



State of Wisconsin
2009 - 2010 LEGISLATURE

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ASSEMBLY SUBSTITUTE AMENDMENT,
TO 2009 ASSEMBLY BILL 271

SAV

10/16/09

by 10/19/09 (for 10/21/09 hearing)

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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) and 443.14 (16); *to amend* 15.405
3 (2) (intro.), (a) and (b), 26.09 (3) (b) 1., 30.11 (3), 30.13 (3) (a), 59.20 (2) (c), 59.43
4 (8) (d), 59.45 (1) (a) 2., 59.45 (1) (b), 59.45 (3), 59.46, 59.73 (2), 59.74 (2) (b) 1.,
5 59.74 (2) (c), 59.74 (2) (g), 59.74 (2) (h), 59.74 (2) (j), 59.75, 60.84 (1), 60.84 (2),
6 60.84 (3) (a), 60.84 (3) (c) (intro.), 60.84 (4), 70.27 (5), 70.27 (6), 70.27 (7) (intro.),
7 70.27 (7) (d), 84.095 (5), 157.07 (1), 157.07 (2), 157.07 (3), 236.02 (2m), 236.12
8 (8), 236.15 (1) (a), 236.15 (1) (d), 236.15 (2), 236.16 (3) (title), 236.16 (4) (title),
9 236.20 (2) (g), 236.21 (1) (intro.), 236.21 (1) (a), 236.21 (1) (d), 236.32 (1), 236.34
10 (1) (a), 236.34 (1) (d) (intro.), 236.34 (1) (d) 1., 236.34 (1) (d) 4., 440.03 (13) (b)
11 34., 440.08 (2) (a) 39., chapter 443 (title), 443.01 (3), 443.02 (4), 443.06 (title),
12 443.06 (1) (title), 443.06 (1) (a), 443.06 (1) (b), 443.06 (2) (intro.), 443.06 (2) (am),
13 443.06 (2) (bm), 443.06 (2) (cm), 443.06 (2) (d), 443.06 (2) (em), 443.06 (3), 443.10

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

Analysis by the Legislative Reference Bureau

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

This 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: a) a map used in connection with a regulatory program established by, or in connection with the exercise of police powers by, or in connection

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The substitute amendment authorizes a professional land surveyor to (DNR)

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, 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.

~~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 requires 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 in order for the map, plat, survey, or other document to be recorded with the county register of deeds, and creates two additional exceptions to the signature and seal requirements. 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

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lake or stream shore

Under current law, a professional surveyor who prepares a plat must show certain dimensions as measured from the ordinary high water mark of the lake or stream. (OHWM)

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either

CREP easement acquired by DATCP if the map is prepared in accordance with the requirements established in this substitute amendment.

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:

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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:

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.

3 **SECTION 11.** 59.43 (8) (d) of the statutes, as created by 2009 Wisconsin Act
4 (this act), is amended to read:

5 59.43 (8) (d) A map that depicts the boundaries of an easement acquired by the
6 department of agriculture, trade and consumer protection under s. 93.70 if the map
7 is prepared in accordance with the requirements under s. 93.70 (1m).

8 **SECTION 12.** 59.45 (1) (a) 2. of the statutes is amended to read:

9 59.45 (1) (a) 2. Make, personally or by a deputy, a record, in books or on
10 drawings and plats that are kept for that purpose, of all corners that are set and the
11 manner of fixing the corners and of all bearings and the distances of all courses run,
12 of each survey made personally, by deputies or by other professional land surveyors
13 and arrange or index the record so it is an ~~easy-to-use~~ easy-to-use reference and file
14 and preserve in the office the original field notes and calculation thereof. Within 60
15 days after completing any survey, the county surveyor shall make a true and correct
16 copy of the foregoing record, in record books or on reproducible papers to be furnished
17 by the county and kept in files in the office of the county surveyor to be provided by
18 the county. In a county with a population of 500,000 or more where there is no county
19 surveyor, a copy of the record shall also be filed in the office of the regional planning
20 commission which acts in the capacity of county surveyor for the county.

