>13. Identify the Local Governmental Units that Participated in the Development of this EIA.</b> No local governmental units participated in the development of this EIA.	
<b>14. 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)</b> The proposed rule will not have a significant impact on specific businesses, business sectors, public utility rate payers, local governmental units, or the state's economy as a whole.	
<b>15. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule</b> The benefit to implementing the rule is providing consistency with current practices and drafting standards, and applicable Wisconsin statutes. If the rule is not implemented, it will continue to not reflect current Wisconsin statutes.	

## ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

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16. Long Range Implications of Implementing the Rule

The long range implication of implementing the rule is consistency with current practices and drafting standards, and applicable Wisconsin statutes.

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17. Compare With Approaches Being Used by Federal Government

None.

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

Illinois:

Rules of the Illinois Department of Financial and Professional Regulation address the examination for licensure to practice architecture in Illinois (68 Ill. Adm. Code 1150.40). The Department has adopted the Architect Registration Examination administered by the National Council of Architectural Registration Boards.

Iowa:

Rules of the Iowa Architectural Examining Board address the examination for licensure to practice architecture in Iowa (193B IAC 2.3 and 2.4). The Board has adopted the Architect Registration Examination administered by the National Council of Architectural Registration Boards.

Michigan:

Rules of the Michigan Board of Architects address the examination for licensure to practice architecture in Michigan (Mich Admin Code, R 339.15204). The Board has adopted the Architect Registration Examination administered by the National Council of Architectural Registration Boards.

Minnesota:

Rules of the Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience, and Interior Design address the examination for licensure to practice architecture in Minnesota (Minnesota Rules, part 1800.1200). The Board has adopted the Architect Registration Examination administered by the National Council of Architectural Registration Boards.

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19. Contact Name

Dale Kleven, Administrative Rules Coordinator

20. Contact Phone Number

(608) 261-4472

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

**ADMINISTRATIVE RULES**  
**Fiscal Estimate & Economic Impact Analysis**

**ATTACHMENT A**

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1. Summary of Rule's Economic and Fiscal Impact on Small Businesses (Separately for each Small Business Sector, Include Implementation and Compliance Costs Expected to be Incurred)

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2. Summary of the data sources used to measure the Rule's impact on Small Businesses

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3. Did the agency consider the following methods to reduce the impact of the Rule on Small Businesses?

- Less Stringent Compliance or Reporting Requirements
- Less Stringent Schedules or Deadlines for Compliance or Reporting
- Consolidation or Simplification of Reporting Requirements
- Establishment of performance standards in lieu of Design or Operational Standards
- Exemption of Small Businesses from some or all requirements
- Other, describe:

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4. Describe the methods incorporated into the Rule that will reduce its impact on Small Businesses

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5. Describe the Rule's Enforcement Provisions

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6. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

- Yes    No
-



## WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

**Scott Grosz**  
*Clearinghouse Director*

**Anne Sappenfield**  
*Legislative Council Director*

**Margit Kelley**  
*Clearinghouse Assistant Director*

**Jessica Karls-Ruplinger**  
*Legislative Council Deputy Director*

### CLEARINGHOUSE RULE 19-151

#### 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**

In the rule summary, the plain language analysis indicates that s. A-E 3.05 (4) is revised. However, the text of the proposed rule does not contain any revision to this provision.

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

In the revision to s. A-E 3.05 (1) (intro.), additional information could be provided to clarify who may deem an examination to be “equivalent” to the Architecture Registration Examination.

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

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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 PROFESSIONAL	:	PROFESSIONAL LAND
LAND SURVEYORS	:	SURVEYORS ADOPTING
	:	RULES
	:	(CLEARINGHOUSE RULE )

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PROPOSED ORDER

An order of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, and Professional Land Surveyors to repeal s. A-E 9.05 (4) and s. A-E 9.05 (8); to renumber and amend s. A-E 9.05 (1) (a) and (c); to amend s. A-E 9.02 (2), s. A-E 9.03 (1) (a) and (b), s. A-E 9.04, s. A-E 9.05 (7), and s. A-E 9.06 (1), (5), and (6); to repeal and recreate s. A-E 9.05 (title); and to create s. A-E 9.025, relating to landscape architect registration.

Analysis prepared by the Department of Safety and Professional Services.

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ANALYSIS

**Statutes interpreted:** ss. 111.335 (4), 443.03, and 443.09, Stats.

**Statutory authority:** ss. 15.08 (5) (b) and 227.11 (2) (a), Stats.

**Explanation of agency authority:**

Section 15.08 (5) (b), Stats., provides an examining board, “shall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains...”

Section 227.11 (2) (a), Stats., provides that, “each agency may promulgate rules interpreting the provisions of any statute enforced or administered by the agency, if the agency considers it necessary to effectuate the purpose of the statute, but a rule is not valid if the rule exceeds the bounds of correct interpretation.”

**Related statute or rule:**

A-E 11

**Plain language analysis:**

The Section has reviewed the chapter and made revisions to:

- Insert cross-references into s. A-E 9.06 (6) for relevant statutes to implement 2017 Act 278, which made various changes to the circumstances under which a licensing agency may base its decisions on an individual's criminal history; and
- Revise the chapter for clarity, consistency, and to meet drafting standards.

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

None.

**Comparison with rules in adjacent states:****Illinois:**

Landscape architects are licensed by the Illinois Landscape Architect Registration Board under the Illinois Department of Financial and Professional Regulation. The Board does not have a process for preliminary determinations concerning whether any court judgments against the applicant would result in a denial of a license. If an applicant has a criminal history, the board must consider mitigating factors and evidence of rehabilitation. The board may not consider sealed or expunged records.

**Iowa:**

Landscape architects are licensed by the Landscape Architectural Examining Board, attached to the Iowa Professional Licensing Bureau. The Board does not have a process for preliminary determinations concerning whether any court judgments against the applicant would result in a denial of a license. The application requirements are substantially similar to Wisconsin's requirements.

**Michigan:**

Landscape architects are directly licensed by the Bureau of Professional Licensing of the Department of Licensing and Regulatory Affairs. Under s. 339.202a, MCL, the department shall provide preliminary determinations concerning whether any court judgments against an applicant would result in a denial of a license.

**Minnesota:**

Landscape architects are licensed by the Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience, and Interior Design. The Board does not have a process for preliminary determinations concerning whether any court judgments against the applicant would result in a denial of a license. If an applicant has a criminal history, the board must consider mitigating factors and evidence of rehabilitation.

**Summary of factual data and analytical methodologies:**

The Landscape Architect Section of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, and Professional Land Surveyors closely reviewed A-E 9 to develop the proposed rule revisions.

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

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

**Fiscal Estimate and Economic Impact Analysis:**

The Fiscal Estimate and Economic Impact Analysis document is attached.

**Effect on small business:**

These proposed rules do not have an 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 Daniel.Hereth@wisconsin.gov, or by calling (608) 267-2435.

**Agency contact person:**

Dale Kleven, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, Wisconsin 53708; telephone 608-261-4472; email at DSPSAdminRules@wisconsin.gov.

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

Comments may be submitted to Dale Kleven, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, P.O. Box 8366, Madison, WI 53708-8366, or by email to DSPSAdminRules@wisconsin.gov. Comments must be received at or before the public hearing to be held on the proposed rules. Information concerning the date, time, and location of the public hearing will be published in the Wisconsin Administrative Register and posted on the Legislature’s website at <https://docs.legis.wisconsin.gov/code/chr/hearings>.

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TEXT OF RULE

SECTION 1. A-E 9.02 (2) is amended to read:

**A-E 9.02 (2)** An applicant ~~who files an application but~~ who does not comply with a request for information related to ~~the~~ an application within one year from the date of the request shall file a new application and fee.

SECTION 2. A-E 9.025 is created to read:

**A-E 9.025 Definitions.** For the purposes of this chapter, “allied professional” and “allied profession” means a licensed professional engineer or architect, and engineering or architecture, respectively.

SECTION 3. A-E 9.03 (1) (a) and (b) are amended to read:

**A-E 9.03 (1) (a)** To qualify as satisfactory experience in landscape architecture for the purposes of s. 443.035, Stats., an applicant's experience shall include the application of accepted principles in the practice of landscape architecture and shall demonstrate an applicant's progressive development of competence to practice landscape architecture. The experience shall be acquired in the areas of the practice of landscape architecture listed in sub. (2) (a) to (g), or in other areas of the practice of landscape architecture which in the opinion of the ~~board~~ landscape architect section provide the applicant with a knowledge of principles and data related to the practice of landscape architecture at least equivalent to that which would be acquired by experience in the areas of practice listed. Experience in every listed area is not required.

