

2013 DRAFTING REQUEST

Bill

Received: 10/18/2013 Received By: mgallagh
Wanted: As time permits Same as LRB: -2048
For: Frank Lasee (608) 266-3512 By/Representing: Rob K.
May Contact: Drafter: mgallagh
Subject: Occupational Reg. - prof lic Addl. Drafters: mglass
Nat. Res. - wet/shore/flood pkahler
Real Estate - plats

Extra Copies:

Submit via email: YES
Requester's email: Sen.Lasee@legis.wisconsin.gov
Carbon copy (CC) to: michael.gallagher@legis.wisconsin.gov
mary.glass@legis.wisconsin.gov
pam.kahler@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Changes to licensure of professional land surveyors

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	mgallagh 10/18/2013	scalvin 10/18/2013	rschluet 10/18/2013	_____	mbarman 10/18/2013	lparisi 10/18/2013	State S&L

FE Sent For:

<END>

→ At Intro.

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/1	mgallagh	/1 sac 10/18/2013	<i>[Handwritten Signature]</i> 10/18/13	_____	_____		State S&L

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<END>

Gallagher, Michael

From: Leiber, John
Sent: Thursday, October 17, 2013 2:58 PM
To: Gallagher, Michael
Cc: Kovach, Robert
Subject: RE: LRB 2048/1 concerning land surveyors

Michael,

Senator Lasee is the senate lead on this bill and will be needing a companion bill drafted for LRB 2048/1

John Leiber
Legislative Assistant
Office of State Representative Weatherston, 62nd District
(608) 266-0731
john.leiber@legis.wisconsin.gov



In 10/18 Soon Terms

State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-2048/1

MPG/MGG/PJK:sac:fs

stays

2013 BILL

3460/1

- Companion RMR
- No changes

gen cat

1 AN ACT *to repeal* 236.12 (4), 236.12 (5), 236.20 (1) (b), 443.01 (4), 443.06 (2) (a),
 2 443.06 (2) (b), 443.06 (2) (c), 443.06 (2) (e), 443.06 (2) (em), 443.06 (3), 443.14 (8)
 3 (b) and 443.14 (8) (c); *to renumber and amend* 60.84 (1), 236.11 (2), 236.12 (8),
 4 236.15 (1) (intro.), 236.15 (1) (a), 236.21 (1) (b) and 236.32 (except 236.32 (title));
 5 *to consolidate, renumber and amend* 236.12 (2) (intro.) and (a) and 236.12
 6 (3) and (6); *to amend* 15.405 (2) (intro.), (a) and (b), 20.165 (2) (j), 26.09 (3) (b)
 7 1., 30.11 (3), 30.13 (3) (a), 59.20 (2) (c), 59.43 (8), 59.45 (1) (a) 2., 59.45 (1) (b),
 8 59.45 (3), 59.46, 59.72 (3m) (a) 4m., 59.73 (2), 59.74 (2) (b) 1., 59.74 (2) (c), 59.74
 9 (2) (g), 59.74 (2) (h), 59.74 (2) (j), 59.75, 60.84 (2), 60.84 (3) (a), 60.84 (3) (c)
 10 (intro.) and 1., 60.84 (4), 66.0309 (11), 70.27 (2), 70.27 (5), 70.27 (6), 70.27 (7)
 11 (intro.), 70.27 (7) (d), 84.095 (5), 157.07 (1), 157.07 (2), 157.07 (3), 236.02 (2m),
 12 236.03 (2), 236.12 (2) (b), 236.13 (2) (a), 236.13 (2m), 236.15 (1) (b), 236.15 (1)
 13 (d), 236.15 (2), 236.16 (3) (title), 236.16 (3) (a), 236.16 (3) (b), 236.16 (4), 236.20
 14 (1) (a), 236.20 (2) (g), 236.20 (2) (k), 236.20 (3) (b), 236.20 (4) (b), 236.20 (5) (c),

