



STATE OF WISCONSIN
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Governor Scott Walker Secretary Dave Ross

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**LAND SURVEYORS SECTION MEETING
EXAMINING BOARD OF ARCHITECTS, LANDSCAPE ARCHITECTS,
PROFESSIONAL ENGINEERS, DESIGNERS AND LAND SURVEYORS
Room 121C, 1400 E. Washington Avenue, Madison
Contact: Berni Mattsson - 608-266-2112
March 27, 2012**

The following agenda describes the issues that the Board plans to consider at the meeting. At the time of the meeting, items may be removed from the agenda. Please consult the meeting minutes for a description of the actions and deliberations of the Board.

**FULL BOARD MEETING
9:30 a.m.**

OPEN SESSION – CALL TO ORDER – ROLL CALL

- A. Adoption of Agenda (1-4)**
- B. Approval of Minutes – August 24, 2011 (5-10)**
- C. Secretary Matters
- D. Executive Director Matters**
 - 1) Board Appointments
 - a) Credentialing Liaison
 - b) CE Liaison
 - c) Monitoring Liaison
 - d) Screening Panel
 - e) Rules Committee
 - 2) Annual Policy Review: Board Member Guidebook (11-42)
- E. Presentation of Proposed Stipulations, Final Decisions and Orders by the Division of Enforcement including any received after printing of the agenda
- F. Board Discussion Items including any received after printing of agenda**
 - 1) Division of Enforcement Matters**
 - a. Reports Related to Compliance of Issued Orders/Stipulations
 - 2) Education and Examination Matters
 - 3) Credentialing Matters**
 - a. Report Related to Status of Credential Renewals (43-44)
 - 4) Practice Question Matters
 - 5) Legislation/Administrative Rule Matters**
 - a. Discussion Regarding Preparation of a Scope Statement to Modify A-E 7, 8 and 10 (45-52)
 - b. 2011 SB 444 & 2011 AB 586 (53-110)
 - c. 2011 SB 453 (111-128)
 - 6) Liaison/Committee Reports**

- a. Continuing Education Liaison
- b. Credentialing Liaison
- c. Monitoring Liaison
- 7) **Speaking Engagement, Travel, Public Relation Requests**
 - a. NCEES Central Zone Meeting (129-130)
 - b. NCEES Annual Meeting Delegate (131-132)

G. Informational Items

- 1) Update on the Transition of the NCEES Fundamentals of Engineering (FE) and Fundamentals of Surveying (FS) Exams to Computer-Based Testing (CBT) (133-136)

H. New Business

I. Public Comments

CONVENE TO CLOSED SESSION to deliberate on cases following hearing (s. 19.85(1) (a), Stats.; consider closing disciplinary investigation with administrative warning (s. 19.85(1)(b), Stats. and 440.205, Stats., to consider individual histories or disciplinary data (s. 19.85 (1)(f), Stats.; and, to confer with legal counsel (s. 19.85(1)(g), Stats.)

- J. Deliberation of Proposed Stipulations, Final Decisions and Orders including any received after printing of the agenda

K. Deliberation of other items including any received after printing of agenda

- 1) **Case Closings**
 - a) 10 LSR 003 (137-142)
- 2) Case Status Report
- 3) Proposed Decisions
- 4) Summary Suspensions
- 5) Objections and Responses to Objections
- 6) Complaints
- 7) Administrative Warnings
- 8) Matters Relating to Costs
- 9) Monitoring Cases
- 10) Appearances from Requests Received or Renewed
- 11) Examination Matters
- 12) Application Matters
- 13) **Continuing Education Waiver Requests**
 - a) A.H. (143-144)
 - b) A.N. (145-146)
 - c) B.R. (147-148)
 - d) C.K. (149-150)
 - e) D.H. (151-152)
 - f) D.K. (153-154)
 - g) D.R. (1) (155-156)
 - h) D.R. (2) (157-158)
 - i) D.S. (159-166)
 - j) E.P. (167-168)
 - k) E.S. (169-172)
 - l) G.F. (173-174)
 - m) G.G. (1) (175-176)
 - n) G.G. (2) (177-178)

o)	G.S.	(179-180)
p)	H.M.	(181-182)
q)	H.O.	(183-184)
r)	H.S.	(185-186)
s)	J.F.	(187-190)
t)	J.G.	(191-192)
u)	J.J.	(193-196)
v)	J.K. (1)	(197-198)
w)	J.K. (2)	(199-200)
x)	J.M.	(201-202)
y)	J.R.	(203-204)
z)	J.S.	(205-208)
aa)	J.T.	(209-218)
bb)	K.K. (1)	(219-220)
cc)	K.K. (2)	(221-222)
dd)	K.K. (3)	(223-224)
ee)	M.K.	(225-226)
ff)	M.M.	(227-232)
gg)	M.S.	(233-236)
hh)	R.F. (1)	(237-238)
ii)	R.F. (2)	(239-240)
jj)	R.H.	(241-242)
kk)	R.J.	(243-244)
ll)	R.L.	(245-246)
mm)	R.M.	(247-250)
nn)	R.S. (1)	(251-254)
oo)	R.S. (2)	(255-260)
pp)	R.S. (3)	(261-264)
qq)	R.S. (4)	(265-266)
rr)	R.Z.	(267-268)
ss)	T.F.	(269-270)
tt)	T.M. (1)	(271-272)
uu)	T.M. (2)	(273-274)
vv)	W.B.	(275-276)

14) Professional Assistance Program Cases

15) Motions

L. Consulting with Legal Counsel

RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

M. Vote on Items Considered or Deliberated Upon in Closed Session, if Voting is Appropriate

N. Other Board Business

O. Next Meeting Date: August 15, 2012 (rescheduled from September 26, 2012)

ADJOURNMENT

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**LAND SURVEYOR SECTION
MEETING MINUTES
AUGUST 24, 2011**

PRESENT: James Rusch, Matthew J. Janiak, and Daniel Fedderly

NOT PRESENT: Ruth G. Johnson

STAFF PRESENT: Denise Aviles, Bureau Director; Yolanda McGowan, Legal Counsel; Michelle Solem, Bureau Assistant and other Department staff

GUESTS: Lisa Van Horn and Francis Thousand, Wisconsin Society of Land Surveyors (WSLS)

CALL TO ORDER

Jim Rusch, Chair, called the meeting to order 9:36 a.m. A quorum of three (3) members was confirmed.

ADOPTION OF AGENDA

Additions

- Open Session
 - D(1) 2012 Elections
 - H(1)(c) Request for review of UW-Stevens Point/Nicolet College Certificate in Land Surveying
- Closed Session
 - (P)(2)(a) Petition for Rehearing – Bradley Hargett

MOTION: Matthew Janiak moved, seconded by Daniel Fedderly, to adopt the Agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES FROM MARCH 2, 2011

MOTION: Matthew Janiak moved, seconded by Daniel Fedderly, to approve March 2, 2011, Minutes as published. Motion carried.

**ADMINISTRATIVE REPORT
DENISE AVILES, BUREAU DIRECTOR**

Denise Aviles updated the Section on the merger with portions of Commerce and the resulting department name change to Department of Safety and Professional Services. She also informed the Section of the revised travel policy. She also told the Section that she is working to revive the Regulatory Digest for the A-E Joint Board.

Elections

NOMINATION: James Rusch nominated Matthew Janiak as Chairperson for 2012. The chair called for additional nominations three times.

MOTION: Daniel Fedderly moved, seconded by James Rusch, to close nominations and cast a unanimous ballot for Matthew Janiak for chairperson for 2012. Motion carried.

NOMINATION: Daniel Fedderly nominated James Rusch as Vice-Chairperson for 2012. The chair called for additional nominations three times.

MOTION: Daniel Fedderly moved, seconded by Matthew Janiak, to close nominations and cast a unanimous ballot for James Rusch for vice-chairperson for 2012. Motion carried.

NOMINATION: Matthew Janiak nominated Daniel Fedderly as Secretary for 2012. The chair called for additional nominations three times.

MOTION: Matthew Janiak moved, seconded by James Rusch, to close nominations and cast a unanimous ballot for Daniel Fedderly for Secretary for 2012. Motion carried.

