State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

RESEARCH APPENDIX -

PLEASE DO NOT REMOVE FROM DRAFTING FILE

Date Transfer Requested: 12/09/2008 (Per: MGG)

☞ Appendix A ... Pt. 05 of 05

☞ The 2007 drafting file for LRB–3993

has been transferred to the drafting file for

2009 LRB–1031

☞ This cover sheet, the final request sheet, and the final version of the 2007 draft were copied on yellow paper, and returned to the original 2005 drafting file.

☞ The attached 2007 draft was incorporated into the new 2009 draft listed above. For research purposes, this cover sheet and the complete drafting file were transferred, as a separate appendix, to the 2009 drafting file. If introduced this section will be scanned and added, as a separate appendix, to the electronic drafting file folder.

State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-3993/1
TKK&MGG:cjs:jf

2007 BILL

AN ACT ***to repeal*** 443.06 (2) (a), 443.06 (2) (b), 443.06 (2) (c) and 443.06 (2) (e); ***to renumber and amend*** 443.01 (4); ***to amend*** 15.405 (2) (intro.), (a) and (b), 26.09 (3) (b) 1., 30.11 (3), 30.13 (3) (a), 59.20 (2) (c), 59.43 (8), 59.45 (1) (a) 2., 59.45 (1) (b), 59.45 (3), 59.46, 59.73 (2), 59.74 (2) (b) 1., 59.74 (2) (c), 59.74 (2) (g), 59.74 (2) (h), 59.74 (2) (j), 59.75, 60.84 (1), 84.095 (5), 157.07 (1), 236.02 (2m), 236.15 (1) (a), 236.15 (1) (d), 236.15 (2), 236.16 (3) (title), 236.16 (4) (title), 236.20 (2) (g), 236.34 (1) (a), 440.03 (13) (b) 34., 440.08 (2) (a) 39., chapter 443 (title), 443.01 (3), 443.02 (4), 443.06 (title), 443.06 (1) (title), 443.06 (1) (a), 443.06 (1) (b), 443.06 (2) (intro.), 443.06 (2) (am), 443.06 (2) (bm), 443.06 (2) (cm), 443.06 (2) (d), 443.06 (2) (em), 443.06 (3), 443.10 (title), 443.10 (2) (b), 443.10 (2) (b), 443.10 (5), 443.10 (5), 443.12 (title), 443.12 (1), 443.12 (3), 443.14 (8) (a), 443.14 (8) (c), 443.14 (8) (d), 443.14 (9), 443.14 (11), 443.18 (2) (b), 470.025 (7), 707.215 (5) (intro.), 709.02 (1), 709.07 and 893.37; ***to repeal and recreate*** 440.08 (2) (a) 39.; and ***to create*** 59.001 (2k), 236.025, 236.20 (6), 443.01 (1g),

443.01 (1r), 443.01 (3b), 443.01 (6s) (a) 1. and 2., 443.01 (6s) (a) 4. c. and d., 443.01 (6s) (a) 6. to 8., 443.01 (6s) (b), 443.01 (7m), 443.135 and 895.477 of the statutes; **relating to:** professional land surveyors, the practice of professional land surveying, surveying land abutting navigable waters, and granting rule-making authority.

Analysis by the Legislative Reference Bureau

Under current law, with certain exceptions, a person may not practice land surveying or represent that he or she is a land surveyor unless the land surveyor section (section) of the examining board of architects, landscape architects, professional engineers, designers and land surveyors (board) has issued a certificate of registration or permit to the person. "Land surveying" is defined as determining the location of land boundaries and boundary corners; preparing maps that show the shape and area of tracts of land or subdivisions or the layout of roads, streets, or rights-of-way; or preparing official plats or maps of land in this state.

This bill replaces "land surveying" with the term "practice of professional land surveying" and defines the term as any of the following:

1. Establishing, restoring, or perpetuating private or public land boundaries and boundary corners.

2. Preparing maps for establishing the boundaries of interests in real property that depict any of the following: a) the shape and area of tracts of land or the subdivision or consolidation of tracts; b) the layout and rights-of-way of roads or streets; c) air, water, or property rights; or d) public or private easements.

3. Preparing assessors' or official plats or maps of lands in this state.

4. Measuring and analyzing a tract of land to determine its legal description.

5. Designing or coordinating designs for platting or subdividing tracts of land.

6. Applying knowledge or experience about land surveying to assist in the development, use, or management of geographic or land information systems.

7. Performing cartographic, construction, or geodetic surveying in connection with any of the practices described in the above items.

8. Providing consultation services related to any of the practices described in the above items.

The bill also replaces the certificate of registration requirement under current law with a licensure requirement. Therefore, under the bill with certain exceptions, a person may not engage in the practice of professional land surveying or represent that he or she is a professional land surveyor unless the person is issued a license or permit by the section. Also, after July 1, 2018, the bill requires employees of this state and public utilities to obtain a license or permit to engage in the practice of professional land surveying. Such employees are exempt from the certificate of registration and permit requirements under current law.

BILL

In addition, the bill changes the name of the section to the professional land surveyor section and changes the name of the board to the examining board of architects, landscape architects, professional engineers, designers and professional land surveyors. The bill also replaces various references under current law to "registered land surveyor" with "professional land surveyor."