**(b)** To qualify as satisfactory experience in landscape architecture for the purposes of s. 443.035 (1) (a), Stats., an applicant's experience ~~must~~ shall be obtained subsequent to completion of the education requirements.

SECTION 4. A-E 9.04 is amended to read:

**A-E 9.04 (1)** In satisfaction of the education requirement under s. 443.035 (1) (a), Stats., the ~~board~~ landscape architect section accepts bachelor's or master's degrees in landscape architecture granted by a college or university accredited by the ~~landscape architecture accreditation board~~ Landscape Architecture Accreditation Board of the American ~~society~~ Society of landscape architects Landscape Architects or a degree determined by the ~~board~~ landscape architect section to be equivalent ~~thereto~~. If the degree is from an international educational institution, the applicant shall provide an official evaluation by a transcript evaluation service acceptable to the ~~board~~ landscape architect section which shows that the degree is equivalent to a bachelor's degree in landscape architecture or a master's degree in landscape architecture granted by a college or university accredited by the ~~landscape architecture accreditation board~~ Landscape Architecture Accreditation Board of the American ~~society~~ Society of landscape architects Landscape Architects.

**(2)** In satisfaction of the education requirement under s. 443.035 (1) (b), Stats., the ~~board~~ landscape architect section accepts coursework in landscape architecture completed at a college or university accredited by the ~~landscape architecture accreditation board~~ Landscape Architecture Accreditation Board of the American ~~society~~ Society of landscape architects Landscape Architects, or other equivalent college level coursework in landscape architecture or in an area related to landscape architecture, completed at a college or university accredited by a regional accrediting agency approved by the state board of education in the state in which the college or university is located.

SECTION 5. A-E 9.05 (title) is repealed and recreated to read:

**A-E 9.05 (title) Examination requirement.**

SECTION 6. A-E 9.05 (1) (a) and (c) are renumbered A-E 9.05 (1) and (2) and are amended to read:

**A-E 9.05 (1) SCOPE OF WRITTEN EXAMINATIONS. LANDSCAPE ARCHITECT REGISTRATION EXAMINATION.** An applicant for initial registration as a landscape architect shall pass ~~an examination determined by the landscape architecture section to assess knowledges required for the professional practice of landscape architecture~~, in accordance with subsection (2), the Landscape Architect Registration Examination, LARE, prepared by the Council of Landscape Architectural Registration Boards, or an equivalent examination as determined by the landscape architect section.

**(2) MINIMUM COMPETENCY.** The passing scores for each section or in combination as appropriate shall be set by the board landscape architect section to represent the minimum competency required to protect public health and safety.

SECTION 7. A-E 9.05 (4) is repealed.

SECTION 8. A-E 9.05 (7) is amended to read:

**A-E 9.05 (7) REEXAMINATION.** ~~An~~ In accordance with s. 443.09 (5), Stats., an applicant failing any part of an examination may be reexamined on the part or parts failed, except that after failure of 3 reexaminations, the board landscape architect section shall require a one-year waiting period before further reexaminations reexamination on the part or parts failed.

SECTION 9. A-E 9.05 (8) is repealed.

SECTION 10. A-E 9.06 (1), (5), and (6) are amended to read:

**A-E 9.06 (1)** Official transcripts of graduate and undergraduate training, properly attested to by the degree granting institution and submitted by the institution directly to the ~~board~~ landscape architect section.

**(5)** For ~~applicants~~ an applicant previously licensed in another state, territory, or possession of the United States or in another country, verification of the applicant's licensure in the licensing jurisdiction of original licensure or, if the applicant has permitted ~~his or her~~ the registration in the jurisdiction of original licensure to lapse, verification of licensure in the licensing jurisdiction where the applicant is currently licensed and where the applicant was last engaged in the practice of landscape architecture.

**(6)** For ~~applicants~~ an applicant who ~~have~~ has a pending criminal charge or ~~have~~ has been convicted of a crime, all related information necessary for the ~~board~~ landscape architect section to determine whether the circumstances of the pending criminal charge or criminal conviction are substantially related to the circumstances of the practice of landscape architecture, subject to ss. 111.321, 111.322, and 111.335, Stats.

SECTION 11. 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.

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(END OF TEXT OF RULE)  
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## ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

<p>1. Type of Estimate and Analysis <input checked="" type="checkbox"/> Original   <input type="checkbox"/> Updated   <input type="checkbox"/> Corrected</p>	<p>2. Date October 28, 2019</p>
<p>3. Administrative Rule Chapter, Title and Number (and Clearinghouse Number if applicable) A-E 9</p>	
<p>4. Subject Landscape architect registration</p>	
<p>5. Fund Sources Affected <input type="checkbox"/> GPR   <input type="checkbox"/> FED   <input type="checkbox"/> PRO   <input type="checkbox"/> PRS   <input type="checkbox"/> SEG   <input type="checkbox"/> SEG-S</p>	<p>6. Chapter 20, Stats. Appropriations Affected</p>
<p>7. Fiscal Effect of Implementing the Rule <input checked="" type="checkbox"/> No Fiscal Effect   <input type="checkbox"/> Increase Existing Revenues   <input type="checkbox"/> Increase Costs   <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Indeterminate   <input type="checkbox"/> Decrease Existing Revenues   <input type="checkbox"/> Could Absorb Within Agency's Budget</p>	
<p>8. The Rule Will Impact the Following (Check All That Apply) <input type="checkbox"/> State's Economy   <input type="checkbox"/> Specific Businesses/Sectors <input type="checkbox"/> Local Government Units   <input type="checkbox"/> Public Utility Rate Payers <input type="checkbox"/> Small Businesses <b>(if checked, complete Attachment A)</b></p>	
<p>9. Estimate of Implementation and Compliance to Businesses, Local Governmental Units and Individuals, per s. 227.137(3)(b)(1). \$0</p>	
<p>10. Would Implementation and Compliance Costs Businesses, Local Governmental Units and Individuals Be \$10 Million or more Over Any 2-year Period, per s. 227.137(3)(b)(2)? <input type="checkbox"/> Yes   <input checked="" type="checkbox"/> No</p>	
<p>11. Policy Problem Addressed by the Rule The Section has reviewed the chapter and made revisions to:</p> <ul style="list-style-type: none"><li>• Insert cross-references into s. A-E 9.06 (6) for relevant statutes to implement 2017 Act 278, which made various changes to the circumstances under which a licensing agency may base its decisions on an individual's criminal history; and</li><li>• Revise the chapter for clarity, consistency, and to meet drafting standards.</li></ul>	
<p>12. 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. The proposed rule was posted on the Department of Safety and Professional Services' website for 14 days in order to solicit comments from businesses, representative associations, local governmental units, and individuals that may be affected by the rule. No comments were received.</p>	
<p>13. Identify the Local Governmental Units that Participated in the Development of this EIA. No local governmental units participated in the development of this EIA.</p>	
<p>14. 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) The proposed rule will not have a significant impact on specific businesses, business sectors, public utility rate payers, local governmental units, or the state's economy as a whole.</p>	
<p>15. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule The benefit to implementing the rule is providing consistency with current practices and drafting standards, and applicable Wisconsin statutes. If the rule is not implemented, it will continue to not reflect current Wisconsin statutes.</p>	
<p>16. Long Range Implications of Implementing the Rule The long range implication of implementing the rule is consistency with current practices and drafting standards, and applicable Wisconsin statutes.</p>	

## ADMINISTRATIVE RULES

### Fiscal Estimate & Economic Impact Analysis

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17. Compare With Approaches Being Used by Federal Government  
None.

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

Illinois:

Landscape architects are licensed by the Illinois Landscape Architect Registration Board under the Illinois Department of Financial and Professional Regulation. The Board does not have a process for preliminary determinations concerning whether any court judgments against the applicant would result in a denial of a license. If an applicant has a criminal history, the board must consider mitigating factors and evidence of rehabilitation. The board may not consider sealed or expunged records.