PRESENTATION OF PROPOSED STIPULATIONS BY DIVISION OF ENFORCEMENT OR ANY SUBMITTED AFTER AGENDA SUBMISSION DEADLINE

No presentations were requested.

LEGISLATIVE/ADMINISTRATIVE RULE MATTERS

Discuss Potential Rule Change - A-E 7

The Section reviewed the changes to A-E 7 recommended by Matthew Janiak. Yolanda McGowan suggested that the Section go through A-E 7 and outline issues and bring them to the next meeting and go through A-E 7. The Section will discuss their recommended changes at the next meeting.

MOTION: Matthew Janiak moved, seconded by Daniel Fedderly, to direct that a scope be prepared relative to modification of A-E 7. Motion failed.

MOTION: Matthew Janiak moved, seconded by Daniel Fedderly, to direct that a scope be prepared relative to modification of the rules relating to Land Surveying as set forth in A-E 7, 8 and 10. Motion carried unanimously.

Discussion re: A-E 8.03(4) relating to work performed by an employee of a licensee

The Section discussed signatures of the "person in control" for purpose of the "plan".

Discuss Possible Repeal of "Experience Only" pathway to licensure

MOTION: Matthew Janiak moved, seconded by Daniel Fedderly, to direct that a letter be sent on behalf of the Section requesting assistance from the

WSLS and exploring the possibility of removing the experience only pathway to licensure for land surveyors. Motion Carried unanimously.

PRACTICE QUESTIONS/ISSUES

Licensee's Request for Lifetime Registration

This item will be addressed in closed session.

Discuss whether hydrographic or bathymetric mapping is considered "land surveying" under the law

The Section discussed and it was determined that the purpose of the act and the result determines whether it is land surveying. If the act/result involves borders, it is considered "land surveying."

OTHER ITEMS

CE Liaison Report

Matthew Janiak noted that he took no action therefore there is no report.

Update related to Jurisdictional Exam

Aaron Knautz reported that he has not started this project but he will be meeting on this topic in September and will be ready to go by January 2012.

Request for review of UW-Stevens Point/Nicolet College Certificate in Land Surveying

MOTION: Daniel Fedderly moved, seconded by Matthew Janiak, to respond to Devon Vanden Heuvel that in concept the Section likes the idea submitted and to request that additional information and logistics be provided by Devon Vanden Heuvel at the next Section meeting. Motion carried unanimously.

INFORMATIONAL ITEMS

Letter in Support of Greater Madison Convention and Visitors Bureau's proposal to host the 2016 NCEES Annual Meeting in Madison, WI

Denise Aviles noted that the Department supports the proposal. She told the Section that it is likely that the Engineer Section and the Land Surveyor Section will be asked to actively participate in the planning process and Annual Meeting.

NEW BUSINESS

Discussion Regarding the Possibility of Nominating and Emeritus Member of NCEES

This item was tabled until the Section has an opportunity to determine eligible colleagues that may be interested in this position. Members were asked to bring names of nominees to the next Section meeting.

MOTION: Matthew Janiak moved, seconded by Daniel Fedderly, to deliberate on cases following hearing (s. 19.85(1) (a), Stats.; consider closing disciplinary investigation with administrative warning (s. 19.85(1) (b),

Stats. and 440.205, Stats., to consider individual histories or disciplinary data (s. 19.85 (1) (f), Stats.; and, to confer with legal counsel (s. 19.85(1) (g), Stats.) Motion carried by roll call vote: James Rusch-yes; Daniel Fedderly-yes; and Matthew Janiak-yes.

Open Session recessed at 12:02 p.m.

RECONVENE TO OPEN SESSION

MOTION: Matthew Janiak moved, seconded by Daniel Fedderly, to reconvene into Open Session at 3:33 p.m. Motion carried unanimously.

VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION, IF VOTING IS APPROPRIATE

PROPOSED STIPULATIONS

MOTION: Matthew Janiak moved, seconded by Daniel Fedderly, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order, in the matter of 08 LSR 008 – Jason J. Poupore. Motion carried unanimously.

MOTION: Daniel Fedderly moved, seconded by Matthew Janiak, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order, in the matter of 09 LSR 008 – James D. Ritchie. Motion carried unanimously.

ADMINISTRATIVE WARNINGS

MOTION: Daniel Fedderly moved, seconded by Matthew Janiak, to issue the Administrative Warning in the matters of 10 LSR 004 as to N.F.S. and W.G.H. Motion carried unanimously.

CASE CLOSINGS

MOTION: Daniel Fedderly moved, seconded by Matthew Janiak, to close cases 09 LSR 001, 10 LSR 004 and 10 LSR 005 according to recommendations by the Division of Enforcement. Motion carried unanimously.

MONITORING

MOTION: Matthew Janiak moved, seconded by Daniel Fedderly, to suspend license of Luther Hoffmann indefinitely. Motion carried unanimously.

The Board took no action related to Christopher Kunkel.

REQUEST FOR REHEARING

MOTION: Matthew Janiak moved, seconded by Daniel Fedderly, to deny Bradley D. Hargett a re-hearing. Motion carried unanimously.

APPLICATIONS

APPLICATIONS REVIEWED ON AUGUST 24, 2011

The Section took the following action on applications:

FOR REGISTRATION AS A LAND SURVEYOR

1. By Written Exam

1. Granted –

- | | |
|----------------------|-----------------------|
| 1. Brandt, Jeffrey J | 5. Mckuen, Patrick A |
| 2. Collins, Troy | 6. Rutzen, Timothy |
| 3. Dumke, Ted | 7. Schinke, Michael T |
| 4. Feldbinder, Joerg | |

2. Intent to Deny

1. Rogahn, Michael

3. Denied

1. Bello, Spiro

MOTION: Daniel Fedderly moved, seconded by Matthew Janiak, to act on the 9 applications reviewed at today's meeting as noted and signed in the application file. Motion carried unanimously.

ADJOURNMENT

MOTION: Daniel Fedderly moved, seconded by Matthew Janiak, to adjourn the meeting at 3:36 p.m. Motion carried unanimously.

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**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Michelle Solem		2) Date When Request Submitted: March 14, 2012 Items will be considered late if submitted after 4:30 p.m. and less than: <ul style="list-style-type: none"> ▪ 10 work days before the meeting for Medical Board ▪ 14 work days before the meeting for all others 	
3) Name of Board, Committee, Council, Sections: Land Surveyor Section			
4) Meeting Date: March 27	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Review Board Member Guidebook	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	8) Is an appearance before the Board being scheduled? If yes, who is appearing? <input type="checkbox"/> Yes by _____ (name) <input type="checkbox"/> No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed: Please review the Board Member Guidebook, sign the acknowledgement page to indicate your understanding of this document and submit your completed signature page to your Executive Director by April 27, 2012. Your completed signature page can be delivered in person at the upcoming meeting or after the meeting, you may mail, fax or scan and e-mail this information: Department of Safety and Professional Services Berni Mattsson, Executive Director 1400 E. Washington Ave Madison, WI 53703 E-mail: Berni.Mattsson@Wisconsin.gov Fax: 608-267-3816			
11) Authorization			
Signature of person making this request		Date	
Supervisor (if required)		Date	
Bureau Director signature (indicates approval to add post agenda deadline item to agenda)		Date	
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Board Services Bureau Director. 3. If necessary, Provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

Department of Safety and Professional Services



Division of Board Services Board Member Guidebook

Division of Board Services

Board Member

Guidebook

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Department Information

The Department of Safety and Professional Services

History:

The 2011-13 biennial budget, 2011 Wisconsin Act 32 created the Department of Safety and Professional Services (DSPS) by combining the Department of Regulation and Licensing (DRL) and the Divisions of Safety and Buildings and Environmental and Regulatory Services from the Department of Commerce.

Chapter 75, Laws of 1967, created DRL and attached to it 14 separate examining boards that had been independent agencies. The 1967 reorganization also transferred to the department some direct licensing and registration functions not handled by boards, including those for private detectives and detective agencies, charitable organizations, and professional fundraisers and solicitors.

DRL's responsibilities changed significantly since its creation. Initially, it performed routine housekeeping functions for the examining boards, which continued to function as independent agencies. Subsequently, a series of laws required the department to assume various substantive administrative functions previously performed by the boards and to provide direct regulation of several professions.

