



State of Wisconsin  
2009 - 2010 LEGISLATURE

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ASSEMBLY SUBSTITUTE AMENDMENT,  
TO 2009 ASSEMBLY BILL 271

in 10/2/09  
by 10/5/09  
(or 10/6/09)

SA 12

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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 renumber and amend* 59.43 (8); *to amend* 15.405 (2) (intro.), (a) and  
3 (b), 26.09 (3) (b) 1., 30.11 (3), 30.13 (3) (a), 59.20 (2) (c), 59.45 (1) (a) 2., 59.45 (1)  
4 (b), 59.45 (3), 59.46, 59.73 (2), 59.74 (2) (b) 1., 59.74 (2) (c), 59.74 (2) (g), 59.74  
5 (2) (h), 59.74 (2) (j), 59.75, 60.84 (1), 60.84 (2), 60.84 (3) (a), 60.84 (3) (c) (intro.),  
6 60.84 (4), 70.27 (5), 70.27 (6), 70.27 (7) (intro.), 70.27 (7) (d), 84.095 (5), 157.07  
7 (1), 157.07 (2), 157.07 (3), 236.02 (2m), 236.12 (8), 236.15 (1) (a), 236.15 (1) (d),  
8 236.15 (2), 236.16 (3) (title), 236.16 (4) (title), 236.20 (2) (g), 236.21 (1) (intro.),  
9 236.21 (1) (a), 236.21 (1) (d), 236.32 (1), 236.34 (1) (a), 236.34 (1) (d) (intro.),  
10 236.34 (1) (d) 1., 236.34 (1) (d) 4., 440.03 (13) (b) 34., 440.08 (2) (a) 39., chapter  
11 443 (title), 443.01 (3), 443.02 (4), 443.06 (title), 443.06 (1) (title), 443.06 (1) (a),  
12 443.06 (1) (b), 443.06 (2) (intro.), 443.06 (2) (am), 443.06 (2) (bm), 443.06 (2)  
13 (cm), 443.06 (2) (d), 443.06 (2) (em), 443.06 (3), 443.10 (title), 443.10 (2) (b),

1 443.10 (5), 443.12 (title), 443.12 (1), 443.12 (3), 443.14 (8) (a), 443.14 (8) (b),  
2 443.14 (8) (c), 443.14 (8) (d), 443.14 (9), 443.14 (11), 443.18 (2) (a), 443.18 (2) (b),  
3 470.025 (7), 703.02 (6m), 703.11 (2) (b), 703.11 (4), 703.115 (1) (b), 703.13 (6) (e),  
4 703.13 (7) (c), 703.13 (8) (c), 707.215 (5) (intro.), 709.02 (1), 709.07 and 893.37;  
5 and **to create** 16.967 (3) (f), 59.001 (2k), 59.43 (8) (b), 59.43 (8) (d), 93.70 (1m),  
6 157.061 (13m), 236.02 (9b), 236.025, 236.20 (6), 443.01 (1g), 443.01 (1r), 443.01  
7 (3b), 443.01 (6s), 443.01 (7m), 443.135, 443.14 (15), 443.14 (16), 703.02 (13r),  
8 895.477 and 943.13 (4m) (d) of the statutes; **relating to:** professional land  
9 surveyors, the practice of professional land surveying, surveying land abutting  
10 navigable waters, and granting rule-making authority.

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

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

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

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

6. Performing 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 statutes, and has been prepared using protocols established by the Federal Department of Agriculture under the Wetlands Reserve Program, 16 USC 3837 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 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 any of the following maps, if the map includes a disclaimer substantially similar to the disclaimer required under the substitute amendment on certain maps prepared by employees of state agencies and local units of government who operate land information systems and geographic information systems: a) a map used in

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connection with a regulatory program established by, or in connection with the exercise of police powers by, or in connection with the enforcement of the public trust doctrine or any other constitutional authority by, the state or a local unit of government or b) a map showing the boundaries or the shape and area of land designated as forest cropland or as managed forest land by the Department of Natural Resources.

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 determined by the Department of Natural Resources or that has otherwise been determined 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.

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.

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 substitute amendment 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. Under the substitute amendment, 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.

requires

in order for the map, plat, survey, or other document to be recorded with the county register of deeds

substitute amendment

and creates ~~two~~ two additional exceptions to the signature and seal requirements

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

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

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  
9           professional land surveying under ch. 443. The examining board shall consist of the  
10          following members appointed for 4-year terms: 3 architects, 3 landscape architects,  
11          3 professional engineers, 3 designers, 3 professional land surveyors, and 10 public  
12          members.

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

19          (b) All matters pertaining to passing upon the qualifications of applicants for  
20          and the granting or revocation of registration or licensure, and all other matters of  
21          interest to either the architect, landscape architect, engineer, designer, or

1 professional land surveyor section shall be acted upon solely by the interested  
2 section.

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

4 16.967 (3) (f) Ensure that state agencies and local governmental units with  
5 land information responsibilities include on any map that depicts the boundary of  
6 one or more tracts of land, or of one or more interests in real property, the following  
7 or a substantially similar disclaimer if the map was prepared using the land  
8 information system, but was not prepared by a professional land surveyor, as defined  
9 in s. 443.01 (7m), engaged in the practice of professional land surveying, as defined  
10 in s. 443.01 (6s):

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

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

16 26.09 (3) (b) 1. A court shall award damages that equal the stumpage value of  
17 the raw forest products harvested if the person harvesting the raw forest products  
18 or the person giving consent for the harvesting reasonably relied upon a recorded  
19 survey that was done by a person who is ~~registered~~ licensed under ch. 443 as a  
20 professional land surveyor or who is issued a permit to engage in the practice of  
21 professional land surveying under s. 443.06 even if the recorded survey is  
22 determined, after the harvesting, to be in error.

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

24 30.11 (3) HOW ESTABLISHED. Whenever any municipality proposes to establish  
25 a bulkhead line or to reestablish an existing bulkhead line, the municipality shall

1 indicate both the existing shore and the proposed bulkhead line upon a map and shall  
2 file with the department for its approval 6 copies of the map and 6 copies of the  
3 ordinance establishing the bulkhead line. The map shall use a scale of not less than  
4 100 feet to an inch or any other scale required by the department. The map and a  
5 metes and bounds description of the bulkhead line shall be prepared by a  
6 professional land surveyor ~~registered in this state~~ licensed under ch. 443. The  
7 department may require the installation of permanent reference markers to the  
8 bulkhead line. Upon approval by the department, the municipality shall deliver the  
9 map, description, and ordinance to the office of the register of deeds of the county in  
10 which the bulkhead line lies, to be recorded by the register of deeds.

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

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

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

21 59.001 (2k) "Professional land surveyor" means a professional land surveyor  
22 licensed under ch. 443.

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

24 59.20 (2) (c) In counties that elect a surveyor, the surveyor shall be a registered  
25 professional land surveyor. In lieu of electing a surveyor in any county having a

1 population of less than 500,000, the board may, by resolution, designate that the  
2 duties under ss. 59.45 (1) and 59.74 (2) be performed by any registered professional  
3 land surveyor employed by the county. Any surveyor employed by a county having  
4 a population of 500,000 or more shall be a professional land surveyor.

