



State of Wisconsin  
2009 - 2010 LEGISLATURE

LRBs0085/281

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~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

ASSEMBLY SUBSTITUTE AMENDMENT,

TO 2009 ASSEMBLY BILL 271

SA ✓

9/28/09

By 10/1/09 or sooner

Repeal  
Cat

1 AN ACT **to repeal** 443.01 (4), 443.06 (2) (a), 443.06 (2) (b), 443.06 (2) (c) and 443.06  
2 (2) (e); **to amend** 15.405 (2) (intro.), (a) and (b), 26.09 (3) (b) 1., 30.11 (3), 30.13  
3 (3) (a), 59.20 (2) (c), 59.43 (8), 59.45 (1) (a) 2., 59.45 (1) (b), 59.45 (3), 59.46, 59.73  
4 (2), 59.74 (2) (b) 1., 59.74 (2) (c), 59.74 (2) (g), 59.74 (2) (h), 59.74 (2) (j), 59.75,  
5 60.84 (1), 60.84 (2), 60.84 (3) (a), 60.84 (3) (c) (intro.), 60.84 (4), 70.27 (5), 70.27  
6 (6), 70.27 (7) (intro.), 70.27 (7) (d), 84.095 (5), 157.07 (1), 157.07 (2), 157.07 (3),  
7 236.02 (2m), 236.12 (8), 236.15 (1) (a), 236.15 (1) (d), 236.15 (2), 236.16 (3) (title),  
8 236.16 (4) (title), 236.20 (2) (g), 236.21 (1) (intro.), 236.21 (1) (a), 236.21 (1) (d),  
9 236.32 (1), 236.34 (1) (a), 236.34 (1) (d) (intro.), 236.34 (1) (d) 1., 236.34 (1) (d)  
10 4., 440.03 (13) (b) 34., 440.08 (2) (a) 39., chapter 443 (title), 443.01 (3), 443.02  
11 (4), 443.06 (title), 443.06 (1) (title), 443.06 (1) (a), 443.06 (1) (b), 443.06 (2)  
12 (intro.), 443.06 (2) (am), 443.06 (2) (bm), 443.06 (2) (cm), 443.06 (2) (d), 443.06

1 (2) (em), 443.06 (3), 443.10 (title), 443.10 (2) (b), 443.10 (5), 443.12 (title), 443.12  
 2 (1), 443.12 (3), 443.14 (8) (a), 443.14 (8) (b), 443.14 (8) (c), 443.14 (8) (d), 443.14  
 3 (9), 443.14 (11), 443.18 (2) (a), 443.18 (2) (b), 470.025 (7), 703.02 (6m), 703.11 (2)  
 4 (b), 703.11 (4), 703.115 (1) (b), 703.13 (6) (e), 703.13 (7) (c), 703.13 (8) (c), 707.215  
 5 (5) (intro.), 709.02 (1), 709.07 and 893.37; and **to create** 16.967 (3) (f), 59.001  
 6 (2k), 93.70 (1m), 157.061 (13m), 236.02 (9b), 236.025, 236.20 (6), 443.01 (1g),  
 7 443.01 (1r), 443.01 (3b), 443.01 (6s), 443.01 (7m), 443.135, 443.14 (15), 443.14  
 8 (16), 703.02 (13r), 895.477 and 943.13 (4m) (d) of the statutes; **relating to:**  
 9 professional land surveyors, the practice of professional land surveying,  
 10 surveying land abutting navigable waters, and granting rule-making  
 11 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 substitute amendment replaces "land surveying" with the term "practice of professional land surveying" and defines the term as any of the following:

1. Measuring or analyzing a tract of land to determine the location of its boundaries and boundary corners

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 of the following interest in real property: a) the layout and rights-of-way of roads or streets; b) air or property rights; or c) public or private easements ← period stays

4. Preparing maps that depict any interest in real property identified in item 3) for the purpose of establishing the boundaries of any such interest in real property.

INSERT ANALYSIS P. 2

identified in item 1

3) 6/10

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

The substitute amendment also replaces the certificate of registration requirement under current law with a licensure requirement. Therefore, under the substitute amendment 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 substitute amendment 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 substitute amendment also replaces various references under current law to "registered land surveyor," "land surveyor," and "surveyor" with "professional land surveyor."

After July 1, 2018, the substitute amendment requires employees of this state and public utilities to obtain a license or permit to engage in the practice of professional land surveying. Such employees are exempt from the certificate of registration and permit requirements under current law.

The substitute amendment creates an exemption from licensure for employees of the Department of Agriculture, Trade and Consumer Protection (DATCP) who are engaged in establishing the boundaries of easements acquired by DATCP under the Conservation Reserve Enhancement Program (CREP), if the DATCP employees include on any map prepared in connection with a CREP easement a written disclaimer indicating that the map has not been prepared by a professional land surveyor licensed under chapter 443 of the statues, and has been prepared using protocols established by the Federal Department of Agriculture under the Wetlands Reserve Program, 16 U.S.C. 3837 et seq. to 3837f

The substitute amendment also exempts from licensure employees of state agencies and local units of government who operate a land information system or geographic information system and who prepare maps on that system if the maps show approximate property boundaries or will be recorded and if the maps contain the following or a substantially similar disclaimer:

"This map shows the approximate relative location of property boundaries but was not prepared by a professional land surveyor. This map is provided for informational purposes only and may not be sufficient or appropriate for legal, engineering, or surveying purposes."

The substitute amendment also exempts from licensure persons who prepare the following maps: a) a map used in connection with a regulatory program established by, or in connection with the exercise of police powers by, the state or a local unit of government; (b) a map showing the boundaries or the shape and area of land designated as managed forest land by the Department of Natural Resources;

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or

forest cropland or as

or in connection with the enforcement of the public trust doctrine, or any other constitutional authority by ↑



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Required under the substitute amendment

determined

and c) a map that identifies the boundaries or the shape and area of land or partial interests in real property if both of the following apply:

1. The map includes a disclaimer substantially similar to the disclaimer included on certain maps prepared by employees of state agencies and local units of government who operate land information systems and geographic information systems

2. The map is accompanied by the legal description of the tract or tracts of land or interest or interests in real property.

Under current law, for purposes of platting lands or preparing survey maps that involve ordinary high water marks (OHWMs), a professional surveyor may incorporate an ordinary high water mark that has been identified by the Department of Natural Resources or that has otherwise been identified by law or may approximate the ordinary high water mark. The substitute amendment 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.

Finally, the substitute amendment exempts a professional land surveyor and an employee working under the direct supervision of the professional land surveyor from civil liability for trespass occurring during the practice of professional land surveying or damage caused as a result of the surveyor's approximation of an OHWM or of high and low water elevations, provided the action of the surveyor or his or her employee were in good faith and not reckless, wanton, or involving intentional misconduct.

INERT 2

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INERT ANALYSIS P. 4

FE-S

*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 are amended to read:
- 2 15.405 (2) EXAMINING BOARD OF ARCHITECTS, LANDSCAPE ARCHITECTS,
- 3 PROFESSIONAL ENGINEERS, DESIGNERS, AND PROFESSIONAL LAND SURVEYORS. (intro.)
- 4 There is created an examining board of architects, landscape architects, professional
- 5 engineers, designers, and professional land surveyors in the department of
- 6 regulation and licensing. Any professional member appointed to the examining
- 7 board shall be registered or licensed to practice architecture, landscape architecture,
- 8 professional engineering, the design of engineering systems, or the practice of

1 professional land surveying under ch. 443. The examining board shall consist of the  
2 following members appointed for 4-year terms: 3 architects, 3 landscape architects,  
3 3 professional engineers, 3 designers, 3 professional land surveyors, and 10 public  
4 members.

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

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

16 **SECTION 2.** 16.967 (3) (f) of the statutes is created to read:

17 16.967 (3) (f) <sup>1</sup> Ensure that state agencies and local governmental units with  
18 land information responsibilities include on any of the maps described in subd. 2 the  
19 following or a substantially similar disclaimer if the map was prepared using the <sup>map that depicts the boundary of</sup> interested  
20 land information system, but was not prepared by a professional land surveyor, as <sup>in</sup> real  
21 defined in s. 443.01 (7m), engaged in the practice of professional land surveying, as <sup>propert.</sup>  
22 defined in s. 443.01 (6s):

23 "This map shows the approximate relative location of property boundaries but  
24 was not prepared by a professional land surveyor. This map is provided for

one or more tracts of  
land, or of one or more

1 informational purposes only and may not be sufficient or appropriate for legal,  
2 engineering, or surveying purposes.”

3 2. The following maps, if prepared as described in subd. 1., shall include the  
4 disclaimer described in subd. 1.:

5 a. A map that depicts the boundary of an interest in property.

6 b. A map that will be recorded in the office of one or more county registers of  
7 deeds.

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

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

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

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

1 bulkhead line. Upon approval by the department, the municipality shall deliver the  
2 map, description, and ordinance to the office of the register of deeds of the county in  
3 which the bulkhead line lies, to be recorded by the register of deeds.