The DSPS Division of Safety and Buildings traces its roots to 1911 when the Legislature created the Industrial Commission in Chapter 485 to set standards for a safe place of employment. This "safe place" statute was extended in Chapter 588, Laws of 1913, to include public buildings, defined as "any structure used in whole or in part as a place of resort, assemblage, lodging, trade, traffic, occupancy, or use by the public, or by three or more tenants." The commission adopted its first building code in 1914. Programs added over the years include plumbing, heating, ventilation, air conditioning, energy conservation, private on-site waste treatment systems, accessibility for people with disabilities, and electrical inspection and certification. These responsibilities and the job of administering various other laws relating to the promotion of safety in public and private buildings, including enforcing building codes, and the licensure of occupations such as electricians and plumbers, were ultimately assumed by the Department of Commerce.

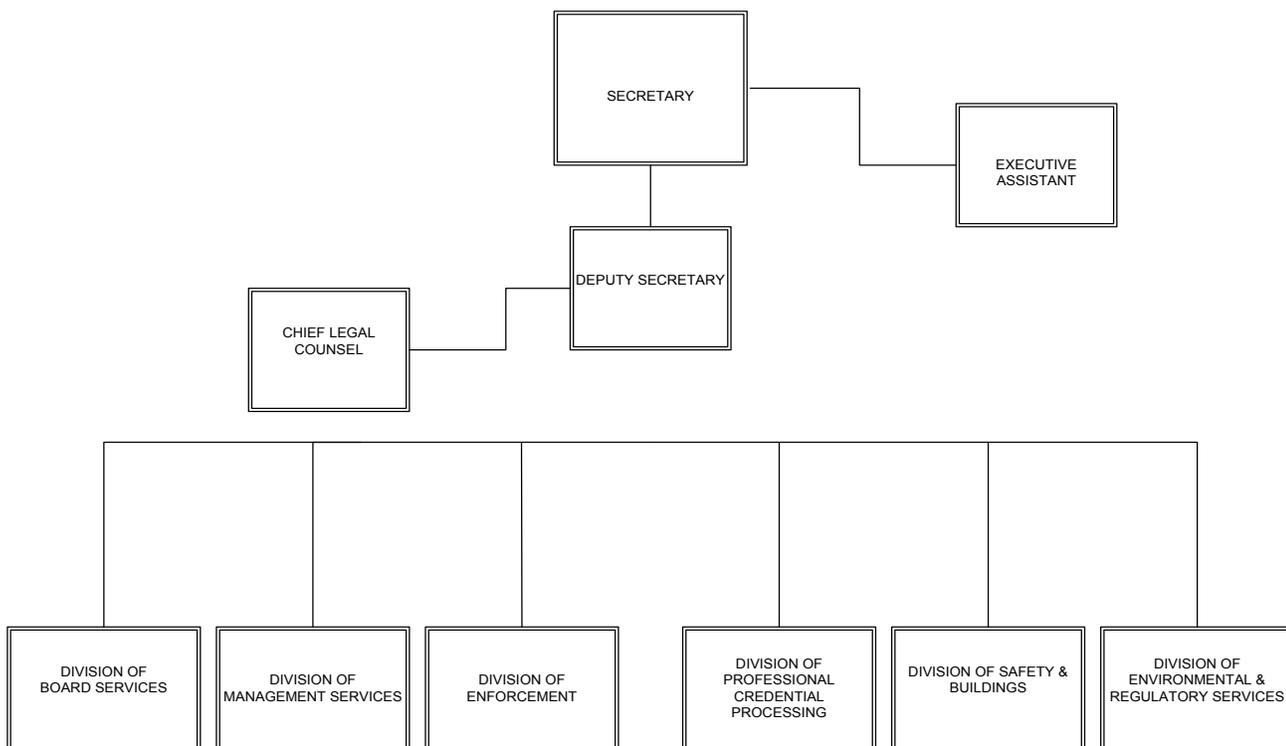
The DSPS Division of Environmental and Regulatory Services was created by 1995 Wisconsin Act 27 which transferred the PECFA program and the safety and buildings functions from the Department of Industry, Labor and Human Relations to the Department of Commerce.

The Department of Safety and Professional Services

Quick Facts

- Responsible for ensuring the safe and competent practice of licensed professionals in Wisconsin. The department also administers and enforces laws to assure safe and sanitary conditions in public and private buildings and regulates petroleum products and petroleum storage tank systems.
- Provides policy coordination and centralized administrative services for more than 70 boards, sections, councils, advisory committees, and direct licensing professions.
- Oversees the regulation of 200 types of credentials and specialty permits in more than 60 professional fields.
- Issues over 27,500 new credentials and renews more than 430,000 credential holders each biennium.
- Organized into six divisions and two offices:
 - Office of the Secretary
 - Division of Board Services
 - Division of Enforcement
 - Division of Environmental and Regulatory Services
 - Division of Management Services
 - Division of Professional Credential Processing
 - Office of Education and Examinations
 - Division of Safety and Buildings
- 379.6 full-time employees.
- Receives more than 2,500 consumer complaints per year.
- Verifies about 7,000 Wisconsin licenses per year to other states.

The Department of Safety and Professional Services Organizational Structure



Division of Board Services

Mission of DSPS and the Boards

To protect the health, safety and well-being of the citizens of Wisconsin by ensuring the safe and competent practice of licensed professionals at the least cost to the state.

To ensure the availability of safe and competent professional services by:

- fairly administering education, experience and examination requirements;
- establishing professional practice standards;
- ensuring compliance by enforcing occupational licensing laws.

Division of Board Services-Board Staff

17 staff in Board Services

1 Division Administrator

1 Program Assistant Supervisor

4 Executive Directors

4 Legal Counsel

4 Bureau Assistants

1 Adv-Paralegals

2 Paralegal

- There are approximately 300 board, council and committee members.
- A Bureau Director, Legal Counsel, and Bureau Assistant are assigned to each profession.
- The Division averages approximately 15 board, council and committee meetings each month.
- There are about 185 meetings scheduled each year.
- Provide the coordination and facilitation of a number of professional and administrative services to all of the regulatory boards, councils and committees.
- Provide administrative support.
- Coordinate and manage the business of each board, council or committee.
- Assist in facilitating the meetings.
- Provide professional services (analysis, evaluation and research).
- Coordinate drafting and implementation of laws, rules and policies.
- Coordinate board member travel and reimbursement processing.