5 **SECTION 8.** 59.43 (8) of the statutes is renumbered 59.43 (8) (intro.) and  
6 amended to read:

7 **59.43 (8) REQUIRED SIGNATURE AND SEAL ON SURVEY DOCUMENT FOR FILING OR**  
8 **RECORDING.** (intro.) It is unlawful for the register of deeds of any county or any proper  
9 public authority to file or record a map, plat, survey, or other document within the  
10 definition of the practice of professional land surveying under s. 443.01 (6s), which  
11 does not have impressed thereon, and affixed thereto, the personal signature and  
12 seal of a registered professional land surveyor under whose responsible charge the  
13 map, plat, survey, or other document was prepared. This subsection does not apply  
14 to any of the following:

15 (a) A deed, contract, or other recordable document prepared by an attorney, or  
16 to a,

17 (c) A transportation project plat that conforms to s. 84.095 and that is prepared  
18 by a state agency.

19 **SECTION 9.** 59.43 (8) (b) of the statutes is created to read:

20 **59.43 (8) (b)** A map that depicts the approximate boundaries or the shape and  
21 area of one or more tracts of land or one or more interests in real property if a legal  
22 description of the tract or tracts of land or interest or interests in real property is  
23 attached to or accompanies the map. In this paragraph, legal description has the  
24 meaning given in s. 706.01 (7r).

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



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

SECTION 11. 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 12. 59.45 (1) (b) of the statutes is amended to read:

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

SECTION 13. 59.45 (3) of the statutes is amended to read:

1           59.45 (3) SURVEYOR; FEES. In addition to the regular fees of professional land  
2 surveyors that are received from the parties employing the county surveyor, the  
3 county surveyor may receive a salary from the county.

4           **SECTION 14.** 59.46 of the statutes is amended to read:

5           **59.46 Penalty for nonfeasance.** Any county surveyor, any city, village, or  
6 town engineer, or any professional land surveyor who fails or refuses to perform any  
7 duty required of that person by law shall forfeit not less than \$25 nor more than \$50  
8 for each such failure or refusal.

9           **SECTION 15.** 59.73 (2) of the statutes is amended to read:

10           59.73 (2) SUBDIVIDING SECTIONS. Whenever a county surveyor or professional  
11 land surveyor is required to subdivide a section or smaller subdivision of land  
12 established by the United States survey, the county surveyor or professional land  
13 surveyor shall proceed according to the statutes of the United States and the rules  
14 and regulations made by the secretary of the interior in conformity to the federal  
15 statutes. ~~While so engaged a surveyor and the surveyor's assistants shall not be~~  
16 ~~liable as a trespasser and shall be liable only for any actual damage done to land or~~  
17 ~~property.~~

18           **SECTION 16.** 59.74 (2) (b) 1. of the statutes is amended to read:

19           59.74 (2) (b) 1. Whenever it becomes necessary to destroy, remove, or cover up  
20 in such a way that will make it inaccessible for use, any landmark, monument of  
21 survey, or corner post within the meaning of this subsection, the person including  
22 employees of governmental agencies who intend to commit such act shall serve  
23 written notice at least 30 days prior to the act upon the county surveyor of the county  
24 within which the landmark is located. Notice shall also be served upon the  
25 municipality's engineer if the landmark is located within the corporate limits of a

1 municipality. The notice shall include a description of the landmark, monument of  
2 survey, or corner post and the reason for removing or covering it. In this paragraph,  
3 removal of a landmark includes the removal of railroad track by the owner of the  
4 track. In a county having a population of less than 500,000 where there is no county  
5 surveyor, notice shall be served upon the clerk. In a county with a population of  
6 500,000 or more where there is no county surveyor, notice shall be served upon the  
7 executive director of the regional planning commission which acts in the capacity of  
8 county surveyor for the county. Notwithstanding par. (c), upon receipt of the notice  
9 the clerk shall appoint a ~~registered~~ professional land surveyor to perform the duties  
10 of a county surveyor under subd. 2.

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

12 59.74 (2) (c) In those counties where there are no county surveyors a petition  
13 can be made to the board by any resident of this state requesting the board to appoint  
14 a professional land surveyor to act in the capacity of the county surveyor. The board,  
15 upon receipt of this petition, shall appoint a professional land surveyor to act in the  
16 capacity of the county surveyor. In counties with a population of 500,000 or more,  
17 the board may appoint a governmental agency to act in the capacity of county  
18 surveyor.

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

20 59.74 (2) (g) Every professional land surveyor and every officer of the  
21 department of natural resources and the district attorney shall enforce this  
22 subsection.

23 **SECTION 19.** 59.74 (2) (h) of the statutes is amended to read:

24 59.74 (2) (h) Any ~~registered~~ professional land surveyor employed by the  
25 department of transportation or by a county highway department, may, incident to

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

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

15 59.74 (2) (j) The county surveyor may employ other professional land surveyors  
16 to assist in this work and may accept reference checks for these corners from any  
17 professional land surveyor.

18 **SECTION 21.** 59.75 of the statutes is amended to read:

19 **59.75 Certificates and records as evidence.** The certificate and also the  
20 official record of the county surveyor when produced by the legal custodian thereof,  
21 or any of the county surveyor's deputies, when duly signed by the county surveyor  
22 in his or her official capacity, shall be admitted as evidence in any court within the  
23 state, but the same may be explained or rebutted by other evidence. If any county  
24 surveyor or any of his or her deputies are interested in any tract of land a survey of

1 which becomes necessary, such survey may be executed by any professional land  
2 surveyor appointed by the board.

3 **SECTION 22.** 60.84 (1) of the statutes is amended to read:

4 60.84 (1) SURVEY, CONTRACT FOR. The town board may contract with the county  
5 surveyor or any ~~registered~~ professional land surveyor licensed under ch. 443 to  
6 survey all or some of the sections in the town and to erect monuments under this  
7 section as directed by the board.

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

9 60.84 (2) BOND. Before the town board executes a contract under sub. (1), the  
10 county surveyor or professional land surveyor shall execute and file with the town  
11 board a surety bond or other financial security approved by the town board.

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

13 60.84 (3) (a) Monuments shall be set on section and quarter-section corners  
14 established by the United States survey. If there is a clerical error or omission in the  
15 government field notes or if the bearing trees, mounds, or other location identifier  
16 specified in the notes is destroyed or lost, and if there is no other reliable evidence  
17 by which a section or quarter-section corner can be identified, the county surveyor  
18 or professional land surveyor shall reestablish the corner under the rules adopted by  
19 the federal government in the survey of public lands. The county surveyor or  
20 professional land surveyor shall set forth his or her actions under this paragraph in  
21 the certificate under sub. (4).

22 **SECTION 25.** 60.84 (3) (c) (intro.) of the statutes is amended to read:

23 60.84 (3) (c) (intro.) To establish, relocate or perpetuate a corner, the county  
24 surveyor or professional land surveyor shall set in the proper place a monument, as  
25 determined by the town board, consisting of:

1           **SECTION 26.** 60.84 (4) of the statutes is amended to read:

2           60.84 (4) CERTIFICATE. The county surveyor or professional land surveyor shall  
3 prepare a certificate setting forth a complete and accurate record of any survey under  
4 this section, including the exact bearings and distances of each monument from each  
5 other monument nearest it on any line in the town. The certificate shall be recorded  
6 in the office of the register of deeds of the county in which the surveyed land is  
7 located.

