State of Wisconsin
2011 - 2012 LEGISLATURE

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PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

D-note (in 10-11)

regenerate

AN ACT ~~to repeal~~ 236.12 (4), 236.12 (5), 236.20 (1) (b), 443.01 (4), 443.06 (2) (a), 443.06 (2) (b), 443.06 (2) (c), 443.06 (2) (cm), 443.06 (2) (e), 443.06 (2) (em), 443.14 (8) (b) and 443.14 (8) (c); ***to renumber and amend*** 60.84 (1), 236.11 (2), 236.12 (8), 236.15 (1) (intro.), 236.15 (1) (a), 236.21 (1) (b), 236.32 (except 236.32 (title)) and 443.06 (3); ***to consolidate, renumber and amend*** 236.12 (2) (intro.) and (a) and 236.12 (3) and (6); ***to amend*** 15.405 (2) (intro.), (a) and (b), 20.165 (2) (j), 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, 59.72 (3m) (a) 4m., 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 (2), 60.84 (3) (a), 60.84 (3) (c) (intro.) and 1., 60.84 (4), 66.0309 (11), 70.27 (2), 70.27 (5), 70.27 (6), 70.27 (7) (intro.), 70.27 (7) (d), 84.095 (5), 157.07 (1), 157.07 (2), 157.07 (3), 236.02 (2m), 236.03 (2), 236.12 (2) (b), 236.13 (2m), 236.15 (1) (b), 236.15 (1) (d), 236.15 (2), 236.16 (3) (title), 236.16 (3) (a), 236.16 (3) (b), 236.16 (4), 236.20 (1) (a), 236.20 (2) (g), 236.20 (2) (k), 236.20 (3) (b), 236.20 (4) (b), 236.20 (5) (c), 236.21 (1) (intro.), 236.21 (1) (a), 236.21 (1) (d), 236.25 (2) (a), 236.25 (2) (c),

236.25 (2) (d), 236.34 (1) (intro.), 236.34 (1) (a), 236.34 (1) (b), 236.34 (1) (c), 236.34 (1) (d) (intro.), 236.34 (1) (d) 1., 236.34 (1) (d) 2., 236.34 (1) (d) 4., 236.34 (1) (e), 236.34 (2) (b) 1., 440.03 (13) (b) 34., 440.08 (2) (a) 39., chapter 443 (title), 443.01 (3), 443.01 (3r) (c), 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) (d), 443.10 (title), 443.10 (2) (b), 443.10 (5), 443.12 (title), 443.12 (1), 443.12 (3), 443.14 (8) (a), 443.14 (8) (d), 443.14 (9), 443.14 (11), 443.18 (2) (a), 443.18 (2) (b), 470.025 (7), 703.02 (6m), 703.11 (2) (intro.), 703.11 (2) (b), 703.11 (4), 703.115 (1) (b), 703.13 (6) (e), 703.13 (7) (c), 703.13 (8) (c), 707.215 (2) (intro.), 707.215 (3), 707.215 (5) (intro.), 709.02 (1), 709.07 and 893.37; and ***to create*** 59.001 (3r), 60.84 (1g), 60.84 (3) (c) 3., 157.061 (13m), 236.02 (9b), 236.025, 236.11 (2) (b), 236.12 (2) (ac), 236.13 (1) (c), 236.20 (6), 236.32 (2m), 236.34 (4), 443.01 (1m), 443.01 (3b), 443.01 (6s), 443.01 (7m), 443.06 (3) (a) 3., 443.135, 703.02 (13r) and 710.09 of the statutes; **relating to:** professional land surveyors; the practice of professional land surveying; surveying land abutting navigable waters; various changes regarding platting, surveying, and certified survey maps; 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. Any service comprising the establishment or reestablishment of the boundaries of one or more tracts of land or the boundaries of any of the following interests in real property: a) the layout and rights-of-way of roads or streets; b) air or subsurface property rights; or c) public or private easements.

2. Designing or coordinating designs for the purpose of platting or subdividing land into smaller tracts.

3. Placing, replacing, restoring, or perpetuating monuments in or on the ground to evidence the location of a point that is necessary to describe the shape, area, and boundaries of one or more tracts of land or the subdivision or consolidation of one or more tracts of land or that is necessary to describe the boundaries of any interest in real property identified in item 1.

4. Preparing maps that depict any interest in real property identified in item 1. for the purpose of establishing the boundaries of any such interest in real property.

5. Preparing any of the following: a) an official map established or amended by a city, established or amended by a village, or adopted by a town; b) an assessor's plat; c) a map or plat of cemetery lands; d) a subdivision plat, certified survey map, or correction instrument; e) a condominium plat or correction instrument; or f) a project and time-share plat.

6. Performing construction or geodetic surveying in connection with any of the practices specified in items 1. to 5.

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.

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," "land surveyor," and "surveyor" with "professional land surveyor."

Under current law, a person who has engaged in land surveying with a specified level of competence for at least ten years and who has passed oral and written examinations may be certified as a land surveyor. Similarly, current law permits a person who has completed an apprenticeship training course in land surveying, engaged in land surveying for eight years, and passed oral and written examinations may be certified as a land surveyor. This bill eliminates these two pathways for licensure.

Current law authorizes the section to grant a permit to practice land surveying to a person while the application is pending if the person has paid a fee and holds an unexpired certification that satisfies the one of the requirements for certification in this state. Such a permit may be revoked by the section at any time. This law modifies the permitting authority granted to the section by restricting the permit to one discrete project and requiring the applicant to demonstrate to the satisfaction of the section that failure to obtain a permit will result in delay of the discrete project

and financial loss to the person for whom the applicant seeks to engage in the practice of professional land surveying.

Current law offers several exemptions from certification as a land surveyor; current law exempts officers and employees of the federal government and employees of this state from certification while the individuals are engaged in land surveying for the federal or state government, respectively. This bill eliminates these exemptions from licensure. Current law also exempts employees of public utilities who are engaged in land surveying from certification until July 1, 2018. This bill changes the date at which the exemption applies to July 1, 2013.

Insert analysis TKK

Under current law, a professional surveyor who prepares a lake or stream shore plat must show certain dimensions as measured from the ordinary high water mark (OHWM) of the lake or stream. The bill authorizes a professional land surveyor to incorporate an OHWM that has been determined by the DNR or that has otherwise been determined by law or to approximate the OHWM. The bill requires that statements be included on the face of certain plats or maps that explain that the land below the OHWM of a navigable water is subject to the public trust doctrine for navigable waters and that exposed land between the OHWM and the water's edge is to be used exclusively by the owner of the adjacent waterfront property, unless otherwise provided by law or by the owner's title.

This analysis does not include any description of the new changes to platting law or of the changes to the provisions governing monuments, bearings, and boundary lines. Those changes will be described in a later version after they are finalized.

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

1 **SECTION 1.** 15.405 (2) (intro.), (a) and (b) of the statutes, as affected by 2011
2 Wisconsin Act 32, are amended to read:

3 15.405 **(2)** EXAMINING BOARD OF ARCHITECTS, LANDSCAPE ARCHITECTS,
4 PROFESSIONAL ENGINEERS, DESIGNERS, AND <u>PROFESSIONAL</u> LAND SURVEYORS. (intro.)
5 There is created an examining board of architects, landscape architects, professional
6 engineers, designers, and <u>professional</u> land surveyors in the department of safety
7 and professional services. Any professional member appointed to the examining
8 board shall be registered <u>or licensed</u> to practice architecture, landscape architecture,
9 professional engineering, the design of engineering systems, or <u>professional</u> land
10 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. 20.165 (2) (j) of the statutes, as affected by 2011 Wisconsin Act 32, is amended to read:

20.165 **(2)** (j) *Safety and building operations.* The amounts in the schedule for the purposes of chs. 101, 145, and 168 and ss. 167.35, 236.12 (2) ~~(a)~~ (ap), 236.13 (1) (d) and (2m), and 236.335, for the purpose of transferring the amounts in the schedule under par. (kg) to the appropriation account under par. (kg), and for the purpose of transferring the amounts in the schedule under par. (km) to the appropriation account under par. (km). All moneys received under ch. 145, ss. 101.177 (4) (a) 4., 101.178, 101.19, 101.63 (9), 101.654 (3), 101.73 (12), 101.82 (4), 101.955 (2), 101.973 (7), 167.35 (2) (f), and 236.12 (7) and all moneys transferred

1 under 2005 Wisconsin Act 45, section 76 (6), shall be credited to this appropriation
2 account.