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DIVISION OF BOARD SERVICES
BOARD ASSIGNMENTS

<p>Tom Ryan, Executive Director Sandy Nowack, Legal Counsel Karen Rude-Evans, Bureau Asst Shawn Leatherwood, Adv Paralegal</p>	<p>Denise Aviles, Executive Director Yolanda McGowan, Legal Counsel Michelle Solem, Bureau Asst Kris Anderson, Paralegal</p>	<p>Dan Williams, Executive Director Colleen Baird, Legal Counsel Kimberly Wood, Bureau Asst Sharon Henes, Paralegal</p>	<p>Berni Mattsson*, Executive Director Lydia Thompson, Legal Counsel David Carlson, Bureau Asst. Kris Anderson/Sharon Henes, Paralegal</p>
<ul style="list-style-type: none"> ▪ Medical Examining Board <ul style="list-style-type: none"> ▫ Athletic Trainers Affiliated Credentialing Board ▫ Council on Physician Assistants ▫ Dietitians Affiliated Credentialing Board ▫ Occupational Therapists Affiliated Credentialing Board ▫ Perfusionists Examining Council ▫ Podiatrists Affiliated Credentialing Board ▫ Respiratory Care Practitioners Examining Council ▫ Massage Therapy & Bodywork Therapy Affiliated Credentialing Board 	<ul style="list-style-type: none"> ▪ Accounting Examining Bd ▪ Architects, Landscape Architects, Professional Engineers, Designers & Land Surveyors Examining Board <ul style="list-style-type: none"> ▫ Architects Section ▫ Designers Section ▫ Engineers Section ▫ Landscape Architects Section ▫ Land Surveyors Section ▪ Barbering & Cosmetology Examining Board ▪ Chiropractic Examining Bd ▪ Crematory Authority Council ▪ Funeral Directors Ex. Bd ▪ Real Estate Board <ul style="list-style-type: none"> ▫ RE Contractual Forms Advisory Committee ▫ RE Curriculum & Examination Council 	<ul style="list-style-type: none"> ▪ Controlled Substances Board (Lydia Thompson – Legal Counsel) ▪ Geologists, Hydrologists & Soil Scientists Examining Bd. <ul style="list-style-type: none"> ▫ Geologists Section ▫ Hydrologists Section ▫ Soil Scientists Section ▪ Marriage & Family Therapy, Professional Counseling, and Social Work Examining Bd. <ul style="list-style-type: none"> ▫ Marriage & Family Therapist Section ▫ Professional Counselor Section ▫ Social Worker Section ▪ Nursing, Board of <ul style="list-style-type: none"> ▫ Examining Council on Licensed Practical Nurses ▫ Examining Council on Registered Nurses 	<ul style="list-style-type: none"> ▪ Auctioneer Board ▪ Cemetery Board ▪ Dentistry Examining Board ▪ Hearing & Speech Examining Board <ul style="list-style-type: none"> ▫ Council on Speech-Language Pathology & Audiology (Colleen Baird – Legal Counsel) ▪ Optometry Ex. Board ▪ Real Estate Appr. Board* <ul style="list-style-type: none"> ▫ REA App Adv Com ▪ Sign Language Interp. Council
<ul style="list-style-type: none"> ▪ Nursing Home Ad. Ex Bd (Colleen Baird – Legal Counsel) ▪ Physical Therapy Ex. Bd ▪ Radiography Ex. Bd ▪ Veterinary Ex. Bd 	<p>Direct Licensing:</p> <ul style="list-style-type: none"> ▪ Athletic Agents Adv. Com. ▪ Private Detectives ▪ Private Security Persons <ul style="list-style-type: none"> ▫ Firearms Permits ▫ Firearms Certifiers 	<ul style="list-style-type: none"> ▪ Pharmacy Examining Board (Lydia Thompson – Legal Counsel) ▪ Psychology Examining Board 	<p>Direct Licensing:</p> <ul style="list-style-type: none"> ▪ Acupuncture ▪ Licensed Midwives Advisory Committee ▪ Music, Art & Dance Therapy ▪ Professional Employer Organizations
<p>Direct Licensing:</p> <ul style="list-style-type: none"> ▪ Boxing ▪ Home Inspectors ▪ Interior Designers ▪ Peddlers ▪ Charitable Organizations ▪ Professional Fund Raisers 	<p>Direct Licensing:</p> <ul style="list-style-type: none"> ▪ Behavioral Analysts ▪ Sanitarians ▪ Substance Abuse Counselors 	<p>Where indicated by the following, the Bureau Assistants differ from the staff listing:</p> <ul style="list-style-type: none"> • Lydia – Green • Sandy – Purple • Colleen - Orange • Karen – Red • Michelle - Yellow • Kim – Blue 	<p>*Berni Mattsson also provides support to the Boards and Councils associated with the Division of Safety & Buildings.</p>

Powers and Responsibilities

Powers of Regulatory Bodies

- **Examining Boards**

Authority:

- Set standards of professional competence and conduct for the professions.
- Prepare, conduct and administer examinations.
- Grant and deny credentials (licenses).
- Impose discipline.

Appointed By: Governor with Senate confirmation.

Reimbursement: Per Diem: \$25
Expenses: Actual and necessary expenses incurred in the performance of Examining Board duties.

- **Affiliated Credentialing Boards**

Bodies that are attached to an Examining Board to regulate professions that do not practice independently of the profession regulated by the Examining Board or that practice in collaboration with the profession regulated by the Examining Board.

Authority: With the advice of the examining board to which it is attached, sets standards of professional competence and conduct for the profession under the Affiliated Credentialing Board's supervision, reviews the qualifications of prospective new practitioners, grants credentials, and takes disciplinary action against credential holders.

Appointed By: Governor with Senate confirmation.

Reimbursement: Per Diem: \$25
Expenses: Actual and necessary expenses incurred in the performance of Board duties.

- **Examining Councils and Councils**

Authority: Serve an Examining Board in an advisory capacity to:

- Formulate rules to be promulgated by the Examining Board or department for the regulation of the specific profession.

Appointed By: Some Councils have members appointed by the Governor and others have members appointed by an Examining Board. Senate confirmation is not required. The Governor has the authority to appoint all public members.

Reimbursement: Per Diem: No compensation
Expenses: Actual and necessary expenses incurred in the performance of Council duties.

- **Auctioneer and Real Estate Appraisers Boards**

Authority: Advisory in all matters, except:

- Screening complaints.
- Imposing discipline.

Appointed By: Governor with Senate confirmation.

Reimbursement: Per Diem: \$25
Expenses: Actual and necessary expenses incurred in the performance of Examining Board duties.

- **Direct Licensing Advisory Committees and Screening Panel;**

- No examining board.
- The Secretary of the Department directly regulates the profession or occupation.
- The Secretary has authority to appoint committee and panel members.
- Committee and panel members serve at the discretion and pleasure of the Secretary.
- The Committee or panel members make recommendations and advise the Secretary on issues relating to the specific profession

Appointed By: Department Secretary

Reimbursement: Per Diem: No compensation

Expenses: Actual and necessary expenses incurred in the

Responsibilities of a Board Member

- You are a public official who is dedicated to public service. You are willing to sacrifice your time and tolerate inconvenience, frustration, and scheduling conflicts to be available for board service.
- You have major responsibilities to the public and credential holders.
- You ARE NOT an advocate for private interest or professional groups.
- You must represent the highest standards of ethical and professional conduct.
- You must strive to avoid any relationship, activity or position that may influence, directly or indirectly, the performance of your official duties as a board member.
- You cannot serve as spokesperson for the board unless properly designated by the board.
- You must make public (and recuse yourself from) any conflict of interest that exists to ensure the integrity of the board and all of its decisions.
- You must comply with the rules of confidentiality, at all times, in dealings outside the board meeting.

Importance of Public Members

- You are the voice of the public.
- You expand the range of perspectives available for higher quality and more creative board action.
- You balance decisions that might otherwise favor one faction of the regulated group over another.
- You make the governing board more responsive to the public it affects.
- You reduce the potential for board decisions to be professionally biased.
- You lend credibility to board accessibility and decisions.
- Public Member Concerns:
 - Being intimidated by professional members' experience in the field.
 - May impede board activity if technical issues are not understood.
 - Afraid to ask questions for fear of slowing down the meeting.
 - Professional members not treating public members as Board peers.

Responsibilities of the Board Chair

- Recognize board members are entitled to speak or propose motions.
- Restate the motion after it has been seconded, then open for discussion.
- Close discussion and put motions to a vote. Restate the motion exactly as it was made or amended before calling for the question.
- Announce the result of the vote immediately. A tie vote defeats a motion requiring a majority of those voting. The chair may vote to make or break a tie.
- Avoid entering into any controversy or interfering with legitimate motions.
- Maintain order and proper procedure by making necessary rulings promptly and clearly.
- Expedite board business in every way compatible with the rights of the board members. You can allow brief remarks on motions, advise board members how to take action (proper motion or form of motion), or order proposed routing action without a formal vote (“If there is no objection, the minutes will stand approved as read. Hearing no objection, so ordered”).
- Protect the board from frivolous motions whose purpose is to obstruct the board’s business. You can refuse to entertain such motions. Never adopt such a course, however, merely to expedite business.
- Guard the board’s time by having board members vote to adopt an agenda at the beginning of the meeting. Follow the agenda faithfully. Do not permit unauthorized interruptions by spectators.

What Makes A Successful Board Member?

- Recognition that the goal of the board is the protection of the public.
- Embracing role as a public servant.
- Common sense and a willingness to ask questions.
- Commitment to attendance.
- Willingness to devote time and effort to the work of the board.
- Open .
- Team player.
- Fairness.
- An orderly approach to decision making.
- Ability to set aside personal/business interests.

Board Members Should Avoid:

- Obsession with a single issue.
- Self-serving by bringing own agenda to the table.
- Always taking the “contrarian” view—just for show.
- Expounding on strongly held opinions that are rarely backed by fact or research.
- Unpredictable participation or attendance.

Disappointments Experienced As Board Members:

- Personal goals for improvement of the profession have not been realized.
- The public has not been served fairly.
- Lack of effort and dedication on the part of other board members.
- The “wheels” of government do not move fast enough.