For purposes of platting lands or preparing survey maps that involve ordinary high water marks (OHWMs), a professional surveyor may incorporate an ordinary high water mark that has been identified by the Department of Natural Resources or that has otherwise been identified by law or may approximate the ordinary high water mark. The bill requires that a statement be included in a plat or map explaining that the ownership of exposed land between the OHWM and the water's edge is subject to the constitutional provision that if covered by water the public may use the area but that otherwise the waterfront property owner has exclusive use of the area.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 15.405 (2) (intro.), (a) and (b) of the statutes are amended to read:

15.405 **(2)** EXAMINING BOARD OF ARCHITECTS, LANDSCAPE ARCHITECTS, PROFESSIONAL ENGINEERS, DESIGNERS, AND PROFESSIONAL LAND SURVEYORS. (intro.) There is created an examining board of architects, landscape architects, professional engineers, designers, and professional land surveyors in the department of regulation and licensing. Any professional member appointed to the examining board shall be registered or licensed to practice architecture, landscape architecture, professional engineering, the design of engineering systems, or professional land surveying under ch. 443. The examining board shall consist of the following members appointed for 4-year terms: 3 architects, 3 landscape architects, 3 professional engineers, 3 designers, 3 professional land surveyors, and 10 public members.

(a) In operation, the examining board shall be divided into an architect section, a landscape architect section, an engineer section, a designer section, and a professional land surveyor section. Each section shall consist of the 3 members of the named profession appointed to the examining board and 2 public members appointed to the section. The examining board shall elect its own officers~~,~~ and shall meet at least twice annually.

(b) All matters pertaining to passing upon the qualifications of applicants for and the granting or revocation of registration or licensure, and all other matters of interest to either the architect, landscape architect, engineer, designer, or professional land surveyor section shall be acted upon solely by the interested section.

SECTION 2. 26.09 (3) (b) 1. of the statutes is amended to read:

26.09 **(3)** (b) 1. A court shall award damages that equal the stumpage value of the raw forest products harvested if the person harvesting the raw forest products or the person giving consent for the harvesting reasonably relied upon a recorded survey that was done by a person who is ~~registered~~ licensed under ch. 443 as a professional land surveyor or who is issued a permit to engage in the practice of professional land surveying under s. 443.06 even if the recorded survey is determined, after the harvesting, to be in error.

SECTION 3. 30.11 (3) of the statutes is amended to read:

30.11 **(3)** HOW ESTABLISHED. Whenever any municipality proposes to establish a bulkhead line or to reestablish an existing bulkhead line, the municipality shall indicate both the existing shore and the proposed bulkhead line upon a map and shall file with the department for its approval 6 copies of the map and 6 copies of the ordinance establishing the bulkhead line. The map shall use a scale of not less than

100 feet to an inch or any other scale required by the department. The map and a metes and bounds description of the bulkhead line shall be prepared by a person licensed as a professional land surveyor ~~registered in this state~~ under ch. 443. The department may require the installation of permanent reference markers to the bulkhead line. Upon approval by the department, the municipality shall deliver the map, description, and ordinance to the office of the register of deeds of the county in which the bulkhead line lies, to be recorded by the register of deeds.

SECTION 4. 30.13 (3) (a) of the statutes is amended to read:

30.13 **(3)** (a) Any municipality authorized by s. 30.11 to establish a bulkhead line may also establish a pierhead line in the same manner as it is authorized to establish a bulkhead line, except that a metes and bounds legal description is not required nor is the map required to be prepared by a person licensed as a professional land surveyor under ch. 443 and except that if the municipality has created a board of harbor commissioners the municipality must obtain the approval of the board concerning the establishment of the pierhead line in addition to obtaining the approval of the department.

SECTION 5. 59.001 (2k) of the statutes is created to read:

59.001 **(2k)** "Professional land surveyor" means a land surveyor licensed under ch. 443.

SECTION 6. 59.20 (2) (c) of the statutes, as affected by 2007 Wisconsin Act 158, is amended to read:

59.20 **(2)** (c) In counties that elect a surveyor, the surveyor shall be a ~~registered~~ professional land surveyor. In lieu of electing a surveyor in any county having a population of less than 500,000, the board may, by resolution, designate that the duties under ss. 59.45 (1) and 59.74 (2) be performed by any ~~registered~~ professional

land surveyor employed by the county. Any surveyor employed by a county having a population of 500,000 or more shall be a professional land surveyor.

SECTION 7. 59.43 (8) of the statutes is amended to read:

59.43 **(8)** REQUIRED SIGNATURE AND SEAL ON SURVEY DOCUMENT FOR FILING OR RECORDING. It is unlawful for the register of deeds of any county or any proper public authority to file or record a map, plat, survey, or other document within the definition of the practice of professional land surveying under s. 443.01 (6s), which does not have impressed thereon, and affixed thereto, the personal signature and seal of a ~~registered~~ professional land surveyor under whose responsible charge the map, plat, survey, or other document was prepared. This subsection does not apply to any deed, contract, or other recordable document prepared by an attorney, or to a transportation project plat that conforms to s. 84.095 and that is prepared by a state agency.

SECTION 8. 59.45 (1) (a) 2. of the statutes is amended to read:

59.45 **(1)** (a) 2. Make, personally or by a deputy, a record, in books or on drawings and plats that are kept for that purpose, of all corners that are set and the manner of fixing the corners and of all bearings and the distances of all courses run, of each survey made personally, by deputies or by other professional land surveyors and arrange or index the record so it is an ~~easy to use~~ easy-to-use reference and file and preserve in the office the original field notes and calculation thereof. Within 60 days after completing any survey, the county surveyor shall make a true and correct copy of the foregoing record, in record books or on reproducible papers to be furnished by the county and kept in files in the office of the county surveyor to be provided by the county. In a county with a population of 500,000 or more where there is no county

1 surveyor, a copy of the record shall also be filed in the office of the regional planning
2 commission which acts in the capacity of county surveyor for the county.