BILL

1 236.21 (1) (intro.), 236.21 (1) (a), 236.21 (1) (d), 236.25 (2) (a), 236.25 (2) (c),
2 236.25 (2) (d), 236.34 (1) (a), 236.34 (1) (b), 236.34 (1) (c), 236.34 (1) (d) (intro.),
3 236.34 (1) (d) 1., 236.34 (1) (d) 2., 236.34 (1) (d) 4., 236.34 (1) (e), 236.34 (2) (b)
4 1., 293.37 (2) (a), 295.48 (1) (intro.), 440.03 (13) (b) 34., 440.08 (2) (a) 39., chapter
5 443 (title), 443.01 (3), 443.01 (3r) (c), 443.02 (4), 443.06 (title), 443.06 (1) (title),
6 443.06 (1) (a), 443.06 (1) (b), 443.06 (2) (intro.), 443.06 (2) (am), 443.06 (2) (bm),
7 443.06 (2) (cm), 443.06 (2) (d), 443.10 (title), 443.10 (2) (b), 443.10 (5), 443.12
8 (title), 443.12 (1), 443.12 (2), 443.12 (3), 443.12 (4), 443.14 (8) (a), 443.14 (8) (d),
9 443.14 (11), 443.18 (2) (b), 470.025 (7), 703.02 (6m), 703.11 (2) (intro.), 703.11
10 (2) (b), 703.11 (4), 703.115 (1) (b), 703.13 (6) (e), 703.13 (7) (c), 703.13 (8) (c),
11 707.215 (2) (intro.), 707.215 (3), 707.215 (5) (intro.), 709.02 (1), 709.07 and
12 893.37; **to create** 59.001 (3r), 60.84 (1g), 60.84 (3) (c) 3., 157.061 (13m), 236.02
13 (9b), 236.025, 236.11 (2) (b), 236.12 (2) (ac), 236.20 (6), 236.32 (2m), 236.34 (4),
14 443.01 (1m), 443.01 (3b), 443.01 (6s), 443.01 (7m), 443.134, 443.135, 703.02
15 (13r) and 710.09 of the statutes; and **to affect** 2009 Wisconsin Act 376, section
16 13 (1); **relating to:** professional land surveyors; the practice of professional
17 land surveying; surveying land abutting navigable waters; various changes
18 regarding platting, surveying, and certified survey maps; and granting
19 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 a permit to the person. “Land surveying” is defined as determining the location of land boundaries and boundary corners; preparing maps

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that show the shape and area of tracts of land or subdivisions or the layout of roads, streets, or rights-of-way; or preparing official plats or maps of land in this state.

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

1. Any service comprising the establishment or reestablishment of the boundaries of one or more tracts of land or the boundaries of any of the following interests in real property: a) the alignment and rights-of-way of roads or streets; b) air or subsurface property rights; or c) public or private easements.

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

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

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

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

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

The bill also replaces the certificate of registration requirement under current law with a license requirement. Under the bill, with certain exceptions, a person may not engage in the practice of professional land surveying or represent that he or she is a professional land surveyor unless the person is issued a license or permit by the section.

In addition, the bill changes the name of the section to the Professional Land Surveyor Section and changes the name of the board to the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, and Professional Land Surveyors. The bill also replaces various references under current law to “registered land surveyor,” “land surveyor,” and “surveyor” with “professional land surveyor.”

Under current law, a person who has completed an apprenticeship training course in land surveying, engaged in land surveying for eight years, and passed oral and written examinations may be registered as a land surveyor. This bill eliminates that pathway to licensure.

Current law authorizes the section to grant a permit to practice land surveying to a person while the application for a certificate of registration is pending if the person has paid a fee and holds an unexpired certification that satisfies one of the requirements for registration in this state. Such a permit may be revoked by the section at any time. The bill eliminates that authorization to grant a permit.