Iowa:

Landscape architects are licensed by the Landscape Architectural Examining Board, attached to the Iowa Professional Licensing Bureau. The Board does not have a process for preliminary determinations concerning whether any court judgments against the applicant would result in a denial of a license. The application requirements are substantially similar to Wisconsin's requirements.

Michigan:

Landscape architects are directly licensed by the Bureau of Professional Licensing of the Department of Licensing and Regulatory Affairs. Under s. 339.202a, MCL, the department shall provide preliminary determinations concerning whether any court judgments against an applicant would result in a denial of a license.

Minnesota:

Landscape architects are licensed by the Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience, and Interior Design. The Board does not have a process for preliminary determinations concerning whether any court judgments against the applicant would result in a denial of a license. If an applicant has a criminal history, the board must consider mitigating factors and evidence of rehabilitation.

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19. Contact Name

Dale Kleven, Administrative Rules Coordinator

20. Contact Phone Number

(608) 261-4472

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

## ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

### ATTACHMENT A

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1. Summary of Rule's Economic and Fiscal Impact on Small Businesses (Separately for each Small Business Sector, Include Implementation and Compliance Costs Expected to be Incurred)

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2. Summary of the data sources used to measure the Rule's impact on Small Businesses

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3. Did the agency consider the following methods to reduce the impact of the Rule on Small Businesses?

- Less Stringent Compliance or Reporting Requirements
  - Less Stringent Schedules or Deadlines for Compliance or Reporting
  - Consolidation or Simplification of Reporting Requirements
  - Establishment of performance standards in lieu of Design or Operational Standards
  - Exemption of Small Businesses from some or all requirements
  - Other, describe:
- 

4. Describe the methods incorporated into the Rule that will reduce its impact on Small Businesses

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5. Describe the Rule's Enforcement Provisions

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6. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

- Yes    No
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## WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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**Scott Grosz**  
*Clearinghouse Director*

**Anne Sappenfield**  
*Legislative Council Director*

**Margit Kelley**  
*Clearinghouse Assistant Director*

**Jessica Karls-Ruplinger**  
*Legislative Council Deputy Director*

### CLEARINGHOUSE RULE 19-152

#### 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. In the rule caption’s listing of affected provisions, it is not necessary to repeat the source designation “A-E” after it has first been cited for each treatment. For example, the listing in the caption should be revised to: “to repeal A-E 9.05 (4) and (8); to renumber and amend A-E 9.05 (1) (a) and (c); to amend A-E 9.02 (2), 9.03 (1) (a) and (b), 9.04, 9.05 (7), and 9.06 (1), (5), and (6); to repeal and recreate A-E 9.05 (title); and to create A-E 9.025”. [s. 1.02 (1) (Example), Manual.]

b. In the analysis for the proposed rule listing of statutes interpreted, it appears that “443.03” should be revised to “443.035”.

c. In s. A-E 9.025, the definitions should be created in separate subsections, with introductory language of “In this chapter:”. [s. 1.01 (7), Manual.]

d. In s. A-E 9.05 (1), the following changes should be made:

(1) The period that is shown after the stricken portion of the title “Scope of written examinations” should be removed. The period after the inserted title material is properly preserved and shown without underscoring. [s. 1.06 (4), Manual.]

(2) The word “subsection” should be revised to “sub.”. [s. 1.07 (2), Manual.]

e. In s. A-E 9.05 (2), the phrase “for an examination under sub. (1)” should be inserted before “for each section”.

f. Why does the proposed rule repeal s. A-E 9.05 (8)? The agency could consider including an explanation of this repeal in the plain language summary for the proposed rule.

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

-----  
IN THE MATTER OF RULEMAKING : 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 PROFESSIONAL : PROFESSIONAL LAND SURVEYORS  
LAND SURVEYORS : ADOPTING RULES  
: (CLEARINGHOUSE RULE )  
-----

PROPOSED ORDER

An order of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, and Professional Land Surveyors to repeal s. A-E 7.02 (1) and (2) and s. A-E 7.06 (2); to renumber and amend s. A-E 7.03 and s. A-E 7.08 (2); to amend s. A-E 7.02 (3), s. A-E 7.025, s. A-E 7.04 (1), (3), and (4), s. A-E 7.05, s. A-E 7.06 (title) and (1), s. A-E 7.06 (3), s. A-E 7.07, s. A-E 7.08 (1) (intro.) and (a) to (c), s. A-E 7.08 (2) (Note), and s. A-E 7.08 (3) (i); to repeal and recreate s. A-E 7.01; and to create s. A-E 7.02 (1m), s. A-E 7.03 (2), s. A-E 7.05 (7m), s. A-E 7.06 (1m), s. A-E 7.08 (1g) and (1r), s. A-E 7.08 (2) (b), and s. A-E 7.08 (4), relating to minimum standards for property surveys.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

**Statutes interpreted:** ss. 443.015 (2) and 443.12 (1), Stats.

**Statutory authority:** ss. 15.08 (5) (b) and 443.015 (2), Stats.

**Explanation of agency authority:**

Section 15.08 (5) (b), Stats., provides an examining board, “shall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains...”

Section 443.015 (2), Stats., provides that “each section of the examining board may promulgate rules governing the professional conduct of individuals, firms, partnerships, and corporations registered, permitted, certified, or granted a certificate of authorization by that section.”

**Related statute or rule:**

A-E 2, relating to general requirements and procedures; A-E 8, relating to professional conduct

**Plain language analysis:**

The Section conducted an evaluation and update of ch. A-E 7 to ensure consistency with current professional practices and applicable Wisconsin statutes. As a result, the following updates have been made:

- Recreates A-E 7.01 to require that all property surveys performed by professional land surveyors comply with the minimum accuracies required by A-E 7.06, and to enumerate the sections of A-E 7 that professional land surveyors and clients may exclude from their contracts.
- Amends the definition of “survey report” to remove the requirement that the existing map have been recorded or filed within the last 6 years.
- Clarifies that maps shall show evidence of possession or use by others if observed by the professional land surveyor while establishing corners.
- Creates requirements for U.S. Public Land Survey Monument Record Addendums, as an alternative to U.S. Public Land Survey Monument Records, where the witness ties or monuments have been destroyed or disturbed.
- Replaces references to “registers of deeds” or “county surveyor” with “the county office deemed appropriate to receive and retain property survey records.”
- Simplifies the relative positional accuracy measurements provision.
- Amends the chapter to conform to drafting standards for consistency and clarity, revises provisions to be more clear, and updates cross-references in light of other amendments.

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

When the land was first surveyed in Wisconsin, it was divided into a grid and each grid is approximately 36 square miles (the measurements were not always precise due to the instruments the surveyors were using, among other limitations). This grid system is known as the U.S. Public Land Survey System (PLSS). Where federal interests and rights exist, the Bureau of Land Management (BLM) is the legally identified authority and data steward for the PLSS under the Office of Management and Budget (OMB) Revised Circular A-16. The Circular provides direction for federal agencies that produce, maintain, or use spatial data either directly or indirectly in the fulfillment of their mission and provides for improvements in the coordination and use of spatial data. The Circular also describes effective and economical use and management of spatial data assets in the digital environment for the benefit of the federal government and the nation. The Circular establishes a coordinated approach to electronically develop the National Spatial Data Infrastructure and establishes the Federal Geographic Data Committee (FGDC).

Individual states and counties have authority and data stewardship where no such federal interests or rights exist.

## **Comparison with rules in adjacent states:**

### **Illinois:**

The Land Surveyors Licensing Board is under the Illinois Department of Financial and Professional Regulation and advises the Secretary on matters of education, experience, professional conduct and competence. Illinois has a chapter on the Minimum Standards of Practice for professional land surveyors. The chapter outlines standards for ALTA/ACSM land title surveys, boundary surveys, condominium surveys, subdivision surveys, mortgage inspections, topographic surveys, and minimum standards for writing parcel legal descriptions. Section 1270.56, Illinois Administrative Code.

### **Iowa:**

The Engineering and Land Surveying Examining Board is under the Iowa Professional Licensing Bureau. Iowa has a chapter on Standards for Land Surveying for professional land surveyors. The chapter outlines standards for plats of surveys, plats for subdivisions, U.S. public land survey corner certificates, and requirements relating to the Iowa plane coordinate system, boundary locations, measurements, and monumentation. Chapter 355, Standards for Land Surveying.