4 SECTION 5. 30.13 (3) (a) of the statutes is amended to read:

5 30.13 (3) (a) Any municipality authorized by s. 30.11 to establish a bulkhead  
6 line may also establish a pierhead line in the same manner as it is authorized to  
7 establish a bulkhead line, except that a metes and bounds legal description is not  
8 required nor is the map required to be prepared by a registered professional land  
9 surveyor licensed under ch. 443 and except that if the municipality has created a  
10 board of harbor commissioners the municipality must obtain the approval of the  
11 board concerning the establishment of the pierhead line in addition to obtaining the  
12 approval of the department.

13 SECTION 6. 59.001 (2k) of the statutes is created to read:

14 59.001 (2k) "Professional land surveyor" means a professional land surveyor  
15 licensed under ch. 443.

16 SECTION 7. 59.20 (2) (c) of the statutes is amended to read:

17 59.20 (2) (c) In counties that elect a surveyor, the surveyor shall be a registered  
18 professional land surveyor. In lieu of electing a surveyor in any county having a  
19 population of less than 500,000, the board may, by resolution, designate that the  
20 duties under ss. 59.45 (1) and 59.74 (2) be performed by any registered professional  
21 land surveyor employed by the county. Any surveyor employed by a county having  
22 a population of 500,000 or more shall be a professional land surveyor.

23 SECTION 8. 59.43 (8) of the statutes is <sup>renumbered 59.43(8) (intro.) and</sup> amended to read: x

24 59.43 (8) REQUIRED SIGNATURE AND SEAL ON SURVEY DOCUMENT FOR FILING OR  
25 RECORDING. It is unlawful for the register of deeds of any county or any proper public

(intro)

1 authority to file or record a map, plat, survey, or other document within the definition  
 2 of the practice of professional land surveying under s. 443.01 (6s), which does not  
 3 have impressed thereon, and affixed thereto, the personal signature and seal of a  
 4 registered professional land surveyor under whose responsible charge the map, plat,  
 5 survey, or other document was prepared. This subsection does not apply to any deed,  
 6 contract, or other recordable document prepared by an attorney, or to a  
 7 transportation project plat that conforms to s. 84.095 and that is prepared by a state  
 8 agency.

of the following:  
 (c) A

↑ ↑ ↑ ↑  
 (c) A

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**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



1 surveyor files a true and correct copy of the survey in the office of the county surveyor.  
2 In counties with a population of 500,000 or more the copy shall be filed in the office  
3 of the register of deeds and in the office of the regional planning commission which  
4 acts in the capacity of county surveyor for the county.

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

6 59.45 (3) SURVEYOR; FEES. In addition to the regular fees of professional land  
7 surveyors that are received from the parties employing the county surveyor, the  
8 county surveyor may receive a salary from the county.

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

10 **59.46 Penalty for nonfeasance.** Any county surveyor, any city, village, or  
11 town engineer, or any professional land surveyor who fails or refuses to perform any  
12 duty required of that person by law shall forfeit not less than \$25 nor more than \$50  
13 for each such failure or refusal.

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

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

23 **SECTION 14.** 59.74 (2) (b) 1. of the statutes is amended to read:

24 59.74 (2) (b) 1. Whenever it becomes necessary to destroy, remove, or cover up  
25 in such a way that will make it inaccessible for use, any landmark, monument of

1 survey, or corner post within the meaning of this subsection, the person including  
2 employees of governmental agencies who intend to commit such act shall serve  
3 written notice at least 30 days prior to the act upon the county surveyor of the county  
4 within which the landmark is located. Notice shall also be served upon the  
5 municipality's engineer if the landmark is located within the corporate limits of a  
6 municipality. The notice shall include a description of the landmark, monument of  
7 survey, or corner post and the reason for removing or covering it. In this paragraph,  
8 removal of a landmark includes the removal of railroad track by the owner of the  
9 track. In a county having a population of less than 500,000 where there is no county  
10 surveyor, notice shall be served upon the clerk. In a county with a population of  
11 500,000 or more where there is no county surveyor, notice shall be served upon the  
12 executive director of the regional planning commission which acts in the capacity of  
13 county surveyor for the county. Notwithstanding par. (c), upon receipt of the notice  
14 the clerk shall appoint a registered professional land surveyor to perform the duties  
15 of a county surveyor under subd. 2.

16 **SECTION 15.** 59.74 (2) (c) of the statutes is amended to read:

17 59.74 (2) (c) In those counties where there are no county surveyors a petition  
18 can be made to the board by any resident of this state requesting the board to appoint  
19 a professional land surveyor to act in the capacity of the county surveyor. The board,  
20 upon receipt of this petition, shall appoint a professional land surveyor to act in the  
21 capacity of the county surveyor. In counties with a population of 500,000 or more,  
22 the board may appoint a governmental agency to act in the capacity of county  
23 surveyor.

24 **SECTION 16.** 59.74 (2) (g) of the statutes is amended to read:

1           59.74 (2) (g) Every professional land surveyor and every officer of the  
2 department of natural resources and the district attorney shall enforce this  
3 subsection.

4           **SECTION 17.** 59.74 (2) (h) of the statutes is amended to read:

5           59.74 (2) (h) Any ~~registered~~ professional land surveyor employed by the  
6 department of transportation or by a county highway department, may, incident to  
7 employment as such, assume and perform the duties and act in the capacity of the  
8 county surveyor under this subsection with respect to preservation and perpetuation  
9 of landmarks, witness monuments, and corner posts upon and along state trunk,  
10 county trunk, and town highways. Upon completing a survey and perpetuating  
11 landmarks and witness monuments under par. (b) 2., a professional land surveyor  
12 employed by the state shall file the field notes and records in the district office or  
13 main office of the department of transportation, and a professional land surveyor  
14 employed by a county shall file the field notes and records in the office of the county  
15 highway commissioner, open to inspection by the public, and in either case a true and  
16 correct copy of the field notes and records shall be filed with the county surveyor. In  
17 a county with a population of 500,000 or more where there is no county surveyor, a  
18 copy of the field notes and records shall also be filed in the office of the regional  
19 planning commission which acts in the capacity of county surveyor for the county.

20           **SECTION 18.** 59.74 (2) (j) of the statutes is amended to read:

21           59.74 (2) (j) The county surveyor may employ other professional land surveyors  
22 to assist in this work and may accept reference checks for these corners from any  
23 professional land surveyor.

24           **SECTION 19.** 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 20.** 60.84 (1) of the statutes is amended to read:

10           60.84 (1) SURVEY, CONTRACT FOR. The town board may contract with the county  
11 surveyor or any registered professional land surveyor licensed under ch. 443 to  
12 survey all or some of the sections in the town and to erect monuments under this  
13 section as directed by the board.

14           **SECTION 21.** 60.84 (2) of the statutes is amended to read:

15           60.84 (2) BOND. Before the town board executes a contract under sub. (1), the  
16 county surveyor or professional land surveyor shall execute and file with the town  
17 board a surety bond or other financial security approved by the town board.

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

19           60.84 (3) (a) Monuments shall be set on section and quarter-section corners  
20 established by the United States survey. If there is a clerical error or omission in the  
21 government field notes or if the bearing trees, mounds, or other location identifier  
22 specified in the notes is destroyed or lost, and if there is no other reliable evidence  
23 by which a section or quarter-section corner can be identified, the county surveyor  
24 or professional land surveyor shall reestablish the corner under the rules adopted by  
25 the federal government in the survey of public lands. The county surveyor or

1 professional land surveyor shall set forth his or her actions under this paragraph in  
2 the certificate under sub. (4).

3 **SECTION 23.** 60.84 (3) (c) (intro.) of the statutes is amended to read:

4 60.84 (3) (c) (intro.) To establish, relocate or perpetuate a corner, the county  
5 surveyor or professional land surveyor shall set in the proper place a monument, as  
6 determined by the town board, consisting of:

7 **SECTION 24.** 60.84 (4) of the statutes is amended to read:

8 60.84 (4) CERTIFICATE. The county surveyor or professional land surveyor shall  
9 prepare a certificate setting forth a complete and accurate record of any survey under  
10 this section, including the exact bearings and distances of each monument from each  
11 other monument nearest it on any line in the town. The certificate shall be recorded  
12 in the office of the register of deeds of the county in which the surveyed land is  
13 located.