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Current law offers several exemptions from registration as a land surveyor. Current law exempts officers and employees of the federal government and employees of this state from any licensure requirement while the individuals are engaged in land surveying for the federal or state government, respectively. This bill eliminates those exemptions. Current law also exempts employees of public utilities who are engaged in land surveying. This bill retains that exemption until June 30, 2019.

Current law permits a town board to contract with the county surveyor or any registered land surveyor to survey all or some of the sections of the town and to erect monuments. The surveyor retained by the town must prepare a certificate that provides a record of any survey created and that documents actions taken by the county surveyor. The certificate must include the bearings of and distance between monuments and must be recorded in the office of the county register of deeds. This bill requires, instead, that a surveyor retained by the town prepare a U.S. Public Land Survey monument record (monument record) that documents the actions taken by the surveyor, including every monument erected on section and quarter section corners. The monument record must be either recorded with the register of deeds or filed in the office of the county surveyor in the county in which the land is located. Current law permits the town board to determine the nature of the monument, but the monument must be either a stone or other durable material of certain dimensions or a three-inch diameter iron pipe of certain dimensions. This bill permits the town board and the surveyor to agree upon an equivalent monument.

Under current law, a cemetery authority must have lands that will be used for burial surveyed and platted into cemetery lots, drives, and walks. The plat or map must show the location of the land being subdivided with reference to a corner or corners established by the U.S. Public Land Survey by bearings and distances. This bill requires, instead, that the location of the lands be indicated on the plat or map by bearing and distance from the boundary line of a government lot, quarter section, recorded private claim, or federal reservation in which the subdivision is located and the monumentation at the ends of the boundary line must be described and the bearing and distance shown.

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

The bill makes a number of changes to the laws relating to subdivision plats, certified survey maps, and the recording of certain plats, including the following:

1. Under current law, a subdivision plat may not be recorded unless it is approved by, depending on the location of the subdivision that is the subject of the

BILL

plat, the governing body of a town, city, or village and, in some circumstances, a county planning agency (approving authorities). The plat must also be reviewed (to determine whether there is an objection) by a county planning agency, county park commission, or county park manager for any conflict with parks, parkways, or other planned public developments; the Department of Administration (DOA); if the subdivision abuts or adjoins a state highway, the Department of Transportation (DOT); and, if the subdivision is not served by a public sewer and provision for that service has not been made, the Department of Safety and Professional Services (DSPA) (objecting agencies). Current law specifies the number of copies of the plat that must be submitted, to whom they must be submitted, and the time limits within which the approving authorities and objecting agencies must act and provides two different procedures that may be used by a subdivider. The bill simplifies the approval process by limiting it to a single procedure, which is, for the most part, one of the two procedures under current law.

Under the bill, the subdivider or subdivider's agent must submit an electronic copy of the preliminary or final plat, or a copy that is capable of legible reproduction, to the approving authority or authorities and to DOA. DOA must examine the plat for compliance with certain statutory requirements and, within two days, transmit an electronic copy or two legible hard copies of the plat to DOT or DSPA or both, based on the criteria under current law. Also within two days after receiving the copy of the plat, DOA must transmit copies of the plat to the county planning agency, county park commission, or county park manager for making the determinations required under current law. Each objecting agency has 20 days after receiving a copy of the plat to notify the subdivider and all other objecting agencies of any objection to the plat, or to certify on the face of a copy of the plat that it has no objection and to return that copy to DOA. DOA then must certify on the face of the plat that each objecting agency has certified that it has no objection or that its objection has been satisfied. If an objecting agency other than DOA fails to act within 20 days after receiving a copy of the plat, or if DOA fails to act within 30 days after receiving a copy of the plat, it is deemed that there are no objections to the plat and, upon demand, DOA must so certify on the face of the plat.

As under current law, the approving authority or authorities have 60 days after receiving the plat to approve or reject it, but no approving authority may inscribe its final approval on the plat before DOA has certified that there are no objections to the plat.