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

4 26.09 **(3)** (b) 1. A court shall award damages that equal the stumpage value of
5 the raw forest products harvested if the person harvesting the raw forest products
6 or the person giving consent for the harvesting reasonably relied upon a recorded
7 survey that was done by a person who is ~~registered~~ licensed under ch. 443 as a
8 professional land surveyor or who is issued a permit to engage in the practice of
9 professional land surveying under s. 443.06 even if the recorded survey is
10 determined, after the harvesting, to be in error.

11 **SECTION 4.** 30.11 (3) of the statutes is amended to read:

12 30.11 **(3)** HOW ESTABLISHED. Whenever any municipality proposes to establish
13 a bulkhead line or to reestablish an existing bulkhead line, the municipality shall
14 indicate both the existing shore and the proposed bulkhead line upon a map and shall
15 file with the department for its approval 6 copies of the map and 6 copies of the
16 ordinance establishing the bulkhead line. The map shall use a scale of not less than
17 100 feet to an inch or any other scale required by the department. The map and a
18 metes and bounds description of the bulkhead line shall be prepared by a
19 professional land surveyor ~~registered in this state~~ licensed under ch. 443. The
20 department may require the installation of permanent reference markers to the
21 bulkhead line. Upon approval by the department, the municipality shall deliver the
22 map, description, and ordinance to the office of the register of deeds of the county in
23 which the bulkhead line lies, to be recorded by the register of deeds.

24 **SECTION 5.** 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 ~~registered~~ professional land surveyor licensed 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 6. 59.001 (3r) of the statutes is created to read:

59.001 **(3r)** "Professional land surveyor" means a professional land surveyor licensed under ch. 443.

SECTION 7. 59.20 (2) (c) of the statutes 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 8. 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 9. 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 surveyor, a copy of the record shall also be filed in the office of the regional planning commission which acts in the capacity of county surveyor for the county.

SECTION 10. 59.45 (1) (b) of the statutes is amended to read:

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

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

2 59.45 **(3)** SURVEYOR; FEES. In addition to the regular fees of professional land
3 surveyors that are received from the parties employing the county surveyor, the
4 county surveyor may receive a salary from the county.

5 **SECTION 12.** 59.46 of the statutes is amended to read:

6 **59.46 Penalty for nonfeasance.** Any county surveyor, any city, village, or
7 town engineer, or any professional land surveyor who fails or refuses to perform any
8 duty required of that person by law shall forfeit not less than $25 nor more than $50
9 for each such failure or refusal.

10 **SECTION 13.** 59.72 (3m) (a) 4m. of the statutes is amended to read:

11 59.72 **(3m)** (a) 4m. The county surveyor or a ~~registered~~ professional land
12 surveyor employed within the county.

13 **SECTION 14.** 59.73 (2) of the statutes is amended to read:

14 59.73 **(2)** SUBDIVIDING SECTIONS. Whenever a county surveyor or professional
15 land surveyor is required to subdivide a section or smaller subdivision of land
16 established by the United States survey, the county surveyor or professional land
17 surveyor shall proceed according to the statutes of the United States and the rules
18 and regulations made by the secretary of the interior in conformity to the federal
19 statutes. While so engaged a professional land surveyor and the professional land
20 surveyor's assistants shall not be liable as a trespasser and shall be liable only for
21 any actual damage done to land or property.

22 **SECTION 15.** 59.74 (2) (b) 1. of the statutes is amended to read:

23 59.74 **(2)** (b) 1. Whenever it becomes necessary to destroy, remove, or cover up
24 in such a way that will make it inaccessible for use, any landmark, monument of
25 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 16. 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 17. 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 18. 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 19. 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 20. 59.75 of the statutes is amended to read:

1 **59.75 Certificates and records as evidence.** The certificate and also the
2 official record of the county surveyor when produced by the legal custodian thereof,
3 or any of the county surveyor's deputies, when duly signed by the county surveyor
4 in his or her official capacity, shall be admitted as evidence in any court within the
5 state, but the same may be explained or rebutted by other evidence. If any county
6 surveyor or any of his or her deputies are interested in any tract of land a survey of
7 which becomes necessary, such survey may be executed by any professional land
8 surveyor appointed by the board.

9 **SECTION 21.** 60.84 (1) of the statutes is renumbered 60.84 (1r) and amended to
10 read:

11 60.84 **(1r)** SURVEY, CONTRACT FOR. The town board may contract with the county
12 surveyor or any ~~registered~~ professional land surveyor to survey all or some of the
13 sections in the town and to erect monuments under this section as directed by the
14 board.

15 **SECTION 22.** 60.84 (1g) of the statutes is created to read:

16 60.84 **(1g)** DEFINITION. In this section, "professional land surveyor" means a
17 professional land surveyor licensed under ch. 443.

18 **SECTION 23.** 60.84 (2) of the statutes is amended to read:

19 60.84 **(2)** BOND. Before the town board executes a contract under sub. (1), the
20 county surveyor or professional land surveyor shall execute and file with the town
21 board a surety bond or other financial security approved by the town board.

22 **SECTION 24.** 60.84 (3) (a) of the statutes is amended to read:

23 60.84 **(3)** (a) Monuments shall be set on section and quarter-section corners
24 established by the United States survey. If there is a clerical error or omission in the
25 government field notes or if the bearing trees, mounds, or other location identifier

specified in the notes is destroyed or lost, and if there is no other reliable evidence by which a section or quarter-section corner can be identified, the county surveyor or professional land surveyor shall reestablish the corner under the rules adopted by the federal government in the survey of public lands. The county surveyor or professional land surveyor shall set forth his or her actions under this paragraph in the ~~certificate~~ U.S. public land survey monument record under sub. (4).

SECTION 25. 60.84 (3) (c) (intro.) and 1. of the statutes are amended to read:

60.84 **(3)** (c) (intro.) To establish, relocate or perpetuate a corner, the county surveyor or professional land surveyor shall set in the proper place a monument, as determined by the town board, consisting of any of the following:

1. A stone or other equally durable material, not less than 3 feet long and 6 inches square, with perpendicular, dressed sides and a square, flat top. As prescribed by the town board, the top shall be engraved with either of the following:

a. A cross formed by lines connecting the corners of the top~~; or~~.

b. If the monument is set at a section corner, the number of the section or, if set at a quarter-section corner, "1/4S"~~; or~~.

SECTION 26. 60.84 (3) (c) 3. of the statutes is created to read:

60.84 **(3)** (c) 3. An equivalent monument agreed upon by all parties of the contract.

****NOTE: What contract are you referring to in this subdivision?

SECTION 27. 60.84 (4) of the statutes is amended to read:

60.84 **(4)** ~~CERTIFICATE~~ U.S. PUBLIC LAND SURVEY MONUMENT RECORD. The county surveyor or professional land surveyor shall prepare a ~~certificate~~ U.S. public land survey monument record setting forth a complete and accurate record of any ~~survey~~ monument erected on section and quarter section corners under this section,

including the exact bearings and distances of each monument from each other monument nearest it on any line in the town. The ~~certificate~~ U.S. public land survey monument record and a map of any additional monuments set shall be recorded in the office of the register of deeds of the county ~~or~~ in the office of the county surveyor in which the surveyed land is located.

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****NOTE: This provision permits a county surveyor or professional land surveyor to prepare a U.S. public land survey record (here, record is used as a noun) and permits the surveyor to record (here, record is used as a verb) the record in either the county register of deeds' office or in the office of the county surveyor. Can the county surveyor record (verb) a record (noun)? Or did you intend for this provision to permit the county surveyor to keep a copy of the record in the office of county surveyor after it is recorded with the register of deeds?

SECTION 28. 66.0309 (11) of the statutes is amended to read:

66.0309 **(11)** MATTERS REFERRED TO REGIONAL PLANNING COMMISSION. The officer or public body of a local governmental unit within the region having final authority may refer to the regional planning commission, for its consideration and report, the location or acquisition of land for any of the items or facilities ~~which~~ that are included in the adopted regional master plan. Within 20 days after the matter is referred to the regional planning commission or a longer period as may be stipulated by the referring officer or public body, the commission shall report its recommendations to the referring officer or public body. The report and recommendations of the commission shall be advisory only. A state agency may authorize the regional planning commission with the consent of the commission to act for the agency in approving, examining, or reviewing plats~~,~~ under s. 236.12 (2) ~~(a)~~ (ap). A regional planning commission authorized by a local unit on November 1, 1980, to act for the local unit in approving plats may continue to so act until the commission withdraws its consent or the local unit its approval. A local unit may authorize a regional

planning commission, with the consent of the commission, to conduct an advisory review of plats.