3 **SECTION 9.** 59.45 (1) (b) of the statutes is amended to read:

4 59.45 **(1)** (b) Surveys for individuals or corporations may be performed by any
5 professional land surveyor who is employed by the parties requiring the services,
6 providing that within 60 days after completing any survey the land surveyor files a
7 true and correct copy of the survey in the office of the county surveyor. In counties
8 with a population of 500,000 or more the copy shall be filed in the office of the register
9 of deeds and in the office of the regional planning commission which acts in the
10 capacity of county surveyor for the county.

11 **SECTION 10.** 59.45 (3) of the statutes is amended to read:

12 59.45 **(3)** SURVEYOR; FEES. In addition to the regular fees of professional land
13 surveyors that are received from the parties employing the county surveyor, the
14 county surveyor may receive a salary from the county.

15 **SECTION 11.** 59.46 of the statutes is amended to read:

16 **59.46 Penalty for nonfeasance.** Any county surveyor, any city, village, or
17 town engineer, or any professional land surveyor who fails or refuses to perform any
18 duty required of that person by law shall forfeit not less than $25 nor more than $50
19 for each such failure or refusal.

20 **SECTION 12.** 59.73 (2) of the statutes is amended to read:

21 59.73 **(2)** SUBDIVIDING SECTIONS. Whenever a surveyor is required to subdivide
22 a section or smaller subdivision of land established by the United States survey, the
23 surveyor shall proceed according to the statutes of the United States and the rules
24 and regulations made by the secretary of the interior in conformity to the federal
25 statutes. ~~While so engaged a surveyor and the surveyor's assistants shall not be~~

~~liable as a trespasser and shall be liable only for any actual damage done to land or property.~~

SECTION 13. 59.74 (2) (b) 1. of the statutes is amended to read:

59.74 **(2)** (b) 1. Whenever it becomes necessary to destroy, remove, or cover up in such a way that will make it inaccessible for use, any landmark, monument of survey, or corner post within the meaning of this subsection, the person including employees of governmental agencies who intend to commit such act shall serve written notice at least 30 days prior to the act upon the county surveyor of the county within which the landmark is located. Notice shall also be served upon the municipality's engineer if the landmark is located within the corporate limits of a municipality. The notice shall include a description of the landmark, monument of survey, or corner post and the reason for removing or covering it. In this paragraph, removal of a landmark includes the removal of railroad track by the owner of the track. In a county having a population of less than 500,000 where there is no county surveyor, notice shall be served upon the clerk. In a county with a population of 500,000 or more where there is no county surveyor, notice shall be served upon the executive director of the regional planning commission which acts in the capacity of county surveyor for the county. Notwithstanding par. (c), upon receipt of the notice the clerk shall appoint a ~~registered~~ professional land surveyor to perform the duties of a county surveyor under subd. 2.

SECTION 14. 59.74 (2) (c) of the statutes is amended to read:

59.74 **(2)** (c) In those counties where there are no county surveyors a petition can be made to the board by any resident of this state requesting the board to appoint a professional land surveyor to act in the capacity of the county surveyor. The board, upon receipt of this petition, shall appoint a professional land surveyor to act in the

capacity of the county surveyor. In counties with a population of 500,000 or more, the board may appoint a governmental agency to act in the capacity of county surveyor.

SECTION 15. 59.74 (2) (g) of the statutes is amended to read:

59.74 **(2)** (g) Every professional land surveyor and every officer of the department of natural resources and the district attorney shall enforce this subsection.

SECTION 16. 59.74 (2) (h) of the statutes is amended to read:

59.74 **(2)** (h) Any ~~registered~~ professional land surveyor employed by the department of transportation or by a county highway department, may, incident to employment as such, assume and perform the duties and act in the capacity of the county surveyor under this subsection with respect to preservation and perpetuation of landmarks, witness monuments, and corner posts upon and along state trunk, county trunk, and town highways. Upon completing a survey and perpetuating landmarks and witness monuments under par. (b) 2., a professional land surveyor employed by the state shall file the field notes and records in the district office or main office of the department of transportation, and a professional land surveyor employed by a county shall file the field notes and records in the office of the county highway commissioner, open to inspection by the public, and in either case a true and correct copy of the field notes and records shall be filed with the county surveyor. In a county with a population of 500,000 or more where there is no county surveyor, a copy of the field notes and records shall also be filed in the office of the regional planning commission which acts in the capacity of county surveyor for the county.

SECTION 17. 59.74 (2) (j) of the statutes is amended to read:

59.74 **(2)** (j) The county surveyor may employ other professional land surveyors to assist in this work and may accept reference checks for these corners from any professional land surveyor.

SECTION 18. 59.75 of the statutes is amended to read:

59.75 Certificates and records as evidence. The certificate and also the official record of the county surveyor when produced by the legal custodian thereof, or any of the county surveyor's deputies, when duly signed by the county surveyor in his or her official capacity, shall be admitted as evidence in any court within the state, but the same may be explained or rebutted by other evidence. If any county surveyor or any of his or her deputies are interested in any tract of land a survey of which becomes necessary, such survey may be executed by any professional land surveyor appointed by the board.