21 **SECTION 13.** 59.45 (1) (b) of the statutes is amended to read:

22 59.45 (1) (b) Surveys for individuals or corporations may be performed by any
23 professional land surveyor who is employed by the parties requiring the services,
24 providing that within 60 days after completing any survey the professional land
25 surveyor files a true and correct copy of the survey in the office of the county surveyor.

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

4 **SECTION 14.** 59.45 (3) of the statutes is amended to read:

5 59.45 (3) SURVEYOR; FEES. In addition to the regular fees of professional land
6 surveyors that are received from the parties employing the county surveyor, the
7 county surveyor may receive a salary from the county.

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

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

13 **SECTION 16.** 59.73 (2) of the statutes is amended to read:

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

22 **SECTION 17.** 59.74 (2) (b) 1. of the statutes is amended to read:

23 59.74 (2) (b) 1. Whenever it becomes necessary to destroy, remove, or cover up
24 in such a way that will make it inaccessible for use, any landmark, monument of
25 survey, or corner post within the meaning of this subsection, the person including

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

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

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

23 **SECTION 19.** 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 20.** 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 21.** 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 22.** 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 23.** 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 24.** 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 25.** 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 26.** 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 27.** 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 28.** 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 29.** 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 30.** 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 31.** 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 32.** 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 33.** 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 (b) A statement that the map is to be used only in connection with the program
22 under this section.

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

1 to 3837f, and that a copy of the protocols may be obtained from the department of
2 agriculture, trade and consumer protection upon request.

3 **SECTION 34.** 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 35.** 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 36.** 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 37.** 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 38.** 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 39.** 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 40.** 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 determined by the department of natural resources or otherwise
24 determined 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.

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

15 **SECTION 41.** 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 42.** 236.15 (1) (a) of the statutes is amended to read:

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 determined or approximated ordinary high water mark of the lake or from
13 ~~the bank of the stream~~, except that when such corners or points fall within a street,
14 or proposed future street, the monuments shall be placed in the side line of the street.

15 **SECTION 43.** 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 determined or approximated
23 ordinary high water mark of the lake or from the bank of the stream.

24 **SECTION 44.** 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 45.** 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 46.** 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.

10 **SECTION 47.** 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 determined or approximated ordinary high water mark.

15 **SECTION 48.** 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 49.** 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 50.** 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 51.** 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 52.** 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 53.** 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 54.** 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 55.** 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 construction layout or historic preservation, and establishing any postconstruction
2 documentation related to such surveying or mapping.

3 **SECTION 62.** 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 63.** 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 64.** 443.01 (4) of the statutes is repealed.

11 **SECTION 65.** 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. Any service comprising the determination of the location of the boundaries
15 of one or more tracts of land or the boundaries of any of the following interests in real
16 property:

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

18 b. Air or property rights.

19 c. Public or private easements.

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

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

1 of one or more tracts of land or to describe the boundaries of any interest in real
2 property identified in subd. 1.

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

5 5. Preparing any of the following:

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

8 b. An assessor's plat under s. 70.27.

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

10 d. A subdivision plat, certified survey map, or correction instrument under ch.
11 236.

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

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

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

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

18 **SECTION 66.** 443.01 (7m) of the statutes is created to read:

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

23 **SECTION 67.** 443.02 (4) of the statutes is amended to read:

24 443.02 (4) No person may engage in or offer to engage in the practice of
25 professional land surveying in this state or use or advertise any title or description

1 tending to convey the impression that the person is a professional land surveyor
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 68.** 443.06 (title) of the statutes is amended to read:

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

7 **SECTION 69.** 443.06 (1) (title) of the statutes is amended to read:

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

9 **SECTION 70.** 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 71.** 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 72.** 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 73.** 443.06 (2) (a) of the statutes is repealed.