SECTION 29. 70.27 (2) of the statutes is amended to read:

70.27 **(2)** CERTIFICATION, APPROVAL, RECORDING. Such plat, when completed and certified as provided by this section, and when approved by the governing body, shall be acknowledged by the clerk thereof and recorded in the office of the register of deeds. No plat may be recorded in the office of the register of deeds unless it is produced on material that is capable of clearly legible reproduction or other media that is acceptable to the register of deeds.

SECTION 30. 70.27 (5) of the statutes is amended to read:

70.27 **(5)** SURVEYS, RECONCILIATIONS. The surveyor making the plat shall be a professional land surveyor licensed under ch. 443 and shall survey and lay out the boundaries of each parcel, street, alley, lane, roadway, or dedication to public or private use, according to the records of the register of deeds, and whatever evidence that may be available to show the intent of the buyer and seller, in the chronological order of their conveyance or dedication, and set temporary monuments to show the results of such survey which shall be made permanent upon recording of the plat as provided for in this section. The map shall be at a scale of not more than 100 feet per inch, unless waived in writing by the department of administration under s. 236.20 (2) (L). The owners of record of lands in the plat shall be notified by certified letter mailed to their last-known address, in order that they shall have opportunity to examine the map, view the temporary monuments, and make known any disagreement with the boundaries as shown by the temporary monuments. It is the duty of the professional land surveyor making the plat to reconcile any discrepancies that may be revealed, so that the plat as certified to the governing body is in

conformity with the records of the register of deeds as nearly as is practicable. When boundary lines between adjacent parcels, as evidenced on the ground, are mutually agreed to in writing by the owners of record, such lines shall be the true boundaries for all purposes thereafter, even though they may vary from the metes and bounds descriptions previously of record. Such written agreements shall be recorded in the office of the register of deeds. On every assessor's plat, as certified to the governing body, shall appear the volume, page, and document number of the metes and bounds description of each parcel, as recorded in the office of the register of deeds, which shall be identified with the number by which such parcel is designated on the plat, except that lots which have been conveyed or otherwise acquired but upon which no deed is recorded in the office of register of deeds may be shown on an assessor's plat and when so shown shall contain a full metes and bounds description.

SECTION 31. 70.27 (6) of the statutes is amended to read:

70.27 **(6)** MONUMENTS, PLAT REQUIREMENTS. The provisions of s. 236.15 as to monuments, and the provisions of s. 236.20 as to form and procedure, insofar as they are applicable to the purposes of assessors' plats, shall apply. Any stake or monument found and accepted as correct by a <u>professional land</u> surveyor laying out an assessor's plat shall be indicated as "stake found" or "monument found" when mapping the plat and such stake or monument shall not be removed or replaced even though it is inconsistent with the standards of s. 236.15.

SECTION 32. 70.27 (7) (intro.) of the statutes is amended to read:

70.27 **(7)** CERTIFICATE. (intro.) When completed, the assessor's plat shall be filed with the clerk of the governing body that ordered the plat. On its title page shall appear the sworn certificate of the <u>professional land</u> surveyor who made the plat, which shall state and contain:

SECTION 33. 70.27 (7) (d) of the statutes is amended to read:

70.27 **(7)** (d) A statement that the professional land surveyor has fully complied with the provisions of this section in filing the same.

SECTION 34. 84.095 (5) of the statutes is amended to read:

84.095 **(5)** ~~SURVEYOR'S~~ PROFESSIONAL LAND 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 35. 157.061 (13m) of the statutes is created to read:

157.061 **(13m)** "Professional land surveyor" means a professional land surveyor licensed under ch. 443.

SECTION 36. 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~~ 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 37. 157.07 (2) of the statutes is amended to read:

157.07 **(2)** The location of the ~~plat or map~~ location of the lands shall ~~show the exact location of the tract being subdivided with reference to a corner or corners established in the United States public land survey by bearings and distances~~ be indicated on the plat or map by bearing and

distance from a boundary line of a government lot, quarter section, recorded private claim, or federal reservation in which the subdivision is located. The monumentation at the ends of the boundary line shall be described and the bearing and distance between them shown, and the plat or map shall show a small scale drawing of the section or government subdivision of the section in which the cemetery plat is situated, with the cemetery plat indicated. The plat or map shall include the certificate of the professional land surveyor containing the name of the cemetery authority, the date of the survey, the professional land surveyor's stamp or seal and signature, and the professional land surveyor's statement that the survey is true and correct to the professional land surveyor's best knowledge and belief.

****NOTE: It is not clear whether, as this subsection is amended, the monumentation at the ends of the boundary line "shall show a small scale drawing of the section or governmental subdivision of the section in which the cemetery plat is situated" or whether something else "shall show a small scale drawing." Prior to its amendment by this draft, the plat or map is the document that "shall show a small scale drawing." Please clarify.

****NOTE: Also, as amended, the first sentence of this subsection now reads "The location of the plat or map shall be indicated by bearing and distance from a boundary line of a government lot, quarter section, recorded private claim, or federal reservation in which the subdivision is located." However, this sentence does not indicate on what document, item, object, map, etc. the location of the plat or map shall be indicated. Please advise.

SECTION 38. 157.07 (3) of the statutes is amended to read:

157.07 **(3)** The plat or map shall be made on a durable white media that is 22 inches wide by 30 inches long, or on any material that is capable of clearly legible reproduction or other media that is acceptable to the register of deeds, with a permanent nonfading black image. Seals or signatures that are reproduced on images that comply with this subsection have the force and effect of original seals and signatures. When more than one sheet is used for any one plat or map, they shall be numbered consecutively and each sheet shall contain a notation showing the whole number of sheets in the plat, and its relation to the other sheets. The sheets

may be provided by the county through the register of deeds on terms determined by the county board. The professional land surveyor shall leave a binding margin of 1.5 inches on the left side of the 30-inch length and a one-inch margin on all other sides.

SECTION 39. 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 that complies with the requirements of s. 236.295 and that, upon recording, corrects a subdivision plat or a certified survey map.

SECTION 40. 236.02 (9b) of the statutes is created to read:

236.02 **(9b)** "Professional land surveyor" means a professional land surveyor licensed under ch. 443.

SECTION 41. 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 may do any of the following:

(a) Incorporate into a map, plat, or survey an ordinary high water mark that has been determined by the department of natural resources or otherwise determined 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 navigable perennial 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.

Keep comma

No ¶

(3) For purposes of this section, all of the following apply:

(a) A map, plat, or survey that shows an approximate ordinary high water mark shall state on its face that the mark is shown for reference only and is subject to correction or modification by the department of natural resources or by law.

(b) A map, plat, or survey that shows an ordinary high watermark determined by the department of natural resources or otherwise by law shall state on its face the source and date of that determination.

SECTION 42. 236.03 (2) of the statutes is amended to read:

236.03 **(2)** This chapter does not apply to cemetery plats made under s. 157.07 and assessors' plats made under s. 70.27, but such assessors' plats shall, except in counties having a population of 500,000 or more, comply with ss. 236.15 (1) ~~(a)~~ (ac) to (g) and 236.20 (1) and (2) (a) to (e), unless waived under s. 236.20 (2) (L).

****NOTE: Is this change OK? Section 236.15 (1) (ac) is s. 236.15 (1) (intro.) under current law, which does not, under current law, apply to assessors' plats.

SECTION 43. 236.11 (2) of the statutes is renumbered 236.11 (2) (a) and amended to read:

236.11 **(2)** (a) The subdivider or subdivider's agent shall submit to the body or bodies having authority to approve plats an electronic copy of the final plat or a copy of the final plat that is capable of legible reproduction. The approving authority or authorities shall approve or reject the final plat within 60 days of its submission, unless the time is extended by agreement with the subdivider or subdivider's agent. When the approving authority is a municipality and determines to approve the plat, it shall give at least 10 days' prior written notice of its intention to the clerk of any municipality whose boundaries are within 1,000 feet of any portion of such proposed plat but failure to give such notice shall not invalidate any such plat. If a plat is

rejected, the reasons therefor shall be stated in the minutes of the meeting and a copy thereof or a written statement of the reasons shall be supplied to the subdivider or subdivider's agent. If the approving authority fails to act within 60 days and the time has not been extended by agreement and if no unsatisfied objections have been filed within that period, the plat shall be deemed approved, and, upon demand, a certificate to that effect shall be made on the face of the plat by the clerk of the authority ~~which~~ that has failed to act.