2. Current law provides that public access to a navigable lake or stream that is established when a subdivision is platted may be vacated only by court action. The bill specifies that such public access may, in addition, be discontinued through a process that exists under current law in which a city, village, town, or county may, by resolution, discontinue a public way upon the written petition of the requisite number of landowners abutting the public way. Current law also provides that DNR must approve of any such discontinuation by a town or county if the public way provides public access to a navigable lake or stream.

3. Current law specifies where monuments must be placed when a subdivision is surveyed and provides that, if a monument would have to be placed in a street

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when the external boundaries of a subdivision are surveyed, the monument may be placed in the side line of the street. The bill expands this provision to surveys of all parts of a subdivision, not just the external boundaries.

4. Current law provides that a subdivider's project may be constructed in phases and that the amount of any security required by the municipality in which the project is located must be limited to the phase of the project currently being constructed. The bill makes this provision retroactive to all subdivision plats, regardless of when submitted for approval.

5. Under current law, a subdivision plat must have a binding margin that is one and one-half inches on the left side and a one-inch margin on all other sides; all lands dedicated to public use, except roads and streets, must be clearly marked on the plat as dedicated to the public; and the location of the subdivision must be indicated by bearing and distance from a boundary line of a quarter section, recorded private claim, or federal reservation. The bill changes the plat margin requirements to one inch on all sides, requires roads and streets that are dedicated to public use also to be marked as dedicated to the public, and adds that the location of the subdivision may be indicated by bearing and distance from a boundary line of a government lot monumented in the original survey or resurvey of Wisconsin.

6. The bill clarifies that if land shown in a subdivision plat or certified survey map that is to be recorded is shown in a previously recorded plat or certified survey map, it may be described in the new plat or certified survey map by the subdivision name or previous certified survey map number rather than requiring a metes-and-bounds description of the land.

7. Under current law, a certified survey map may not be recorded unless it is offered for record within 6 months after the last approval and within 24 months after the first approval. The bill increases this timeline to within 12 months after the last approval and within 36 months after the first approval.

8. The bill explicitly allows certified survey maps to be used to grant easements to the public or any person, society, or corporation.

9. Current law provides a procedure for vacation of a subdivision plat by a circuit court. The bill establishes a similar procedure for vacation of a certified survey map by a circuit court.

10. The bill provides that the following documents may be produced for recording on any media that is acceptable to the register of deeds: a subdivision plat, a certified survey map, an assessor's plat, a cemetery plat, a condominium plat, and a time-share plat.

11. Current law provides a penalty of not more than \$250 or imprisonment for not more than one year in the county jail for various violations related to the placement of monuments by a surveyor. The bill provides that each monument to which a violation applies is a separate violation and therefore subject to a separate penalty.

The bill codifies the holding of the Wisconsin Supreme Court in *FAS, LLC v. Town of Bass Lake*, 2007 WI 73, 301 Wis. 2d 321, 733 N.W.2d 287, by specifying that, unless a local ordinance provides otherwise, a navigable stream running through a

BILL**SECTION 1**

1 interest to either the architect, landscape architect, engineer, designer, or
2 professional land surveyor section shall be acted upon solely by the interested
3 section.

4 **SECTION 2.** 20.165 (2) (j) of the statutes, as affected by 2013 Wisconsin Act 20,
5 is amended to read:

6 20.165 (2) (j) *Safety and building operations.* The amounts in the schedule for
7 the purposes of chs. 101 and 145 and ss. 167.35, 236.12 (2) (a) (ap), 236.13 (1) (d) and
8 (2m), and 236.335, for the purpose of transferring the amounts in the schedule under
9 par. (kg) to the appropriation account under par. (kg), and for the purpose of
10 transferring the amounts in the schedule under par. (km) to the appropriation
11 account under par. (km). All moneys received under ch. 145, ss. 101.178, 101.19,
12 101.63 (9), 101.654 (3), 101.73 (12), 101.82 (4), 101.955 (2), 101.973 (7), 167.35 (2) (f),
13 and 236.12 (7) and all moneys transferred under 2005 Wisconsin Act 45, section 76
14 (6), shall be credited to this appropriation account.