11 **SECTION 74.** 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 surveyors²
22 ~~certificates~~ surveying that are submitted to the ~~land surveyor~~ section after June 30,
23 2000.

24 **SECTION 75.** 443.06 (2) (b) of the statutes is repealed.

25 **SECTION 76.** 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 77.** 443.06 (2) (c) of the statutes is repealed.

14 **SECTION 78.** 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 79.** 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 80.** 443.06 (2) (e) of the statutes is repealed.

9 **SECTION 81.** 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 82.** 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 83.** 443.10 (title) of the statutes is amended to read:

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

9 **SECTION 84.** 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 85.** 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 86.** 443.12 (title) of the statutes is amended to read:

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

1 **SECTION 87.** 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 88.** 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 89.** 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 the exercise of police powers by the state or a local governmental unit, or in
23 connection with a regulatory program established by the state or a local
24 governmental unit, or in connection with the enforcement of the public trust doctrine

1 or any other constitutional authority by the state or a local governmental unit. In
2 this paragraph, "local governmental unit" has the meaning given in s. 16.97 (7).

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

6 (c) A map having a purpose other than those specified in s. 443.01 (6s) (a) 4. or
7 5.

8 **SECTION 90.** 443.135 (2) (a) of the statutes, as created by 2009 Wisconsin Act
9 (this act), is amended to read:

10 443.135 (2) (a) A map, other than a map described in s. 443.01 (6s) (a) 5., used
11 in connection with the exercise of police powers by the state or a local governmental
12 unit, or in connection with a regulatory program established by the state or a local
13 governmental unit, or in connection with the enforcement of the public trust doctrine
14 or any other constitutional authority by the state or a local governmental unit, except
15 that a map prepared in connection with the program under s. 93.70 must include the
16 disclaimer and statements under s. 93.70 (1m). In this paragraph, "local
17 governmental unit" has the meaning given in s. 16.97 (7).

18 **SECTION 91.** 443.135 (2) (b) of the statutes, as created by 2009 Wisconsin Act
19 (this act), is amended to read:

20 443.135 (2) (b) A map showing the boundaries or the shape and area of one or
21 more tracts of land, or of one or more interests in real property identified in s. 443.01
22 (6s) (a) 1., that are subject to an order under s. 77.82 (8) or under s. 77.02 (3) or (4),
23 if the map includes a disclaimer substantially similar to the disclaimer under s.
24 16.967 (3) (f).

25 **SECTION 92.** 443.14 (8) (a) of the statutes is amended to read:

1 443.14 (8) (a) An employee of a professional land surveyor ~~registered in this~~
2 ~~state or authorized to practice under a permit, while working doing surveying work~~
3 under the supervision of the employer. Such exempt employee shall not be in
4 responsible charge of the practice of professional land surveying.

5 **SECTION 93.** 443.14 (8) (b) of the statutes is amended to read:

6 443.14 (8) (b) Officers and employees of the federal government while engaged
7 in the practice of professional land surveying for the federal government.

8 **SECTION 94.** 443.14 (8) (c) of the statutes is amended to read:

9 443.14 (8) (c) Employees of this state while engaged in the practice of
10 professional land surveying for the state. This paragraph does not apply after July
11 1, 2018.

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

13 443.14 (8) (d) Employees of public utilities regulated by the public service
14 commission while engaged in the practice of professional land surveying for such
15 utilities. This paragraph does not apply after July 1, 2018.

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

17 443.14 (9) A license or permit shall not be required for an owner to survey his
18 or her own land for purposes other than for sale.

19 **SECTION 97.** 443.14 (11) of the statutes is amended to read:

20 443.14 (11) Any professional land surveyor ~~registered~~ licensed under s. 443.06
21 who is engaged in the planning, design, installation, or regulation of land and water
22 conservation activities under ch. 92 or s. 281.65.