8           **SECTION 27.** 70.27 (5) of the statutes is amended to read:

9           70.27 (5) SURVEYS, RECONCILIATIONS. The surveyor making the plat shall be a  
10 professional land surveyor licensed under ch. 443 and shall survey and lay out the  
11 boundaries of each parcel, street, alley, lane, roadway, or dedication to public or  
12 private use, according to the records of the register of deeds, and whatever evidence  
13 that may be available to show the intent of the buyer and seller, in the chronological  
14 order of their conveyance or dedication, and set temporary monuments to show the  
15 results of such survey which shall be made permanent upon recording of the plat as  
16 provided for in this section. The map shall be at a scale of not more than 100 feet per  
17 inch, unless waived in writing by the department of administration under s. 236.20  
18 (2) (L). The owners of record of lands in the plat shall be notified by certified letter  
19 mailed to their last-known address, in order that they shall have opportunity to  
20 examine the map, view the temporary monuments, and make known any  
21 disagreement with the boundaries as shown by the temporary monuments. It is the  
22 duty of the professional land surveyor making the plat to reconcile any discrepancies  
23 that may be revealed, so that the plat as certified to the governing body is in  
24 conformity with the records of the register of deeds as nearly as is practicable. When  
25 boundary lines between adjacent parcels, as evidenced on the ground, are mutually

1 agreed to in writing by the owners of record, such lines shall be the true boundaries  
2 for all purposes thereafter, even though they may vary from the metes and bounds  
3 descriptions previously of record. Such written agreements shall be recorded in the  
4 office of the register of deeds. On every assessor's plat, as certified to the governing  
5 body, shall appear the volume, page, and document number of the metes and bounds  
6 description of each parcel, as recorded in the office of the register of deeds, which  
7 shall be identified with the number by which such parcel is designated on the plat,  
8 except that lots which have been conveyed or otherwise acquired but upon which no  
9 deed is recorded in the office of register of deeds may be shown on an assessor's plat  
10 and when so shown shall contain a full metes and bounds description.

11 **SECTION 28.** 70.27 (6) of the statutes is amended to read:

12 70.27 (6) MONUMENTS, PLAT REQUIREMENTS. The provisions of s. 236.15 as to  
13 monuments, and the provisions of s. 236.20 as to form and procedure, insofar as they  
14 are applicable to the purposes of assessors' plats, shall apply. Any stake or  
15 monument found and accepted as correct by a professional land surveyor laying out  
16 an assessor's plat shall be indicated as "stake found" or "monument found" when  
17 mapping the plat and such stake or monument shall not be removed or replaced even  
18 though it is inconsistent with the standards of s. 236.15.

19 **SECTION 29.** 70.27 (7) (intro.) of the statutes is amended to read:

20 70.27 (7) CERTIFICATE. (intro.) When completed, the assessor's plat shall be  
21 filed with the clerk of the governing body that ordered the plat. On its title page shall  
22 appear the sworn certificate of the professional land surveyor who made the plat,  
23 which shall state and contain:

24 **SECTION 30.** 70.27 (7) (d) of the statutes is amended to read:

1           70.27 (7) (d) A statement that the professional land surveyor has fully complied  
2 with the provisions of this section in filing the same.

3           **SECTION 31.** 84.095 (5) of the statutes is amended to read:

4           84.095 (5) ~~SURVEYOR'S~~ PROFESSIONAL LAND SURVEYOR'S CERTIFICATE. A plat  
5 prepared for filing or recording under this section shall include a certificate of a  
6 professional land surveyor ~~registered~~ licensed under s. 443.06 that the plat is a  
7 correct representation of the project described and that the identification and  
8 location of each parcel can be determined from the plat. This subsection does not  
9 apply to plats prepared by the department.

10          **SECTION 32.** 93.70 (1m) of the statutes is created to read:

11          93.70 (1m) An employee of the department who is not a professional land  
12 surveyor, as defined in s. 443.01 (7m), and who prepares a map that depicts the  
13 boundaries of an easement to be acquired by the department under this section shall  
14 include on that map all of the following:

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

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

18           (c) A statement that the map was prepared using protocols established by the  
19 federal department of agriculture under the wetlands reserve program, 16 USC 3837  
20 to 3837f, and that a copy of the protocols may be obtained from the department of  
21 agriculture, trade and consumer protection upon request.

22          **SECTION 33.** 157.061 (13m) of the statutes is created to read:

23          157.061 (13m) "Professional land surveyor" means a professional land  
24 surveyor licensed under ch. 443.

25          **SECTION 34.** 157.07 (1) of the statutes is amended to read:



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

8           **SECTION 35.** 157.07 (2) of the statutes is amended to read:

9           157.07 (2) The plat or map shall show the exact location of the tract being  
10          subdivided with reference to a corner or corners established in the United States  
11          public land survey by bearings and distances, and shall show a small scale drawing  
12          of the section or government subdivision of the section in which the cemetery plat is  
13          situated, with the cemetery plat indicated. The plat or map shall include the  
14          certificate of the professional land surveyor containing the name of the cemetery  
15          authority, the date of the survey, the professional land surveyor's stamp or seal and  
16          signature, and the professional land surveyor's statement that the survey is true to  
17          the professional land surveyor's best knowledge and belief.

18          **SECTION 36.** 157.07 (3) of the statutes is amended to read:

19          157.07 (3) The plat or map shall be made on a durable white media that is 22  
20          inches wide by 30 inches long with a permanent nonfading black image. Seals or  
21          signatures that are reproduced on images that comply with this subsection have the  
22          force and effect of original seals and signatures. When more than one sheet is used  
23          for any one plat or map, they shall be numbered consecutively and each sheet shall  
24          contain a notation showing the whole number of sheets in the plat, and its relation  
25          to the other sheets. The sheets may be provided by the county through the register

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

4 **SECTION 37.** 236.02 (2m) of the statutes is amended to read:

5 236.02 (2m) "Correction instrument" means an instrument drafted by a  
6 licensed professional land surveyor that complies with the requirements of s.  
7 236.295 and that, upon recording, corrects a subdivision plat or a certified survey  
8 map.

9 **SECTION 38.** 236.02 (9b) of the statutes is created to read:

10 236.02 (9b) "Professional land surveyor" means a professional land surveyor  
11 licensed under ch. 443.

12 **SECTION 39.** 236.025 of the statutes is created to read:

13 **236.025 Ordinary high water marks.** (1) For purposes of ss. 236.15 (1) (a)  
14 and (d) and 236.20 (2) (g), a professional land surveyor may do any of the following:

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

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

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

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

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

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

7 **SECTION 40.** 236.12 (8) of the statutes is amended to read:

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

16 **SECTION 41.** 236.15 (1) (a) of the statutes is amended to read:

17 236.15 (1) (a) The external boundaries of a subdivision shall be monumented  
18 in the field by monuments of concrete containing a ferrous rod one-fourth inch in  
19 diameter or greater imbedded its full length, not less than 18 inches in length, not  
20 less than 4 inches square or 5 inches in diameter, and marked on the top with a cross,  
21 brass plug, iron rod, or other durable material securely embedded; or by iron rods or  
22 pipes at least 18 inches long and 2 inches in diameter weighing not less than 3.65  
23 pounds per lineal foot. Solid round or square iron bars of equal or greater length or  
24 weight per foot may be used in lieu of pipes wherever pipes are specified in this  
25 section. These monuments shall be placed at all corners, at each end of all curves,

1 at the point where a curve changes its radius, at all angle points in any line and at  
2 all angle points along the meander line, said points to be not less than 20 feet back  
3 from the determined or approximated ordinary high water mark of the lake or from  
4 ~~the bank of the stream~~, except that when such corners or points fall within a street,  
5 or proposed future street, the monuments shall be placed in the side line of the street.

