



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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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...”.