14 **SECTION 25.** 70.27 (5) of the statutes is amended to read:

15 70.27 (5) SURVEYS, RECONCILIATIONS. The surveyor making the plat shall be a  
16 professional land surveyor licensed under ch. 443 and shall survey and lay out the  
17 boundaries of each parcel, street, alley, lane, roadway, or dedication to public or  
18 private use, according to the records of the register of deeds, and whatever evidence  
19 that may be available to show the intent of the buyer and seller, in the chronological  
20 order of their conveyance or dedication, and set temporary monuments to show the  
21 results of such survey which shall be made permanent upon recording of the plat as  
22 provided for in this section. The map shall be at a scale of not more than 100 feet per  
23 inch, unless waived in writing by the department of administration under s. 236.20  
24 (2) (L). The owners of record of lands in the plat shall be notified by certified letter  
25 mailed to their last-known address, in order that they shall have opportunity to

1 examine the map, view the temporary monuments, and make known any  
2 disagreement with the boundaries as shown by the temporary monuments. It is the  
3 duty of the professional land surveyor making the plat to reconcile any discrepancies  
4 that may be revealed, so that the plat as certified to the governing body is in  
5 conformity with the records of the register of deeds as nearly as is practicable. When  
6 boundary lines between adjacent parcels, as evidenced on the ground, are mutually  
7 agreed to in writing by the owners of record, such lines shall be the true boundaries  
8 for all purposes thereafter, even though they may vary from the metes and bounds  
9 descriptions previously of record. Such written agreements shall be recorded in the  
10 office of the register of deeds. On every assessor's plat, as certified to the governing  
11 body, shall appear the volume, page, and document number of the metes and bounds  
12 description of each parcel, as recorded in the office of the register of deeds, which  
13 shall be identified with the number by which such parcel is designated on the plat,  
14 except that lots which have been conveyed or otherwise acquired but upon which no  
15 deed is recorded in the office of register of deeds may be shown on an assessor's plat  
16 and when so shown shall contain a full metes and bounds description.

17 **SECTION 26.** 70.27 (6) of the statutes is amended to read:

18 70.27 (6) MONUMENTS, PLAT REQUIREMENTS. The provisions of s. 236.15 as to  
19 monuments, and the provisions of s. 236.20 as to form and procedure, insofar as they  
20 are applicable to the purposes of assessors' plats, shall apply. Any stake or  
21 monument found and accepted as correct by a professional land surveyor laying out  
22 an assessor's plat shall be indicated as "stake found" or "monument found" when  
23 mapping the plat and such stake or monument shall not be removed or replaced even  
24 though it is inconsistent with the standards of s. 236.15.

25 **SECTION 27.** 70.27 (7) (intro.) of the statutes is amended to read:

1           70.27 (7) CERTIFICATE. (intro.) When completed, the assessor's plat shall be  
2 filed with the clerk of the governing body that ordered the plat. On its title page shall  
3 appear the sworn certificate of the professional land surveyor who made the plat,  
4 which shall state and contain:

5           **SECTION 28.** 70.27 (7) (d) of the statutes is amended to read:

6           70.27 (7) (d) A statement that the professional land surveyor has fully complied  
7 with the provisions of this section in filing the same.

8           **SECTION 29.** 84.095 (5) of the statutes is amended to read:

9           84.095 (5) SURVEYOR'S PROFESSIONAL LAND SURVEYOR'S CERTIFICATE. A plat  
10 prepared for filing or recording under this section shall include a certificate of a  
11 professional land surveyor registered licensed under s. 443.06 that the plat is a  
12 correct representation of the project described and that the identification and  
13 location of each parcel can be determined from the plat. This subsection does not  
14 apply to plats prepared by the department.

15           **SECTION 30.** 93.70 (1m) of the statutes is created to read:

16           93.70 (1m) An employee of the department who is not a professional land  
17 surveyor, as defined in s. 443.01 (7m), and who prepares a map that depicts the  
18 boundaries of an easement to be acquired by the department under this section shall  
19 include on that map all of the following:

20           (a) A disclaimer substantially similar to the disclaimer under s. 16.967 (3) (f)

21

1.

22           (b) A statement that the map is to be used only in connection with the program  
23 under this section.

24           (c) A statement that the map was prepared using protocols established by the  
25 federal department of agriculture under the wetlands reserve program, 16 USC 3837

25

to 3837f

1 et seq., and that a copy of the protocols may be obtained from the department of  
2 agriculture, trade and consumer protection upon request.

3 SECTION 31. 157.061 (13m) of the statutes is created to read:

4 157.061 (13m) "Professional land surveyor" means a professional land  
5 surveyor licensed under ch. 443.

6 SECTION 32. 157.07 (1) of the statutes is amended to read:

7 157.07 (1) A cemetery authority shall cause to be surveyed and platted by a  
8 professional land surveyor ~~registered in this state~~ those portions of the lands that are  
9 from time to time required for burial, into cemetery lots, drives and walks, and record  
10 a plat or map of the land in the office of the register of deeds. The plat or map may  
11 not be recorded unless laid out and platted to the satisfaction of the county board of  
12 the county, and the town board of the town in which the land is situated, or, if the land  
13 is situated within a 1st class city, then only by the common council of that city.

14 SECTION 33. 157.07 (2) of the statutes is amended to read:

15 157.07 (2) The plat or map shall show the exact location of the tract being  
16 subdivided with reference to a corner or corners established in the United States  
17 public land survey by bearings and distances, and shall show a small scale drawing  
18 of the section or government subdivision of the section in which the cemetery plat is  
19 situated, with the cemetery plat indicated. The plat or map shall include the  
20 certificate of the professional land surveyor containing the name of the cemetery  
21 authority, the date of the survey, the professional land surveyor's stamp or seal and  
22 signature, and the professional land surveyor's statement that the survey is true to  
23 the professional land surveyor's best knowledge and belief.

24 SECTION 34. 157.07 (3) of the statutes is amended to read:



1           157.07 (3) The plat or map shall be made on a durable white media that is 22  
 2 inches wide by 30 inches long with a permanent nonfading black image. Seals or  
 3 signatures that are reproduced on images that comply with this subsection have the  
 4 force and effect of original seals and signatures. When more than one sheet is used  
 5 for any one plat or map, they shall be numbered consecutively and each sheet shall  
 6 contain a notation showing the whole number of sheets in the plat, and its relation  
 7 to the other sheets. The sheets may be provided by the county through the register  
 8 of deeds on terms determined by the county board. The professional land surveyor  
 9 shall leave a binding margin of 1.5 inches on the left side of the 30-inch length and  
 10 a one-inch margin on all other sides.

11           **SECTION 35.** 236.02 (2m) of the statutes is amended to read:

12           236.02 (2m) "Correction instrument" means an instrument drafted by a  
 13 licensed professional land surveyor that complies with the requirements of s.  
 14 236.295 and that, upon recording, corrects a subdivision plat or a certified survey  
 15 map.

16           **SECTION 36.** 236.02 (9b) of the statutes is created to read:

17           236.02 (9b) "Professional land surveyor" means a professional land surveyor  
 18 licensed under ch. 443.

19           **SECTION 37.** 236.025 of the statutes is created to read:

20           **236.025 Ordinary high water marks.** (1) For purposes of ss. 236.15 (1) (a)  
 21 and (d) and 236.20 (2) (g), a professional land surveyor may do any of the following:

22           (a) Incorporate into a map, plat, or survey an ordinary high water mark that  
 23 has been ~~identified~~ <sup>determined</sup> by the department of natural resources or otherwise ~~identified~~ <sup>determined</sup>  
 24 pursuant to law. ✓

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

3 (2) For purposes of sub. (1) (b), the location of the approximate ordinary high  
4 water mark shall be the point on the bank of a stream or on the shore of a lake up  
5 to which the presence and action of surface water is so continuous as to leave a  
6 distinctive mark by erosion, destruction, prevention of terrestrial vegetation,  
7 predominance of aquatic vegetation, or other easily recognized characteristic.

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

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

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

15 SECTION 38. 236.12 (8) of the statutes is amended to read:

16 236.12 (8) In order to facilitate approval of the final plat where more than one  
17 approval is required, the subdivider may file a true copy of the plat with the  
18 approving authority or authorities with which the original of the final plat has not  
19 been filed. The approval of such authorities may be based on such copy but shall be  
20 inscribed on the original of the final plat. Before inscribing its approval, the  
21 approving authority shall require the professional land surveyor or the owner to  
22 certify the respects in which the original of the final plat differs from the copy. All  
23 modifications in the final plat shall be approved before final approval is given.

24 SECTION 39. 236.15 (1) (a) of the statutes is amended to read:

determined

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

15           **SECTION 40.** 236.15 (1) (d) of the statutes is amended to read:

16           236.15 (1) (d) The lines of lots, outlots, parks and public access and land  
17 dedicated to the public that extend to lakes or streams shall be monumented in the  
18 field by iron pipes at least 18 inches long and one inch in diameter weighing not less  
19 than 1.13 pounds per lineal foot, or by round or square iron bars at least 18 inches  
20 long and weighing not less than 1.13 pounds per lineal foot. These monuments shall  
21 be placed at the point of intersection of the lake or stream lot line with a meander  
22 line established not less than 20 feet back from the ~~identified~~ or approximated  
23 ordinary high water mark of the lake or from the bank of the stream.

24           **SECTION 41.** 236.15 (2) of the statutes is amended to read:

1           236.15 (2) ACCURACY OF SURVEY. The survey shall be performed by a  
2 professional land surveyor registered in this state and if the error in the latitude and  
3 departure closure of the survey or any part thereof is greater than the ratio of one  
4 in 3,000, the plat may be rejected.