6 **SECTION 42.** 236.15 (1) (d) of the statutes is amended to read:

7 236.15 (1) (d) The lines of lots, outlots, parks and public access and land  
8 dedicated to the public that extend to lakes or streams shall be monumented in the  
9 field by iron pipes at least 18 inches long and one inch in diameter weighing not less  
10 than 1.13 pounds per lineal foot, or by round or square iron bars at least 18 inches  
11 long and weighing not less than 1.13 pounds per lineal foot. These monuments shall  
12 be placed at the point of intersection of the lake or stream lot line with a meander  
13 line established not less than 20 feet back from the determined or approximated  
14 ordinary high water mark of the lake or from the bank of the stream.

15 **SECTION 43.** 236.15 (2) of the statutes is amended to read:

16 236.15 (2) ACCURACY OF SURVEY. The survey shall be performed by a  
17 professional land surveyor ~~registered in this state~~ and if the error in the latitude and  
18 departure closure of the survey or any part thereof is greater than the ratio of one  
19 in 3,000, the plat may be rejected.

20 **SECTION 44.** 236.16 (3) (title) of the statutes is amended to read:

21 236.16 (3) (title) LAKE AND STREAM SHORE PLATS; PUBLIC ACCESS.

22 **SECTION 45.** 236.16 (4) (title) of the statutes is amended to read:

23 236.16 (4) (title) LAKE AND STREAM SHORE PLATS; LAND BETWEEN MEANDER LINE AND  
24 WATER'S EDGE.

25 **SECTION 46.** 236.20 (2) (g) of the statutes is amended to read:

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

5           **SECTION 47.** 236.20 (6) of the statutes is created to read:

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

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

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

15          236.21 (1) ~~SURVEYOR’S~~ PROFESSIONAL LAND SURVEYOR’S CERTIFICATE OF  
16          COMPLIANCE WITH STATUTE. (intro.) The certificate of the professional land surveyor  
17          who surveyed, divided, and mapped the land giving all of the following information,  
18          which shall have the same force and effect as an affidavit:

19          **SECTION 49.** 236.21 (1) (a) of the statutes is amended to read:

20          236.21 (1) (a) By whose direction the professional land surveyor made the  
21          survey, subdivision, and plat of the land described on the plat.

22          **SECTION 50.** 236.21 (1) (d) of the statutes is amended to read:

23          236.21 (1) (d) A statement that the professional land surveyor has fully  
24          complied with the provisions of this chapter in surveying, dividing, and mapping the  
25          land.

1           **SECTION 51.** 236.32 (1) of the statutes is amended to read:

2           236.32 (1) Any owner, professional land surveyor, or subdivider who fails to  
3 place monuments as prescribed in this chapter when subdividing land.

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

5           236.34 (1) (a) The survey shall be performed and the map prepared by a  
6 professional land surveyor ~~registered in this state~~. The error in the latitude and  
7 departure closure of the survey may not exceed the ratio of one in 3,000.

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

9           236.34 (1) (d) (intro.) The map shall include a certificate of the professional  
10 land surveyor who surveyed, divided, and mapped the land which has the same force  
11 and effect as an affidavit and which gives all of the following information:

12           **SECTION 54.** 236.34 (1) (d) 1. of the statutes is amended to read:

13           236.34 (1) (d) 1. By whose direction the professional land surveyor made the  
14 survey, division, and map of the land described on the certified survey map.

15           **SECTION 55.** 236.34 (1) (d) 4. of the statutes is amended to read:

16           236.34 (1) (d) 4. A statement that the professional land surveyor has fully  
17 complied with the provisions of this section in surveying, dividing, and mapping the  
18 land.

19           **SECTION 56.** 440.03 (13) (b) 34. of the statutes is amended to read:

20           440.03 (13) (b) 34. Land surveyor, professional.

21           **SECTION 57.** 440.08 (2) (a) 39. of the statutes, as affected by 2007 Wisconsin Act  
22 20, is amended to read:

23           440.08 (2) (a) 39. Land surveyor, professional: February 1 of each  
24 even-numbered year.

25           **SECTION 58.** Chapter 443 (title) of the statutes is amended to read:

1                                   **CHAPTER 443**  
2                                   **EXAMINING BOARD OF ARCHITECTS,**  
3                                   **LANDSCAPE ARCHITECTS,**  
4                                   **PROFESSIONAL ENGINEERS,**  
5                                   **DESIGNERS, AND PROFESSIONAL**  
6                                   **LAND SURVEYORS**

7           **SECTION 59.** 443.01 (1g) of the statutes is created to read:

8           443.01 (1g) “Cartographic surveying” means collecting and making maps of  
9 topographic, hydrographic, aerial, anthropologic, forensic, architectural, or mining  
10 data that depicts areas and physical features on, below, or above the surface of the  
11 earth.

12          **SECTION 60.** 443.01 (1r) of the statutes is created to read:

13          443.01 (1r) “Construction surveying” means surveying or mapping in support  
14 of infrastructure design, improvements related to private and public boundary lines,  
15 construction layout or historic preservation, and establishing any postconstruction  
16 documentation related to such surveying or mapping.

17          **SECTION 61.** 443.01 (3) of the statutes is amended to read:

18          443.01 (3) “Examining board” means the examining board of architects,  
19 landscape architects, professional engineers, designers, and professional land  
20 surveyors.

21          **SECTION 62.** 443.01 (3b) of the statutes is created to read:

22          443.01 (3b) “Geodetic surveying” means surveying to determine the size and  
23 shape of the earth or the precise positions of points on the surface of the earth.

24          **SECTION 63.** 443.01 (4) of the statutes is repealed.

25          **SECTION 64.** 443.01 (6s) of the statutes is created to read:

1           443.01 (6s) (a) Except as provided in par. (b), “practice of professional land  
2 surveying” means any of the following:

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

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

7           b. Air or property rights.

8           c. Public or private easements.

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

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

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

18           5. Preparing any of the following:

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

21           b. An assessor’s plat under s. 70.27.

22           c. A map or plat of cemetery lands under s. 157.07.

23           d. A subdivision plat, certified survey map, or correction instrument under ch.  
24 236.

25           e. A condominium plat or correction instrument under ch. 703.



1 f. A project and time-share plat under s. 707.215.

2 6. Performing cartographic, construction, or geodetic surveying in connection  
3 with any of the practices specified in subds. 1. to 5.

4 (b) "Practice of professional land surveying" does not include the establishment  
5 of an ordinary high water mark.

6 SECTION 65. 443.01 (7m) of the statutes is created to read:

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

11 SECTION 66. 443.02 (4) of the statutes is amended to read:

12 443.02 (4) No person may engage in or offer to engage in the practice of  
13 professional land surveying in this state or use or advertise any title or description

14 tending to convey the impression that the person is a professional land surveyor or

15 for compensation, provide or offer to provide or hold himself or herself out as qualified  
16 to provide consulting services related to the practice of professional land surveying

17 unless the person has been issued a certificate of registration or granted a license or  
18 permit to engage in the practice of professional land surveying under this chapter.

19 SECTION 67. 443.06 (title) of the statutes is amended to read:

20 443.06 (title) **Registration Licensure requirements for professional**  
21 **land surveyors.**

22 SECTION 68. 443.06 (1) (title) of the statutes is amended to read:

23 443.06 (1) (title) REGISTRATION LICENSURE, APPLICATION, QUALIFYING EXPERIENCE.