### **Michigan:**

The Michigan Board of Professional Surveyors is under the Department of Licensing and Regulatory Affairs. Michigan has standards of practice and professional conduct on the solicitation of employment, conflicts of interest, and requirements for competence and that, “[a] licensee is responsible for clear, accurate, and complete development of plats, plans, drawings, specifications, survey reports, and other instruments of service as is customary in the practice of the licensee's profession, and the material shall properly satisfy the need for which it is intended.” R 339.17403 (2), Michigan Administrative Code. No more specific minimum standards for property surveys are established by administrative rule.

### **Minnesota:**

The Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience and Interior Design regulates the professions and enforces the statutes and rules in order to protect the health, safety and welfare of the public. Chapter 1805 outlines rules of professional conduct for all of the professions of the Board for professional and personal conduct, conflicts of interest, improper solicitation of employment, false or malicious statements, knowledge of the misconduct of others, and discrimination. Chapter 1805, Minnesota Rules. No more specific minimum standards for property surveys are established by administrative rule.

## **Summary of factual data and analytical methodologies:**

The Professional Land Surveyor Section of the A-E Board reached out to stakeholders once the scope statement was approved for implementation to gather input from interested parties. The Wisconsin Society of Land Surveyors submitted comments which were considered and acted upon by the Professional Land Surveyors Section at their

August 22, 2018 meeting. A draft of A-E 7 was further considered at the November 1, 2018 meeting. On December 3, 2018, the working draft of A-E 7 was posted on the department website to provide opportunity for stakeholders to consider the proposed amendments. The Professional Land Surveyor Section met on January 10, 2019 to consider public comments on the proposed amendments to A-E 7. After further amendments in response to public comments, the working draft of A-E 7 was posted on the department website on January 14, 2018. The Professional Land Surveyor Section met on April 23, 2019 to consider public comments on the proposed amendments to A-E 7 before approving the preliminary rule draft, with additional clarifications, to the A-E Rules Committee and A-E Board.

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

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

**Fiscal Estimate and Economic Impact Analysis:**

The Fiscal Estimate and Economic Impact Analysis is attached.

**Effect on small business:**

These proposed rules do not have an 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 Daniel.Hereth@wisconsin.gov, or by calling (608) 267-2435.

**Agency contact person:**

Dale Kleven, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, Wisconsin 53708; telephone 608-261-4472; email at [DSPSAdminRules@wisconsin.gov](mailto:DSPSAdminRules@wisconsin.gov).

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

Comments may be submitted to Dale Kleven, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, WI 53708-8366, or by email to [DSPSAdminRules@wisconsin.gov](mailto:DSPSAdminRules@wisconsin.gov). Comments must be received at or before the public hearing to be held on the proposed rules. Information concerning the date, time, and location of the public hearing will be published in the Wisconsin Administrative Register and posted on the Legislature's website at <https://docs.legis.wisconsin.gov/code/chr/hearings>.

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TEXT OF RULE

SECTION 1. A-E 7.01 is repealed and recreated to read:

**A-E 7.01 Scope. (1)** The minimum standards of this chapter apply to any property survey performed by professional land surveyors in this state, except where otherwise provided in this chapter.

**(2)** The minimum accuracies in s. A-E 7.06 apply to any property survey performed by professional land surveyors in this state.

**(3)** If other standards for property surveys are prescribed by statute, administrative rule, or ordinance, and the standards are more restrictive than those in this chapter, the more restrictive standards govern.

**(4)** Except with regard to a U.S. public land survey monument record or addendum and a map of work performed, the professional land surveyor and client may enter a signed agreement to exclude land surveying work from the requirements of ss. A-E 7.03 (2), 7.05 (5) and (7m), and 7.07, where all of the following are performed:

**(a)** The professional land surveyor shall certify on the face of the map to the agreement.

**(b)** The map includes 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.

SECTION 2. A-E 7.02 (1) and (2) are repealed.

SECTION 3. A-E 7.02 (1m) is created to read:

**A-E 7.02 (1m)** “Property survey” means an activity performed in the practice of professional land surveying, as defined in s. 443.01 (6s), Stats.

SECTION 4. A-E 7.02 (3) is amended to read:

**A-E 7.02 (3)** “Survey report” means a ~~report~~ property survey that may be prepared in compliance with s. A-E 7.025 when there is an existing map recorded or filed ~~within the last 6 years~~ and no new monuments are established in the survey.

SECTION 5. A-E 7.025 is amended to read:

**A-E 7.025 Survey report, requirements.** A survey report, as defined in A-E 7.02 (3), shall include the purpose of the survey, information concerning the documents that were examined for the survey, and 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 s. A-E 7.05 (1), (2), (3), and (4)~~ and shall be filed as required under s. 59.45 (1), Stats., on media, or electronically if acceptable by the county.

SECTION 6. A-E 7.03 is renumbered A-E 7.03 (1) and is amended to read:

**A-E 7.03 Boundary location. (1)** Every property survey shall be made in accordance with the records of the register of deeds as nearly as practicable. The professional land surveyor shall acquire data necessary to retrace record title boundaries such as U.S. Public Land Survey Monument Records, 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.~~

SECTION 7. A-E 7.03 (2) is created to read:

**A-E 7.03 (2)** The professional land surveyor shall set monuments marking the corners of the parcel unless monuments already exist at the corners.

SECTION 8. A-E 7.04 (1), (3), and (4) are amended to read:

**(1)** By metes and bounds commencing with a monument at a section corner or quarter section corner of the quarter section in which that land is located or a monument established by the U.S. Public Land Survey that it 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 land is located. Descriptions shall meet the requirements in s. A-E 7.06 ~~(3)~~.

**(3)** By land boundaries being surveyed as an existing lot, outlot or parcel, on a recorded certified survey map, the property survey shall be described by lot, outlot or parcel number and certified map number for all purposes.

**(4)** By the parcel described as an aliquot part of a section from the ~~public land system~~ U.S. Public Land Survey.

SECTION 9. A-E 7.05 is amended to read:

**A-E 7.05 Maps.** A map shall be drawn for every property survey, unless a survey report is filed as provided in s. A-E ~~7.02(3)~~ 7.025, showing information developed by the property survey. The map shall include all of the following requirements:

**(1)** ~~Be~~ The map shall 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 property survey unless otherwise required by law.

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

~~(3) Show~~ The map shall show the length and bearing of the boundaries of the parcels surveyed. Bearings, angles, and distances on any property survey map shall be in accordance with s. A-E 7.06 (5). 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~~ at least 3 of the following: central angle, radius, long chord bearing and length, and arc length.

~~(4) Describe all~~ The map shall describe the corner monuments used for in determining the location of the parcel boundary and show by bearing and distance ~~their~~ the relationship of at least 2 corner monuments to the surveyed parcel. ~~All~~ The at least 2 monuments that are used to determine the location of the parcel shall be indicated by whether such monuments were found or set including a description of the monument with a legend for all symbols and abbreviations used on the map.

~~(5) Show observed~~ The map shall show evidence of possession or use by others in the parcel or across any perimeter line of the property if observed by the professional land surveyor while establishing corners.

~~(6) Show~~ The map shall 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 map shall identify the professional land surveyor's 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.

**(7m)** The map shall identify the person or entity for whom the property survey was made.

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

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

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

SECTION 10. A-E 7.06 (title) and (1) are amended to read:

**A-E 7.06 (title) Measurements Relative positional accuracy measurements.**

**(1)** Measurements shall be made with instruments and methods capable of attaining the required accuracy for the particular circumstances involved relative positional accuracy in accordance with this section.

SECTION 11. A-E 7.06 (1m) is created to read:

**A-E 7.06 (1m)** Relative positional accuracy shall be the value expressed in feet that represents the uncertainty between points of the boundary of the parcel being surveyed due to random errors in measurements at a 95 percent confidence level.

SECTION 12. A-E 7.06 (2) is repealed.

SECTION 13. A-E 7.06 (3) is amended to read:

**A-E 7.06 (3)** The maximum allowable deviation in relative positional accuracy for a survey is plus or minus 0.07 foot plus 50 parts per million, based on the direct distance between the any two adjacent property corners being tested. 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 at the discretion of the licensee performing the survey. The licensee shall provide justification for exceeding the maximum allowable relative positional accuracy. may not exceed plus or minus 0.13 foot plus 100 parts per million.