SECTION 19. 60.84 (1) of the statutes is amended to read:

60.84 **(1)** SURVEY, CONTRACT FOR. The town board may contract with the county surveyor or any ~~registered~~ person licensed under ch. 443 as a professional land surveyor to survey all or some of the sections in the town and to erect monuments under this section as directed by the board.

SECTION 20. 84.095 (5) of the statutes is amended to read:

84.095 **(5)** SURVEYOR'S CERTIFICATE. A plat prepared for filing or recording under this section shall include a certificate of a professional land surveyor ~~registered~~ licensed under s. 443.06 that the plat is a correct representation of the project described and that the identification and location of each parcel can be determined from the plat. This subsection does not apply to plats prepared by the department.

SECTION 21. 157.07 (1) of the statutes is amended to read:

157.07 **(1)** A cemetery authority shall cause to be surveyed and platted by a professional land surveyor ~~registered in this state~~ licensed under ch. 443 those portions of the lands that are from time to time required for burial, into cemetery lots, drives and walks, and record a plat or map of the land in the office of the register of deeds. The plat or map may not be recorded unless laid out and platted to the satisfaction of the county board of the county, and the town board of the town in which the land is situated, or, if the land is situated within a 1st class city, then only by the common council of that city.

SECTION 22. 236.02 (2m) of the statutes is amended to read:

236.02 **(2m)** "Correction instrument" means an instrument drafted by a ~~licensed~~ professional land surveyor licensed under ch. 443, that complies with the requirements of s. 236.295, and that, upon recording, corrects a subdivision plat or a certified survey map.

SECTION 23. 236.025 of the statutes is created to read:

236.025 Ordinary high water marks. (1) For purposes of ss. 236.15 (1) (a) and (d) and 236.20 (2) (g), a professional land surveyor licensed under ch. 443 may do any of the following:

(a) Incorporate into a map, plat, or survey an ordinary high water mark that has been identified by the department of natural resources or otherwise identified pursuant to law.

(b) Approximate the ordinary high water mark and incorporate that mark into a map, plat, or survey.

(2) For purposes of sub. (1) (b), the location of the approximate ordinary high water mark shall be the point on the bank of a stream or on the shore of a lake up to which the presence and action of surface water is so continuous as to leave a

distinctive mark by erosion, destruction, prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.

SECTION 24. 236.15 (1) (a) of the statutes is amended to read:

236.15 **(1)** (a) The external boundaries of a subdivision shall be monumented in the field by monuments of concrete containing a ferrous rod one-fourth inch in diameter or greater imbedded its full length, not less than 18 inches in length, not less than 4 inches square or 5 inches in diameter, and marked on the top with a cross, brass plug, iron rod, or other durable material securely embedded; or by iron rods or pipes at least 18 inches long and 2 inches in diameter weighing not less than 3.65 pounds per lineal foot. Solid round or square iron bars of equal or greater length or weight per foot may be used in lieu of pipes wherever pipes are specified in this section. These monuments shall be placed at all corners, at each end of all curves, at the point where a curve changes its radius, at all angle points in any line and at all angle points along the meander line, said points to be not less than 20 feet back from the identified or approximated ordinary high water mark ~~of the lake or from the bank of the stream~~, except that when such corners or points fall within a street, or proposed future street, the monuments shall be placed in the side line of the street.

SECTION 25. 236.15 (1) (d) of the statutes is amended to read:

236.15 **(1)** (d) The lines of lots, outlots, parks and public access and land dedicated to the public that extend to lakes or streams shall be monumented in the field by iron pipes at least 18 inches long and one inch in diameter weighing not less than 1.13 pounds per lineal foot, or by round or square iron bars at least 18 inches long and weighing not less than 1.13 pounds per lineal foot. These monuments shall be placed at the point of intersection of the lake or stream lot line with a meander

line established not less than 20 feet back from the identified or approximated ordinary high water mark ~~of the lake or from the bank of the stream~~.

SECTION 26. 236.15 (2) of the statutes is amended to read:

236.15 **(2)** ACCURACY OF SURVEY. The survey shall be performed by a professional land surveyor ~~registered in this state~~ licensed under ch. 443, and if the error in the latitude and departure closure of the survey or any part thereof is greater than the ratio of one in 3,000, the plat may be rejected.

SECTION 27. 236.16 (3) (title) of the statutes is amended to read:

236.16 **(3)** (title) LAKE AND STREAM SHORE PLATS; PUBLIC ACCESS.

SECTION 28. 236.16 (4) (title) of the statutes is amended to read:

236.16 **(4)** (title) LAKE AND STREAM SHORE PLATS; LAND BETWEEN MEANDER LINE AND WATER'S EDGE.

SECTION 29. 236.20 (2) (g) of the statutes is amended to read:

236.20 **(2)** (g) All lake or stream shore meander lines established by the surveyor in accordance with s. 236.15 (1) (d), the distances and bearings thereof, and the distance between the point of intersection of such meander lines with lot lines and the identified or approximated ordinary high water mark.

SECTION 30. 236.20 (6) of the statutes is created to read:

236.20 **(6)** PUBLIC TRUST INFORMATION. A final plat of a subdivision, or a certified survey map of land, to which s. 236.16 (4) applies shall contain a provision that states all of the following:

(a) That any exposed land between the ordinary high water mark and the water's edge is subject to the public trust in navigable waters that is established under article IX, section 1, of the constitution unless the right of the public under that trust has been restricted by a valid conveyance or by law.