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 practice land surveying under~~
21 ~~s. 443.06~~ even if the recorded survey is determined, after the harvesting, to be in
22 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

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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^x (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^x (3r) of the statutes is created to read:

21 59.001 (3r) “Professional land surveyor” means a professional land surveyor
22 licensed under ch. 443.

23 **SECTION 7.** 59.20^x (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

BILL**SECTION 7**

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 amended to read:

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

16 **SECTION 9.** 59.45 (1) (a) 2.[^] of the statutes is amended to read:

17 59.45 (1) (a) 2. Make, personally or by a deputy, a record, in books or on
18 drawings and plats that are kept for that purpose, of all corners that are set and the
19 manner of fixing the corners ~~and of all bearings and the distances of all courses run,~~
20 of each survey made personally, by deputies or by other professional land surveyors
21 and arrange or index the record so it is an ~~easy-to-use~~ easy-to-use reference and file
22 and preserve in the office the original field notes and calculation thereof. Within 60
23 days after completing any survey, the county surveyor shall make a true and correct
24 copy of the foregoing record, in record books or on reproducible papers to be furnished
25 by the county and kept in files in the office of the county surveyor to be provided by

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1 the county. In a county with a population of 500,000 or more where there is no county
2 surveyor, a copy of the record shall also be filed in the office of the regional planning
3 commission which acts in the capacity of county surveyor for the county.

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

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

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

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

16 **SECTION 12.** 59.46^κ of the statutes is amended to read:

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

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

22 59.72 (3m) (a) 4m. The county surveyor or a ~~registered~~ registered professional land
23 surveyor employed within the county.

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

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1 the clerk shall appoint a ~~registered~~ professional land surveyor to perform the duties
2 of a county surveyor under subd. 2.

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

4 59.74 (2) (c) In those counties where there are no county surveyors a petition
5 can be made to the board by any resident of this state requesting the board to appoint
6 a professional land surveyor to act in the capacity of the county surveyor. The board,
7 upon receipt of this petition, shall appoint a professional land surveyor to act in the
8 capacity of the county surveyor. In counties with a population of 500,000 or more,
9 the board may appoint a governmental agency to act in the capacity of county
10 surveyor.

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

12 59.74 (2) (g) Every professional land surveyor and every officer of the
13 department of natural resources and the district attorney shall enforce this
14 subsection.

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

16 59.74 (2) (h) Any ~~registered~~ professional land surveyor employed by the
17 department of transportation or by a county highway department, may, incident to
18 employment as such, assume and perform the duties and act in the capacity of the
19 county surveyor under this subsection with respect to preservation and perpetuation
20 of landmarks, witness monuments, and corner posts upon and along state trunk,
21 county trunk, and town highways. Upon completing a survey and perpetuating
22 landmarks and witness monuments under par. (b) 2., a professional land surveyor
23 employed by the state shall file the field notes and records in the district office or
24 main office of the department of transportation, and a professional land surveyor
25 employed by a county shall file the field notes and records in the office of the county

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1 highway commissioner, open to inspection by the public, and in either case a true and
2 correct copy of the field notes and records shall be filed with the county surveyor. In
3 a county with a population of 500,000 or more where there is no county surveyor, a
4 copy of the field notes and records shall also be filed in the office of the regional
5 planning commission which acts in the capacity of county surveyor for the county.

6 **SECTION 19.** 59.74^x (2) (j) of the statutes is amended to read:

7 59.74 (2) (j) The county surveyor may employ other professional land surveyors
8 to assist in this work and may accept reference checks for these corners from any
9 professional land surveyor.