24 SECTION 69. 443.06 (1) (a) of the statutes is amended to read:

1           443.06 (1) (a) Application for ~~registration as a land surveyor~~ a license or a  
2 permit to engage in the practice of professional land surveying shall be made to the  
3 section under oath, on forms provided by the department, which shall require the  
4 applicant to submit such information as the section deems necessary. The section  
5 may require applicants to pass written or oral examinations or both. Applicants who  
6 do not have an arrest or conviction record, subject to ss. 111.321, 111.322, and  
7 111.335, shall be entitled to be ~~registered or issued a~~ granted a license or permit to  
8 engage in the practice as of professional land surveyors surveying when satisfactory  
9 evidence is submitted that the applicant has met one or more of the requirements of  
10 sub. (2).

11           **SECTION 70.** 443.06 (1) (b) of the statutes is amended to read:

12           443.06 (1) (b) Each year, but not more than 4 years, of work or training  
13 completed in a curriculum in the practice of professional land surveying approved by  
14 the professional land surveyor section, or of responsible charge of land surveying  
15 teaching the practice of professional land surveying may be considered as equivalent  
16 to one year of qualifying experience in ~~land surveying work~~ the practice of  
17 professional land surveying, and each year, but not more than 4 years, completed in  
18 a curriculum other than the practice of professional land surveying approved by the  
19 ~~land surveyor~~ section, may be considered as equivalent to one-half year of qualifying  
20 experience.

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

22           443.06 (2) ~~REQUIREMENTS; CERTIFICATE OF REGISTRATION LICENSE.~~ (intro.) The  
23 section may grant a ~~certificate of registration as a~~ license to engage in the practice  
24 of professional land surveyor surveying to any person who has submitted to it an  
25 application, the required fees, and one or more of the following:

1           **SECTION 72.** 443.06 (2) (a) of the statutes is repealed.

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

3           443.06 (2) (am) Evidence satisfactory to the professional land surveyor section  
4 that he or she has received a bachelor's degree in a course in the practice of  
5 professional land surveying or a related field that has a duration of not less than 4  
6 years and is approved by the ~~land surveyor~~ section, and that he or she has engaged  
7 in the practice of professional land surveying for at least 2 years of land surveying  
8 and has demonstrated practice of satisfactory character that indicates that the  
9 applicant is competent to engage in the practice of professional land surveying, if the  
10 applicant has passed an oral and written or written examination administered by the  
11 ~~land surveyor~~ section. This paragraph applies to actions of the ~~land surveyor~~ section  
12 on applications for licenses to engage in the practice of professional land surveyors'  
13 certificates surveying that are submitted to the ~~land surveyor~~ section after June 30,  
14 2000.

15           **SECTION 74.** 443.06 (2) (b) of the statutes is repealed.

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

17           443.06 (2) (bm) Evidence satisfactory to the professional land surveyor section  
18 that he or she has received an associate degree in a course in the practice of  
19 professional land surveying or a related field that has a duration of not less than 2  
20 years and is approved by the ~~land surveyor~~ section, and that he or she has engaged  
21 in the practice of professional land surveying for at least 4 years of land surveying  
22 and has demonstrated practice of satisfactory character that indicates that the  
23 applicant is competent to engage in the practice of professional land surveying, if the  
24 applicant has passed an oral and written or written examination administered by the  
25 ~~land surveyor~~ section. This paragraph applies to actions of the ~~land surveyor~~ section

1 on applications for licenses to engage in the practice of professional land surveyors'  
2 certificates surveying that are submitted to the ~~land surveyor~~ section after June 30,  
3 2000.

4 **SECTION 76.** 443.06 (2) (c) of the statutes is repealed.

5 **SECTION 77.** 443.06 (2) (cm) of the statutes is amended to read:

6 443.06 (2) (cm) Evidence satisfactory to the professional land surveyor section  
7 that he or she has engaged in the practice of professional land surveying for at least  
8 10 years ~~of land surveying~~ and has demonstrated practice of satisfactory character  
9 that indicates that the applicant is competent to engage in the practice of licenses to  
10 engage in the practice of professional land surveying, if the applicant has passed an  
11 oral and written or written examination administered by the ~~land surveyor~~ section.  
12 This paragraph applies to actions of the ~~land surveyor~~ section on applications for  
13 licenses to engage in the practice of professional land surveyors' ~~certificates~~  
14 surveying that are submitted to the ~~land surveyor~~ section after June 30, 2000.

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

16 443.06 (2) (d) An unexpired certificate of registration, certificate of  
17 certification, or license as a land surveyor or to engage in the practice of professional  
18 land surveying issued to the applicant by the proper authority in any state or  
19 territory or possession of the United States or in any other country whose  
20 requirements meet or exceed the requirement for ~~registration~~ licensure in this  
21 subsection, if the applicant has passed an oral and written or written examination  
22 administered by the professional land surveyor section.

23 **SECTION 79.** 443.06 (2) (e) of the statutes is repealed.

24 **SECTION 80.** 443.06 (2) (em) of the statutes is amended to read:

1           443.06 (2) (em) Evidence satisfactory to the professional land surveyor section  
2           that he or she has completed an apprenticeship training course in the practice of  
3           professional land surveying prescribed by the department of workforce development,  
4           and has engaged in ~~a~~ the practice of professional land surveying for an additional  
5           period ~~of additional land surveying~~ and has demonstrated practice of satisfactory  
6           character that indicates that the applicant is competent to engage in the practice of  
7           professional land surveying and that, when added to the period of the  
8           apprenticeship, totals at least 8 years of ~~land surveying practice of professional land~~  
9           surveying, if the applicant has passed an oral and written or written examination  
10          administered by the ~~land surveyor~~ section. This paragraph applies to actions of the  
11          ~~land surveyor~~ section on applications for licenses to engage in the practice of  
12          professional land surveyors' ~~certificates~~ surveying that are submitted to the ~~land~~  
13          ~~surveyor~~ section after June 30, 2000.

14           **SECTION 81.** 443.06 (3) of the statutes is amended to read:

15           443.06 (3) PERMIT TO PRACTICE. The examining board may grant a permit to  
16           engage in the practice of professional land surveying during the time an application  
17           is pending to a person who is not ~~registered~~ licensed in this state, if the person has  
18           submitted an application for ~~registration~~ as a license to engage in the practice of  
19           professional land ~~surveyor~~ surveying and paid the required fee and holds an  
20           unexpired certificate of registration, certificate of certification, or license which in  
21           the opinion of the examining board meets the requirements of sub. (2). The permit  
22           shall be revocable by the section at its pleasure.

23           **SECTION 82.** 443.10 (title) of the statutes is amended to read:

24           **443.10** (title) **Applications, certificates, licenses, rules, and roster.**

1           **SECTION 83.** 443.10 (2) (b) of the statutes, as affected by 2007 Wisconsin Act 20,  
2 is amended to read:

3           443.10 (2) (b) The fees for examinations and licenses credentials, as defined in  
4 s. 440.01 (2) (a), granted under this chapter are specified in s. 440.05, and the fee for  
5 renewal of such licenses credentials is determined by the department under s. 440.03  
6 (9) (a).

7           **SECTION 84.** 443.10 (5) of the statutes, as affected by 2007 Wisconsin Act 20,  
8 is amended to read:

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

15           **SECTION 85.** 443.12 (title) of the statutes is amended to read:

16           **443.12 (title) Disciplinary proceedings against professional land**  
17 **surveyors.**

18           **SECTION 86.** 443.12 (1) of the statutes is amended to read:

19           443.12 (1) The section may reprimand a professional land surveyor, or limit,  
20 suspend, or revoke the ~~certificate of registration~~ license of any professional land  
21 surveyor, for the practice of any fraud or deceit in obtaining the ~~certificate~~ license,  
22 or any gross negligence, incompetence, or misconduct in the practice of professional  
23 land surveying.