23 **SECTION 98.** 443.14 (15) of the statutes is created to read:

24 443.14 (15) An employee of the department of agriculture, trade and consumer
25 protection who is engaged in determining the boundaries of an easement to be

1 acquired by that department under the conservation reserve enhancement program
2 under s. 93.70 and who complies with the requirements under s. 93.70 (1m).

3 **SECTION 99.** 443.14 (16) of the statutes is created to read:

4 443.14 (16) An employee of an agency, as defined in s. 13.172 (1), or a local
5 governmental unit, as defined in s. 16.97 (7), who, while acting within the scope of
6 his or her employment, creates a map that depicts the boundary of one or more tracts
7 of land, or of one or more interests in real property, using a land information system,
8 as defined in s. 16.967 (1) (c), or a geographic information system.

9 **SECTION 100.** 443.14 (16) of the statutes, as created by 2009 Wisconsin Act
10 (this act), is renumbered 443.14 (16) (intro.) and amended to read:

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

17 **SECTION 101.** 443.14 (16) (form) of the statutes is created to read:

18 443.14 (16) (form) "This map shows the approximate relative location of
19 property boundaries but was not prepared by a professional land surveyor. This map
20 is provided for informational purposes only and may not be sufficient or appropriate
21 for legal, engineering, or surveying purposes."

22 **SECTION 102.** 443.18 (2) (a) of the statutes is amended to read:

23 443.18 (2) (a) If it appears upon complaint to the examining board by any
24 person, or is known to the examining board that any person who is neither registered
25 nor exempt under this chapter nor the holder of an unexpired permit under s. 443.10

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

9 **SECTION 103.** 443.18 (2) (b) of the statutes is amended to read:

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

19 **SECTION 104.** 470.025 (7) of the statutes is amended to read:

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

23 **SECTION 105.** 703.02 (6m) of the statutes is amended to read:

24 703.02 (6m) “Correction instrument” means an instrument drafted by a
25 ~~licensed~~ professional land surveyor that complies with the requirements of s. 59.43

1 (2m) and that, upon recording, corrects an error in a condominium plat. "Correction
2 instrument" does not include an instrument of conveyance.

3 **SECTION 106.** 703.02 (13r) of the statutes is created to read:

4 703.02 (13r) "Professional land surveyor" means a professional land surveyor
5 licensed under ch. 443.

6 **SECTION 107.** 703.11 (2) (b) of the statutes is amended to read:

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

12 **SECTION 108.** 703.11 (4) of the statutes is amended to read:

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

19 **SECTION 109.** 703.115 (1) (b) of the statutes is amended to read:

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

24 **SECTION 110.** 703.13 (6) (e) of the statutes is amended to read:

1 703.13 (6) (e) Plats and plans showing the altered boundaries and the
2 dimensions thereof between adjoining units, and their identifying numbers or
3 letters, shall be prepared. The plats and plans shall be certified as to their accuracy
4 in compliance with this subsection by a civil engineer, architect, or licensed
5 professional land surveyor ~~authorized to practice his or her profession in the state.~~

6 **SECTION 111.** 703.13 (7) (c) of the statutes is amended to read:

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

13 **SECTION 112.** 703.13 (8) (c) of the statutes is amended to read:

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

19 **SECTION 113.** 707.215 (5) (intro.) of the statutes is amended to read:

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

24 **SECTION 114.** 709.02 (1) of the statutes is amended to read:

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

19 **SECTION 115.** 709.07 of the statutes is amended to read:

20 **709.07 Liability precluded.** An owner is not liable for an error or omission
21 in a report under s. 709.03 if the owner had no knowledge of that error or omission,
22 if the error or omission was based on information provided by a public agency, as
23 defined in s. 66.0825 (3) (h), or by a licensed engineer, professional land surveyor, as
24 defined in s. 443.01 (7m), structural pest control operator, or qualified 3rd party, as

1 defined in s. 452.23 (2) (b), or by a contractor about matters within the scope of the
2 contractor's occupation.