SECTION 14. A-E 7.07 is amended to read:

**A-E 7.07 Monuments.** The type and position of monuments to be set on any property survey shall be according to s. 236.15 (1), Stats., unless determined by the nature of the property 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 15. A-E 7.08 (1) (intro.) and (a) to (c) are amended to read:

**A-E 7.08 (1)** WHEN MONUMENT RECORD REQUIRED. A U.S. public land survey monument record or U.S. public land survey monument record addendum shall be prepared and filed with the county survey records as part of any land survey within 60 days ~~of setting or accepting the corner which includes or requires the perpetuation, restoration, or use of~~ if a U.S. public land survey corner has been reestablished, perpetuated, or restored and a monument set or reset, and when any of the following situations arise:

**(a)** There is no U.S. public land survey monument record for the corner on file in the office of the county surveyor ~~or the register of deeds for the county in which the corner is located;~~ or, the county office deemed appropriate to receive and retain property survey records.

**(b)** The professional land surveyor who performs the property survey accepts a location for the U.S. public land survey corner which differs from that shown on a U.S. public land survey monument record filed in the office of the county surveyor ~~or register of deeds for the county in which the corner is located;~~ or, the county office deemed appropriate to receive and retain property survey records.

~~(c) The witness ties or U.S. public land survey monument referenced in an existing U.S. public land survey monument record have that has 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.~~

SECTION 16. A-E 7.08 (1g) and (1r) are created to read:

**A-E 7.08 (1g) VERIFICATION OF THE MONUMENT.** If a U.S. public land survey corner monument of record is recovered in place and holding securely at the previously documented corner location, based on the witness ties, no additional U.S. public land survey monument record or U.S. public land survey monument record addendum shall be required. Where the U.S. public land survey monument referenced in an existing U.S. public land survey monument record have been found and verified, a note stating this shall be placed on the property survey.

**(1r) WAIVER OF THE MONUMENT RECORD.** The preparation of a U. S. public land survey monument record or U. S. public land survey monument addendum may be waived in writing by the county surveyor of the county in which the U.S. public land survey corner is located, if a U.S. public land survey monument record is on file and the county surveyor has an active U.S. public land survey monument maintenance program in place.

SECTION 17. A-E 7.08 (2) is renumbered A-E 7.08 (2) (a) and amended to read:

**A-E 7.08 (2) FORM REQUIRED. (a)** A U.S. public land survey monument record shall be prepared for items (1) (a) and (b) on the ~~board~~ approved form or on a form substantially the same as the ~~board~~ approved form which includes all the elements required by this section. A form used for this purpose shall be entitled, “U.S. Public Land Survey Monument Record”.

SECTION 18. A-E 7.08 (2) (b) is created to read:

**A-E 7.08 (2) (b)** A U.S. public land survey monument record addendum shall be prepared for item (1) (c) on the approved form or on a form substantially the same as the approved form. A form used for this purpose shall be entitled, “U.S. Public Land Survey Monument Record Addendum”.

SECTION 19. A-E 7.08 (2) (Note) is amended to read:

**A-E 7.08 (2) (Note)** Forms are available on the department’s website at dsps.wi.gov, or by calling by request from the Department of Safety and Professional Services, P.O. Box 8935, Madison, Wisconsin 53708, or call (608) 266 - 2112.

SECTION 20. A-E 7.08 (3) (i) is amended to read:

**A-E 7.08 (3) (i)** The stamp and signature or seal and signature of the professional land surveyor under whose direction and control the corner location was determined and a statement certifying that the U.S. public land survey monument record is correct and complete to the best of ~~his or her~~ the professional land surveyor's knowledge and belief.

SECTION 21. A-E 7.08 (4) is created to read:

**A-E 7.08 (4) MONUMENT RECORD ADDENDUM REQUIREMENTS.** A U.S. public land survey monument record addendum shall include all of the following elements:

- (a) The monument marking the corner location, or monuments giving reference to a nearby inaccessible corner location, and include the elements found in sub. (3) (a), (b), (d), and (e).
- (b) A description of the record evidence used to reset the corner monument back in its prior location.
- (c) The stamp and signature or seal and signature of the professional land surveyor under whose direction and control the corner location was determined or witness monument established.
- (d) A statement certifying that the U.S. public land survey monument record addendum is correct and complete to the best of the professional land surveyor's knowledge and belief.

SECTION 22. 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.

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(END OF TEXT OF RULE)  
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## ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

<p>1. Type of Estimate and Analysis <input checked="" type="checkbox"/> Original   <input type="checkbox"/> Updated   <input type="checkbox"/> Corrected</p>	<p>2. Date June 7, 2019</p>
<p>3. Administrative Rule Chapter, Title and Number (and Clearinghouse Number if applicable) A-E 7</p>	
<p>4. Subject Minimum Standards for Property Surveys</p>	
<p>5. Fund Sources Affected <input type="checkbox"/> GPR   <input type="checkbox"/> FED   <input type="checkbox"/> PRO   <input type="checkbox"/> PRS   <input type="checkbox"/> SEG   <input type="checkbox"/> SEG-S</p>	<p>6. Chapter 20, Stats. Appropriations Affected</p>
<p>7. Fiscal Effect of Implementing the Rule <input checked="" type="checkbox"/> No Fiscal Effect   <input type="checkbox"/> Increase Existing Revenues   <input type="checkbox"/> Increase Costs   <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Indeterminate   <input type="checkbox"/> Decrease Existing Revenues   <input type="checkbox"/> Could Absorb Within Agency's Budget</p>	
<p>8. The Rule Will Impact the Following (Check All That Apply) <input type="checkbox"/> State's Economy   <input type="checkbox"/> Specific Businesses/Sectors <input type="checkbox"/> Local Government Units   <input type="checkbox"/> Public Utility Rate Payers <input type="checkbox"/> Small Businesses <b>(if checked, complete Attachment A)</b></p>	
<p>9. Estimate of Implementation and Compliance to Businesses, Local Governmental Units and Individuals, per s. 227.137(3)(b)(1). \$0</p>	
<p>10. Would Implementation and Compliance Costs Businesses, Local Governmental Units and Individuals Be \$10 Million or more Over Any 2-year Period, per s. 227.137(3)(b)(2)? <input type="checkbox"/> Yes   <input checked="" type="checkbox"/> No</p>	
<p>11. Policy Problem Addressed by the Rule A comprehensive review was undertaken to evaluate and amend A-E 7 to provide clarification for professional land surveyors. Licensees had raised questions to the Professional Land Surveyors Section regarding how to apply various sections consistently for property surveys, such as whether the exemption in A-E 7.025 is intended to be from parts of A-E 7.05 or the rule in its entirety. As a result of such questions, licensees requested the Professional Land Surveyors Section undertake a comprehensive review of the chapter to ensure consistency and clarity in the application of minimum standards.</p>	
<p>12. 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. The proposed rules were posted on the Department of Safety and Professional Services' website for 14 days in order to solicit comments from businesses, representative associations, local governmental units, and individuals that may be affected by the rule. No comments were received.</p>	
<p>13. Identify the Local Governmental Units that Participated in the Development of this EIA. No local governmental units participated in the development of this EIA.</p>	
<p>14. 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) The proposed rule will not have a significant impact on specific businesses, business sectors, public utility rate payers, local governmental units, or the state's economy as a whole.</p>	
<p>15. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule The Section conducted an evaluation and update of ch. A-E 7 to ensure consistency with current professional practices and applicable Wisconsin statutes. As a result, the following updates have been made:</p> <ul style="list-style-type: none"><li>• Recreates A-E 7.01 to require that all property surveys performed by professional land surveyors comply with the minimum accuracies required by A-E 7.06, and to enumerate the sections of A-E 7 that professional land surveyors and clients may exclude from their contracts.</li></ul>	

## ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

- Amends the definition of “survey report” to remove the requirement that the existing map have been recorded or filed within the last 6 years.
  - Clarifies that maps shall show evidence of possession or use by others if observed by the professional land surveyor while establishing corners.
  - Creates requirements for U.S. Public Land Survey Monument Record Addendums, as an alternative to U.S. Public Land Survey Monument Records, where the witness ties or monuments have been destroyed or disturbed.
  - Replaces references to “registers of deeds” or “county surveyor” with “the county office deemed appropriate to receive and retain property survey records.”
  - Simplifies the relative positional accuracy measurements provision.
  - Amends the chapter to conform to drafting standards for consistency and clarity, revises provisions to be more clear, and updates cross-references in light of other amendments.
- 

### 16. Long Range Implications of Implementing the Rule

The revisions incorporated will ensure consistency and clarity in the application of minimum standards for property surveys.