10 **SECTION 20.** 59.75^x of the statutes is amended to read:

11 **59.75 Certificates and records as evidence.** The certificate and also the
12 official record of the county surveyor when produced by the legal custodian thereof,
13 or any of the county surveyor's deputies, when duly signed by the county surveyor
14 in his or her official capacity, shall be admitted as evidence in any court within the
15 state, but the same may be explained or rebutted by other evidence. If any county
16 surveyor or any of his or her deputies are interested in any tract of land a survey of
17 which becomes necessary, such survey may be executed by any professional land
18 surveyor appointed by the board.

19 **SECTION 21.** 60.84^x (1) of the statutes is renumbered 60.84 (1r) and amended to
20 read:

21 60.84 (1r) SURVEY, CONTRACT FOR. The town board may contract with the county
22 surveyor or any registered professional land surveyor to survey all or some of the
23 sections in the town and to erect monuments under this section as directed by the
24 board.

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

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1 60.84 (1g) DEFINITION. In this section, “professional land surveyor” means a
2 professional land surveyor licensed under ch. 443.

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

4 60.84 (2) BOND. Before the town board executes a contract under sub. (1) (1r),
5 the county surveyor or professional land surveyor shall execute and file with the
6 town board a surety bond or other financial security approved by the town board.

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

8 60.84 (3) (a) Monuments shall be set on section and quarter-section corners
9 established by the United States survey. If there is a clerical error or omission in the
10 government field notes or if the bearing trees, mounds, or other location identifier
11 specified in the notes is destroyed or lost, and if there is no other reliable evidence
12 by which a section or quarter-section corner can be identified, the county surveyor
13 or professional land surveyor shall reestablish the corner under the rules adopted by
14 the federal government in the survey of public lands. The county surveyor or
15 professional land surveyor shall set forth his or her actions under this paragraph in
16 the certificate U.S. public land survey monument record under sub. (4).

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

18 60.84 (3) (c) (intro.) To establish, relocate, or perpetuate a corner, the county
19 surveyor or professional land surveyor shall set in the proper place a monument, as
20 determined by the town board, consisting of any of the following:

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

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

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

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

4 60.84 (3) (c) 3. An equivalent monument agreed upon by all parties of the
5 contract.

6 **SECTION 27.** 60.84^x (4) of the statutes is amended to read:

7 60.84 (4) ~~CERTIFICATE~~ U.S. PUBLIC LAND SURVEY MONUMENT RECORD. The county
8 surveyor or professional land surveyor shall prepare a certificate U.S. public land
9 survey monument record setting forth a complete and accurate record of any survey
10 monument erected on section and quarter section corners under this section,
11 including the ~~exact~~ bearings and distances of each monument from each other
12 monument nearest it on any line in the town. The ~~certificate~~ U.S. public land survey
13 monument record and a map of any additional monuments set shall be recorded in
14 the office of the register of deeds or filed in the office of the county surveyor of the
15 county in which the surveyed land is located and of the adjoining county if a
16 monument is located on the county line.

17 **SECTION 28.** 66.0309^x (11) of the statutes is amended to read:

18 66.0309 (11) ~~MATTERS REFERRED TO REGIONAL PLANNING COMMISSION~~. The officer
19 or public body of a local governmental unit within the region having final authority
20 may refer to the regional planning commission, for its consideration and report, the
21 location or acquisition of land for any of the items or facilities ~~which~~ that are included
22 in the adopted regional master plan. Within 20 days after the matter is referred to
23 the regional planning commission or a longer period as may be stipulated by the
24 referring officer or public body, the commission shall report its recommendations to
25 the referring officer or public body. The report and recommendations of the

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1 commission shall be advisory only. A state agency may authorize the regional
2 planning commission with the consent of the commission to act for the agency in
3 approving, examining, or reviewing plats, under s. 236.12 (2) (a) (ap). A regional
4 planning commission authorized by a local unit on November 1, 1980, to act for the
5 local unit in approving plats may continue to so act until the commission withdraws
6 its consent or the local unit its approval. A local unit may authorize a regional
7 planning commission, with the consent of the commission, to conduct an advisory
8 review of plats.