SECTION 44. 236.11 (2) (b) of the statutes is created to read:

236.11 **(2)** (b) The approval of the approving authority or authorities may be based on the copy submitted under par. (a) but the approval must be inscribed on the recordable plat document. Before inscribing its approval, the approving authority shall require the subdivider or subdivider's agent to certify the respects in which the recordable plat document differs from the copy, if any. An approving authority must approve all modifications in the final plat before it gives final approval to the plat. No approving authority may inscribe its final approval on a plat before the affixing of the certificate by the department under s. 236.12 (3).

SECTION 45. 236.12 (2) (intro.) and (a) of the statutes, as affected by 2011 Wisconsin Act 32, are consolidated, renumbered 236.12 (2) (ap) and amended to read:

236.12 **(2)** (ap) Within 2 days after a preliminary or final plat is submitted ~~for approval, legible copies, together with a list of the authorities to which the plat must be submitted for approval under s. 236.10 or objection under this subsection, furnished by the subdivider at the subdivider's expense, shall be sent, by the clerk or secretary of the approving authority to which the plat is submitted, to the following agencies which have authority~~ under par. (ac), the department shall transmit an electronic copy of the plat, or, if preferable, 2 legible hard copies of the

1 plat, to each state agency authorized to object to the plat: ~~(a) Two copies for each of~~
2 ~~the state agencies required to review the plat to the department which shall examine~~
3 ~~the plat for compliance with ss. 236.15, 236.16, 236.20 and 236.21 (1) and (2)~~ under
4 this paragraph. If the subdivision abuts or adjoins a state trunk highway or
5 connecting highway, the department shall transmit ~~2~~ a copy or copies of the plat to
6 the department of transportation so that that agency may determine whether it has
7 any objection to the plat on the basis of its rules as provided in s. 236.13. If the
8 subdivision is not served by a public sewer and provision for that service has not been
9 made, the department shall transmit ~~2~~ a copy or copies of the plat to the department
10 of safety and professional services so that that agency may determine whether it has
11 any objection to the plat on the basis of its rules as provided in s. 236.13. In lieu of
12 this procedure the agencies may designate local officials to act as their agents in
13 examining the plats for compliance with the statutes or their rules by filing a written
14 delegation of authority with the approving body.

15 **SECTION 46.** 236.12 (2) (ac) of the statutes is created to read:

16 236.12 **(2)** (ac) The subdivider or subdivider's agent shall submit an electronic
17 copy of the preliminary or final plat, or a copy of the preliminary or final plat that
18 is capable of legible reproduction, to the department, which shall examine the plat
19 for compliance with ss. 236.15, 236.16, 236.20, and 236.21 (1) and (2).

20 **SECTION 47.** 236.12 (2) (b) of the statutes is amended to read:

21 236.12 **(2)** (b) ~~Four copies~~ Within 2 days after a preliminary or final plat is
22 submitted under par. (ac), the department shall transmit an electronic copy of the
23 plat, or, if preferable, 4 legible hard copies of the plat, to the county planning agency,
24 if the agency employs on a full-time basis a professional engineer, a planner, or other
25 person charged with the duty of administering planning legislation and adopts a

policy requiring submission so that that body may determine if it has any objection to the plat on the basis of conflict with park, parkway, expressway, major highways, airports, drainage channels, schools, or other planned public developments. If no county planning agency exists, then 2 copies to the county park commission except that in a county with a county executive or county administrator, 2 copies to the county park manager, if the subdivision abuts a county park or parkway so that that body may determine if it has any objection to the plat on the basis of a conflict with the park or parkway development.

SECTION 48. 236.12 (3) and (6) of the statutes are consolidated, renumbered 236.12 (3) and amended to read:

236.12 **(3)** Within 20 days of the date of receiving the copies of the plat any agency having authority to object under sub. (2) shall notify the subdivider or subdivider's agent and all ~~approving or objecting authorities~~ other agencies having the authority to object of any objection based upon failure of the plat to comply with the statutes or rules ~~which~~ that its examination under sub. (2) is authorized to cover, or, if there is no objection, it shall so certify on the face of a copy of the plat and return that copy to the ~~approving authority from which it was received. The plat shall not be approved or deemed approved until any objections have been satisfied. If the objecting agency fails to act within the 20-day limit it shall be deemed to have no objection to the plat. No approving authority may inscribe its approval on a plat prior to the affixing of the certificates under either sub. (4) or (6). **(6)** In lieu of the procedure under subs. (2) to (5), the subdivider or the subdivider's agent may submit the original plat to the department which shall forward 2 copies to each of the agencies authorized by sub. (2) to object. The department shall have the required number of copies made at the subdivider's expense. Within 20 days of the date of~~

~~receiving the copies of the plat any agency having authority to object under sub. (2) shall notify the subdivider, and all agencies having the authority to object, of any objection based upon failure of the plat to comply with the statutes or rules which its examination under sub. (2) is authorized to cover, or, if there is no objection, it shall so certify on the face of a copy of the plat and return that copy to the~~ department. After each agency and the department have certified that they have no objection or that their objections have been satisfied, the department shall so certify on the face of the plat. If an agency fails to act within 20 days from the date ~~of the receipt of~~ on which it received the copy or copies of the plat, and the department fails to act within 30 days ~~of receipt of the original~~ from the date on which it received the copy of the plat, it shall be deemed that there are no objections to the plat and, upon demand, ~~it~~ the department shall ~~be~~ so ~~certified~~ certify on the face of the plat ~~by the department~~.

SECTION 49. 236.12 (4) of the statutes is repealed.

SECTION 50. 236.12 (5) of the statutes is repealed.

SECTION 51. 236.12 (8) of the statutes is renumbered 236.12 (4m) and amended to read:

236.12 **(4m)** In order to facilitate approval of the final plat ~~where~~ whenever more than one approval is required, the subdivider ~~may~~ or subdivider's agent shall file ~~a true copy of the plat~~ with the approving authority or authorities ~~with which the original of the final plat has not been filed. The approval of such authorities may be based on such copy but shall be inscribed on the original of the final plat. Before inscribing its approval, the approving authority shall require the surveyor or the owner to certify the respects in which the original of the final plat differs from the copy. All modifications in the final plat shall be approved before final approval is~~

~~given~~ a true copy of the plat that the subdivider or subdivider's agent submitted to the department.

SECTION 52. 236.13 (1) (c) of the statutes is created to read:

236.13 **(1)** (c) A comprehensive plan under s. 66.1001 or, if the municipality, town, or county does not have a comprehensive plan, either of the following:

1. With respect to a municipality or town, a master plan under s. 62.23.

2. With respect to a county, a development plan under s. 59.69.

Insert 25-7

SECTION 53. 236.13 (2m) of the statutes, as affected by 2011 Wisconsin Act 32, is amended to read:

236.13 **(2m)** As a further condition of approval when lands included in the plat lie within 500 feet of the ordinary high-water mark of any ~~navigable stream,~~ lake, any navigable perennial stream, or an other body of navigable water or if land in the proposed plat involves lake or navigable perennial stream shorelands referred to in s. 236.16, the department of natural resources, to prevent pollution of navigable waters, or the department of safety and professional services, to protect the public health and safety, may require assurance of adequate drainage areas for private sewage disposal systems and building setback restrictions, or provisions by the owner for public sewage disposal facilities for waters of the state, as defined in s. 281.01 (18), industrial wastes, as defined in s. 281.01 (5), and other wastes, as defined in s. 281.01 (7). The public sewage disposal facilities may consist of one or more systems as the department of natural resources or the department of safety and professional service determines on the basis of need for prevention of pollution of the waters of the state or protection of public health and safety.

SECTION 54. 236.15 (1) (intro.) of the statutes is renumbered 236.15 (1) (ac) and amended to read:

236.15 **(1)** (ac) All of the monuments required in pars. ~~(a)~~ (ag) to (h) shall be placed flush with the ground where practicable. Whenever placement of a monument under this subsection is required at a corner or point that falls within a street or proposed future street, the monument shall be placed in the side line of the street.