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### 17. Compare With Approaches Being Used by Federal Government

When the land was first surveyed in Wisconsin, it was divided into a grid and each grid is approximately 36 square miles (the measurements were not always precise due to the instruments the surveyors were using, among other limitations). This grid system is known as the U.S. Public Land Survey System (PLSS). Where federal interests and rights exist, the Bureau of Land Management (BLM) is the legally identified authority and data steward for the PLSS under the Office of Management and Budget (OMB) Revised Circular A-16. The Circular provides direction for federal agencies that produce, maintain, or use spatial data either directly or indirectly in the fulfillment of their mission and provides for improvements in the coordination and use of spatial data. The Circular also describes effective and economical use and management of spatial data assets in the digital environment for the benefit of the federal government and the nation. The Circular establishes a coordinated approach to electronically develop the National Spatial Data Infrastructure and establishes the Federal Geographic Data Committee (FGDC).

Individual states and counties have authority and data stewardship where no such federal interests or rights exist.

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

Illinois:

The Land Surveyors Licensing Board is under the Illinois Department of Financial and Professional Regulation and advises the Secretary on matters of education, experience, professional conduct and competence. Illinois has a chapter on the Minimum Standards of Practice for professional land surveyors. The chapter outlines standards for ALTA/ACSM land title surveys, boundary surveys, condominium surveys, subdivision surveys, mortgage inspections, topographic surveys, and minimum standards for writing parcel legal descriptions. Section 1270.56, Illinois Administrative Code.

Iowa:

The Engineering and Land Surveying Examining Board is under the Iowa Professional Licensing Bureau. Iowa has a chapter on Standards for Land Surveying for professional land surveyors. The chapter outlines standards for plats of surveys, plats for subdivisions, U.S. public land survey corner certificates, and requirements relating to the Iowa plane coordinate system, boundary locations, measurements, and monumentation. Chapter 355, Standards for Land Surveying.

Michigan:

The Michigan Board of Professional Surveyors is under the Department of Licensing and Regulatory Affairs. Michigan has standards of practice and professional conduct on the solicitation of employment, conflicts of interest, and requirements for competence and that, “[a] licensee is responsible for clear, accurate, and complete development of plats,

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## ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

plans, drawings, specifications, survey reports, and other instruments of service as is customary in the practice of the licensee's profession, and the material shall properly satisfy the need for which it is intended." R 339.17403 (2), Michigan Administrative Code. No more specific minimum standards for property surveys are established by administrative rule.

Minnesota:

The Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience and Interior Design regulates the professions and enforces the statutes and rules in order to protect the health, safety and welfare of the public. Chapter 1805 outlines rules of professional conduct for all of the professions of the Board for professional and personal conduct, conflicts of interest, improper solicitation of employment, false or malicious statements, knowledge of the misconduct of others, and discrimination. Chapter 1805, Minnesota Rules. No more specific minimum standards for property surveys are established by administrative rule.

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19. Contact Name

Helen Leong, Administrative Rules Coordinator

20. Contact Phone Number

608-266-0797

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

**ADMINISTRATIVE RULES**  
**Fiscal Estimate & Economic Impact Analysis**

**ATTACHMENT A**

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1. Summary of Rule's Economic and Fiscal Impact on Small Businesses (Separately for each Small Business Sector, Include Implementation and Compliance Costs Expected to be Incurred)

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2. Summary of the data sources used to measure the Rule's impact on Small Businesses

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3. Did the agency consider the following methods to reduce the impact of the Rule on Small Businesses?

- Less Stringent Compliance or Reporting Requirements
- Less Stringent Schedules or Deadlines for Compliance or Reporting
- Consolidation or Simplification of Reporting Requirements
- Establishment of performance standards in lieu of Design or Operational Standards
- Exemption of Small Businesses from some or all requirements
- Other, describe:

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4. Describe the methods incorporated into the Rule that will reduce its impact on Small Businesses

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5. Describe the Rule's Enforcement Provisions

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6. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

- Yes    No
-



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## WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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**Scott Grosz**  
*Clearinghouse Director*

**Anne Sappenfield**  
*Legislative Council Director*

**Margit Kelley**  
*Clearinghouse Assistant Director*

**Jessica Karls-Ruplinger**  
*Legislative Council Deputy Director*

### CLEARINGHOUSE RULE 19-153

#### 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

In s. A-E 7.08 (4), only the first word of the title should be capitalized so that it reads as follows: “MONUMENT RECORD ADDENDUM REQUIREMENTS”. [s. 1.05 (2) (c), Manual.]

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

a. In s. A-E 7.01 (4), it would be more grammatically accurate for the board to say that the land surveyor and client may enter into a written agreement, signed by both parties.

b. It is unclear under s. A-E 7.01 (4) (a) how certification of the agreement is to be accomplished and, as drafted, how certification differs from the requirements of par. (b). The board should modify s. A-E 7.01 (4) (a) to make clear what it is that must be certified (the existence of an agreement, for example) and how certification is to be accomplished.

c. It appears confusing and, at times perhaps inaccurate, to define the term “property survey” as an activity performed in the “practice of professional land surveying”. Under statute, the “practice of professional land surveying” is defined to include a variety of activities that contribute to the creation of a report or document that one could colloquially refer to as a survey. However, as used in the proposed rule, the term “property survey” sometimes appears to contemplate only the final written product, not the range of activities that comprise the “practice of professional land surveying”. See, for example, s. A-E 7.04 (3) in the proposed rule, which would require that “the property survey shall be described by lot, outlot or parcel number and certified map number for all purposes”. Or see s. A-E 7.05 (intro.) and (1) in the proposed rule

which provide that a “map shall be drawn for every property survey” and each sheet of the map “containing a graphical depiction of the property survey” must include a bar scale. If “property survey” were replaced by “activity performed in the practice of professional land surveying”, are the statements still accurate and do they still meet the board’s intent?

Further, because the use of “property survey” throughout the rule sometimes appears to contemplate a final written product, it is not always clear how this differs from a “survey report”, which is also defined in the rule as a type of “property survey”. Are there circumstances when “property survey” is used in the rule, that “survey report” should be used instead? The board should review the definitions section and the use of the defined terms throughout the rule and clarify as necessary.

d. In SECTION 5, the board should consider revising the inserted language to be more specific. As drafted, the proposed rule would require filing “on media” or electronically under certain circumstances. The term “media” is not defined, but by dictionary definition generally means a form or medium of communication or expression, which could include electronic communication. Because “media” already appears in the current rule, the board could consider revising the use of the term throughout the current rule or could define the term.

e. In s. A-E 7.05 (4), reference to “The at least 2 monuments” is awkwardly phrased and should be revised for clarity. For example, if accurate, the board could instead say, “The corner monuments identified in the map by their relationship to the surveyed parcel shall be indicated by whether such monuments...”.

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

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IN THE MATTER OF RULEMAKING	:	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 PROFESSIONAL	:	PROFESSIONAL LAND SURVEYORS
LAND SURVEYORS	:	ADOPTING RULES
	:	(CLEARINGHOUSE RULE 19-153)

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PROPOSED ORDER

An order of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, and Professional Land Surveyors to repeal s. A-E 7.02 (1) and (2) and s. A-E 7.06 (2); to renumber and amend s. A-E 7.03 and s. A-E 7.08 (2); to amend s. A-E 7.02 (3), s. A-E 7.025, s. A-E 7.04 (1), (3), and (4), s. A-E 7.05, s. A-E 7.06 (title) and (1), s. A-E 7.06 (3), s. A-E 7.07, s. A-E 7.08 (1) (intro.) and (a) to (c), s. A-E 7.08 (2) (Note), and s. A-E 7.08 (3) (i); to repeal and recreate s. A-E 7.01; and to create s. A-E 7.02 (1m), s. A-E 7.03 (2), s. A-E 7.05 (7m), s. A-E 7.06 (1m), s. A-E 7.08 (1g) and (1r), s. A-E 7.08 (2) (b), and s. A-E 7.08 (4), relating to minimum standards for property surveys.