5           **SECTION 42.** 236.16 (3) (title) of the statutes is amended to read:

6           236.16 (3) (title) LAKE AND STREAM SHORE PLATS; PUBLIC ACCESS.

7           **SECTION 43.** 236.16 (4) (title) of the statutes is amended to read:

8           236.16 (4) (title) LAKE AND STREAM SHORE PLATS; LAND BETWEEN MEANDER LINE AND  
9 WATER'S EDGE.

determined

10          **SECTION 44.** 236.20 (2) (g) of the statutes is amended to read:

11          236.20 (2) (g) All lake or stream shore meander lines established by the  
12 professional land surveyor in accordance with s. 236.15 (1) (d), the distances and  
13 bearings thereof, and the distance between the point of intersection of such meander  
14 lines with lot lines and the ~~identified~~ or approximated ordinary high water mark.

15          **SECTION 45.** 236.20 (6) of the statutes is created to read:

16          236.20 (6) PUBLIC TRUST INFORMATION. A final plat of a subdivision, or a certified  
17 survey map of land, to which s. 236.16 (4) applies shall show on its face the following  
18 statement:

19          “Any land below the ordinary high water mark of a navigable lake or stream is  
20 subject to the public trust in navigable waters that is established under article IX,  
21 section 1, of the state constitution. However, the owner of the real property that  
22 abuts such land has exclusive use of that land when it is exposed, except as otherwise  
23 provided by law or by the owner’s title.”

24          **SECTION 46.** 236.21 (1) (intro.) of the statutes is amended to read:

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

5           **SECTION 47.** 236.21 (1) (a) of the statutes is amended to read:

6           236.21 (1) (a) By whose direction the professional land surveyor made the  
7 survey, subdivision, and plat of the land described on the plat.

8           **SECTION 48.** 236.21 (1) (d) of the statutes is amended to read:

9           236.21 (1) (d) A statement that the professional land surveyor has fully  
10 complied with the provisions of this chapter in surveying, dividing, and mapping the  
11 land.

12           **SECTION 49.** 236.32 (1) of the statutes is amended to read:

13           236.32 (1) Any owner, professional land surveyor, or subdivider who fails to  
14 place monuments as prescribed in this chapter when subdividing land.

15           **SECTION 50.** 236.34 (1) (a) of the statutes is amended to read:

16           236.34 (1) (a) The survey shall be performed and the map prepared by a  
17 professional land surveyor ~~registered in this state~~. The error in the latitude and  
18 departure closure of the survey may not exceed the ratio of one in 3,000.

19           **SECTION 51.** 236.34 (1) (d) (intro.) of the statutes is amended to read:

20           236.34 (1) (d) (intro.) The map shall include a certificate of the professional  
21 land surveyor who surveyed, divided, and mapped the land which has the same force  
22 and effect as an affidavit and which gives all of the following information:

23           **SECTION 52.** 236.34 (1) (d) 1. of the statutes is amended to read:

24           236.34 (1) (d) 1. By whose direction the professional land surveyor made the  
25 survey, division, and map of the land described on the certified survey map.

1           **SECTION 53.** 236.34 (1) (d) 4. of the statutes is amended to read:

2           236.34 (1) (d) 4. A statement that the professional land surveyor has fully  
3 complied with the provisions of this section in surveying, dividing, and mapping the  
4 land.

5           **SECTION 54.** 440.03 (13) (b) 34. of the statutes is amended to read:

6           440.03 (13) (b) 34. Land surveyor, professional.

7           **SECTION 55.** 440.08 (2) (a) 39. of the statutes, as affected by 2007 Wisconsin Act  
8 20, is amended to read: ✓

9           440.08 (2) (a) 39. Land surveyor, professional: February 1 of each  
10 even-numbered year.

11          **SECTION 56.** Chapter 443 (title) of the statutes is amended to read:

12                                   **CHAPTER 443**

13                           **EXAMINING BOARD OF ARCHITECTS,**

14                                   **LANDSCAPE ARCHITECTS,**

15                                   **PROFESSIONAL ENGINEERS,**

16                                   **DESIGNERS, AND PROFESSIONAL**

17                                   **LAND SURVEYORS**

18          **SECTION 57.** 443.01 (1g) of the statutes is created to read:

19          443.01 (1g) “Cartographic surveying” means collecting and making maps of  
20 topographic, hydrographic, aerial, anthropologic, forensic, architectural, or mining  
21 data that depicts areas and physical features on, below, or above the surface of the  
22 earth.

23          **SECTION 58.** 443.01 (1r) of the statutes is created to read:

24          443.01 (1r) “Construction surveying” means surveying or mapping in support  
25 of infrastructure design, improvements related to private and public boundary lines,

1 construction layout or historic preservation, and establishing any postconstruction  
2 documentation related to such surveying or mapping.

3 SECTION 59. 443.01 (3) of the statutes is amended to read:

4 443.01 (3) "Examining board" means the examining board of architects,  
5 landscape architects, professional engineers, designers, and professional land  
6 surveyors.

7 SECTION 60. 443.01 (3b) of the statutes is created to read:

8 443.01 (3b) "Geodetic surveying" means surveying to determine the size and  
9 shape of the earth or the precise positions of points on the surface of the earth.

10 SECTION 61. 443.01 (4) of the statutes is repealed.

11 SECTION 62. 443.01 (6s) of the statutes is created to read:

12 443.01 (6s) (a) Except as provided in par. (b), "practice of professional land  
13 surveying" means any of the following:

14 1. Measuring or analyzing a tract of land to determine the location of its  
15 boundaries and boundary corners.

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

18 3. Placing, replacing, restoring, or perpetuating monuments in or on the  
19 ground to evidence the location of a point that is necessary to describe the shape,  
20 area, and boundaries of one or more tracts of land or the subdivision or consolidation

21 of one or more tracts of land or to describe the boundaries of any of the following

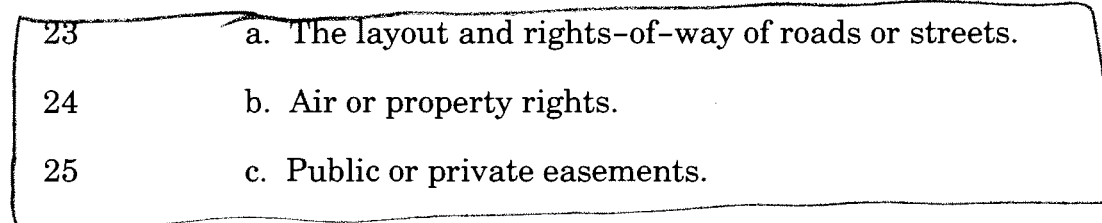
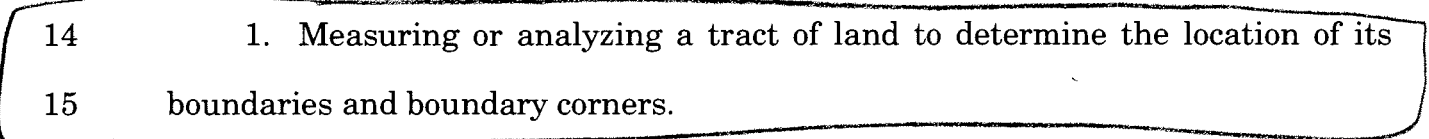
22 interest ~~in~~ real property as identified in subd 10

23 a. The layout and rights-of-way of roads or streets.

24 b. Air or property rights.

25 c. Public or private easements.

INSERT  
23-14



21  
22

- 1 4. Preparing maps that depict any interest in real property identified in subd.  
 2 3. for the purpose of establishing the boundaries of any such interest in real property.  
 3 5. Preparing any of the following:  
 4 a. An official map established or amended under s. 62.23 (6), established or  
 5 amended under the authority of s. 61.35, or adopted under s. 60.61.  
 6 b. An assessor's plat under s. 70.27.  
 7 c. A map or plat of cemetery lands under s. 157.07.  
 8 d. A subdivision plat, certified survey map, or correction instrument under ch.  
 9 236.  
 10 e. A condominium plat or correction instrument under ch. 703.  
 11 f. A project and time-share plat under s. 707.215.  
 12 6. Performing cartographic, construction, or geodetic surveying in connection  
 13 with any of the practices specified in subds. 1. to 5.  
 14 (b) "Practice of professional land surveying" does not include the establishment  
 15 of an ordinary high water mark.

16 SECTION 63. 443.01 (7m) of the statutes is created to read:

17 443.01 (7m) "Professional land surveyor" means a person who, by reason of his  
 18 or her knowledge of law, mathematics, physical sciences, and measurement  
 19 techniques, acquired by education and practical experience, is granted a license or  
 20 permit to engage in the practice of professional land surveying under this chapter.