24           **SECTION 87.** 443.12 (3) of the statutes is amended to read:

1           443.12 (3) If after a hearing 3 members vote in favor of reprimand or limiting,  
2           suspending, or revoking the ~~certificate of registration~~ license of a professional land  
3           surveyor, the section shall notify the surveyor to that effect. The surveyor shall  
4           return the ~~certificate~~ license to the examining board immediately on receipt of notice  
5           of a revocation. The action of the section may be reviewed under ch. 227.

6           **SECTION 88.** 443.135 of the statutes is created to read:

7           **443.135     Cartographic, construction, and geodetic surveying;**  
8           **preparation of maps.** Nothing in this chapter shall be construed to prohibit a  
9           person who has not been granted a license or permit to engage in the practice of  
10          professional land surveying under this chapter from doing any of the following:

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

13          (2) Preparing any of the following:

14          (a) A map, other than a map described in s. 443.01 (6s) (a) 5., used in connection  
15          with the exercise of police powers by the state or a local governmental unit, or in  
16          connection with a regulatory program established by the state or a local  
17          governmental unit, or in connection with the enforcement of the public trust doctrine  
18          or any other constitutional authority by the state or a local governmental unit, if the  
19          map includes a disclaimer substantially similar to the disclaimer under s. 16.967 (3)  
20          (f), except that a map prepared in connection with the program under s. 93.70 must  
21          also include the statements under s. 93.70 (1m) (b) and (c). In this paragraph, "local  
22          governmental unit" has the meaning given in s. 16.97 (7).

23          (b) A map showing the boundaries or the shape and area of one or more tracts  
24          of land, or of one or more interests in real property identified in s. 443.01 (6s) (a) 1.,

INSERT 31-14

1 that are subject to an order under s. 77.82 (8) or under s. 77.02 (3) or (4), if the map  
2 includes a disclaimer substantially similar to the disclaimer under s. 16.967 (3) (f).

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

5 SECTION 89. 443.14 (8) (a) of the statutes is amended to read:

6 443.14 (8) (a) An employee of a professional land surveyor ~~registered in this~~  
7 ~~state or authorized to practice under a permit, while working doing surveying work~~  
8 under the supervision of the employer. Such exempt employee shall not be in  
9 responsible charge of the practice of professional land surveying.

10 SECTION 90. 443.14 (8) (b) of the statutes is amended to read:

11 443.14 (8) (b) Officers and employees of the federal government while engaged  
12 in the practice of professional land surveying for the federal government.

13 SECTION 91. 443.14 (8) (c) of the statutes is amended to read:

14 443.14 (8) (c) Employees of this state while engaged in the practice <sup>if</sup>  
15 professional land surveying for the state. This paragraph does not apply after July  
16 1, 2018.

17 SECTION 92. 443.14 (8) (d) of the statutes is amended to read:

18 443.14 (8) (d) Employees of public utilities regulated by the public service  
19 commission while engaged in the practice of professional land surveying for such  
20 utilities. This paragraph does not apply after July 1, 2018.

21 SECTION 93. 443.14 (9) of the statutes is amended to read:

22 443.14 (9) A license or permit shall not be required for an owner to survey his  
23 or her own land for purposes other than for sale.

24 SECTION 94. 443.14 (11) of the statutes is amended to read:

INERT 32-5

of  
↓



1 443.14 (11) Any professional land surveyor registered licensed under s. 443.06  
2 who is engaged in the planning, design, installation, or regulation of land and water  
3 conservation activities under ch. 92 or s. 281.65.

4 SECTION 95. 443.14 (15) of the statutes is created to read:

5 443.14 (15) An employee of the department of agriculture, trade and consumer  
6 protection who is engaged in determining the boundaries of an easement to be  
7 acquired by that department under the conservation reserve enhancement program  
8 under s. 93.70 and who complies with the requirements under s. 93.70 (1m).

9 SECTION 96. 443.14 (16) of the statutes is created to read:

10 443.14 (16) <sup>(intro.)</sup> An employee of an agency, as defined in s. 13.172 (1), or a local  
11 governmental unit, as defined in s. 16.97 (7), who, while acting within the scope of  
12 his or her employment, creates a map that depicts the boundary of one or more tracts  
13 of land, or of one or more interests in real property, using a land information system,  
14 as defined in s. 16.967 (1) (c), or a geographic information system, <sup>Struck period</sup> if the employee  
15 includes on the map the following or a substantially similar disclaimer: <sub>score</sub>

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

No Scoring

20 SECTION 97. 443.18 (2) (a) of the statutes is amended to read:

21 443.18 (2) (a) If it appears upon complaint to the examining board by any  
22 person, or is known to the examining board that any person who is neither registered  
23 nor exempt under this chapter nor the holder of an unexpired permit under s. 443.10  
24 (1) (d) is practicing or offering to practice, or is about to practice or to offer to practice,  
25 architecture or professional engineering in this state, or is using the title "landscape

443.14 (16) (form)

Section #. 443.14(16) (form) is created to read:

INSERT 33-10

1 architect” in this state, the examining board ~~or the attorney general, the department~~  
2 ~~of regulation and licensing, the department of justice,~~ or the district attorney of the  
3 proper county may investigate and may, in addition to any other remedies, bring  
4 action in the name and on behalf of ~~this~~ the state ~~against any such person~~ to enjoin  
5 the person from practicing or offering to practice architecture or professional  
6 engineering or from using the title “landscape architect”.

7 **SECTION 98.** 443.18 (2) (b) of the statutes is amended to read:

8 443.18 (2) (b) If it appears upon complaint to the examining board by any  
9 person, or is known to the ~~section~~ examining board that any person who is ~~not~~  
10 ~~authorized~~ neither licensed nor permitted nor exempt under this chapter is  
11 ~~practicing~~ engaged in or offering to engage in the practice of professional land  
12 surveying in this state, the ~~section~~ examining board, the department of regulation  
13 and licensing, the department of justice, or the district attorney of the proper county  
14 may investigate and may, in addition to any other remedies, bring action in the name  
15 and on behalf of the state to enjoin the person from ~~practicing~~ engaging in or offering  
16 to engage in the practice of professional land surveying.

17 **SECTION 99.** 470.025 (7) of the statutes is amended to read:

18 470.025 (7) A professional land surveyor registered licensed under ch. 443 who  
19 is engaged in the planning, design, installation, or regulation of land and water  
20 conservation activities under ch. 92 or s. 281.65.

21 **SECTION 100.** 703.02 (6m) of the statutes is amended to read:

22 703.02 (6m) “Correction instrument” means an instrument drafted by a  
23 licensed professional land surveyor that complies with the requirements of s. 59.43  
24 (2m) and that, upon recording, corrects an error in a condominium plat. “Correction  
25 instrument” does not include an instrument of conveyance.

1           **SECTION 101.** 703.02 (13r) of the statutes is created to read:

2           703.02 (13r) “Professional land surveyor” means a professional land surveyor  
3 licensed under ch. 443.

4           **SECTION 102.** 703.11 (2) (b) of the statutes is amended to read:

5           703.11 (2) (b) A survey of the property described in the declaration complying  
6 with minimum standards for property surveys adopted by the examining board of  
7 architects, landscape architects, professional engineers, designers and professional  
8 land surveyors and showing the location of any unit or building located or to be  
9 located on the property.