Analysis prepared by the Department of Safety and Professional Services.

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ANALYSIS

**Statutes interpreted:** ss. 443.015 (2) and 443.12 (1), Stats.

**Statutory authority:** ss. 15.08 (5) (b) and 443.015 (2), Stats.

**Explanation of agency authority:**

Section 15.08 (5) (b), Stats., provides an examining board, “shall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains...”

Section 443.015 (2), Stats., provides that “each section of the examining board may promulgate rules governing the professional conduct of individuals, firms, partnerships, and corporations registered, permitted, certified, or granted a certificate of authorization by that section.”

**Related statute or rule:**

A-E 2, relating to general requirements and procedures; A-E 8, relating to professional conduct

**Plain language analysis:**

The Section conducted an evaluation and update of ch. A-E 7 to ensure consistency with current professional practices and applicable Wisconsin statutes. As a result, the following updates have been made:

- Recreates A-E 7.01 to require that all property surveys performed by professional land surveyors comply with the minimum accuracies required by A-E 7.06, and to enumerate the sections of A-E 7 that professional land surveyors and clients may exclude from their contracts.
- Amends the definition of “survey report” to remove the requirement that the existing map have been recorded or filed within the last 6 years.
- Clarifies that maps shall show evidence of possession or use by others if observed by the professional land surveyor while establishing corners.
- Creates requirements for U.S. Public Land Survey Monument Record Addendums, as an alternative to U.S. Public Land Survey Monument Records, where the witness ties or monuments have been destroyed or disturbed.
- Replaces references to “registers of deeds” or “county surveyor” with “the county office deemed appropriate to receive and retain property survey records.”
- Simplifies the relative positional accuracy measurements provision.
- Amends the chapter to conform to drafting standards for consistency and clarity, revises provisions to be more clear, and updates cross-references in light of other amendments.

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

When the land was first surveyed in Wisconsin, it was divided into a grid and each grid is approximately 36 square miles (the measurements were not always precise due to the instruments the surveyors were using, among other limitations). This grid system is known as the U.S. Public Land Survey System (PLSS). Where federal interests and rights exist, the Bureau of Land Management (BLM) is the legally identified authority and data steward for the PLSS under the Office of Management and Budget (OMB) Revised Circular A-16. The Circular provides direction for federal agencies that produce, maintain, or use spatial data either directly or indirectly in the fulfillment of their mission and provides for improvements in the coordination and use of spatial data. The Circular also describes effective and economical use and management of spatial data assets in the digital environment for the benefit of the federal government and the nation. The Circular establishes a coordinated approach to electronically develop the National Spatial Data Infrastructure and establishes the Federal Geographic Data Committee (FGDC).

Individual states and counties have authority and data stewardship where no such federal interests or rights exist.

## **Comparison with rules in adjacent states:**

### **Illinois:**

The Land Surveyors Licensing Board is under the Illinois Department of Financial and Professional Regulation and advises the Secretary on matters of education, experience, professional conduct and competence. Illinois has a chapter on the Minimum Standards of Practice for professional land surveyors. The chapter outlines standards for ALTA/ACSM land title surveys, boundary surveys, condominium surveys, subdivision surveys, mortgage inspections, topographic surveys, and minimum standards for writing parcel legal descriptions. Section 1270.56, Illinois Administrative Code.

### **Iowa:**

The Engineering and Land Surveying Examining Board is under the Iowa Professional Licensing Bureau. Iowa has a chapter on Standards for Land Surveying for professional land surveyors. The chapter outlines standards for plats of surveys, plats for subdivisions, U.S. public land survey corner certificates, and requirements relating to the Iowa plane coordinate system, boundary locations, measurements, and monumentation. Chapter 355, Standards for Land Surveying.

### **Michigan:**

The Michigan Board of Professional Surveyors is under the Department of Licensing and Regulatory Affairs. Michigan has standards of practice and professional conduct on the solicitation of employment, conflicts of interest, and requirements for competence and that, “[a] licensee is responsible for clear, accurate, and complete development of plats, plans, drawings, specifications, survey reports, and other instruments of service as is customary in the practice of the licensee's profession, and the material shall properly satisfy the need for which it is intended.” R 339.17403 (2), Michigan Administrative Code. No more specific minimum standards for property surveys are established by administrative rule.

### **Minnesota:**

The Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience and Interior Design regulates the professions and enforces the statutes and rules in order to protect the health, safety and welfare of the public. Chapter 1805 outlines rules of professional conduct for all of the professions of the Board for professional and personal conduct, conflicts of interest, improper solicitation of employment, false or malicious statements, knowledge of the misconduct of others, and discrimination. Chapter 1805, Minnesota Rules. No more specific minimum standards for property surveys are established by administrative rule.

## **Summary of factual data and analytical methodologies:**

The Professional Land Surveyor Section of the A-E Board reached out to stakeholders once the scope statement was approved for implementation to gather input from interested parties. The Wisconsin Society of Land Surveyors submitted comments which were considered and acted upon by the Professional Land Surveyors Section at their

August 22, 2018 meeting. A draft of A-E 7 was further considered at the November 1, 2018 meeting. On December 3, 2018, the working draft of A-E 7 was posted on the department website to provide opportunity for stakeholders to consider the proposed amendments. The Professional Land Surveyor Section met on January 10, 2019 to consider public comments on the proposed amendments to A-E 7. After further amendments in response to public comments, the working draft of A-E 7 was posted on the department website on January 14, 2018. The Professional Land Surveyor Section met on April 23, 2019 to consider public comments on the proposed amendments to A-E 7 before approving the preliminary rule draft, with additional clarifications, to the A-E Rules Committee and A-E Board.

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

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

**Fiscal Estimate and Economic Impact Analysis:**

The Fiscal Estimate and Economic Impact Analysis is attached.

**Effect on small business:**

These proposed rules do not have an 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 [Daniel.Hereth@wisconsin.gov](mailto:Daniel.Hereth@wisconsin.gov), or by calling (608) 267-2435.

**Agency contact person:**

Dale Kleven, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, Wisconsin 53708; telephone 608-261-4472; email at [DSPSAdminRules@wisconsin.gov](mailto:DSPSAdminRules@wisconsin.gov).

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

Comments may be submitted to Dale Kleven, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, WI 53708-8366, or by email to [DSPSAdminRules@wisconsin.gov](mailto:DSPSAdminRules@wisconsin.gov). Comments must be received at or before the public hearing to be held on the proposed rules. Information concerning the date, time, and location of the public hearing will be published in the Wisconsin Administrative Register and posted on the Legislature's website at <https://docs.legis.wisconsin.gov/code/chr/hearings>.

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TEXT OF RULE

SECTION 1. A-E 7.01 is repealed and recreated to read:

**A-E 7.01 Scope. (1)** The minimum standards of this chapter apply to any property survey performed by professional land surveyors in this state, except where otherwise provided in this chapter.

**(2)** The minimum accuracies in s. A-E 7.06 apply to any property survey performed by professional land surveyors in this state.

**(3)** If other standards for property surveys are prescribed by statute, administrative rule, or ordinance, and the standards are more restrictive than those in this chapter, the more restrictive standards govern.

**(4)** Except with regard to a U.S. public land survey monument record or addendum and a map of work performed, the professional land surveyor and client may enter **into a signed written agreement, signed by both parties**, to exclude land surveying work from the requirements of ss. A-E 7.03 (2), 7.05 (5) and (7m), and 7.07, where all of the following are performed:

**(a)** The professional land surveyor shall certify on the face of the map to the **existence of the** agreement.

**(b)** The map includes 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.

SECTION 2. A-E 7.02 (1) and (2) are repealed.

SECTION 3. A-E 7.02 (1m) is created to read:

**A-E 7.02 (1m)** “Property survey” means an activity performed in the practice of professional land surveying, as defined in s. 443.01 (6s), Stats., **or the result of such activity.**

SECTION 4. A-E 7.02 (3) is amended to read:

**A-E 7.02 (3)** “Survey report” means a ~~report~~ property survey that may be prepared in compliance with s. A-E 7.025 when there is an existing map recorded or filed ~~within the last 6 years~~ and no new monuments are established in the survey.