21 SECTION 64. 443.02 (4) of the statutes is amended to read:

22 443.02 (4) No person may engage in or offer to engage in the practice of  
 23 professional land surveying in this state or use or advertise any title or description  
 24 tending to convey the impression that the person is a professional land surveyor or,  
 25 for compensation, provide or offer to provide or hold himself or herself out as qualified



1 to provide consulting services related to the practice of professional land surveying  
2 unless the person has been issued a ~~certificate of registration or~~ granted a license or  
3 permit to engage in the practice of professional land surveying under this chapter.

4 **SECTION 65.** 443.06 (title) of the statutes is amended to read:

5 **443.06 (title) Registration Licensure requirements for professional**  
6 **land surveyors.**

7 **SECTION 66.** 443.06 (1) (title) of the statutes is amended to read:

8 443.06 (1) (title) ~~REGISTRATION LICENSURE, APPLICATION, QUALIFYING EXPERIENCE.~~

9 **SECTION 67.** 443.06 (1) (a) of the statutes is amended to read:

10 443.06 (1) (a) Application for ~~registration as a land surveyor~~ a license or a  
11 permit to engage in the practice of professional land surveying shall be made to the  
12 section under oath, on forms provided by the department, which shall require the  
13 applicant to submit such information as the section deems necessary. The section  
14 may require applicants to pass written or oral examinations or both. Applicants who  
15 do not have an arrest or conviction record, subject to ss. 111.321, 111.322, and  
16 111.335, shall be entitled to be ~~registered or issued a~~ granted a license or permit to  
17 engage in the practice as of professional land surveyors surveying when satisfactory  
18 evidence is submitted that the applicant has met one or more of the requirements of  
19 sub. (2).

20 **SECTION 68.** 443.06 (1) (b) of the statutes is amended to read:

21 443.06 (1) (b) Each year, but not more than 4 years, of work or training  
22 completed in a curriculum in the practice of professional land surveying approved by  
23 the professional land surveyor section, or of responsible charge of ~~land surveying~~  
24 teaching the practice of professional land surveying may be considered as equivalent  
25 to one year of qualifying experience in ~~land surveying work~~ the practice of

1 professional land surveying, and each year, but not more than 4 years, completed in  
2 a curriculum other than the practice of professional land surveying approved by the  
3 ~~land surveyor~~ section, may be considered as equivalent to one-half year of qualifying  
4 experience.

5 **SECTION 69.** 443.06 (2) (intro.) of the statutes is amended to read:

6 443.06 (2) REQUIREMENTS; ~~CERTIFICATE OF REGISTRATION~~ LICENSE. (intro.) The  
7 section may grant a ~~certificate of registration as a~~ license to engage in the practice  
8 of professional land surveyor surveying to any person who has submitted to it an  
9 application, the required fees, and one or more of the following:

10 **SECTION 70.** 443.06 (2) (a) of the statutes is repealed.

11 **SECTION 71.** 443.06 (2) (am) of the statutes is amended to read:

12 443.06 (2) (am) Evidence satisfactory to the professional land surveyor section  
13 that he or she has received a bachelor's degree in a course in the practice of  
14 professional land surveying or a related field that has a duration of not less than 4  
15 years and is approved by the ~~land surveyor~~ section, and that he or she has engaged  
16 in the practice of professional land surveying for at least 2 years ~~of land surveying~~  
17 and has demonstrated practice of satisfactory character that indicates that the  
18 applicant is competent to engage in the practice of professional land surveying, if the  
19 applicant has passed an oral and written or written examination administered by the  
20 ~~land surveyor~~ section. This paragraph applies to actions of the ~~land surveyor~~ section  
21 on applications for licenses to engage in the practice of professional land surveyors'  
22 ~~certificates~~ surveying that are submitted to the ~~land surveyor~~ section after June 30,  
23 2000.

24 **SECTION 72.** 443.06 (2) (b) of the statutes is repealed.

25 **SECTION 73.** 443.06 (2) (bm) of the statutes is amended to read:

1           443.06 (2) (bm) Evidence satisfactory to the professional land surveyor section  
2           that he or she has received an associate degree in a course in the practice of  
3           professional land surveying or a related field that has a duration of not less than 2  
4           years and is approved by the ~~land surveyor~~ section, and that he or she has engaged  
5           in the practice of professional land surveying for at least 4 years of ~~land surveying~~  
6           and has demonstrated practice of satisfactory character that indicates that the  
7           applicant is competent to engage in the practice of professional land surveying, if the  
8           applicant has passed an oral and written or written examination administered by the  
9           ~~land surveyor~~ section. This paragraph applies to actions of the ~~land surveyor~~ section  
10          on applications for licenses to engage in the practice of professional land surveyors'  
11          certificates surveying that are submitted to the ~~land surveyor~~ section after June 30,  
12          2000.

13           **SECTION 74.** 443.06 (2) (c) of the statutes is repealed.

14           **SECTION 75.** 443.06 (2) (cm) of the statutes is amended to read:

15           443.06 (2) (cm) Evidence satisfactory to the professional land surveyor section  
16           that he or she has engaged in the practice of professional land surveying for at least  
17           10 years of ~~land surveying~~ and has demonstrated practice of satisfactory character  
18           that indicates that the applicant is competent to engage in the practice of licenses to  
19           engage in the practice of professional land surveying, if the applicant has passed an  
20           oral and written or written examination administered by the ~~land surveyor~~ section.  
21           This paragraph applies to actions of the ~~land surveyor~~ section on applications for  
22           licenses to engage in the practice of professional land surveyors' ~~certificates~~  
23           surveying that are submitted to the ~~land surveyor~~ section after June 30, 2000.

24           **SECTION 76.** 443.06 (2) (d) of the statutes is amended to read:

1           443.06 (2) (d) An unexpired certificate of registration, certificate of  
2 certification, or license as a land surveyor or to engage in the practice of professional  
3 land surveying issued to the applicant by the proper authority in any state or  
4 territory or possession of the United States or in any other country whose  
5 requirements meet or exceed the requirement for ~~registration~~ licensure in this  
6 subsection, if the applicant has passed an oral and written or written examination  
7 administered by the professional land surveyor section.

8           **SECTION 77.** 443.06 (2) (e) of the statutes is repealed.

9           **SECTION 78.** 443.06 (2) (em) of the statutes is amended to read:

10           443.06 (2) (em) Evidence satisfactory to the professional land surveyor section  
11 that he or she has completed an apprenticeship training course in the practice of  
12 professional land surveying prescribed by the department of workforce development,  
13 and has engaged in ~~a~~ the practice of professional land surveying for an additional  
14 period of additional land surveying and has demonstrated practice of satisfactory  
15 character that indicates that the applicant is competent to engage in the practice of  
16 professional land surveying and that, when added to the period of the  
17 apprenticeship, totals at least 8 years of ~~land surveying practice of professional land~~  
18 surveying, if the applicant has passed an oral and written or written examination  
19 administered by the ~~land surveyor~~ section. This paragraph applies to actions of the  
20 ~~land surveyor~~ section on applications for licenses to engage in the practice of  
21 professional land surveyors' certificates surveying that are submitted to the ~~land~~  
22 ~~surveyor~~ section after June 30, 2000.

23           **SECTION 79.** 443.06 (3) of the statutes is amended to read:

24           443.06 (3) PERMIT TO PRACTICE. The examining board may grant a permit to  
25 engage in the practice of professional land surveying during the time an application

1 is pending to a person who is not ~~registered~~ licensed in this state, if the person has  
2 submitted an application for ~~registration~~ as a license to engage in the practice of  
3 professional land surveyor surveying and paid the required fee and holds an  
4 unexpired certificate of registration, certificate of certification, or license which in  
5 the opinion of the examining board meets the requirements of sub. (2). The permit  
6 shall be revocable by the section at its pleasure.

7 **SECTION 80.** 443.10 (title) of the statutes is amended to read:

8 **443.10 (title) Applications, certificates, licenses, rules, and roster.**

9 **SECTION 81.** 443.10 (2) (b) of the statutes, as affected by 2007 Wisconsin Act 20,  
10 is amended to read:

11 443.10 (2) (b) The fees for examinations and ~~licenses~~ credentials, as defined in  
12 s. 440.01 (2) (a), granted under this chapter are specified in s. 440.05, and the fee for  
13 renewal of such ~~licenses~~ credentials is determined by the department under s. 440.03  
14 (9) (a).

15 **SECTION 82.** 443.10 (5) of the statutes, as affected by 2007 Wisconsin Act 20,  
16 is amended to read:

17 443.10 (5) FEES; RENEWALS. The professional land surveyor's surveyor section  
18 shall grant a ~~certificate of registration as a~~ license to engage of the practice of  
19 professional land surveyor surveying to any applicant who has met the applicable  
20 requirements of this chapter. The renewal date for the ~~certificate~~ license is specified  
21 under s. 440.08 (2) (a), and the renewal fee for the ~~certificate~~ license is determined  
22 by the department under s. 440.03 (9) (a).