Dealing With The Volatile World Of Meetings

Some of the ideas are best undertaken by the Chair; however, you should feel free to help any meeting to progress. After all, why should you allow your time to be wasted?

- If a participant strays from the agenda item, call him/her back: “We should deal with that separately, but what do you feel about the issue X?”
- If there is confusion, you might ask: “Do I understand correctly that ...?”
- If you do not understand, say so: “I don’t understand that, would you explain it a little more; or, do you mean X or Y?”
- If a point is too vague ask for greater clarity: “What exactly do you have in mind?”
- If the speaker begins to ramble, wait until an inhalation of breath and jump in: “Yes, I understand that such and such, does anyone disagree?”
- If someone interrupts (someone other than the rambler), you should suggest that: “We can hear your contribution after Phoebe is finished.”
- If people chat, you might either simply state your difficulty in hearing/concentrating on the real speaker or ask them a direct question: “What do you think about that point?”
- If someone gestures disagreement with the speaker (e.g., by a grimace), then make sure they are brought into the discussion next: “What do you think Phoebe?”
- If there is an error, look for a good point first: “I see how that would work if X Y Z, but what would happen if A B C?”
- If you disagree, be *very* specific: “I disagree because

Ethics For Board Members

Public officials must not engage in unethical or the appearance of unethical behavior. Board members should be cognizant of how their actions may be perceived by the public.

If you have questions about certain activities, you are encouraged to consult with the attorney from the Division of Board Services assigned to your Board.

General Standards of Conduct For Board Members

- Board members must not act in an arbitrary or capricious manner in discharging any of their public duties. All Board member decisions whether the individual or collective ones must be based upon a reasoned consideration of facts applied to the correct law.

Primary Duties of All Board Members

- Be knowledgeable about the statutes and rules governing the Board.
- Review and make decisions on all issues presented to the Board in compliance with the law and with the ultimate goal of protecting the public.
- Be aware that Board members are viewed as representatives of the Board when they appear at public meetings and professional gatherings. Board members should not speak for the Board unless specifically authorized to do so.
- Refer public inquiries about Board issues directly to the bureau director for your Board.
- Do not participate in discussion or vote on any matter in which the Board member has a personal or professional conflict of interest.
- Prepare for Board meetings by careful review of materials. Board members shall come to the meetings with preliminary opinions of the issues to be discussed and questions for clarification.
- As a professional member of the Board, remain current in standards of practice through reviewing professional literature and attending educational programming and through actual practice or relationships with colleagues in practice.
- As a public member of the Board, become educated regarding the practice of the profession.
- Maintain absolute confidentiality regarding disciplinary matters, examinations, examination scores and other closed-session issues. The failure to maintain confidentiality could result in loss of immunity Board members enjoy for purposes of their actions as Board members.

Discipline

- The objectives of professional discipline include the following: (1) to promote the rehabilitation of the licensee; (2) to protect the public; and (3) to deter others from engaging in similar conduct.
- Punishment of the licensee is not an appropriate consideration.
- The statutory framework which creates the Board's authority will provide the options available for discipline.
- The goal of a regulatory board is to protect the public.

Standards of Ethical Conduct

■ The Five Commandments

- Do not act in an official capacity in a matter in which you have a private interest.
- Do not use your public position for a private benefit.
- Do not solicit or accept rewards or items or services likely to influence you.
- Do not use confidential information.
- Do not use your public position to obtain unlawful benefits.

■ Bias/ Conflict – Watch for:

- Financial Interests (employer/ employee/ competitor)
- Professional business Interests (have you worked with them in the past)
- Other – friends, non-friends
- Personal knowledge of facts which may not be in the record

Agendas and Meetings

Agendas and Meetings

- New Technologies – Share Point & Live Meeting.
- Agenda packets are mailed, emailed, and/or posted on Share Point about 7 calendar days prior to meeting.
- Agendas include:
 - Approval of the Agenda and Minutes
 - Open Session Items
 - Administrative Report
 - Legislation and Administrative Rules Issues
 - Public Hearings
 - Education and Exam Issues
 - Practice Questions
 - Current Issues Affecting the Profession
 - Closed Session items
 - Stipulations
 - Administrative Warnings
 - Deliberations on Proposed Disciplinary Actions
 - Case Closings
 - Monitoring Issues
 - Credentialing Issues
 - Exam Issues
- Agendas are published for public notice every Wednesday prior to the meeting on the Department's web site
- Meetings must comply with the Open Meetings Law.
- "To-Do" lists are distributed to staff within three (3) days after a meeting.
- Minutes are prepared within five (5) days after the board meeting.
 - Once the board approves the minutes, they are published on the Department's web site.

Expenses and Travel

General Expense Reimbursement Guidelines

- State statutes and Code of Ethics strictly prohibit any board member, his or her family, or co-workers from benefiting personally from free flight plans, lodging, meals, or other promotions which result from travel incurred in connection with board official business and paid from state or federal funds.
- All travel-related expenses are reimbursable within the limitations established by the Department of Employment Relations and the Department of Administration.
- Any board member whose appointment has been confirmed by the Senate or who has been nominated to fill a vacant board position is eligible to receive a per diem. Council and Committee members are not eligible for a per diem.
- Any board, council or committee member whose appointment has been confirmed by the Senate or who has been nominated to fill a vacant position is eligible to receive travel expenses for each day on which he or she has actually and necessarily engaged in the performance of board duties. If you are employed by the State of Wisconsin these requirements do not apply.
- All per diem and travel expense reimbursement vouchers must be submitted to the Department **within a month of the activity** in which payment is being requested.
- Any board member who wishes to attend out-of-state regional or national meetings or conventions must have prior approval by the Board and the Department, if he or she wishes to receive reimbursement for expenses by the Department.
- Employees in travel status are expected to use good judgment when incurring travel costs. Only expenses incurred while conducting official State business will be reimbursed. Reimbursement claims must represent actual, reasonable and necessary expenses.
- Reimbursement for air travel is limited to the lowest appropriate airfare which is defined as coach fare, which provides for not more than a 2-hour window from the traveler's preferred departure or arrival time and may require one plane transfer.
- Benefits from any airline promotion program, such as frequent flier points or credit vouchers, belong to the State and should be turned over to the Department.

Lodging Accommodations

- Hotel arrangements for board meetings are scheduled by the department for all board meetings at the beginning of each year.
- Lodging the night before a board meeting will be reimbursed provided the board member would have to leave home before 6:00 a.m. in order to be at the meeting site by the set meeting time.
- Maximum reimbursement rate for in-state lodging is \$70, except in Milwaukee, Waukesha and Racine counties where the rate is \$80.
- Maximum reimbursement rates for out-of-state lodging are determined by the Office of State Employment Relations. In cases where a board member stays at the conference site, the conference room rate is allowable.

Per Diem Guidelines

\$25 per day

(Only one per diem may be claimed per calendar day.)

Examples:

- Attend board meeting or participate in a board meeting by telephone.
- Attend a Screening Panel Session when held on a day other than a board meeting date, in person or by telephone.
- Senate confirmation hearing.
- Exam administration or test development
- Attend a legislative or other public hearing as an authorized representative of the board on matters directly related to the work of the board. Prior approval from the secretary is required for per diem payments for more than one board-authorized representative at a public hearing.
- Represents the board at a meeting of a governmental body or other organization where attendance is necessary to the performance of the board's official duties.

5-Hour Rule

- \$25 for performing a cumulative minimum of 5 hours engaged in:
 - Duties as a disciplinary case screener or board advisor including reviewing cases, consulting with investigators, etc. (NOTE: You will need to document the exact times performing these duties on your per diem form.
 - Preparation of board correspondence or articles
- Hours can only be claimed in the month the duties were performed. Hours cannot carry over to other months.

Insufficient Basis For Approval of a Per Diem

- Travel days to or from board meetings, conferences, and other events when there is no event business conducted.
- Reading board agendas, meeting packets, minutes or transcripts.
- Attendance at professional association meetings, conferences, seminars, exam administrator or test development if there has not been prior board authorization and approval of the Secretary's office.