****NOTE: Instead of adding the language about placing monuments in the side line of the street to a number of paragraphs, I added it at the beginning of the subsection and made it applicable to all of the other paragraphs in the subsection.

SECTION 55. 236.15 (1) (a) of the statutes is renumbered 236.15 (1) (ag) and amended to read:

236.15 **(1)** (ag) 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 determined 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 56. 236.15 (1) (b) of the statutes is amended to read:

236.15 **(1)** (b) All internal boundaries and those corners and points not required to be marked by par. ~~(a)~~ (ag) shall be monumented in the field by like monuments as defined in par. ~~(a)~~ (ag). These monuments shall be placed at all block corners, at each end of all curves, at the point where a curve changes its radius, and at all angle points in any line.

SECTION 57. 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 to navigable perennial 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 navigable perennial stream lot line with a meander line established not less than 20 feet back from the determined or approximated ordinary high water mark ~~of the lake or from the bank of the stream~~.

SECTION 58. 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~~ 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 59. 236.16 (3) (title) of the statutes is amended to read:

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

SECTION 60. 236.16 (3) (a) of the statutes is amended to read:

236.16 **(3)** (a) All subdivisions abutting on a ~~navigable~~ lake or a navigable perennial stream shall provide public access at least 60 feet wide providing access to the ~~low watermark~~ water's edge so that there will be public access, which is connected to existing public roads, at not more than one-half mile intervals as measured along the lake or the navigable perennial stream shore except where greater intervals and wider access is agreed upon by the department of natural resources and the department, and excluding shore areas where public parks or open-space streets or roads on either side of ~~a~~ the navigable perennial stream are provided.

SECTION 61. 236.16 (3) (b) of the statutes is amended to read:

236.16 **(3)** (b) No public access established under this chapter may be vacated except by circuit court action as provided in s. 236.43, except that such public access may be discontinued under s. 66.1003, subject to s. 66.1006.

****NOTE: You requested that the above language say "discontinued under ss. 66.1003 and 66.1006." Section 66.1006 does not provide for discontinuation, but requires DNR approval for certain discontinuations to be effective. Is the way in which I amended the above language acceptable?

SECTION 62. 236.16 (4) of the statutes is amended to read:

236.16 **(4)** LAKE AND NAVIGABLE PERENNIAL STREAM SHORE PLATS; LAND BETWEEN MEANDER LINE AND WATER'S EDGE. The lands lying between the meander line, established in accordance with s. 236.20 (2) (g), and the water's edge, and any otherwise unplattable lands which lie between a proposed subdivision and the water's edge shall be included as part of lots, outlots or public dedications in any plat abutting a lake or a navigable perennial stream. This subsection applies not only to lands proposed to be subdivided but also to all lands under option to the subdivider or in which the subdivider holds any interest and which are contiguous to the lands proposed to be subdivided and which abut a lake or a navigable perennial stream.

SECTION 63. 236.20 (1) (a) of the statutes is amended to read:

236.20 **(1)** (a) The plat shall have ~~a binding margin 1 1/2 inches wide on the left side, and~~ a one-inch margin on all ~~other~~ sides. A graphic scale of not more than 100 feet to one inch shall be shown on each sheet showing layout features. When more than one sheet is used for any plat, each sheet shall be numbered consecutively and shall contain a notation giving the total number of sheets in the plat and showing the relation of that sheet to the other sheets and each sheet shall bear the subdivision and county name.

SECTION 64. 236.20 (1) (b) of the statutes is repealed.

SECTION 65. 236.20 (2) (g) of the statutes is amended to read:

236.20 **(2)** (g) All ~~lake or stream~~ shore meander lines for all lakes or navigable perennial streams that are established by the professional land 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 determined or approximated ordinary high water mark.

SECTION 66. 236.20 (2) (k) of the statutes is amended to read:

236.20 **(2)** (k) When a street is on a circular curve, the main chords of the right-of-way lines shall be drawn as dotted or dashed lines in their proper places. All curved lines shall show, either on the lines or in an adjoining table, the radius of the circle, the central angle subtended, the chord bearing, the chord length, and the arc length for each segment. The tangent bearing shall be shown for each end of the main chord for all non-tangent circular lines. When a circular curve of 30-foot radius or less is used to round off the intersection between 2 straight lines, it shall be tangent to both straight lines. It is sufficient to show on the plat the radius of the

1 curve and the tangent distances from the points of curvature to the point of
2 intersection of the straight lines.

3 **SECTION 67.** 236.20 (3) (b) of the statutes is amended to read:

4 236.20 **(3)** (b) The location of the subdivision shall be indicated by bearing and
5 distance from a boundary line of a government lot monumented in the original
6 survey or resurvey of Wisconsin, quarter section, recorded private claim, or federal
7 reservation in which the subdivision is located. The monumentation at the ends of
8 the boundary line shall be described and the bearing and distance between them
9 shown.

10 **SECTION 68.** 236.20 (4) (b) of the statutes is amended to read:

11 236.20 **(4)** (b) All lands dedicated to public use ~~except roads and streets~~ shall
12 be clearly marked "Dedicated to the Public".

13 **SECTION 69.** 236.20 (5) (c) of the statutes is amended to read:

14 236.20 **(5)** (c) The water elevations of adjoining lakes or navigable perennial
15 streams at the date of the survey and the approximate high ~~and low~~ water elevations
16 of those lakes or streams. All elevations shall be referred to some permanent
17 established datum plane.

18 **SECTION 70.** 236.20 (6) of the statutes is created to read:

19 236.20 **(6)** PUBLIC TRUST INFORMATION. A final plat of a subdivision, or a certified
20 survey map of land, to which s. 236.16 (4) applies shall show on its face the following
21 statement:

22 "Any land below the ordinary high water mark of a lake or a navigable
23 perennial stream is subject to the public trust in navigable waters that is established
24 under article IX, section 1, of the state constitution. However, the owner of the real

property that abuts such land has exclusive use of that land when it is exposed, except as otherwise provided by law or by the owner's title."

SECTION 71. 236.21 (1) (intro.) of the statutes is amended to read:

236.21 **(1)** ~~SURVEYOR'S~~ PROFESSIONAL LAND SURVEYOR'S CERTIFICATE OF COMPLIANCE WITH STATUTE. (intro.) The certificate of the professional land surveyor who surveyed, divided, and mapped the land giving all of the following information, which shall have the same force and effect as an affidavit:

SECTION 72. 236.21 (1) (a) of the statutes is amended to read:

236.21 **(1)** (a) By whose direction the professional land surveyor made the survey, subdivision, and plat of the land described on the plat.

SECTION 73. 236.21 (1) (b) of the statutes is renumbered 236.21 (1) (b) 1. and amended to read:

236.21 **(1)** (b) 1. ~~A~~ Except as provided in subd. 2., a clear and concise description of the land surveyed, divided, and mapped by government lot, recorded private claim, quarter-quarter section, section, township, range, and county and by metes and bounds commencing with a monument at a section or quarter section corner of the quarter section that is not the center of the section, or commencing with a monument at the end of a boundary line of a recorded private claim or federal reservation in which the subdivision is located.

2. If the land is ~~located~~ shown in a recorded subdivision ~~or~~ plat, recorded addition thereto, or recorded certified survey map, the land shall be described by the subdivision name or certified survey map number ~~or other~~ and the description of the lot~~,~~ and block ~~or subdivision~~ thereof, that ~~has~~ have previously been tied to ~~a corner marked and established by the U.S. public land survey~~ the monumented line of a

1 quarter section, government lot, recorded private claim, or federal reservation in
2 which the land is located.

****NOTE: I modified the initial language since, technically, subdivisions are not recorded and land is not located in a plat or map. I don't know, however, what "have previously been tied to the monumented line," etc., is referring to in order to make the grammar correct in the remainder of this sentence. It may be preferable to create new language, similar to s. 236.34 (3), rather than trying to amend what is there now. In fact, s. 236.34 (3) may apply in this situation because of the "for all purposes" language.

3 **SECTION 74.** 236.21 (1) (d) of the statutes is amended to read:

4 236.21 **(1)** (d) A statement that the professional land surveyor has fully
5 complied with the provisions of this chapter in surveying, dividing, and mapping the
6 land.