9 **SECTION 29.** ^x 70.27 (2) of the statutes is amended to read:

10 70.27 (2) CERTIFICATION, APPROVAL, RECORDING. Such plat, when completed and
11 certified as provided by this section, and when approved by the governing body, shall
12 be acknowledged by the clerk thereof and recorded in the office of the register of
13 deeds. No plat may be recorded in the office of the register of deeds unless it is
14 produced on media that is acceptable to the register of deeds.

15 **SECTION 30.** ^x 70.27 (5) of the statutes is amended to read:

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

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

18 **SECTION 31.** ^{*} 70.27 (6) of the statutes is amended to read:

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

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x

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

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

x

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

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

x

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

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

x

16 **SECTION 35.** 157.061 (13m) of the statutes is created to read:

17 157.061 (13m) “Professional land surveyor” means a professional land
18 surveyor licensed under ch. 443.

v

19 **SECTION 36.** 157.07 (1) of the statutes is amended to read:

20 157.07 (1) A cemetery authority shall cause to be surveyed and platted by a
21 professional land surveyor ~~registered in this state~~ those portions of the lands that are
22 from time to time required for burial, into cemetery lots, drives, and walks, and
23 record a plat or map of the land in the office of the register of deeds. The plat or map
24 may not be recorded unless laid out and platted to the satisfaction of the county board

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1 of the county, and the town board of the town in which the land is situated, or, if the
2 land is situated within a 1st class city, then only by the common council of that city.

3 **SECTION 37.** 157.07^{*} (2) of the statutes is amended to read:

4 157.07 (2) The ~~plat or map~~ location of the lands shall show the exact location
5 of the tract being subdivided with reference to a corner or corners established in the
6 United States public land survey by bearings and distances be indicated on the plat
7 or map by bearing and distance from a boundary line of a government lot, quarter
8 section, recorded private claim, or federal reservation in which the subdivision is
9 located. The monumentation at the ends of the boundary line shall be described and
10 the bearing and distance between them shown, and the plat or map shall show a
11 small scale drawing of the section or government subdivision of the section in which
12 the cemetery plat is situated, with the cemetery plat indicated. The plat or map shall
13 include the certificate of the professional land surveyor containing the name of the
14 cemetery authority, the date of the survey, the professional land surveyor's stamp or
15 seal and signature, and the professional land surveyor's statement that the survey
16 is true and correct to the professional land surveyor's best knowledge and belief.

17 **SECTION 38.** 157.07^{*} (3) of the statutes is amended to read:

18 157.07 (3) The plat or map shall be made on a durable white media that is 22
19 inches wide by 30 inches long, or on any other media that is acceptable to the register
20 of deeds, with a permanent nonfading black image. Seals or signatures that are
21 reproduced on images that comply with this subsection have the force and effect of
22 original seals and signatures. When more than one sheet is used for any one plat or
23 map, they shall be numbered consecutively and each sheet shall contain a notation
24 showing the whole number of sheets in the plat, and its relation to the other sheets.
25 The sheets may be provided by the county through the register of deeds on terms

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

4 **SECTION 39.** 236.02^x (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 40.** 236.02^x (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 41.** 236.025^y of the statutes is created to read:

13 **236.025 Ordinary high water marks.** (1) For purposes of ss. 236.15 (1) (ag)
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 navigable perennial stream or on the
22 shore of a lake up to which the presence and action of surface water is so continuous
23 as to leave a distinctive mark by erosion, destruction, prevention of terrestrial
24 vegetation, predominance of aquatic vegetation, or other easily recognized
25 characteristic.