23 **SECTION 83.** 443.12 (title) of the statutes is amended to read:

24 **443.12 (title) Disciplinary proceedings against professional land**  
25 **surveyors.**

1 SECTION 84. 443.12 (1) of the statutes is amended to read:

2 443.12 (1) The section may reprimand a professional land surveyor, or limit,  
3 suspend, or revoke the ~~certificate of registration~~ license of any professional land  
4 surveyor, for the practice of any fraud or deceit in obtaining the ~~certificate~~ license,  
5 or any gross negligence, incompetence, or misconduct in the practice of professional  
6 land surveying.

7 SECTION 85. 443.12 (3) of the statutes is amended to read:

8 443.12 (3) If after a hearing 3 members vote in favor of reprimand or limiting,  
9 suspending, or revoking the ~~certificate of registration~~ license of a professional land  
10 surveyor, the section shall notify the surveyor to that effect. The surveyor shall  
11 return the ~~certificate~~ license to the examining board immediately on receipt of notice  
12 of a revocation. The action of the section may be reviewed under ch. 227.

13 SECTION 86. 443.135 of the statutes is created to read:

14 **443.135 Cartographic, construction, and geodetic surveying;**  
15 **preparation of maps.** Nothing in this chapter shall be construed to prohibit a  
16 person who has not been granted a license or permit to engage in the practice of  
17 professional land surveying under this chapter from doing any of the following:

18 (1) Performing cartographic, construction, or geodetic surveying not in  
19 connection with a practice specified in s. 443.01 (6s) (a) 1. to 5.

20 (2) Preparing any of the following:

21 (a) A map, other than a map described in s. 443.01 (6s) (a) 5., used in connection  
22 with a regulatory program established by, or in connection with the exercise of police  
23 powers by, the state or a local governmental unit, as defined in s. 16.97 (7).

24 (b) A map showing the boundaries or the shape and area of one or more tracts of  
25 land subject to an order under s. 77.82 (8).

e INSERT 30-21

1 (c) A map that depicts the approximate boundaries or the shape and area of one  
2 or more tracts of land or one or more interests in real property if all of the following  
3 apply:

4 1. The map includes a disclaimer substantially similar to the disclaimer under  
5 s. 16.967 (3) (f) 1.

6 2. The map is accompanied by the legal description of the tract or tracts of land  
7 or interest or interests in real property. In this subdivision, "legal description" has  
8 the meaning given in s. 706.01 (7r).

9 (c) (d) A map having a purpose other than those specified in s. 443.01 (6s) (a) 4. x  
10 or 5.

11 **SECTION 87.** 443.14 (8) (a) of the statutes is amended to read:

12 443.14 (8) (a) An employee of a professional land surveyor registered in this  
13 state or authorized to practice under a permit, while working doing surveying work  
14 under the supervision of the employer. Such exempt employee shall not be in  
15 responsible charge of the practice of professional land surveying.

16 **SECTION 88.** 443.14 (8) (b) of the statutes is amended to read:

17 443.14 (8) (b) Officers and employees of the federal government while engaged  
18 in the practice of professional land surveying for the federal government.

19 **SECTION 89.** 443.14 (8) (c) of the statutes is amended to read:

20 443.14 (8) (c) Employees of this state while engaged in the practice if  
21 professional land surveying for the state. This paragraph does not apply after July  
22 1, 2018.

23 **SECTION 90.** 443.14 (8) (d) of the statutes is amended to read:

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

4 SECTION 91. 443.14 (9) of the statutes is amended to read:

5 443.14 (9) A license or permit shall not be required for an owner to survey his  
6 or her own land for purposes other than for sale.

7 SECTION 92. 443.14 (11) of the statutes is amended to read:

8 443.14 (11) Any professional land surveyor registered licensed under s. 443.06  
9 who is engaged in the planning, design, installation, or regulation of land and water  
10 conservation activities under ch. 92 or s. 281.65.

11 SECTION 93. 443.14 (15) of the statutes is created to read:

12 443.14 (15) An employee of the department of agriculture, trade and consumer  
13 protection who is engaged in determining the boundaries of an easement to be  
14 acquired by that department under the conservation reserve enhancement program  
15 under s. 93.70 and who complies with the requirements under s. 93.70 (1m).

16 SECTION 94. 443.14 (16) of the statutes is created to read:

17 443.14 (16) (a) An employee of an agency, as defined in s. 13.172 (1), or a local  
18 governmental unit, as defined in s. 16.97 (7), who creates any of the maps described  
19 in par. (b) using a land information system, as defined in s. 16.967 (1) (c), or a  
20 geographic information system, if the employee includes on the map the following or  
21 a substantially similar disclaimer: *one or more tracts of land or one or more*

*while acting within the scope of his or her employ-  
ments*

22 "This map shows the approximate relative location of property boundaries but  
23 was not prepared by a professional land surveyor. This map is provided for  
24 informational purposes only and may not be sufficient or appropriate for legal,  
25 engineering, or surveying purposes."



1 (b) The following maps, if prepared as described in par. (a), shall include the  
2 disclaimer described in par. (a):

- 3 1. A map that depicts the boundary of an interest in property.  
4 2. A map that will be recorded in the office of one or more county registers of  
5 deeds.

6 **SECTION 95.** 443.18 (2) (a) of the statutes is amended to read:

7 443.18 (2) (a) If it appears upon complaint to the examining board by any  
8 person, or is known to the examining board that any person who is neither registered  
9 nor exempt under this chapter nor the holder of an unexpired permit under s. 443.10  
10 (1) (d) is practicing or offering to practice, ~~or is about to practice or to offer to practice,~~  
11 architecture or professional engineering in this state, or is using the title "landscape  
12 architect" in this state, the examining board ~~or the attorney general,~~ the department  
13 of regulation and licensing, the department of justice, or the district attorney of the  
14 proper county may investigate and may, in addition to any other remedies, bring  
15 action in the name and on behalf of ~~this the state against any such person~~ the state to enjoin  
16 the person from practicing or offering to practice architecture or professional  
17 engineering or from using the title "landscape architect".

18 **SECTION 96.** 443.18 (2) (b) of the statutes is amended to read:

19 443.18 (2) (b) If it appears upon complaint to the examining board by any  
20 person, or is known to the ~~section~~ examining board that any person who is ~~not~~  
21 ~~authorized~~ neither licensed nor permitted nor exempt under this chapter is  
22 ~~practicing~~ engaged in or offering to engage in the practice of professional land  
23 surveying in this state, the ~~section~~ examining board, the department of regulation  
24 and licensing, the department of justice, or the district attorney of the proper county  
25 may investigate and may, in addition to any other remedies, bring action in the name

1 and on behalf of the state to enjoin the person from ~~practicing~~ engaging in or offering  
2 to engage in the practice of professional land surveying.

3 **SECTION 97.** 470.025 (7) of the statutes is amended to read:

4 470.025 (7) A professional land surveyor ~~registered~~ licensed under ch. 443 who  
5 is engaged in the planning, design, installation, or regulation of land and water  
6 conservation activities under ch. 92 or s. 281.65.

7 **SECTION 98.** 703.02 (6m) of the statutes is amended to read:

8 703.02 (6m) "Correction instrument" means an instrument drafted by a  
9 licensed professional land surveyor that complies with the requirements of s. 59.43  
10 (2m) and that, upon recording, corrects an error in a condominium plat. "Correction  
11 instrument" does not include an instrument of conveyance.

12 **SECTION 99.** 703.02 (13r) of the statutes is created to read:

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

15 **SECTION 100.** 703.11 (2) (b) of the statutes is amended to read:

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

21 **SECTION 101.** 703.11 (4) of the statutes is amended to read:

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

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

3 **SECTION 102.** 703.115 (1) (b) of the statutes is amended to read:

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

8 **SECTION 103.** 703.13 (6) (e) of the statutes is amended to read:

9 703.13 (6) (e) Plats and plans showing the altered boundaries and the  
10 dimensions thereof between adjoining units, and their identifying numbers or  
11 letters, shall be prepared. The plats and plans shall be certified as to their accuracy  
12 in compliance with this subsection by a civil engineer, architect, or licensed  
13 professional land surveyor authorized to practice his or her profession in the state.

14 **SECTION 104.** 703.13 (7) (c) of the statutes is amended to read:

15 703.13 (7) (c) Plats and plans showing the boundaries and dimensions  
16 separating the new units together with their other boundaries and their new  
17 identifying numbers or letters shall be prepared. The plats and plans shall be  
18 certified as to their accuracy and compliance with this subsection by a civil engineer,  
19 architect, or licensed professional land surveyor authorized to practice his or her  
20 profession in the state.