(b) That the owner of the real property that abuts the land described in par. (a) has exclusive use of that land for access to the body of water.

SECTION 31. 236.34 (1) (a) of the statutes is amended to read:

236.34 **(1)** (a) The survey shall be performed and the map prepared by a professional land surveyor ~~registered in this state~~ licensed under ch. 443. The error in the latitude and departure closure of the survey may not exceed the ratio of one in 3,000.

SECTION 32. 440.03 (13) (b) 34. of the statutes is amended to read:

440.03 **(13)** (b) 34. Land surveyor, professional.

SECTION 33. 440.08 (2) (a) 39. of the statutes is amended to read:

440.08 **(2)** (a) 39. Land surveyor, professional: February 1 of each even-numbered year; $77.

SECTION 34. 440.08 (2) (a) 39. of the statutes, as affected by 2007 Wisconsin Acts 20 and .... (this act), is repealed and recreated to read:

440.08 **(2)** (a) 39. Land surveyor, professional: February 1 of each even-numbered year.

SECTION 35. Chapter 443 (title) of the statutes is amended to read:

CHAPTER 443

EXAMINING BOARD OF ARCHITECTS,

LANDSCAPE ARCHITECTS,

PROFESSIONAL ENGINEERS,

DESIGNERS, AND PROFESSIONAL

LAND SURVEYORS

SECTION 36. 443.01 (1g) of the statutes is created to read:

443.01 **(1g)** "Cartographic surveying" means collecting topographic, hydrographic, aerial, anthropologic, forensic, architectural, or mining data that depicts areas and physical features on, below, or above the surface of the earth and compiling maps.

SECTION 37. 443.01 (1r) of the statutes is created to read:

443.01 **(1r)** "Construction surveying" means surveying or mapping in support of infrastructure design, improvements related to private and public boundary lines, construction layout or historic preservation, and establishing any postconstruction documentation related to such surveying or mapping.

SECTION 38. 443.01 (3) of the statutes is amended to read:

443.01 **(3)** "Examining board" means the examining board of architects, landscape architects, professional engineers, designers, and professional land surveyors.

SECTION 39. 443.01 (3b) of the statutes is created to read:

443.01 **(3b)** "Geodetic surveying" means surveying to determine the size and shape of the earth or the precise positions of points on the surface of the earth.

SECTION 40. 443.01 (4) of the statutes is renumbered 443.01 (6s) (a) (intro.) and amended to read:

443.01 **(6s)** (a) (intro.) ~~"Land~~ Except as provided in par. (b), "practice of professional land surveying" means any ~~service comprising the determination of the location~~ of the following:

3. Establishing, restoring, or perpetuating private or public land boundaries and ~~land~~ boundary corners~~; the preparation of~~.

4. Preparing maps ~~showing the~~ for the purpose of establishing the boundaries of interests in real property that depict any of the following:

1 a. The shape and area of tracts of land ~~and their subdivisions into smaller~~
2 ~~tracts; the preparation of maps showing the~~ or the subdivision or consolidation of
3 tracts of land.
4 b. The layout and rights-of way of roads~~,~~ or streets ~~and rights-of-way of same~~
5 ~~to give access to smaller tracts; and the preparation of~~.
6 5. Preparing assessors' or official plats~~,~~ or maps~~,~~ of land in this state.
7 **SECTION 41.** 443.01 (6s) (a) 1. and 2. of the statutes are created to read:
8 443.01 **(6s)** (a) 1. Measuring and analyzing a tract of land to determine its legal
9 description.
10 2. Designing or coordinating designs for the purpose of platting or subdividing
11 land into smaller tracts.
12 **SECTION 42.** 443.01 (6s) (a) 4. c. and d. of the statutes are created to read:
13 443.01 **(6s)** (a) 4. c. Air or property rights.
14 d. Public or private easements.
15 **SECTION 43.** 443.01 (6s) (a) 6. to 8. of the statutes are created to read:
16 443.01 **(6s)** (a) 6. Applying knowledge or experience about land surveying to
17 assist in the development, use, or management of geographic or land information
18 systems that collect, organize, or disseminate data regarding land ownership or land
19 resources.
20 7. Performing cartographic, construction, or geodetic surveying in connection
21 with any of the practices specified in subds. 1. to 5.
22 8. Providing consultation services related to any of the practices specified in
23 this subsection.
24 **SECTION 44.** 443.01 (6s) (b) of the statutes is created to read:

443.01 **(6s)** (b) "Practice of professional land surveying" does not include the establishment of an ordinary high water mark.

SECTION 45. 443.01 (7m) of the statutes is created to read:

443.01 **(7m)** "Professional land surveyor" means a person who, by reason of his or her knowledge of law, mathematics, physical sciences, and measurement techniques, acquired by education and practical experience, is granted a license or permit to engage in the practice of professional land surveying under this chapter.

SECTION 46. 443.02 (4) of the statutes is amended to read:

443.02 **(4)** No person may engage or offer to engage in the practice of professional land surveying in this state or use or advertise any title or description tending to convey the impression that the person is a professional land surveyor unless the person has been ~~issued a certificate of registration or~~ granted a license or permit to practice under this chapter.

SECTION 47. 443.06 (title) of the statutes is amended to read:

443.06 (title) **~~Registration~~ Licensure requirements for professional land surveyors.**

SECTION 48. 443.06 (1) (title) of the statutes is amended to read:

443.06 **(1)** (title) ~~REGISTRATION~~ LICENSURE, APPLICATION, QUALIFYING EXPERIENCE.