Travel and Meal Guidelines

- **Mileage rate --** 48.5 cents per mile
- **Private Airplane--** 48.5 cents per mile
- **Meals** (*Maximum amounts*)

	<u>In-State Travel</u>	<u>Out-of-State Travel</u>
Breakfast	\$8	\$10
You must leave home before 6:00 a.m.		
Lunch	\$9	\$10
You must depart before 10:30 a.m. & return after 2:30 p.m.		
Dinner	\$17	\$20
You must return home after 7:00 p.m.		

NOTE: Alcoholic beverages may not be claimed for any meal.

- **Telephone:** One personal call home is reimbursable up to \$5 for each night in travel status.
- **Hotel Gratuities:** Gratuities to hotel employees are reimbursable up to \$2 on dates of departure and arrival, and up to \$2 per night for a stay at a hotel/motel.
- **Porterage:** Porterage costs at airports or bus terminals will be reimbursed. The claim should not exceed \$1 per piece of luggage.
- **Taxi/Shuttle:** Receipts are required for one-way fares exceeding \$25.

Examples of Non-reimbursable Items

This list is not all-inclusive

- Traffic citations, parking tickets and other fines
- Mileage charges incurred for personal reasons, e.g., sightseeing, side trips, etc.
- Additional charges for late checkout
- Taxi fares to and from restaurants
- Meals included in the cost of registration fees or airfare
- Flight insurance
- Cancellation charges (unless fully justified)
- Alcoholic beverages
- Spouse or family members' travel costs
- Lost/stolen cash or personal property
- Personal items, e.g., toiletries, luggage, clothing, etc.
- Repairs, towing service, etc., for personal vehicle
- Pay-for-view movies in hotel room; personal entertainment
- Child care costs and kennel costs

Forms and Memos

Department of Regulation & Licensing

PER DIEM REPORT

Month January Year 2011

INSTRUCTIONS: Send original (white) and first copy (yellow) to Bureau Director authorized to approve. Approving Bureau Director forwards original and first copy to Deputy Secretary, Department of Regulation and Licensing. Second copy (green) to be retained by claimant. Attach travel voucher if applicable.

NAME OF EXAMINING BOARD OR COUNCIL Board				BOARD OR COUNCIL MEMBER'S NAME John Doe			
Day	Specify Number of Hours	Purpose Code	Where Performed	Day	Specify Number of Hours	Purpose Code	Where Performed
1				17			
2				18			
3				19			
4				20			
5	7	A	DRL- Madison	21			
6				22			
7				23	2	G	Home
8				24			
9				25			
10				26			
11	3	B	Teleconference - Home	27			
12				28			
13				29			
14				30			
15				31			
16							

TOTAL DAYS CLAIMED 2 @ \$ 25.00 = \$50.00

CLAIMANT'S CERTIFICATION The undersigned certifies, in accordance with Sec. 16.53, Wis. Stats., that this account for per diem, amounting to \$25.00, is just and correct; and that this claim is for service necessarily incurred in the performance of duties required by the State, as authorized by law.	APPROVED:
	Bureau Director Date
Claimant's Signature Date	Secretary, Department of Regulation & Licensing
Social Security Number	Date

Purpose Codes:

- A. Attend **Board meetings** in person or via teleconference call.
- B. Attend **Screening Panel** meetings on days other than board meeting days (teleconference calls)
- C. Attend **Hearings**, i.e., legislative, disciplinary or informal settlement conference hearings, on days other than board meeting days.
- D. Attend **Examinations**
- E. Attend **Test Development Sessions**, i.e., test review or analysis sessions, national testing sessions, tour of test facilities, etc.)
- F. Attend Senate Confirmation Hearings
- G. Review DOE cases
- H. Review credentialing applications other than at board meeting.
- G. Other (describe in detail)

Department Policy

Deadline For Submitting Travel Vouchers and Per Diems

Effective: Immediately

Board Members will only be reimbursed for travel upon a motion made by the Board, Council, or Committee designating them as a representative and upon prior approval of the department.

Policy for Submitting Board Meeting Travel Reimbursement

All travel vouchers and per diems must be submitted to the Department after each meeting and no later than the month following the Board meeting.

Policy for Submitting Out-of-State Travel Reimbursement

All travel vouchers and per diem vouchers must be submitted no later than the month following the month in which the out-of-state travel occurred.

Forms Submitted after the Deadline

Due to the Department's budget being an annual appropriation, those vouchers that are not submitted in a timely manner become at risk of not being reimbursed.

Annual Appropriation:

The Department receives authority from the legislature to spend a set amount of money each fiscal year. None of the authorized set amount can be carried forward to the next fiscal year.

Division of Board Services
HOTEL RESERVATIONS POLICY & PROCEDURE

Effective January 1, 2010, the Department has selected the Fairfield Inn & Suites for all future hotel reservations.

Fairfield Inn
2702 Crossroads Dr
Madison, WI 53718
608-661-2700

- If the board member is not going to use the reserved hotel room, it is the responsibility of the board member to cancel the room by calling the hotel themselves.
- If the hotel room is not cancelled, the board member may be responsible to pay the bill.
- If a meeting is cancelled due to a lack of quorum or no business, it is the responsibility of the Department to cancel any room reservations.

QUORUM CONFIRMATION POLICY

- It is every board member's responsibility to ensure there is a quorum to conduct business at all board meetings.
- It is the responsibility of each board member to inform the executive director of any meeting dates in which they will not be able to attend.
- If Division staff does not hear from a board member, they will assume that the board member will be attending the scheduled meeting.
- A quorum check will not be conducted prior to each scheduled board meeting.
- The only time Division staff will conduct a quorum check will be if two or more board members contact the Division indicating they will not be able to attend an upcoming scheduled meeting.
- Every board member will receive a list of all approved meeting dates at the first board meeting of the New Year. Please use this as a reference to assist in planning for the year ahead.

INCLEMENT WEATHER POLICY & PROCEDURE

Quorum Note: For open session you need one more than half of the total board membership. If there is formal discipline you will need 2/3 of the total board membership.

- Teleconference and Live Meeting options should be offered in order to continue with the scheduled meeting.
- Hotel rooms for the night before should be provided for any Board member traveling more than 50 miles from Madison and the meeting starts before 10:00 a.m.
- If a Board member who has a hotel reservation already in place will not attend and/or the meeting is cancelled, the hotel room should be cancelled immediately.

Division of Board Services Board Member Guidebook

This Board Member Guidebook has been prepared for your information and understanding of the policies, expectations, and practices of the Department of Safety & Professional Services and the Division of Board Services. Please read it carefully. Upon completion of your review of this guidebook, sign the statement below, and return it to the Executive Director of your Board, Committee, or Council by the due date. A copy of this acknowledgment appears at the back of the guidebook for your records.

I, _____, have received and read a copy of the Division of Board Services Board Member Guidebook which outlines the policies, expectations, and practices of the Department of Safety & Professional Services and the Division of Board Services, as well as my responsibilities as a member of an attached Board, Council, or Committee.

I have familiarized myself with the contents of this guidebook. By my signature below, I acknowledge, understand, accept and agree to comply with the information contained in the Board Member Guidebook provided to me by the Division of Board Services. I understand this guidebook is not intended to cover every situation which may arise during my term, but is simply a general guide to the goals, policies, practices, and expectations of the Department of Safety & Professional Services.