10          **SECTION 103.** 703.11 (4) of the statutes is amended to read:

11          703.11 (4)    ~~SURVEYOR'S~~ PROFESSIONAL LAND SURVEYOR'S CERTIFICATE.    A  
12 condominium plat is sufficient for the purposes of this chapter if there is attached to  
13 or included in it a certificate of a licensed professional land surveyor ~~authorized to~~  
14 ~~practice that profession in this state~~ that the plat is a correct representation of the  
15 condominium described and the identification and location of each unit and the  
16 common elements can be determined from the plat.

17          **SECTION 104.** 703.115 (1) (b) of the statutes is amended to read:

18          703.115 (1) (b) Provides that a condominium instrument may be rejected only  
19 if it fails to comply with the applicable requirements of ss. 703.095, 703.11 (2) (a), (c)  
20 and (d) and (3), 703.275 (5) and 703.28 (1m) or if the professional land surveyor’s  
21 certificate under s. 703.11 (4) is not attached to or included in the condominium plat.

22          **SECTION 105.** 703.13 (6) (e) of the statutes is amended to read:

23          703.13 (6) (e) Plats and plans showing the altered boundaries and the  
24 dimensions thereof between adjoining units, and their identifying numbers or  
25 letters, shall be prepared. The plats and plans shall be certified as to their accuracy

1 in compliance with this subsection by a civil engineer, architect, or licensed  
2 professional land surveyor ~~authorized to practice his or her profession in the state.~~

3 **SECTION 106.** 703.13 (7) (c) of the statutes is amended to read:

4 703.13 (7) (c) Plats and plans showing the boundaries and dimensions  
5 separating the new units together with their other boundaries and their new  
6 identifying numbers or letters shall be prepared. The plats and plans shall be  
7 certified as to their accuracy and compliance with this subsection by a civil engineer,  
8 architect, or licensed professional land surveyor ~~authorized to practice his or her~~  
9 ~~profession in the state.~~

10 **SECTION 107.** 703.13 (8) (c) of the statutes is amended to read:

11 703.13 (8) (c) Plats and plans showing the boundaries and dimensions of the  
12 new unit together with the new identifying number or letter shall be prepared. The  
13 plats and plans shall be certified as to their accuracy and compliance with this  
14 subsection by a civil engineer, architect, or licensed professional land surveyor  
15 ~~authorized to practice in this state.~~

16 **SECTION 108.** 707.215 (5) (intro.) of the statutes is amended to read:

17 707.215 (5) SURVEYOR'S PROFESSIONAL LAND SURVEYOR'S CERTIFICATE. (intro.) A  
18 plat is sufficient for the purposes of this chapter if attached to or included in the plat  
19 is a certificate of a professional land surveyor ~~licensed to practice in this state under~~  
20 ch. 443, and the certificate provides all of the following:

21 **SECTION 109.** 709.02 (1) of the statutes is amended to read:

22 709.02 (1) In regard to transfers described in s. 709.01, the owner of the  
23 property shall furnish, not later than 10 days after acceptance of a contract of sale  
24 or option contract, to the prospective buyer of the property a completed copy of the  
25 report under s. 709.03, subject to s. 709.035, except that the owner may substitute

1 for any entry information supplied by a licensed engineer, professional land  
2 surveyor, as defined in s. 443.01 (7m), or structural pest control operator, or by an  
3 individual who is a qualified 3rd party, as defined in s. 452.23 (2) (b), or by a  
4 contractor about matters within the scope of the contractor's occupation if the  
5 information is in writing and is furnished on time and if the entry to which it relates  
6 is identified, and except that the owner may substitute for any entry information  
7 supplied by a public agency, as defined in s. 66.0825 (3) (h). Information that  
8 substitutes for an entry on the report under s. 709.03 and that is supplied by a person  
9 specified in this section may be submitted and certified on a supplemental report  
10 prepared by the person, as long as the information otherwise satisfies the  
11 requirements under this section. A prospective buyer who does not receive a report  
12 within the 10 days may, within 2 business days after the end of that 10-day period,  
13 rescind the contract of sale or option contract by delivering a written notice of rescision  
14 to the owner or to the owner's agent.

15 **SECTION 110.** 709.07 of the statutes is amended to read:

16 **709.07 Liability precluded.** An owner is not liable for an error or omission  
17 in a report under s. 709.03 if the owner had no knowledge of that error or omission,  
18 if the error or omission was based on information provided by a public agency, as  
19 defined in s. 66.0825 (3) (h), or by a licensed engineer, professional land surveyor, as  
20 defined in s. 443.01 (7m), structural pest control operator, or qualified 3rd party, as  
21 defined in s. 452.23 (2) (b), or by a contractor about matters within the scope of the  
22 contractor's occupation.

23 **SECTION 111.** 893.37 of the statutes is amended to read:

24 **893.37 Survey.** No action may be brought against an engineer or any  
25 professional land surveyor, as defined in s. 443.01 (7m), to recover damages for

1 negligence, errors, or omission in the making of any survey nor for contribution or  
2 indemnity related to such negligence, errors, or omissions more than 6 years after  
3 the completion of a survey.

4 **SECTION 112.** 895.477 of the statutes is created to read:

5 **895.477 Civil liability exemption; professional land surveyors.** (1) In  
6 this section, "professional land surveyor" has the meaning given in s. 443.01 (7m).

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

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

12 (b) Any damages caused as a result of the surveyor's approximation of an  
13 ordinary high water mark of any lake or stream or his or her approximation of high  
14 and low water elevations of any lake or stream if the surveyor was acting under ch.  
15 236 and if the surveyor acted in good faith.

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

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

21 **SECTION 113.** 943.13 (4m) (d) of the statutes is created to read:

22 943.13 (4m) (d) A professional land surveyor, as defined in s. 443.01 (7m), or  
23 an employee of the professional land surveyor working under the direct supervision  
24 of the professional land surveyor who qualifies for immunity under s. 895.477.

25 **SECTION 114. Nonstatutory provisions.**

1 (1) Notwithstanding section 443.02 (4) of the statutes, as affected by this act,  
 2 on the effective date of this subsection, a person who has been granted a certificate  
 3 of registration as a land surveyor under section 443.06 (2), 2007 stats., or a permit  
 4 to practice land surveying under section 443.06 (3), 2007 stats., is considered to be  
 5 granted a license to engage in the practice of professional land surveying under  
 6 section 443.06 (2) of the statutes, as affected by this act, or a permit to engage in the  
 7 practice of professional land surveying under section 443.06 (3) of the statutes, as  
 8 affected by this act, and the professional land surveyor section of the examining  
 9 board of architects, landscape architects, professional engineers, designers, and  
 10 professional land surveyors shall issue to the person, as appropriate, a license to  
 11 engage in the practice of professional land surveying under section 443.06 (2) of the  
 12 statutes, as affected by this act, or a permit to engage in the practice of professional  
 13 land surveying under section 443.06 (3) of the statutes, as affected by this act.

14 **SECTION 115. Initial applicability.**

create autoref [A]

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

create autoref [B]

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

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

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

create autoref [C]

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

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

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

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

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

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

14           (11) The treatment of section 236.32 (1) of the statutes first applies to the  
15 placement of monuments by a professional land surveyor, as defined under section  
16 443.01 (7m) of the statutes, as created by this act, on the effective date of this  
17 subsection.

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

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

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



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

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

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

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

11 **SECTION 116. Effective date.**

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

14 (END)

INSERT 41-12

2009-2010 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRBs0085/1ins  
TKK&MGG:cjs:jf

1           **INSERT 9-1**

2           59.43 (8) (d) A map that depicts the boundaries of an easement acquired by  
3 the department of agriculture, trade and consumer protection under s. 93.70.

