

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

**IN THE MATTER OF RULEMAKING :
PROCEEDINGS BEFORE THE : REPORT TO THE LEGISLATURE
EXAMINING BOARD OF : CR 15-039
ARCHITECTS, LANDSCAPE :
ARCHITECTS, PROFESSIONAL :
ENGINEERS, DESIGNERS, AND :
PROFESSIONAL LAND :
SURVEYORS :**

I. THE PROPOSED RULE:

The proposed rule, including the analysis and text, is attached.

II. REFERENCE TO APPLICABLE FORMS:

N/A

III. FISCAL ESTIMATE AND EIA:

The Fiscal Estimate and EIA document is attached.

IV. DETAILED STATEMENT EXPLAINING THE BASIS AND PURPOSE OF THE PROPOSED RULE, INCLUDING HOW THE PROPOSED RULE ADVANCES RELEVANT STATUTORY GOALS OR PURPOSES:

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

V. SUMMARY OF PUBLIC COMMENTS AND THE BOARD'S RESPONSES, EXPLANATION OF MODIFICATIONS TO PROPOSED RULES PROMPTED BY PUBLIC COMMENTS:

The Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, and Professional Land Surveyors held a public hearing on July 30, 2015. The following people either testified at the hearing, or submitted written comments:

Jeffrey Demuth, Wisconsin Society of Land Surveyors
Joerg Feldbinder

Glen Schaefer
Francis Thousand
Robert Welsh, Wisconsin Society of Land Surveyors

The Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, and Professional Land Surveyors summarizes the comments received either by hearing testimony or by written submission as follows:

Jeffrey Demuth and Robert Welsh submitted testimony on behalf of the Wisconsin Society of Land Surveyors (WSLS). The WSLS submitted detailed written testimony that suggested modifications to sections throughout Chapter A-E 7.

Joerg Feldbinder's testimony surrounded section A-E 7.02 which relates to definitions. Mr. Feldbinder suggested adding definitions of different types of surveys to section A-E 7.02 including boundary survey, original survey, and retracement survey. He also suggested revising section A-E 7.05 which relates to maps to include the purpose of original and retracement surveys

Glen Schaefer's suggested several modifications to subsections A-E 7.06 (2), (3), and (5) relating to measurements.

Francis Thousand's testimony was in support of the draft rule overall. However, he had suggested modifications to the draft rule including adding the survey report to the list of items that cannot be waived and adding the concept of positional accuracy in s. A-E 7.01, creating a metes and bounds description within a plat or CSM without starting at a section corner in s. A-E 7.04, changing a reference in s. 7.05 (intro.), repealing s. 7.05 (5), removing the business name and address in ss. 7.05 (7) and (8), and omitting the reference to s. 236.15 (1) (b) in s. A-E 7.07 because it appears to require the setting of 2" pipes at every corner on a survey.

The Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, and Professional Land Surveyors explains modifications to its rule-making proposal prompted by public comments as follows:

The Board made several modifications to the rule based on the public comments. For example the Board:

- (1) Clarified that the survey report must be filed in lieu of a map when there is an existing map in s. A-E 7.01;
- (2) Amended s. A-E 7.01 (2) (c) to reference relative positional accuracy;
- (3) Referenced s. 443.01 (6s), Stats., for the definition of the practice of land surveying which also defines a survey map;
- (4) Added the U.S. Public Land Survey Monument Records to the types of data a land surveyor shall acquire to retrace record title boundaries.

(5) Added that a description defining land boundaries may be by metes and bounds that commences with a monument established by the U.S. Public Land Survey that is not the center of the section in s. A-E 7.04 (1);

(6) Amended s. A-E 7.05 to specify that bearings, angles, and distances on any property survey map shall be drawn in accordance with s. A-E 7.06 (5);

(7) Redrafted ss. A-E 7.05 (4) and (5) for greater clarity;

(8) Removed the business name and address in ss. 7.05 (7) and (8); And

(9) Amended ss. A-E 7.06 (1), (2), and (3) by changing “problem” to “circumstances” in sub. (1), adding “the larger of 2/100ths of a foot” to sub. (2), and specifying that “the maximum allowable *deviation in* relative positional accuracy is plus or minus 0.07 foot”.

VI. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:

Comment: 2. a. SECTIONS 3 and 4 of the proposed rule may be combined into a single section as both sections relate to the same treatment. [s. 1.04 (2) (a) 1., Manual.]

Response: A new SECTION has been inserted creating section A-E 7.025. Therefore, SECTIONS 3 and 4 have not been combined into one treatment section.

Comment: 5. f. The first introductory sentence of s. A-E 7.07 is unclear. It appears that the word “recorded” should be inserted between “be” and “according”, and that the word “otherwise” should be inserted between “unless” and “determined”, but it is not clear that these modifications match the drafter’s intent.

Response: These modifications do not match the drafters’ intent. Monuments are not recorded. This provision will be clear to those in the industry.

All of the remaining recommendations suggested in the Clearinghouse Report have been accepted in whole.

VII. REPORT FROM THE SBRRB AND FINAL REGULATORY FLEXIBILITY ANALYSIS:

N/A