7 **SECTION 75.** 236.25 (2) (a) of the statutes is amended to read:

8 236.25 **(2)** (a) It is a permanent nonfading black image on durable white media
9 that is 22 inches wide by 30 inches long or on any material that is capable of clearly
10 legible reproduction or other media that is acceptable to the register of deeds,
11 complies with the requirements of s. 59.43 (2m) (b) 4., and bears a department
12 certification of no objection. Seals or signatures reproduced on images complying
13 with this paragraph shall be given the force and effect of original signatures and
14 seals;

15 **SECTION 76.** 236.25 (2) (c) of the statutes is amended to read:

16 236.25 **(2)** (c) The plat shows on its face all the certificates and affidavits
17 required by ss. ~~236.21 and~~ 236.12 ~~(4)~~ (3) and 236.21;

18 **SECTION 77.** 236.25 (2) (d) of the statutes is amended to read:

19 236.25 **(2)** (d) The plat shows on its face the approval of all bodies required by
20 s. 236.10 to approve or the certificate of the clerk that the plat is deemed approved
21 under s. 236.11 (2) (a).

SECTION 78. 236.32 (except 236.32 (title)) of the statutes is renumbered 236.32 (1m), and 236.32 (1m) (intro.), (a) and (c), as renumbered, are amended to read:

236.32 **(1m)** (intro.) Any of the following may be fined not more than $250 or imprisoned not more than one year in county jail for any of the following violations:

(a) Any owner, professional land surveyor, or subdivider who fails to place monuments as prescribed in this chapter when subdividing land.

(c) ~~Fails~~ Any person who fails to replace properly any monuments ~~which~~ that have been removed or disturbed when ordered to do so by the governing body of the municipality or county in which the subdivision is located.

SECTION 79. 236.32 (2m) of the statutes is created to read:

236.32 **(2m)** Each monument to which a violation under sub. (1m) applies constitutes a separate violation.

SECTION 80. 236.34 (1) (intro.) of the statutes is amended to read:

236.34 **(1)** PREPARATION. (intro.) A certified survey map of not more than 4 parcels of land consisting of lots or outlots may be recorded in the office of the register of deeds of the county in which the land is situated. A certified survey map may be used to change the boundaries of lots and outlots within a recorded plat, recorded assessor's plat under s. 70.27, or recorded, certified survey map if the reconfiguration does not result in a subdivision or violate a local subdivision regulation and to create easements. A certified survey map may not alter areas previously dedicated to the public or a restriction placed on the platted land by covenant, by grant of an easement, or by any other manner. A certified survey map that crosses the exterior boundary of a recorded plat or assessor's plat shall apply to the reconfiguration of fewer than 5 parcels by a single owner, or if no additional parcels are created. Such a certified survey map must be approved in the same manner as a final plat of a

subdivision must be approved under s. 236.10, must be monumented in accordance with s. 236.15 (1), and shall contain owners' and mortgagees' certificates that are in substantially the same form as required under s. 236.21 (2) (a). A certified survey must meet the following requirements:

SECTION 81. 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~~. The error in the latitude and departure closure of the survey may not exceed the ratio of one in 3,000.

SECTION 82. 236.34 (1) (b) of the statutes is amended to read:

236.34 **(1)** (b) All corners shall be monumented in accordance with s. 236.15 (1) (ac), (c), (d), and (g).

****NOTE: I added s. 236.155 (1) (ac), which is s. 236.15 (1) (intro.) under current law, to this provision. OK?

SECTION 83. 236.34 (1) (c) of the statutes is amended to read:

236.34 **(1)** (c) The map shall be prepared in accordance with ~~s.~~ ss. 236.16 (4) and 236.20 (2) (a), (b), (c), (e), (f), (g), (h), (i), (j), (k), and (L) and (3) (b), (d), and (e) at a graphic scale of not more than 500 feet to an inch, which shall be shown on each sheet showing layout features. The map shall be prepared with a binding margin 1.5 inches wide and a 0.5 inch margin on all other sides on durable white media that is 8 1/2 inches wide by 14 inches long, or on any material capable of clearly legible reproduction or other media that is acceptable to the register of deeds, with a permanent nonfading black image. When more than one sheet is used for any map, each sheet shall be numbered consecutively and shall contain a notation giving the total number of sheets in the map and showing the relationship of that sheet to the other sheets. "CERTIFIED SURVEY MAP" shall be printed on the map in prominent

letters with the location of the land by government lot, recorded private claim, quarter-quarter section, section, township, range and county noted. Seals or signatures reproduced on images complying with this paragraph shall be given the force and effect of original signatures and seals.

SECTION 84. 236.34 (1) (d) (intro.) of the statutes is amended to read:

236.34 **(1)** (d) (intro.) The map shall include a certificate of the professional land surveyor who surveyed, divided, and mapped the land which has the same force and effect as an affidavit and which gives all of the following information:

SECTION 85. 236.34 (1) (d) 1. of the statutes is amended to read:

236.34 **(1)** (d) 1. By whose direction the professional land surveyor made the survey, division, and map of the land described on the certified survey map.

SECTION 86. 236.34 (1) (d) 2. of the statutes is amended to read:

236.34 **(1)** (d) 2. A clear and concise description of the land surveyed, divided, and mapped by government lot, recorded private claim, quarter-quarter section, section, township, range and county; and by metes and bounds commencing with a monument at a section or quarter section corner of the quarter section that is not the center of a 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~~; or if~~. If, however, the land is ~~located~~ shown in a recorded subdivision ~~or~~ plat, recorded addition to a recorded subdivision~~, then~~ plat, or recorded certified survey map, the land shall be described by the subdivision name or certified survey map number ~~or other~~ and the description of the lot~~,~~ or block ~~or subdivision, which has~~ thereof, that have previously been tied to ~~a corner marked and established by the U.S. public land survey~~ the monumented line of a quarter section, government lot, recorded private claim, or federal reservation in which the land is located.

****NOTE: This is the same language that was added to s. 236.21 (1) (b) 2. Therefore, it has the same problems.

SECTION 87. 236.34 (1) (d) 4. of the statutes is amended to read:

236.34 **(1)** (d) 4. A statement that the professional land surveyor has fully complied with the provisions of this section in surveying, dividing, and mapping the land.

SECTION 88. 236.34 (1) (e) of the statutes is amended to read:

236.34 **(1)** (e) A certified survey map may be used for dedication of streets and other public areas, and for granting easements to the public or any person, society, or corporation marked or noted on the map, when owners' certificates and mortgagees' certificates which are in substantially the same form as required by s. 236.21 (2) (a) have been executed and the city council or village or town board involved have approved such dedication or grant. Approval and recording of such certified surveys shall have the force and effect provided by s. 236.29.

****NOTE: Do you want to remove the "easement" language that I added to s. 236.34 (1) (intro.) as redundant to this amendment?

SECTION 89. 236.34 (2) (b) 1. of the statutes is amended to read:

236.34 **(2)** (b) 1. The certified survey map is offered for record within ~~6~~ 12 months after the date of the last approval of the map and within ~~24~~ 36 months after the first approval of the map.

SECTION 90. 236.34 (4) of the statutes is created to read:

236.34 **(4)** VACATION. A certified survey map may be vacated by the circuit court of the county in which the parcels of land are located in the same manner and with like effect as provided in ss. 236.40 to 236.44, except that application for vacation of the certified survey map may be made by any of the following:

(a) The owner of any lot or outlot in the land that is the subject of the certified survey map.

(b) The county board if the county has acquired an interest by tax deed in any lot or outlot in the land that is the subject of the certified survey map.

SECTION 91. 440.03 (13) (b) 34. of the statutes is amended to read:

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

SECTION 92. 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.

SECTION 93. 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 94. 443.01 (1m) of the statutes is created to read:

443.01 **(1m)** "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 95. 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.

1 **SECTION 96.** 443.01 (3b) of the statutes is created to read:

2 443.01 **(3b)** "Geodetic surveying" means surveying to determine the size and
3 shape of the earth or the precise positions of points on the surface of the earth.

4 **SECTION 97.** 443.01 (3r) (c) of the statutes is amended to read:

5 443.01 **(3r)** (c) Professional services performed by a ~~registered~~ professional
6 land surveyor or by a person who has in effect a permit under s. 443.06 (3).

7 **SECTION 98.** 443.01 (4) of the statutes is repealed.