SECTION 49. 443.06 (1) (a) of the statutes is amended to read:

443.06 **(1)** (a) Application for ~~registration~~ licensure as a professional land surveyor or a permit to practice shall be made to the section under oath, on forms provided by the department, which shall require the applicant to submit such information as the section deems necessary. The section may require applicants to pass written or oral examinations or both. Applicants who do not have an arrest or conviction record, subject to ss. 111.321, 111.322, and 111.335, shall be entitled to be

~~registered or issued a~~ granted a license or permit to practice as professional land surveyors when satisfactory evidence is submitted that the applicant has met one or more of the requirements of sub. (2).

SECTION 50. 443.06 (1) (b) of the statutes is amended to read:

443.06 **(1)** (b) Each year, but not more than 4 years, of work or training completed in a curriculum in land surveying approved by the professional land surveyor section, or of responsible charge of land surveying teaching may be considered as equivalent to one year of qualifying experience in land surveying work, and each year, but not more than 4 years, completed in a curriculum other than land surveying approved by the ~~land surveyor~~ section, may be considered as equivalent to one-half year of qualifying experience.

SECTION 51. 443.06 (2) (intro.) of the statutes is amended to read:

443.06 **(2)** REQUIREMENTS; ~~CERTIFICATE OF REGISTRATION~~ LICENSE. (intro.) The section may grant a ~~certificate of registration as a~~ professional land surveyor license to any person who has submitted to it an application, the required fees, and one or more of the following:

SECTION 52. 443.06 (2) (a) of the statutes is repealed.

SECTION 53. 443.06 (2) (am) of the statutes is amended to read:

443.06 **(2)** (am) Evidence satisfactory to the professional land surveyor section that he or she has received a bachelor's degree in a course in land surveying or a related field that has a duration of not less than 4 years and is approved by the ~~land surveyor~~ section, and that he or she has engaged in at least 2 years of land surveying practice of satisfactory character that indicates that the applicant is competent to engage in the practice of professional land surveying, if the applicant has passed an oral and written or written examination administered by the ~~land surveyor~~ section.

This paragraph applies to actions of the ~~land surveyor~~ section on applications for professional land surveyors' ~~certificates~~ licenses that are submitted to the ~~land surveyor~~ section after June 30, 2000.

SECTION 54. 443.06 (2) (b) of the statutes is repealed.

SECTION 55. 443.06 (2) (bm) of the statutes is amended to read:

443.06 **(2)** (bm) Evidence satisfactory to the professional land surveyor section that he or she has received an associate degree in a course in land surveying or a related field that has a duration of not less than 2 years and is approved by the ~~land surveyor~~ section, and that he or she has engaged in at least 4 years of land surveying practice of satisfactory character that indicates that the applicant is competent to engage in the practice of professional land surveying, if the applicant has passed an oral and written or written examination administered by the ~~land surveyor~~ section. This paragraph applies to actions of the ~~land surveyor~~ section on applications for professional land surveyors' ~~certificates~~ licenses that are submitted to the ~~land surveyor~~ section after June 30, 2000.

SECTION 56. 443.06 (2) (c) of the statutes is repealed.

SECTION 57. 443.06 (2) (cm) of the statutes is amended to read:

443.06 **(2)** (cm) Evidence satisfactory to the professional land surveyor section that he or she has engaged in at least 10 years of land surveying practice of satisfactory character that indicates that the applicant is competent to engage in the practice of professional land surveying, if the applicant has passed an oral and written or written examination administered by the ~~land surveyor~~ section. This paragraph applies to actions of the ~~land surveyor~~ section on applications for professional land surveyors' ~~certificates~~ licenses that are submitted to the ~~land surveyor~~ section after June 30, 2000.

1 **SECTION 58.** 443.06 (2) (d) of the statutes is amended to read:

2 443.06 **(2)** (d) An unexpired certificate of registration, certificate of
3 certification, or license as a land surveyor or professional land surveyor issued to the
4 applicant by the proper authority in any state or territory or possession of the United
5 States or in any other country whose requirements meet or exceed the requirement
6 for ~~registration~~ licensure in this subsection, if the applicant has passed an oral and
7 written or written examination administered by the professional land surveyor
8 section.

9 **SECTION 59.** 443.06 (2) (e) of the statutes is repealed.

10 **SECTION 60.** 443.06 (2) (em) of the statutes is amended to read:

11 443.06 **(2)** (em) Evidence satisfactory to the professional land surveyor section
12 that he or she has completed an apprenticeship training course in land surveying
13 prescribed by the department of workforce development, and has engaged in a period
14 of additional land surveying practice of satisfactory character that indicates that the
15 applicant is competent to engage in the practice of professional land surveying and
16 that, when added to the period of the apprenticeship, totals at least 8 years of land
17 surveying practice, if the applicant has passed an oral and written or written
18 examination administered by the ~~land surveyor~~ section. This paragraph applies to
19 actions of the ~~land surveyor~~ section on applications for professional land surveyors'
20 ~~certificates~~ licenses that are submitted to the ~~land surveyor~~ section after June 30,
21 2000.