SECTION 5. A-E 7.025 is amended to read:

**A-E 7.025 Survey report, requirements.** A survey report, as defined in A-E 7.02 (3), shall include the purpose of the survey, information concerning the documents that were examined for the survey, and 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 s. A-E 7.05 (1), (2), (3), and (4)~~ and shall be filed as required under s. 59.45 (1), Stats., on media, ~~or electronically if acceptable~~ accepted by the county.

SECTION 6. A-E 7.03 is renumbered A-E 7.03 (1) and is amended to read:

**A-E 7.03 Boundary location. (1)** Every property survey shall be made in accordance with the records of the register of deeds as nearly as practicable. The professional land surveyor shall acquire data necessary to retrace record title boundaries such as U.S. Public Land Survey Monument Records, 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.~~

SECTION 7. A-E 7.03 (2) is created to read:

**A-E 7.03 (2)** The professional land surveyor shall set monuments marking the corners of the parcel unless monuments already exist at the corners.

SECTION 8. A-E 7.04 (1), (3), and (4) are amended to read:

**(1)** By metes and bounds commencing with a monument at a section corner or quarter section corner of the quarter section in which that land is located or a monument established by the U.S. Public Land Survey that it 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 land is located. Descriptions shall meet the requirements in s. A-E 7.06 ~~(3)~~.

**(3)** By land boundaries being surveyed as an existing lot, outlot or parcel, on a recorded certified survey map, the property survey shall be described by lot, outlot or parcel number and certified map number for all purposes.

**(4)** By the parcel described as an aliquot part of a section from the ~~public land system~~ U.S. Public Land Survey.

SECTION 9. A-E 7.05 is amended to read:

**A-E 7.05 Maps.** A map shall be drawn for every property survey, unless a survey report is filed as provided in s. A-E ~~7.02(3)~~ 7.025, showing information developed by the property survey. The map shall include all of the following requirements:

**(1)** ~~Be~~ The map shall 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 property survey unless otherwise required by law.

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

**(3)** ~~Show~~ The map shall show the length and bearing of the boundaries of the parcels surveyed. Bearings, angles, and distances on any property survey map shall be in accordance with s. A-E 7.06 (5). 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~~ at least 3 of the following: central angle, radius, long chord bearing and length, and arc length.

(4) ~~Describe all~~ The map shall describe the corner monuments used for in determining the location of the parcel boundary and show by bearing and distance ~~their~~ the relationship of at least 2 corner monuments to the surveyed parcel. ~~All~~ The at least 2 or more corner monuments that are used to determine the location of the parcel shall be indicated by whether such monuments were found or set including a description of the monument with a legend for all symbols and abbreviations used on the map.

(5) ~~Show observed~~ The map shall show evidence of possession or use by others in the parcel or across any perimeter line of the property if observed by the professional land surveyor while establishing corners.

(6) ~~Show~~ The map shall 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 map shall identify the professional land surveyor's 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.

(7m) The map shall identify the person or entity for whom the property survey was made.

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

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

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

SECTION 10. A-E 7.06 (title) and (1) are amended to read:

**A-E 7.06 (title) Measurements Relative positional accuracy measurements.**

(1) Measurements shall be made with instruments and methods capable of attaining the required accuracy for the particular circumstances involved relative positional accuracy in accordance with this section.

SECTION 11. A-E 7.06 (1m) is created to read:

**A-E 7.06 (1m)** Relative positional accuracy shall be the value expressed in feet that represents the uncertainty between points of the boundary of the parcel being surveyed due to random errors in measurements at a 95 percent confidence level.

SECTION 12. A-E 7.06 (2) is repealed.

SECTION 13. A-E 7.06 (3) is amended to read:

**A-E 7.06 (3)** The maximum allowable deviation in relative positional accuracy ~~for a survey is plus or minus 0.07 foot plus 50 parts per million, based on the direct distance between the any two adjacent property corners being tested. 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 at the discretion of the licensee performing the survey. The licensee shall provide justification for exceeding the maximum allowable relative positional accuracy.~~ may not exceed plus or minus 0.13 foot plus 100 parts per million.

SECTION 14. A-E 7.07 is amended to read:

**A-E 7.07 Monuments.** The type and position of monuments to be set on any property survey shall be according to s. 236.15 (1), Stats., unless determined by the nature of the property 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 15. A-E 7.08 (1) (intro.) and (a) to (c) are amended to read:

**A-E 7.08 (1)** ~~WHEN MONUMENT RECORD REQUIRED.~~ A U.S. public land survey monument record ~~or U.S. public land survey monument record addendum~~ shall be prepared and filed with the county survey records as part of any land survey within 60 days ~~of setting or accepting the corner which includes or requires the perpetuation, restoration, or use of~~ if a U.S. public land survey corner has been reestablished, perpetuated, or restored and a monument set or reset, and when any of the following situations arise:

(a) There is no U.S. public land survey monument record for the corner on file in the office of the county surveyor ~~or the register of deeds for the county in which the corner is located;~~ or, the county office deemed appropriate to receive and retain property survey records.

(b) The professional land surveyor who performs the property survey accepts a location for the U.S. public land survey corner which differs from that shown on a U.S. public land survey monument record filed in the office of the county surveyor ~~or register of deeds for the county in which the corner is located;~~ or, the county office deemed appropriate to receive and retain property survey records.

(c) ~~The witness ties or U.S. public land survey monument referenced in an existing U.S. public land survey monument record have that has 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.~~

SECTION 16. A-E 7.08 (1g) and (1r) are created to read:

**A-E 7.08 (1g) VERIFICATION OF THE MONUMENT.** If a U.S. public land survey corner monument of record is recovered in place and holding securely at the previously documented corner location, based on the witness ties, no additional U.S. public land survey monument record or U.S. public land survey monument record addendum shall be required. Where the U.S. public land survey monument referenced in an existing U.S. public land survey monument record have been found and verified, a note stating this shall be placed on the property survey.

**(1r) WAIVER OF THE MONUMENT RECORD.** The preparation of a U. S. public land survey monument record or U. S. public land survey monument addendum may be waived in writing by the county surveyor of the county in which the U.S. public land survey corner is located, if a U.S. public land survey monument record is on file and the county surveyor has an active U.S. public land survey monument maintenance program in place.

SECTION 17. A-E 7.08 (2) is renumbered A-E 7.08 (2) (a) and amended to read:

**A-E 7.08 (2) FORM REQUIRED. (a)** A U.S. public land survey monument record shall be prepared for items (1) (a) and (b) on the ~~board~~ approved form or on a form substantially the same as the ~~board~~ approved form which includes all the elements required by this section. A form used for this purpose shall be entitled, “U.S. Public Land Survey Monument Record”.

SECTION 18. A-E 7.08 (2) (b) is created to read:

**A-E 7.08 (2) (b)** A U.S. public land survey monument record addendum shall be prepared for item (1) (c) on the approved form or on a form substantially the same as the approved form. A form used for this purpose shall be entitled, “U.S. Public Land Survey Monument Record Addendum”.

SECTION 19. A-E 7.08 (2) (Note) is amended to read:

**A-E 7.08 (2) (Note)** Forms are available on the department’s website at dsps.wi.gov, or by calling by request from the Department of Safety and Professional Services, P.O. Box 8935, Madison, Wisconsin 53708, or call (608) 266 - 2112.

SECTION 20. A-E 7.08 (3) (i) is amended to read:

**A-E 7.08 (3) (i)** The stamp and signature or seal and signature of the professional land surveyor under whose direction and control the corner location was determined and a statement certifying that the U.S. public land survey monument record is correct and complete to the best of ~~his or her~~ the professional land surveyor’s knowledge and belief.

SECTION 21. A-E 7.08 (4) is created to read:

**A-E 7.08 (4) MONUMENT ~~R~~RECORD ~~A~~ADDENDUM ~~R~~REQUIREMENTS.** A U.S. public land survey monument record addendum shall include all of the following elements:

- (a)** The monument marking the corner location, or monuments giving reference to a nearby inaccessible corner location, and include the elements found in sub. (3) (a), (b), (d), and (e).
- (b)** A description of the record evidence used to reset the corner monument back in its prior location.
- (c)** The stamp and signature or seal and signature of the professional land surveyor under whose direction and control the corner location was determined or witness monument established.
- (d)** A statement certifying that the U.S. public land survey monument record addendum is correct and complete to the best of the professional land surveyor's knowledge and belief.

**SECTION 22. 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.

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(END OF TEXT OF RULE)  
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