4           ~~#~~  
5           **SECTION 1.** 59.43 (8) (d) of the statutes, as created by 2009 Wisconsin Act ....  
6 (this act), is amended to read:

6           **INSERT 31-14**

7           (a) A map, other than a map described in s. 443.01 (6s) (a) 5., used in connection  
8 with the exercise of police powers by the state or a local governmental unit, or in  
9 connection with a regulatory program established by the state or a local  
10 governmental unit, or in connection with the enforcement of the public trust doctrine  
11 or any other constitutional authority by the state or a local governmental unit. In  
12 this paragraph, "local governmental unit" has the meaning given in s. 16.97 (7). ✓

13           (b) A map showing the boundaries or the shape and area of one or more tracts  
14 of land, or of one or more interests in real property identified in s. 443.01 (6s) (a) 1.,  
15 that are subject to an order under s. 77.82 (8) or under s. 77.02 (3) or (4).

16           **INSERT 32-5**

17           ~~#~~  
18           **SECTION 2.** 443.135 (2) (a) of the statutes, as created by 2009 Wisconsin Act .... ✓  
19 (this act), is amended to read:

20           443.135 (2) (a) A map, other than a map described in s. 443.01 (6s) (a) 5., used  
21 in connection with the exercise of police powers by the state or a local governmental  
22 governmental unit, or in connection with a regulatory program established by the state or a local  
23 governmental unit, or in connection with the enforcement of the public trust doctrine  
or any other constitutional authority by the state or a local governmental unit,

Score  
comma

1 except that a map prepared in connection with the program under s. 93.70 must  
2 include the disclaimer and statements under s. 93.70 (1m). In this paragraph, "local  
3 governmental unit" has the meaning given in s. 16.97 (7).

4 **SECTION 3.** <sup>#</sup> 443.135 (2) (b) of the statutes, as created by 2009 Wisconsin Act ....  
5 (this act), is amended to read:

6 443.135 (2) (b) A map showing the boundaries or the shape and area of one or  
7 more tracts of land, or of one or more interests in real property identified in s. 443.01  
8 (6s) (a) 1., that are subject to an order under s. 77.82 (8) or under s. 77.02 (3) or (4),  
9 if the map includes a disclaimer substantially similar to the disclaimer under s.  
10 16.967 (3) (f).

11 **INSERT 33-10**

12 443.14 (16) An employee of an agency, as defined in s. 13.172 (1), or a local  
13 governmental unit, as defined in s. 16.97 (7), who, while acting within the scope of  
14 his or her employment, creates a map that depicts the boundary of one or more tracts  
15 of land, or of one or more interests in real property, using a land information system,  
16 as defined in s. 16.967 (1) (c), or a geographic information system.

17 **SECTION 4.** 443.14 (16) of the statutes, as created by 2009 Wisconsin Act .... (this  
18 act), is amended to read:

renumbered 443.14 (16) (intro.)  
and

19 **INSERT 41-12**

20 **SECTION 5. Effective dates.** This act takes effect on the first day of the 4th  
21 month <sup>#</sup> after publication, except as follows:

22 (1) The creation of sections 16.967 (3) (f), 93.70 (1m), and 443.14 (15) of the  
23 statutes takes effect on the first day of the 13th month after publication.

fix component

treatment

beginning

amendment

and

1 (2) The ~~treatment~~ of sections 59.43 (8) (d) ~~(by SECTION 443.135 (2) (a) (by~~

2 ~~SECTION 443.135 (2) (b) (by SECTION 443.14 (16) (by SECTION 443.135 (2) (a) (by~~ of the statutes

3 takes effect on the first day of the 13th month after publication. ~~(form)~~

4 (3) SECTION ~~1135 (1) and (1)~~ of this act takes effect on the first day of the 13th

5 month beginning after publication.

and

of the statutes

the creation of section

beginning

use  
autoref **A**  
from p.39  
of bill

use  
autoref **B**  
from p.39  
of bill

use autoref  
**C** from  
p.39 of bill

## Kuczenski, Tracy

---

**From:** Clark, Fred  
**Sent:** Thursday, October 15, 2009 12:24 PM  
**To:** Kuczenski, Tracy  
**Subject:** RE: Surveyors

**Attachments:** ASA AB-271 suggested amendment 10 15 2009.doc



ASA AB-271  
uggested amendment

Fred Clark  
42nd Assembly District Representative

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

(608) 266-7746

---

**From:** Clark, Fred  
**Sent:** Thursday, October 15, 2009 12:23 PM  
**To:** Kuczenski, Tracy  
**Subject:** Surveyors

Tracy:

If it is possible, I would like to withdraw the LRB ASA for AB271 (LRBs0085/2) and request changes as in the following document.

I will call you to discuss this.

Fred

Fred Clark  
42nd Assembly District Representative

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

(608) 266-7746

**ASSEMBLY SUBSTITUTE AMENDMENT TO AB-271 (LRBS0085/2)**  
**October 15, 2009**

**Proposed revision to LRB Analysis**  
**Page 4, first full paragraph**

M66  
Under current law, a professional surveyor who prepares lake or stream plat is required to show certain dimensions as measured from the ordinary high water mark (OHWM) of a lake or stream. In many cases the OHWM has not been formally determined. The substitute amendment authorizes a professional surveyor to incorporate into these plats an ordinary high water mark that has been determined by the Department of Natural Resources or that has otherwise been determined 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.

✓ **Proposed revision to Section 9**  
**Page 8, lines 19 to 24**

SECTION 9. 59.43 (8) (b) of the statutes is created to read:

59.43 (8) (b) A ~~sketch~~ 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 the legal description of the affected tract or tracts of land or interest or interests in real property is separately described in a legal description or a map, plat, survey or document that complies with this section that is incorporated into the document submitted for recording. In this paragraph, legal description has the meaning given in s. 706.01 (7r).

✓ **Proposed revision to Section 95**  
**Page 33, lines 12 to 15**

SECTION 95. 443.14 (8) (d) of the statutes is amended to read:

443.14 (8) (d) Employees of public utilities regulated by the public service commission and employees of cooperative associations organized under ch. 185 for the purpose of producing or furnishing heat, light, power or water to their members only while engaged in the practice of professional land surveying for such utilities or cooperative associations. This paragraph does not apply after July 1, 2018.

## Kuczenski, Tracy

---

**From:** Beata Kalies [Beata.Kalies@cooperativenetwork.coop]  
**Sent:** Wednesday, October 14, 2009 1:05 PM  
**To:** Rep.Clark  
**Cc:** Kuczenski, Tracy; Marty Hillert ; Share Brandt  
**Subject:** Amendment to AB 271  
**Importance:** High

Dear Rep. Clark,

This message is a follow-up to our phone conversation this afternoon about adding an exemption to the substitute amendment to 2009 AB 271 relating to land surveyors.

Under the bill, public utility<sup>a</sup> employees regulated under chapter 196 are exempt from licensure until 2018. By including "employees of cooperative associations~~;~~ organized under ch. 185 for the purpose of producing or furnishing heat, light, power or water to its members only" you would be including electric cooperatives in the exemption.

We appreciate your willingness to treat cooperatives in the same manner as other utilities. Thank you for your consideration of our proposed change. If you have any questions or if I can be of further assistance, please contact me.

Sincerely,

Beata

### **Beata Kalies**

Representing Wisconsin's Electric Cooperatives  
Director of Government Relations | Cooperative Network  
131 West Wilson Street, Suite 400 | Madison, WI 53703  
608.258.4406 | cell: 608.279.9275 | cooperativenetwork.coop

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