22 **SECTION 61.** 443.06 (3) of the statutes is amended to read:

23 443.06 **(3)** PERMIT TO PRACTICE. The examining board may grant a permit to
24 engage in the practice of professional land surveying during the time an application
25 is pending to a person who is not ~~registered~~ licensed in this state, if the person has

submitted an application for ~~registration as~~ a professional land surveyor license and paid the required fee and holds an unexpired certificate of registration, certificate of certification, or license which in the opinion of the examining board meets the requirements of sub. (2). The permit shall be revocable by the section at its pleasure.

SECTION 62. 443.10 (title) of the statutes is amended to read:

443.10 (title) **Applications, certificates, licenses, rules, and roster.**

SECTION 63. 443.10 (2) (b) of the statutes is amended to read:

443.10 **(2)** (b) The fees for examinations and ~~licenses~~ credentials, as defined in s. 440.01 (2) (a), granted or renewed under this chapter are specified in ss. 440.05 and 440.08.

SECTION 64. 443.10 (2) (b) of the statutes, as affected by 2007 Wisconsin Acts 20 and .... (this act), is amended to read:

443.10 **(2)** (b) The fees for examinations and credentials, as defined in s. 440.01 (2) (a), granted under this chapter are specified in s. 440.05, and the fee for renewal of such ~~licenses~~ credentials is determined by the department under s. 440.03 (9) (a).

SECTION 65. 443.10 (5) of the statutes is amended to read:

443.10 **(5)** FEES; RENEWALS. The professional land ~~surveyor's~~ surveyor section shall grant a ~~certificate of registration as a~~ professional land surveyor license to any applicant who has met the applicable requirements of this chapter. The renewal date and renewal fee for the ~~certificate~~ license are specified under s. 440.08 (2) (a).

SECTION 66. 443.10 (5) of the statutes, as affected by 2007 Wisconsin Acts 20 and .... (this act), is amended to read:

443.10 **(5)** FEES; RENEWALS. The professional land surveyor section shall grant a professional land surveyor license to any applicant who has met the applicable requirements of this chapter. The renewal date for the license is specified under s.

440.08 (2) (a), and the renewal fee for the ~~certificate~~ license is determined by the department under s. 440.03 (9) (a).

SECTION 67. 443.12 (title) of the statutes is amended to read:

443.12 (title) **Disciplinary proceedings against professional land surveyors.**

SECTION 68. 443.12 (1) of the statutes is amended to read:

443.12 **(1)** The section may reprimand a licensed professional land surveyor, or limit, suspend, or revoke the ~~certificate of registration~~ license of any professional land surveyor, for the practice of any fraud or deceit in obtaining the ~~certificate~~ license, or any gross negligence, incompetence, or misconduct in the practice of professional land surveying.

SECTION 69. 443.12 (3) of the statutes is amended to read:

443.12 **(3)** If after a hearing 3 members vote in favor of reprimand or limiting, suspending, or revoking the ~~certificate of registration~~ license of a professional land surveyor, the section shall notify the surveyor to that effect. The surveyor shall return the ~~certificate~~ license to the examining board immediately on receipt of notice of a revocation. The action of the section may be reviewed under ch. 227.

SECTION 70. 443.135 of the statutes is created to read:

443.135 Cartographic, construction, and geodetic surveying. Nothing in this chapter shall be construed to prohibit a person who has not been granted a license or permit to practice professional land surveying under this chapter from performing cartographic, construction, or geodetic surveying, unless the performance of cartographic, construction, or geodetic surveying also involves a practice specified in s. 443.01 (6s) (a) 1. to 5.

SECTION 71. 443.14 (8) (a) of the statutes is amended to read:

443.14 **(8)** (a) An employee of a professional land surveyor ~~registered~~ licensed in this state or authorized to practice under a permit, while ~~working~~ doing surveying work under the supervision of the employer. Such exempt employee shall not be in responsible charge of the practice of professional land surveying.

SECTION 72. 443.14 (8) (c) of the statutes is amended to read:

443.14 **(8)** (c) Employees of this state while engaged in land surveying for the state. This paragraph does not apply after July 1, 2018.

SECTION 73. 443.14 (8) (d) of the statutes is amended to read:

443.14 **(8)** (d) Employees of public utilities regulated by the public service commission in land surveying for such utilities. This paragraph does not apply after July 1, 2018.

SECTION 74. 443.14 (9) of the statutes is amended to read:

443.14 **(9)** A license or permit shall not be required for an owner to survey his or her own land for purposes other than for sale.

SECTION 75. 443.14 (11) of the statutes is amended to read:

443.14 **(11)** Any professional land surveyor ~~registered~~ licensed under s. 443.06 who is engaged in the planning, design, installation, or regulation of land and water conservation activities under ch. 92 or s. 281.65.

SECTION 76. 443.18 (2) (b) of the statutes is amended to read:

443.18 **(2)** (b) If it appears upon complaint or is known to the section that any person who is not authorized is ~~practicing~~ engaged or offering to engage in the practice of professional land surveying in this state, the section, the department of justice, or the district attorney of the proper county may, in addition to other remedies, bring an action in the name and on behalf of the state to enjoin the person

from ~~practicing~~ engaging or offering to engage in the practice of professional land surveying.

SECTION 77. 470.025 (7) of the statutes is amended to read:

470.025 **(7)** A professional land surveyor ~~registered~~ licensed under ch. 443 who is engaged in the planning, design, installation, or regulation of land and water conservation activities under ch. 92 or s. 281.65.