8 **SECTION 99.** 443.01 (6s) of the statutes is created to read:

9 443.01 **(6s)** "Practice of professional land surveying" means any of the
10 following:

11 (a) Any service comprising the establishment or reestablishment of the
12 boundaries of one or more tracts of land or the boundaries of any of the following
13 interests in real property:

14 1. The layout and rights-of-way of roads or streets.

15 2. Air or subsurface property rights.

16 3. Public or private easements.

17 (b) Designing or coordinating designs for the purpose of platting or subdividing
18 land into smaller tracts.

19 (c) Placing, replacing, restoring, or perpetuating monuments in or on the
20 ground to evidence the location of a point that is necessary to describe the shape,
21 area, and boundaries of one or more tracts of land or the subdivision or consolidation
22 of one or more tracts of land or to describe the boundaries of any interest in real
23 property identified in par. (a).

(d) Preparing maps that depict any interest in real property identified in par. (a) for the purpose of establishing the boundaries of any such interest in real property.

(e) Preparing any of the following:

1. An official map established or amended under s. 62.23 (6), established or amended under the authority of s. 61.35, or adopted under s. 60.61.

2. An assessor's plat under s. 70.27.

3. A map or plat of cemetery lands under s. 157.07.

4. A subdivision plat, certified survey map, or correction instrument under ch. 236.

5. A condominium plat or correction instrument under ch. 703.

6. A project and time-share plat under s. 707.215.

(f) Performing construction or geodetic surveying in connection with any of the practices specified in pars. (a) to (e).

SECTION 100. 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 101. 443.02 (4) of the statutes is amended to read:

443.02 **(4)** No person may engage in 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 engage in the practice of professional land surveying under this chapter.

SECTION 102. 443.06 (title) of the statutes is amended to read:

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

SECTION 103. 443.06 (1) (title) of the statutes is amended to read:

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

SECTION 104. 443.06 (1) (a) of the statutes is amended to read:

443.06 **(1)** (a) Application for ~~registration as a land surveyor~~ a license or a permit to engage in the practice of professional land surveying 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 engage in the practice ~~as~~ of professional land ~~surveyors~~ surveying when satisfactory evidence is submitted that the applicant has met one or more of the requirements of sub. (2).

SECTION 105. 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 the practice of professional land surveying approved by the professional land surveyor section, or of responsible charge of ~~land surveying~~ teaching the practice of professional land surveying may be considered as equivalent to one year of qualifying experience in ~~land surveying work~~ the practice of professional land surveying, and each year, but not more than 4 years, completed in a curriculum other than the practice of professional land surveying approved by the

~~land surveyor~~ section, may be considered as equivalent to one-half year of qualifying experience.

SECTION 106. 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~~ license to engage in the practice of professional land ~~surveyor~~ surveying to any person who has submitted to it an application, the required fees, and one or more of the following:

SECTION 107. 443.06 (2) (a) of the statutes is repealed.

SECTION 108. 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 the practice of professional 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 the practice of professional land surveying for at least 2 years ~~of land surveying~~ and has demonstrated 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 licenses to engage in the practice of professional land ~~surveyors' certificates~~ surveying that are submitted to the ~~land surveyor~~ section ~~after June 30, 2000~~.

SECTION 109. 443.06 (2) (b) of the statutes is repealed.

SECTION 110. 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 the practice of

professional 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 the practice of professional land surveying for at least 4 years ~~of land surveying~~ and has demonstrated 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 licenses to engage in the practice of professional land ~~surveyors' certificates~~ surveying that are submitted to the ~~land surveyor~~ section ~~after June 30, 2000~~.

SECTION 111. 443.06 (2) (c) of the statutes is repealed.

SECTION 112. 443.06 (2) (cm) of the statutes is repealed.

SECTION 113. 443.06 (2) (d) of the statutes is amended to read:

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

SECTION 114. 443.06 (2) (e) of the statutes is repealed.

SECTION 115. 443.06 (2) (em) of the statutes is repealed.

SECTION 116. 443.06 (3) of the statutes is renumbered 443.06 (3) (a) (intro.) and amended to read:

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

1. The applicant has submitted an application for ~~registration as~~ a license to engage in the practice of professional land ~~surveyor~~ surveying and paid the required fee ~~and~~.

2. The applicant 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).

(b) The permit shall be ~~revocable~~ valid only for the discrete project identified in par. (a) 3. and may be revoked by the section at its pleasure.

SECTION 117. 443.06 (3) (a) 3. of the statutes is created to read:

443.06 **(3)** (a) 3. The applicant identifies on the application a discrete project on which he or she will be engaged in the practice of professional land surveying and demonstrates to the satisfaction of the department that failure to obtain a permit under this subsection may result in delay of the discrete project and financial loss to the person or entity for whom the applicant is or will be engaged in the practice of professional land surveying.

SECTION 118. 443.10 (title) of the statutes is amended to read:

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

SECTION 119. 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 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 120. 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~~ license to engage in the practice of professional land ~~surveyor~~ surveying to any applicant who has met the applicable requirements of this chapter. The renewal date for the ~~certificate~~ 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 121. 443.12 (title) of the statutes is amended to read:

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

SECTION 122. 443.12 (1) of the statutes is amended to read:

443.12 **(1)** The section may reprimand a 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 123. 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 124. 443.135 of the statutes is created to read:

443.135 Construction and geodetic surveying; preparation of maps. Nothing in this chapter shall be construed to prohibit a person who has not been granted a license or permit to engage in the practice of professional land surveying under this chapter from performing construction or geodetic surveying not in connection with a practice specified in s. 443.01 (6s) (a) to (e).

SECTION 125. 443.14 (8) (a) of the statutes is amended to read:

443.14 **(8)** (a) An employee of a professional land surveyor ~~registered 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 126. 443.14 (8) (b) of the statutes is repealed.

SECTION 127. 443.14 (8) (c) of the statutes is repealed.

SECTION 128. 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 while engaged in the practice of professional land surveying for such utilities. This paragraph does not apply after July 1, 2013.

SECTION 129. 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 130. 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 131. 443.18 (2) (a) of the statutes is amended to read:

443.18 **(2)** (a) If it appears upon complaint to the examining board by any person, or is known to the examining board that any person who is neither registered nor exempt under this chapter nor the holder of an unexpired permit under s. 443.10 (1) (d) is practicing or offering to practice~~, or is about to practice or to offer to practice,~~ architecture or professional engineering in this state, or is using the title "landscape architect" in this state, the examining board ~~or the attorney general~~, the department of safety and professional services, the department of justice, or the district attorney of the proper county may investigate and may, in addition to any other remedies, bring action in the name and on behalf of ~~this~~ the state ~~against any such person~~ to enjoin the person from practicing or offering to practice architecture or professional engineering or from using the title "landscape architect".

SECTION 132. 443.18 (2) (b) of the statutes is amended to read:

443.18 **(2)** (b) If it appears upon complaint to the examining board by any person, or is known to the ~~section~~ examining board that any person who is ~~not authorized~~ neither licensed nor permitted nor exempt under this chapter is ~~practicing~~ engaged in or offering to engage in the practice of professional land surveying in this state, the ~~section~~ examining board, the department of safety and professional services, the department of justice, or the district attorney of the proper county may investigate and may, in addition to any other remedies, bring action in the name and on behalf of the state to enjoin the person from ~~practicing~~ engaging in or offering to engage in the practice of professional land surveying.

SECTION 133. 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.

1 **SECTION 134.** 703.02 (6m) of the statutes is amended to read:

2 703.02 **(6m)** "Correction instrument" means an instrument drafted by a
3 ~~licensed~~ professional land surveyor that complies with the requirements of s. 59.43
4 (2m) and that, upon recording, corrects an error in a condominium plat. "Correction
5 instrument" does not include an instrument of conveyance.

6 **SECTION 135.** 703.02 (13r) of the statutes is created to read:

7 703.02 **(13r)** "Professional land surveyor" means a professional land surveyor
8 licensed under ch. 443.

9 **SECTION 136.** 703.11 (2) (intro.) of the statutes is amended to read:

10 703.11 **(2)** REQUIRED PARTICULARS. (intro.) A condominium plat may consist of
11 one or more sheets, shall be produced on any material capable of clearly legible
12 reproduction or other media that is acceptable to the register of deeds, and shall
13 contain at least the following particulars:

14 **SECTION 137.** 703.11 (2) (b) of the statutes is amended to read:

15 703.11 **(2)** (b) A survey of the property described in the declaration complying
16 with minimum standards for property surveys adopted by the examining board of
17 architects, landscape architects, professional engineers, designers and professional
18 land surveyors and showing the location of any unit or building located or to be
19 located on the property.