3 **SECTION 116.** 893.37 of the statutes is amended to read:

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

9 **SECTION 117.** 895.477 of the statutes is created to read:

10 **895.477 Civil liability exemption; professional land surveyors.** (1) In
11 this section, "professional land surveyor" has the meaning given in s. 443.01 (7m).

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

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

17 (b) Any damages caused as a result of the surveyor's approximation of an
18 ordinary high water mark of any lake or stream or his or her approximation of high
19 and low water elevations of any lake or stream if the surveyor was acting under ch.
20 236 and if the surveyor acted in good faith.

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

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

1 **SECTION 118.** 943.13 (4m) (d) of the statutes is created to read:

2 943.13 (4m) (d) A professional land surveyor, as defined in s. 443.01 (7m), or
3 an employee of the professional land surveyor working under the direct supervision
4 of the professional land surveyor who qualifies for immunity under s. 895.477.

5 **SECTION 119. Nonstatutory provisions.**

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

19 **SECTION 120. Initial applicability.**

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

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

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

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

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

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

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

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

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

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

18 (11) The treatment of section 236.32 (1) of the statutes first applies to the
19 placement of monuments by a professional land surveyor, as defined under section
20 443.01 (7m) of the statutes, as created by this act, on the effective date of this
21 subsection.

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

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

1 **INSERT ANALYSIS 3-TKK**

The substitute amendment creates a new exemption from licensure for employees of a cooperative association organized under the laws of this state for the purpose of producing or furnishing heat, light, power, or water for its members while the employees are engaged in the practice of professional land surveying. This exemption from licensure does not apply after July 1, 2018.

2 **INSERT ANALYSIS 4-TKK**

of the tract or tracts of land or interest or interests in real property, or a map, survey, plat, or other document that depicts the tract or tracts of land or interest or interests in real property and that bears the signature and seal of the professional land surveyor who prepared the map, plat, survey, or other document is incorporated into or attached to and submitted for recording with the map

3 **INSERT 8-20**

4 59.43 (8) (b) A map that depicts the approximate boundaries or the shape and
5 area of one or more tracts of land or one or more interests in real property if any of
6 the following are incorporated into or attached to and submitted for recording with
7 the map:

8 1. A legal description of the tract or tracts of land or interest or interests in real
9 property. In this subdivision, legal description has the meaning given in s. 706.01
10 (7r).

11 2. A map, plat, survey, or other document within the definition of the practice
12 of professional land surveying under s. 443.01 (6s) that depicts the boundaries of the
13 tract or tracts of land or interest or interests in real property and that has impressed
14 thereon, and affixed thereto, the personal signature of a professional land surveyor
15 under whose responsible charge the map, plat, survey, or other document was
16 prepared.

17 **INSERT 33-16**

18 **SECTION 1.** 443.14 (8) (dm) of the statutes is created to read:

1 443.14 (8) (dm) Employees of a cooperative association, organized under ch.
2 185 for the purpose of producing or furnishing heat, light, power, or water to its
3 members only, while the employees are engaged in the practice of professional land
4 surveying for the cooperative association. This paragraph does not apply after July
5 1, 2018.

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBs0085/2dn
~~TKK&MGG:cjs~~
3
MGW: cjs

- date -

to settling

An analysis prepared by the LRB is limited forth the current law and how the proposed legislation would change that law. I, therefore, did not include the 2nd sentence in the proposed language for the analysis that concerns ordinary high water marks because it deals with how surveying actually occurs.

Mary Gibson-Glass
Senior Legislative Attorney
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**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBs0085/3dn
MGG:cjs:md

October 19, 2009

An analysis prepared by the LRB is limited to setting forth the current law and how the proposed legislation would change that law. I, therefore, did not include the 2nd sentence in the proposed language for the analysis that concerns ordinary high water marks because it deals with how surveying actually occurs.

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