SECTION 78. 707.215 (5) (intro.) of the statutes is amended to read:

707.215 **(5)** SURVEYOR'S CERTIFICATE. (intro.) A plat is sufficient for the purposes of this chapter if attached to or included in the plat is a certificate of a professional land surveyor licensed ~~to practice in this state~~ under ch. 443, and the certificate provides all of the following:

SECTION 79. 709.02 (1) of the statutes is amended to read:

709.02 **(1)** In regard to transfers described in s. 709.01, the owner of the property shall furnish, not later than 10 days after acceptance of a contract of sale or option contract, to the prospective buyer of the property a completed copy of the report under s. 709.03, subject to s. 709.035, except that the owner may substitute for any entry information supplied by a licensed engineer, professional land surveyor licensed under ch. 443, or structural pest control operator, or by an individual who is a qualified 3rd party, as defined in s. 452.23 (2) (b), or by a contractor about matters within the scope of the contractor's occupation if the information is in writing and is furnished on time and if the entry to which it relates is identified, and except that the owner may substitute for any entry information supplied by a public agency, as defined in s. 66.0825 (3) (h). Information that substitutes for an entry on the report under s. 709.03 and that is supplied by a person specified in this section may be submitted and certified on a supplemental report prepared by the person, as long as

1 the information otherwise satisfies the requirements under this section. A
2 prospective buyer who does not receive a report within the 10 days may, within 2
3 business days after the end of that 10-day period, rescind the contract of sale or
4 option contract by delivering a written notice of recision to the owner or to the owner's
5 agent.

6 **SECTION 80.** 709.07 of the statutes is amended to read:

7 **709.07 Liability precluded.** An owner is not liable for an error or omission
8 in a report under s. 709.03 if the owner had no knowledge of that error or omission,
9 if the error or omission was based on information provided by a public agency, as
10 defined in s. 66.0825 (3) (h), or by a licensed engineer, professional land surveyor
11 licensed under ch. 443, structural pest control operator, or qualified 3rd party, as
12 defined in s. 452.23 (2) (b), or by a contractor about matters within the scope of the
13 contractor's occupation.

14 **SECTION 81.** 893.37 of the statutes is amended to read:

15 **893.37 Survey.** No action may be brought against an engineer or any
16 professional land surveyor licensed under ch. 443 to recover damages for negligence,
17 errors, or omission in the making of any survey nor for contribution or indemnity
18 related to such negligence, errors, or omissions more than 6 years after the
19 completion of a survey.

20 **SECTION 82.** 895.477 of the statutes is created to read:

21 **895.477 Civil liability exemption; professional land surveyors. (1)** Any
22 professional land surveyor licensed under ch. 443 is immune from civil liability for
23 all of the following:

1 (a) Damage done to land or property from trespass occurring during the
2 practice of professional land surveying, as defined in s. 443.01 (6s), if the surveyor
3 acted in good faith.

4 (b) Any damages caused as a result of the surveyor's approximation of an
5 ordinary high water mark of any lake or stream or his or her approximation of high
6 and low water elevations of any lake or stream if the surveyor was acting under ch.
7 236 and if the surveyor acted in good faith.

8 **(2)** The immunity under sub. (1) does not extend to any professional land
9 surveyor whose actions involves reckless, wanton, or intentional misconduct.

10 **SECTION 83. Nonstatutory provisions.**

11 (1) Notwithstanding section 443.02 (4) of the statutes, as affected by this act,
12 on the effective date of this subsection, a person who has been granted a certificate
13 of registration as a land surveyor under section 443.06 (2), 2005 stats., or a permit
14 to practice land surveying under section 443.06 (3), 2005 stats., is considered to be
15 granted a professional land surveyor license under section 443.06 (2) of the statutes,
16 as affected by this act, or a permit to engage in the practice of professional land
17 surveying under section 443.06 (3) of the statutes, as affected by this act, and the
18 professional land surveyor section of the examining board of architects, landscape
19 architects, professional engineers, designers, and professional land surveyors shall
20 issue to the person, as appropriate, a professional land surveyor license under
21 section 443.06 (2) of the statutes, as affected by this act, or a permit to practice
22 professional land surveying under section 443.06 (3) of the statutes, as affected by
23 this act.

24 **SECTION 84. Initial applicability.**

1 (1) The treatment of sections 709.02 (1) and 709.07 of the statutes first applies
2 to original reports furnished on the effective date of this subsection.
3 (2) The treatment of sections 893.37 and 895.477 of the statutes first applies
4 to acts or omissions occurring on the effective date of this subsection.
5 (3) The treatment of section 236.02 (2m) of the statutes first applies to
6 correction instruments that are drafted on the effective date of this subsection.
7 (4) The treatment of sections 236.15 (2) and 236.34 (1) (a) of the statutes first
8 applies to surveys that are performed on the effective date of this subsection.
9 (5) The treatment of section 707.215 (5) (intro.) of the statutes first applies to
10 certifications made on the effective date of this subsection.
11 **SECTION 85. Effective dates.** This act takes effect on the first day of the 4th
12 month beginning after publication, except as follows:
13 (1) The repeal and recreation of section 440.08 (2) (a) 39. of the statutes takes
14 effect on July 1, 2009, or on the day after publication, whichever is later.
15 (2) The treatment of section 443.10 (2) (b) (by SECTION 64) of the statutes takes
16 effect on July 1, 2009, or on the day after publication, whichever is later.
17 (3) The treatment of section 443.10 (5) (by SECTION 66) of the statutes takes
18 effect on July 1, 2009, or on the day after publication, whichever is later.
19 **(END)**