21 **SECTION 105.** 703.13 (8) (c) of the statutes is amended to read:

22 703.13 (8) (c) Plats and plans showing the boundaries and dimensions of the  
23 new unit together with the new identifying number or letter shall be prepared. The  
24 plats and plans shall be certified as to their accuracy and compliance with this

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

3 **SECTION 106.** 707.215 (5) (intro.) of the statutes is amended to read:

4 707.215 (5) SURVEYOR'S PROFESSIONAL LAND SURVEYOR'S CERTIFICATE. (intro.) A  
5 plat is sufficient for the purposes of this chapter if attached to or included in the plat  
6 is a certificate of a professional land surveyor licensed to practice in this state under  
7 ch. 443, and the certificate provides all of the following:

8 **SECTION 107.** 709.02 (1) of the statutes is amended to read:

9 709.02 (1) In regard to transfers described in s. 709.01, the owner of the  
10 property shall furnish, not later than 10 days after acceptance of a contract of sale  
11 or option contract, to the prospective buyer of the property a completed copy of the  
12 report under s. 709.03, subject to s. 709.035, except that the owner may substitute  
13 for any entry information supplied by a licensed engineer, professional land  
14 surveyor, as defined in s. 443.01 (7m), or structural pest control operator, or by an  
15 individual who is a qualified 3rd party, as defined in s. 452.23 (2) (b), or by a  
16 contractor about matters within the scope of the contractor's occupation if the  
17 information is in writing and is furnished on time and if the entry to which it relates  
18 is identified, and except that the owner may substitute for any entry information  
19 supplied by a public agency, as defined in s. 66.0825 (3) (h). Information that  
20 substitutes for an entry on the report under s. 709.03 and that is supplied by a person  
21 specified in this section may be submitted and certified on a supplemental report  
22 prepared by the person, as long as the information otherwise satisfies the  
23 requirements under this section. A prospective buyer who does not receive a report  
24 within the 10 days may, within 2 business days after the end of that 10-day period,

1 rescind the contract of sale or option contract by delivering a written notice of rescision  
2 to the owner or to the owner's agent.

3 **SECTION 108.** 709.07 of the statutes is amended to read:

4 **709.07 Liability precluded.** An owner is not liable for an error or omission  
5 in a report under s. 709.03 if the owner had no knowledge of that error or omission,  
6 if the error or omission was based on information provided by a public agency, as  
7 defined in s. 66.0825 (3) (h), or by a licensed engineer, professional land surveyor, as  
8 defined in s. 443.01 (7m), structural pest control operator, or qualified 3rd party, as  
9 defined in s. 452.23 (2) (b), or by a contractor about matters within the scope of the  
10 contractor's occupation.

11 **SECTION 109.** 893.37 of the statutes is amended to read:

12 **893.37 Survey.** No action may be brought against an engineer or any  
13 professional land surveyor, as defined in s. 443.01 (7m), to recover damages for  
14 negligence, errors, or omission in the making of any survey nor for contribution or  
15 indemnity related to such negligence, errors, or omissions more than 6 years after  
16 the completion of a survey.

17 **SECTION 110.** 895.477 of the statutes is created to read:

18 **895.477 Civil liability exemption; professional land surveyors.** (1) In  
19 this section, "professional land surveyor" has the meaning given in s. 443.01 (7m).

20 (2) Any professional land surveyor and any employee of a professional land  
21 surveyor who is working under the direct supervision of that professional land  
22 surveyor is immune from civil liability for all of the following:

23 (a) Trespass occurring during the practice of professional land surveying, as  
24 defined in s. 443.01 (6s), if the surveyor or employee acted in good faith.

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

5 (3) (a) The immunity under sub. (2) does not extend to any professional land  
6 surveyor or employee of the professional land surveyor whose actions involve  
7 reckless, wanton, or intentional misconduct.

8 (b) The immunity under sub. (2) (a) does not extend to any actual damage done  
9 to land or property resulting from the trespass.

10 **SECTION 111.** 943.13 (4m) (d) of the statutes is created to read:

11 943.13 (4m) (d) A professional land surveyor, as defined in s. 443.01 (7m), or  
12 an employee of the professional land surveyor working under the direct supervision  
13 of the professional land surveyor who qualifies for immunity under s. 895.477.

14 **SECTION 112. Nonstatutory provisions.**

15 (1) Notwithstanding section 443.02 (4) of the statutes, as affected by this act,  
16 on the effective date of this subsection, a person who has been granted a certificate  
17 of registration as a land surveyor under section 443.06 (2), 2007 stats., or a permit  
18 to practice land surveying under section 443.06 (3), 2007 stats., is considered to be  
19 granted a license to engage in the practice of professional land surveying under  
20 section 443.06 (2) of the statutes, as affected by this act, or a permit to engage in the  
21 practice of professional land surveying under section 443.06 (3) of the statutes, as  
22 affected by this act, and the professional land surveyor section of the examining  
23 board of architects, landscape architects, professional engineers, designers, and  
24 professional land surveyors shall issue to the person, as appropriate, a license to  
25 engage in the practice of professional land surveying under section 443.06 (2) of the

1 statutes, as affected by this act, or a permit to engage in the practice of professional  
2 land surveying under section 443.06 (3) of the statutes, as affected by this act.

3 **SECTION 113. Initial applicability.**

4 (1) The treatment of section 16.967 (3) (f) of the statutes first applies to maps  
5 created on the effective date of this subsection.

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

8 (3) The treatment of section 70.27 (5), (6), and (7) (intro.) and (d) of the statutes  
9 first applies to assessor's plats made on the effective date of this subsection.

10 (4) The treatment of section 93.70 (1m) of the statutes first applies to maps  
11 prepared on the effective date of this subsection.

12 (5) The treatment of section 157.07 (1) of the statutes first applies to lands  
13 surveyed and platted on the effective date of this subsection.

14 (6) The treatment of section 157.07 (2) and (3) of the statutes first applies to  
15 cemetery plats and maps created on the effective date of this subsection.

16 (7) The treatment of sections 236.12 (8) and 236.21 (1) (intro.), (a), and (d) of  
17 the statutes first applies to plats certified by a professional land surveyor, as defined  
18 in section 443.01 (7m) of the statutes, as created by this act, on the effective date of  
19 this subsection.

20 (8) The treatment of section 236.02 (2m) of the statutes first applies to  
21 correction instruments that are drafted on the effective date of this subsection.

22 (9) The treatment of sections 236.15 (2) and 236.34 (1) (a) of the statutes first  
23 applies to surveys that are performed on the effective date of this subsection.

① (10) The treatment of section 236.20 (6) of the statutes first applies to final  
2 plats, and to certified survey maps, that are submitted for approval on the effective  
3 date of this subsection.

④ (11) The treatment of section 236.32 (1) of the statutes first applies to the  
5 placement of monuments by a professional land surveyor, as defined under section  
6 443.01 (7m) of the statutes, as created by this act, on the effective date of this  
7 subsection.

⑧ (12) The treatment of section 236.34 (1) (d) (intro.), 1., and 4. of the statutes first  
9 applies to certified survey maps recorded on the effective date of this subsection.

⑩ (13) The treatment of section 703.02 (6m) of the statutes first applies to  
11 correction instruments drafted on the effective date of this subsection.

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

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

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

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

⑳ (18) The treatment of sections 893.37, 895.477, and 943.13 (4m) (d) of the  
22 statutes first applies to acts or omissions occurring on the effective date of this  
23 subsection.

24 **SECTION 114. Effective date.**





LPS: the electronic document is labeled:

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1 **INSERT ANALYSIS P. 2**

1. Any service comprising the determination of the location 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 property rights; or c) public or private easements.

2 **INSERT ANALYSIS P. 4**

Under current law, with limited exceptions, a county register of deeds may not record a map, plat, survey, or other document within the definition of land surveying unless the map, plat, survey, or other document contains the signature and seal of the land surveyor under whose charge the document was prepared. This limitation on recording does not apply to a deed, contract, or other recordable document prepared by an attorney or to a transportation project plat prepared by a state agency if the plat conforms to the requirements established for transportation project plats under current law. This bill creates additional exceptions to the requirement that a map, plat, survey, or other document within the definition of the practice of professional land surveying bear the signature and seal of the professional land surveyor. The signature and seal of a professional land surveyor is not required on any of the following documents: a) a map that depicts the approximate boundaries or the shape and area of one or more tracts of land or one or more interests in real property if a legal description is attached to or accompanies the map; and b) a map that depicts the boundaries of CREP easement acquired by DATCP if the map is prepared in accordance with the requirements established in this bill.

substitute amendment

5

Under the substitute amendment

3 **INSERT 8-9**

4 ✓ **SECTION 1.** 59.43 (8) (b) of the statutes is created to read:

5 59.43 (8) (b) A map that depicts the approximate boundaries or the shape and  
6 area of one or more tracts of land or one or more interests in real property if a legal  
7 description of the tract or tracts of land or interest or interests in real property is  
8 attached to or accompanies the map. In this paragraph, legal description has the  
9 meaning given in s. 706.01 (7r).

10 ✓ **SECTION 2.** 59.43 (8) (d) of the statutes is created to read:

1 59.43 (8) (d) A map that depicts the boundaries of an easement acquired by the  
2 department of agriculture, trade and consumer protection under s. 93.70 if the map  
3 is prepared in accordance with the requirements under s. 93.70 (1m).