(Member signature)

Please return by: _____
(put date here)

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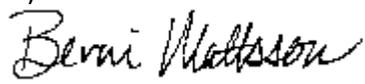
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(Member signature)

Please return by: _____
(put date here)

**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Berni Mattsson		2) Date When Request Submitted: 3/16/12 Items will be considered late if submitted after 4:30 p.m. and less than: <ul style="list-style-type: none"> ▪ 10 work days before the meeting for Medical Board ▪ 14 work days before the meeting for all others 	
3) Name of Board, Committee, Council, Sections: Land Surveyors Section			
4) Meeting Date: 3/27/12	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Under Credentialing Matters, Status of Credential Renewals - Report	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	8) Is an appearance before the Board being scheduled? If yes, who is appearing? <input type="checkbox"/> Yes by _____ (name) <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed: The attached report is provided for review and discussion by the Section.			
11) Authorization <div style="display: flex; justify-content: space-between; align-items: flex-end;"> <div style="width: 60%;">  </div> <div style="width: 35%; text-align: right;"> 3/16/12 </div> </div> <hr/> <div style="display: flex; justify-content: space-between;"> <div style="width: 60%;">Signature of person making this request</div> <div style="width: 35%; text-align: right;">Date</div> </div> <hr/> <div style="display: flex; justify-content: space-between;"> <div style="width: 60%;">Supervisor (if required)</div> <div style="width: 35%; text-align: right;">Date</div> </div> <hr/> <div style="display: flex; justify-content: space-between;"> <div style="width: 60%;">Bureau Director signature (indicates approval to add post agenda deadline item to agenda)</div> <div style="width: 35%; text-align: right;">Date</div> </div>			
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Board Services Executive Director. 3. If necessary, Provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			



State of Wisconsin
DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES
CORRESPONDENCE / MEMORANDUM

DATE: 3/16/2012

TO: Land Surveyor Board

FROM: Carolann Puster, Renewal Unit Supervisor

SUBJECT: January 31, 2012 Land Surveyor Renewal Statistics

Renewal Period: 12/01/2011 – 1-31/2012

Land Surveyor License Counts as of 11/15/2011 (last mid-month license report before renewal):

In-state Active: 1,078

Out-of-state Active: 516

Total Active: 1,594

Total Licenses Renewed as of 3/16/2012: 1263*

New licenses issued as of 11/15/2011: 6

Land Surveyor License Counts as of 03/15/2012 (most recent mid-month license report):

In-state Active: 867

Out-of-state Active: 402

Total Active: 1,269

* Total Licenses Renewed data is generated based on renewal fees paid. This number includes the ~50 license holders with pending CE Waivers. These licenses remain Active while the waivers are being considered, but the renewal is not completed or the license expiration date updated until the waiver is approved.

Chapter A-E 7

MINIMUM STANDARDS FOR PROPERTY SURVEYS

A-E 7.01	Scope.
A-E 7.02	Property survey, definition.
A-E 7.03	Boundary location.
A-E 7.04	Descriptions.

A-E 7.05	Maps.
A-E 7.06	Measurements.
A-E 7.07	Monuments.
A-E 7.08	U.S. public land survey monument record.

A-E 7.01 Scope. The minimum standards of this chapter apply to every property survey performed in this state except:

(1) If other standards for property surveys are prescribed by statute, administrative rule, or ordinance, and the standards are more restrictive than those in this chapter, the more restrictive standards govern; and,

(2) The land surveyor and his or her client or employer may agree in a signed statement to exclude any land surveying work from the requirements of this chapter except the preparation of a U.S. public land survey monument record and a map of work performed. The map prepared by the land surveyor for the client or employer shall include:

(a) A note which states that an agreement to exclude work from the requirements of this chapter has been made and the names of the parties making the agreement.

(b) The accuracy of linear measurements between points, if the minimum accuracy established by s. A-E 7.06 (2) has been waived.

(c) The difference between the sum of the individual measured angles and the theoretical sum, and the difference between the sum of the total measured angles and the theoretical sum, if the minimum accuracy established by s. A-E 7.06 (3) has been waived.

(d) The latitude and departure closure ratio of any closed traverse, if the minimum accuracy established by s. A-E 7.06 (4) has been waived.

(e) Dimensional accuracy of bearings, angles and distances as shown on the map, if the minimum accuracy established by s. A-E 7.06 (5) has been waived.

History: Cr. Register, February, 1987, No. 374, eff. 3-1-87; am. (2), Register, May, 1989, No. 401, eff. 6-1-89; am. (2), cr. (2) (a) to (e), Register, December, 1993, No. 456, eff. 1-1-94.

A-E 7.02 Property survey, definition. In this chapter, "property survey" means any land surveying which includes as one of its principal purposes describing, monumenting, locating the boundary lines of or mapping one or more parcels of land. The term includes the restoration, perpetuation or reestablishment of a U.S. public survey corner.

History: Cr. Register, February, 1987, No. 374, eff. 3-1-87.

A-E 7.03 Boundary location. Every property survey shall be made in accordance with the records of the register of deeds as nearly as is practicable. The surveyor shall acquire data necessary to retrace record title boundaries such as deeds, maps, certificates of title and center line and other boundary line locations. The surveyor shall analyze the data and make a careful determination of the position of the boundaries of the parcel being surveyed. The surveyor shall make a field survey, traversing and connecting monuments necessary for location of the parcel and coordinate the facts of the survey with the analysis. The surveyor shall set monuments marking the corners of the parcel unless monuments already exist at the corners.

History: Cr. Register, February, 1987, No. 374, eff. 3-1-87.

A-E 7.04 Descriptions. Descriptions defining land boundaries written for conveyance or other purposes shall be complete, providing unequivocal identification of lines or boundaries. The description shall contain necessary ties to adjoining together with data and dimensions sufficient to enable the description to be mapped and retraced and shall describe the land surveyed by government lot, recorded private claim, quarter-quarter section, section, township, range and county and by metes and bounds commencing with some corner marked and established by the U.S. public land survey; or, if the land is located in a recorded subdivision, a recorded addition to the subdivision, or recorded certified survey map, then by the number or other description of the lot, block or sub-division of the land which has been previously tied to a corner marked and established by the U.S. public land survey.

History: Cr. Register, February, 1987, No. 374, eff. 3-1-87; am. Register, May, 1989, No. 401, eff. 6-1-89.

A-E 7.05 Maps. A map shall be drawn for every property survey showing information developed by the survey. The map shall:

(1) Be drawn to a convenient scale.

(2) Be referenced as provided in s. 59.73 (1), Stats.

(3) Show the exact length and bearing of the boundaries of the parcels surveyed. Where the boundary lines show bearings, lengths or locations which vary from those recorded in deeds, abutting plats, or other instruments there shall be the following note placed along such lines, "recorded as (show recorded bearing, length or location)".

(4) Describe all monuments used for determining the location of the parcel and show by bearing and distance their relationship to the surveyed parcel and indicate whether such monuments were found or placed.

(5) Identify the person for whom the survey was made, the date of the survey, and describe the parcel as provided in s. A-E 7.04.

(6) Bear the stamp or seal and signature of the land surveyor under whose direction and control the survey was made with a statement certifying that the survey is correct to the best of the surveyor's knowledge and belief.

(7) Be filed as required by s. 59.45 (1), Stats.

History: Cr. Register, February, 1987, No. 374, eff. 3-1-87; am. (4) and (5), cr. (7), Register, May, 1989, No. 401, eff. 6-1-89; correction in (6) made under s. 13.93 (2m) (b) 5., Stats., Register, March, 1993, No. 447; am. (1) to (5) and (7), Register, January, 1999, No. 517, eff. 2-1-99.

A-E 7.06 Measurements. (1) Measurements shall be made with instruments and methods capable of attaining the required accuracy for the particular problem involved.

(2) The minimum accuracy of linear measurements between points shall be 1 part in 3,000 on all property lines of boundary or interior survey.

(3) In a closed traverse the sum of the measured angles shall agree with the theoretical sum by a difference not greater than 30 seconds per angle, or the sum of the total angles may not differ

from the theoretical sum by more than 120 seconds, whichever is smaller.

(4) Any closed traverse depicted on a property survey map shall have a latitude and departure closure ratio of less than 1 in 3,000.

(5) Bearings or angles on any property survey map shall be shown to the nearest 30 seconds. Distances shall be shown to the nearest 1/100th foot.

History: Cr. Register, February, 1987, No. 374, eff. 3-1-87; am. (5), Register, May, 1989, No. 401, eff. 6-1-89.

A-E 7.07 Monuments. The type and position of monuments to be set on any survey shall be determined by the nature of the survey, the permanency required, the nature of the terrain, the cadastral features involved, and the availability of material.

History: Cr. Register, February, 1987, No. 374, eff. 3-1-87.

A-E 7.08 U.S. public land survey monument record.

(1) **WHEN MONUMENT RECORD REQUIRED.** A U.S. public land survey monument record shall be prepared and filed with the county surveyor's office as part of any land survey which includes or requires the perpetuation, restoration, reestablishment or use of a U.S. public land survey corner, and,

(a) There is no U.S. public land survey monument record for the corner on file in the office of the county surveyor or the register of deeds for the county in which the corner is located; or,

(b) The land surveyor who performs the survey accepts a location for the U.S. public land survey corner which differs from that shown on a U.S. public land survey monument record filed in the office of the county surveyor or register of deeds for the county in which the corner is located; or,

(c) The witness ties or U.S. public land survey monument referenced in an existing U.S. public land survey monument record have been destroyed or disturbed.