20 **SECTION 138.** 703.11 (4) of the statutes is amended to read:

21 703.11 **(4)** ~~SURVEYOR'S~~ PROFESSIONAL LAND SURVEYOR'S CERTIFICATE. A
22 condominium plat is sufficient for the purposes of this chapter if there is attached to
23 or included in it a certificate of a ~~licensed~~ professional land surveyor ~~authorized to~~
24 ~~practice that profession in this state~~ that the plat is a correct representation of the

condominium described and the identification and location of each unit and the common elements can be determined from the plat.

SECTION 139. 703.115 (1) (b) of the statutes is amended to read:

703.115 **(1)** (b) Provides that a condominium instrument may be rejected only if it fails to comply with the applicable requirements of ss. 703.095, 703.11 (2) (a), (c) and (d) and (3), 703.275 (5) and 703.28 (1m) or if the professional land surveyor's certificate under s. 703.11 (4) is not attached to or included in the condominium plat.

SECTION 140. 703.13 (6) (e) of the statutes is amended to read:

703.13 **(6)** (e) Plats and plans showing the altered boundaries and the dimensions thereof between adjoining units, and their identifying numbers or letters, shall be prepared. The plats and plans shall be certified as to their accuracy in compliance with this subsection by a civil engineer, architect, or ~~licensed~~ professional land surveyor ~~authorized to practice his or her profession in the state~~.

SECTION 141. 703.13 (7) (c) of the statutes is amended to read:

703.13 **(7)** (c) Plats and plans showing the boundaries and dimensions separating the new units together with their other boundaries and their new identifying numbers or letters shall be prepared. The plats and plans shall be certified as to their accuracy and compliance with this subsection by a civil engineer, architect, or ~~licensed~~ professional land surveyor ~~authorized to practice his or her profession in the state~~.

SECTION 142. 703.13 (8) (c) of the statutes is amended to read:

703.13 **(8)** (c) Plats and plans showing the boundaries and dimensions of the new unit together with the new identifying number or letter shall be prepared. The plats and plans shall be certified as to their accuracy and compliance with this

subsection by a civil engineer, architect, or ~~licensed~~ professional land surveyor ~~authorized to practice in this state~~.

SECTION 143. 707.215 (2) (intro.) of the statutes is amended to read:

707.215 **(2)** REQUIRED CONTENTS. (intro.) A plat filed for recording under sub. (1) may consist of one or more sheets, shall be produced on any material capable of clearly legible reproduction or other media that is acceptable to the register of deeds, and shall contain at least all of the following:

SECTION 144. 707.215 (3) of the statutes is amended to read:

707.215 **(3)** FORM OF MAPS AND PLANS. All survey maps and floor plans submitted for recording shall be legibly prepared with a binding margin of 1.5 inches on the left side and a one-inch margin on all other sides on durable white media that is 14 inches in length and 22 inches in width, or on any material capable of clearly legible reproduction or other media that is acceptable to the register of deeds, with a permanent nonfading black image. The maps and plans shall be drawn to a convenient scale.

SECTION 145. 707.215 (5) (intro.) of the statutes is amended to read:

707.215 **(5)** ~~SURVEYOR'S~~ PROFESSIONAL LAND 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 146. 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, as defined in s. 443.01 (7m), 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 the information otherwise satisfies the requirements under this section. A prospective buyer who does not receive a report within the 10 days may, within 2 business days after the end of that 10-day period, rescind the contract of sale or option contract by delivering a written notice of recision to the owner or to the owner's agent.

SECTION 147. 709.07 of the statutes is amended to read:

709.07 Liability precluded. An owner is not liable for an error or omission in a report under s. 709.03 if the owner had no knowledge of that error or omission, if the error or omission was based on information provided by a public agency, as defined in s. 66.0825 (3) (h), or by a licensed engineer, professional land surveyor, as defined in s. 443.01 (7m), structural pest control operator, or 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.

SECTION 148. 710.09 of the statutes is created to read:

710.09 Navigable stream does not divide parcel. Unless otherwise provided by local ordinance, a navigable stream running through a parcel of land

1 does not, in and of itself, divide the parcel into 2 parcels if the parcel, on both sides
2 of the stream, is owned by the same owner.

3 **SECTION 149.** 893.37 of the statutes is amended to read:

4 **893.37 Survey.** No action may be brought against an engineer or any
5 professional land surveyor, as defined in s. 443.01 (7m), to recover damages for
6 negligence, errors, or omission in the making of any survey nor for contribution or
7 indemnity related to such negligence, errors, or omissions more than 6 years after
8 the completion of a survey.

Insert 51-8

9 **SECTION 150. Nonstatutory provisions.**

10 (1) Notwithstanding section 443.02 (4) of the statutes, as affected by this act,
11 on the effective date of this subsection, a person who has been granted a certificate
12 of registration as a land surveyor under section 443.06 (2), 2009 stats., or a permit
13 to practice land surveying under section 443.06 (3), 2009 stats., is considered to be
14 granted a license to engage in the practice of professional land surveying under
15 section 443.06 (2) of the statutes, as affected by this act, or a permit to engage in the
16 practice of professional land surveying under section 443.06 (3) of the statutes, as
17 affected by this act, and the professional land surveyor section of the examining
18 board of architects, landscape architects, professional engineers, designers, and
19 professional land surveyors shall issue to the person, as appropriate, a license to
20 engage in the practice of professional land surveying under section 443.06 (2) of the
21 statutes, as affected by this act, or a permit to engage in the practice of professional
22 land surveying under section 443.06 (3) of the statutes, as affected by this act.

23 **SECTION 151. Initial applicability.**

24 (1) The treatment of section 26.09 (3) (b) 1. of the statutes first applies to
25 surveys recorded on the effective date of this subsection.

1 (2) The treatment of section 70.27 (5), (6), and (7) (intro.) and (d) of the statutes
2 first applies to assessor's plats made on the effective date of this subsection.
3 (3) The treatment of section 157.07 (1) of the statutes first applies to lands
4 surveyed and platted on the effective date of this subsection.
5 (4) The treatment of section 157.07 (2) and (3) of the statutes first applies to
6 cemetery plats and maps created on the effective date of this subsection.
7 (5) The treatment of sections 236.12 (8) and 236.21 (1) (intro.), (a), and (d) of
8 the statutes first applies to plats certified by a professional land surveyor, as defined
9 in section 443.01 (7m) of the statutes, as created by this act, on the effective date of
10 this subsection.
11 (6) The treatment of section 236.02 (2m) of the statutes first applies to
12 correction instruments that are drafted on the effective date of this subsection.
13 (7) The treatment of sections 236.15 (2) and 236.34 (1) (a) of the statutes first
14 applies to surveys that are performed on the effective date of this subsection.
15 (8) The treatment of section 236.20 (6) of the statutes first applies to final plats,
16 and to certified survey maps, that are submitted for approval on the effective date
17 of this subsection.
18 (9) The renumbering and amendment of section 236.32 of the statutes and the
19 creation of section 236.32 (2m) of the statutes first apply to the placement, removal,
20 or disturbance of monuments, or the failure to replace monuments, on the effective
21 date of this subsection.
22 (10) The treatment of section 236.34 (1) (d) (intro.), 1., and 4. of the statutes first
23 applies to certified survey maps recorded on the effective date of this subsection.
24 (11) The treatment of section 703.02 (6m) of the statutes first applies to
25 correction instruments drafted on the effective date of this subsection.

(12) The treatment of section 703.11 (4) of the statutes first applies to condominium plats certified on the effective date of this subsection.

(13) The treatment of section 703.13 (6) (e), (7) (c), and (8) (c) of the statutes first applies to condominium plats and plans certified on the effective date of this subsection.

(14) The treatment of section 707.215 (5) (intro.) of the statutes first applies to certifications made on the effective date of this subsection.

(15) The treatment of sections 709.02 (1) and 709.07 of the statutes first applies to original reports furnished on the effective date of this subsection.

(16) The treatment of section 893.37 of the statutes first applies to acts or omissions occurring on the effective date of this subsection.

SECTION 152. Effective date.

(1) This act takes effect on the first day of the 4th month beginning after publication.

(END)

D-note