4 **INSERT 23-14**

5 1. Any service comprising the determination of the location of the boundaries  
6 of one or more tracts of land or the boundaries of any of the following interests in real  
7 property:

- 8 a. The layout and rights-of-way of roads or streets.
- 9 b. Air or property rights.
- 10 c. Public or private easements.

*no case*

*no B*

11 **INSERT 30-21**

12 (a) A map, other than a map described in s. 443.01 (6s) (a) 5. or s. 93.70 (1m),  
 13 used in connection with the exercise of police powers by the state or a local  
 14 governmental unit, or in connection with a regulatory program established by the  
 15 state or a local governmental unit, or in connection with the enforcement of the public  
 16 trust doctrine or any other constitutional authority by the state or <sup>a</sup> local  
 17 governmental unit, if the map includes a disclaimer substantially similar to the  
 18 disclaimer under s. 16.967 (3) (f) <sup>1</sup>. In this paragraph, "local governmental unit" has  
 19 the meaning given in s. 16.97 (7).

*except that a map prepared in connection with the program under so 93.70 must also include the statements under so*

20 (b) A map showing the boundaries or the shape and area of one or more tracts  
 21 of land <sup>S</sup> or <sup>S</sup> one or more interest in real property identified in s. 443.01 (6s) (a) 1, that  
 22 are subject to an order under s. 77.82 (8) or under s. 77.02 (3) <sup>or (4)</sup>, if the map includes a  
 23 disclaimer substantially similar to the disclaimer under s. 16.967 (3) (f) <sup>1</sup>. In this

*(1m)(b) or (c) This comma stays*

24 paragraph, "local governmental unit" has the meaning given in s. 16.97 (7).

25 **INSERT 39-8**

#

1           (0) The treatment of section 59.43 (8) of the statutes first applies to the  
2 recording of a map that depicts the approximate boundaries or the shape and area  
3 of one or more tracts of land or one or more interests in real property and to a map  
4 that depicts the boundaries of an easement acquired by the department of  
5 agriculture, trade and consumer protection under section 93.70 of the statutes on the  
6 effective date of this subsection.

**Kuczenski, Tracy**

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**From:** Clark, Fred  
**Sent:** Wednesday, September 30, 2009 6:00 PM  
**To:** Kuczenski, Tracy  
**Subject:** FW: Consultation and Interests in real property

Tracy:

I will call you tomorrow at 8AM if that works for you. I would like to review this memo with you then, and your suggestion.

Thanks *10/1/09 see comments/instructions on page 3 of the email!*

Fred *JK*

**Fred Clark**  
**42nd Assembly District Representative**

Room 418 North  
State Capitol  
P.O. Box 8952  
Madison, WI 53708

Rep.clark@legis.wisconsin.gov

(608) 266-7746

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**From:** Williams, Quinn L - DNR [mailto:Quinn.Williams@Wisconsin.gov]  
**Sent:** Mon 9/28/2009 1:16 PM  
**To:** Clark, Fred; Kuczenski, Tracy - LEGIS  
**Cc:** Williams, Quinn L - DNR; Steffel, Sherry M - DATCP; Heinen, Paul H - DNR; Moll, Keeley A - DATCP  
**Subject:** FW: Consultation and Interests in real property

Rep. Clark,

Thank you for taking the time to go over the specific language last Friday for the third amendment to AB 271.

Here are the following items that you asked me to follow up on and get back to you and Tracy on:

✓ **1) MFL interests in real property**

Make sure that the following language is included in 443.135(2)(b).

443.135(2)(b) should be modified as follows:

(b) A map showing the boundaries or the shape and area of one or more tracts of land or interests in real property identified in 443.01(6s)(a)4. subject to an order under s. 77.82(8) or an order under 77.02(3).

This is needed because MFL parcels are usually not "tracts of land" in the sense of the statutory usage of that

term (although some are entire ownerships/parcels), but instead can be made up of something less than a full ownership/parcel.

## **2) Initial applicability, Section 113, p. 39.**

The problem with the initial applicability section is that, for those specific statutory provisions that only reference and apply to state employee authority (i.e., CREP), the initial applicability section should appear to trump the 443.14(8)(c) date of 2018 sunset provision for state employees (specific over the general), while those sections that apply broadly to everyone (including state employees) would be trumped by 443.14(8)(c). The end result SHOULD be that nothing changes at all regarding any requirement for licensure under the new statute for state employees until the sunset date in 2018. Only then should the other provisions (disclaimers, etc.) kick in.

## **3) Consulting services**

You had asked for language to substitute for the 443.02(4) references to "consulting services related to the practice of professional land surveying." Upon further review, it seems clear that the phrase can be removed, since the definition provided under 443.01(6s)(a)1. through 5. already anticipates this type of activity and provides unnecessary confusion as it relates to GIS services. Although mapping is exempted under 443.135 for state and local units of government, it is unclear what the extent of "consulting services" would be, and so should be eliminated.

## **4) Civil liability for timber theft damages**

Section 112 (sub. 2) p. 38, relating to 26.09(3)(b)1. and non-statutory language

The non-statutory language treatment under Section 112 should note that any surveys conducted by a registered land surveyor prior to the enactment of this statute shall still be able to be "reasonably relied upon" for the purposes of damages for stumpage values. Rep. Clark asked "whether or not this happens all the time" under the law where the new law applies prospectively. While I agreed that this was the case in many instances, in this particular statute, the survey would have been created at the time by a "registered" land surveyor, the law changed, then, for damages to attach, the individual seeking to avoid greater than double civil damages for a harvest conducted after the law goes into effect must show that they relied on a survey created by a "professional" land surveyor. While the credentials are "grandfathered" it is unclear that, without specific statutory direction whether or not the "survey" created before the law went into effect but relied upon after the statutory change would meet the new requirements under 26.09(3)(b)1. I will defer to Tracy on this, but, while it is clear that the registered land surveyor will be considered a professional land surveyor, it is not clear that the survey (created before the law change) will be considered to have been created by a professional land surveyor at the time of creation, and thus able to be reasonably relied upon.

## **5) Map Disclaimers**

Unfortunately, with the current proposed statutory language, the disclaimer requirement would be overly burdensome to the state and local units of government's GIS/LIS personnel (or anyone else who makes a map) if it is intended to cover maps other than maps that are; 1) filed and recorded or otherwise for public consumption; 2) maps that depict parcel boundaries; 3) that depict lines or monuments created by a professional land surveyor.

This is because, under the current definitions found in 443.01(6s)(a)3., "interests in real property," which include "property rights," almost all maps created by state and local units of government would require this disclaimer. In addition, each governmental unit would have to have their current disclaimer revised to



## Kuczenski, Tracy

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**From:** Kuczenski, Tracy  
**Sent:** Thursday, October 01, 2009 8:22 PM  
**To:** Clark, Fred  
**Subject:** RE: Consultation and Interests in real property

Hi Fred -

I called this morning (afternoon?) to talk with you about the following issue:

Under section 443.135 (2) (which authorizes the preparation of certain maps by persons who are not licensed as a professional land surveyor), there is no mention of WHO may prepare these maps without a license. Under paragraphs (a) and (b), it is implied that the person preparing the maps is an employee of the state or local governmental unit; in par. (a), the maps are prepared in connection with a regulatory program and in par. (b) the maps are prepared in connection with MFL or managed crop lands programs. However, it is not EXPLICIT that the person preparing the maps actually BE an employee of the state or local governmental unit. Do you want to make that requirement explicit for those two paragraphs?

*Per Rep. Clark: No. ~~Area~~ Persons who are not ~~of~~ the State can make those maps.*

Aside from that question, I think everything else is relatively straight forward; in most cases, I am delaying the effective date of the disclaimer requirements, but in two cases (in connection with the recording requirements under s. 5943 (8) (d), and in connection with the exception under s. 443.14 (16) for employees of the state/local governmental unit prepare maps on GIS/LIS) I am "double drafting:" creating the section to be effective on the first day of the 4th month, and repealing and recreating the provision with the disclaimer requirement to be effective on the first day of the 13th month. I can explain why over the phone tomorrow if you are interested...

Thanks,  
Tracy

-----Original Message-----

**From:** Clark, Fred  
**Sent:** Wed 9/30/2009 6:00 PM  
**To:** Kuczenski, Tracy  
**Subject:** FW: Consultation and Interests in real property

Tracy:

I will call you tomorrow at 8AM if that works for you. I would like to review this memo with you then, and your suggestion.

Thanks

Fred

Fred Clark  
42nd Assembly District Representative  
Room 418 North  
State Capitol  
P.O. Box 8952  
Madison, WI 53708  
Rep.clark@legis.wisconsin.gov  
(608) 266-7746

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**From:** Williams, Quinn L - DNR [mailto:Quinn.Williams@Wisconsin.gov]  
**Sent:** Mon 9/28/2009 1:16 PM  
**To:** Clark, Fred; Kuczenski, Tracy - LEGIS