(2) **FORM REQUIRED.** A U.S. public land survey monument record shall be prepared on the board-approved form or on a form substantially the same as the board-approved form which includes all the elements required by this section. A form used for this purpose shall be entitled, "U.S. Public Land Survey Monument Record".

Note: A copy of the board-approved form is available from the Department of Safety and Professional Services, Bureau of Business and Design Professions, 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708.

(3) **MONUMENT RECORD REQUIREMENTS.** A U.S. public land survey monument record shall show the location of the corner and shall include all of the following elements:

(a) The identity of the corner, as referenced to the U.S. public land survey system.

(b) A description of any record evidence, monument evidence, occupational evidence, testimonial evidence or any other material evidence considered by the surveyor, and whether the monument was found or placed.

(c) Reference ties to at least 4 witness monuments. Witness monuments shall be concrete, natural stone, iron, bearing trees or other equally durable material, except wood other than bearing trees.

(d) A plan view drawing depicting the relevant monuments and reference ties which is sufficient in detail to enable accurate relocation of the corner monument if the corner monument is disturbed.

(e) A description of any material discrepancy between the location of the corner as restored or reestablished and the location of that corner as previously restored or reestablished.

(f) Whether the corner was restored through acceptance of an obliterated evidence location or a found perpetuated location.

(g) Whether the corner was reestablished through lost-corner-proportionate methods.

(h) The directions and distances to other public land survey corners which were used as evidence or used for proportioning in determining the corner location.

(i) The stamp and signature or seal and signature of the land surveyor under whose direction and control the corner location was determined and a statement certifying that the U.S. public land survey monument record is correct and complete to the best of his or her knowledge and belief.

History: Cr. Register, February, 1987, No. 374, eff. 3-1-87; am. (1) and (3) (c), Register, May, 1989, No. 401, eff. 6-1-89; am. (3) (a) to (h), Register, January, 1999, No. 517, eff. 2-1-99; reprinted to restore dropped copy in (1) (intro.) Register November 2007 No. 623.

Chapter A-E 8

PROFESSIONAL CONDUCT

A-E 8.01	Authority.
A-E 8.02	Intent.
A-E 8.03	Definitions.
A-E 8.04	Offers to perform services shall be truthful.
A-E 8.05	Conflicts of interest.
A-E 8.06	Professional obligations.

A-E 8.07	Unauthorized practice.
A-E 8.08	Maintenance of professional standards.
A-E 8.09	Adherence to statutes and rules.
A-E 8.10	Plan stamping.
A-E 8.11	Suspension of registration; effect.

A-E 8.01 Authority. The rules of conduct in this chapter are adopted under authority of ss. 15.08 (5) (b), 227.11 and ch. 443, Stats.

History: Cr. Register, February, 1987, No. 374, eff. 3-1-87.

A-E 8.02 Intent. The intent of the examining board in adopting this chapter is to establish rules of professional conduct for the professions of architecture, landscape architecture, professional engineering, designing and land surveying. A violation of any standard specified in this chapter may result in disciplinary action under ss. 443.11 to 443.13, Stats.

History: Cr. Register, February, 1987, No. 374, eff. 3-1-87; am. Register, June, 1995, No. 474, eff. 7-1-95; am. Register, February, 2000, No. 530, eff. 3-1-00.

A-E 8.03 Definitions. In ch. 443, Stats., and chs. A-E 1 to 9:

(1) "Gross negligence in the practice of architecture, landscape architecture, professional engineering, designing or land surveying" means the performance of professional services by an architect, landscape architect, professional engineer, designer or land surveyor which does not comply with an acceptable standard of practice that has a significant relationship to the protection of health, safety or public welfare and is performed in a manner indicating that the professional knew or should have known, but acted with indifference to or disregard of, the accepted standard of practice.

(2) "Incompetency in the practice of architecture, landscape architecture, professional engineering, designing or land surveying" means conduct which demonstrates any of the following:

(a) Lack of ability or fitness to discharge the duty owed by an architect, landscape architect, professional engineer, designer or land surveyor to a client or employer or to the public.

(b) Lack of knowledge of the fundamental principles of the profession or an inability to apply fundamental principles of the profession.

(c) Failure to maintain competency in the current practices and methods applicable to the profession.

(3) "Misconduct in the practice of architecture, landscape architecture, professional engineering, designing or land surveying" means an act performed by an architect, landscape architect, professional engineer, designer or land surveyor in the course of the profession which jeopardizes the interest of the public, including any of the following:

(a) Violation of federal or state laws, local ordinances or administrative rules relating to the practice of architecture, landscape architecture, professional engineering, designing or land surveying.

(b) Preparation of deficient plans, drawings, maps, specifications or reports.

(c) Engaging in conduct which evidences a lack of trustworthiness to transact the business required by the profession.

(d) Misrepresentation of qualifications such as education, specialized training or experience.

(4) "Responsible supervision of construction" is defined in s. 443.01 (8), Stats.

(5) (a) "Supervision," "direct supervision," "responsible charge," and "direction and control," mean direct, personal, active supervision and control of the preparation of plans, drawings, documents, specifications, reports, maps, plats and charts.

(b) The terms in par. (a) include the following:

1. Selection or development of standards, methods and materials to be used.

2. Selection of alternatives to be investigated and the comparison of alternatives for the professional work.

3. Testing to evaluate materials or completed works, either in new or existing projects.

4. Knowledge of applicable codes and professional standards.

5. Knowledge of the technical capabilities of the personnel they rely upon to perform the professional work.

(c) The terms in par. (a) do not include the following:

1. Indirect or casual supervision.

2. Delegation of any decision requiring professional judgment.

3. Casual review or inspection of prepared plans, drawings, specifications, maps, plats, charts, reports or other documents.

4. Mere assumption by an architect, landscape architect, professional engineer, designer or land surveyor of responsibility for work without having control of the work.

5. Assuming charge, control or direct supervision of work in which the architect, landscape architect, professional engineer, designer or land surveyor does not have technical proficiency.

History: Cr. Register, February, 1987, No. 374, eff. 3-1-87; am. (intro.), (1), (2) (intro.), (a), (3) (intro.), (a), (5) (d) and (e), Register, June, 1995, No. 474, eff. 7-1-95; am. (2) (intro.) to (b), (3) (intro.) to (c), (5) (intro.) to (d), Register, January, 1999, No. 517, eff. 2-1-99; am. (1), (2) (intro.) and (a), (3) (intro.), (a), (5) (d) and (e), Register, February, 2000, No. 530, eff. 3-1-00; correction in (intro.) made under s. 13.93 (2m) (b) 7., Stats., Register December 2005 No. 600; CR 09-033: r. and recr. (5) Register December 2009 No. 648, eff. 1-1-10.

A-E 8.04 Offers to perform services shall be truthful. When offering to perform professional services, an architect, landscape architect, professional engineer, designer or land surveyor:

(1) Shall accurately and truthfully represent to a prospective client or employer the capabilities and qualifications which the registrant has to perform the services to be rendered.

(2) Shall represent the costs and completion times of a proposed project to a client or prospective client as accurately and truthfully as is reasonably possible.

(3) May not offer to perform, nor perform, services which the registrant is not qualified to perform by education or experience without retaining the services of another who is qualified.

(4) May not use advertising or publicity which is fraudulent or deceptive.

(5) May not represent that he or she is engaged in a partnership or association with another unless there exists in fact a partnership or association.

(6) May not collect a fee for recommending the services of another unless written notice is first given to all parties concerned.

(7) May not practice under a firm name that misrepresents the identity of those practicing in the firm or misrepresents the type of services which the individuals, firm or partnership is authorized and qualified to perform.

History: Cr. Register, February, 1987, No. 374, eff. 3-1-87; am. (intro.), Register, June, 1995, No. 474, eff. 7-1-95; am. (1) to (6), Register, January, 1999, No. 517, eff. 2-1-99; am. (intro.), Register, February, 2000, No. 530, eff. 3-1-00.

A-E 8.05 Conflicts of interest. (1) An architect, landscape architect, professional engineer, designer or land surveyor:

(a) Shall avoid conflicts of interest. If an unavoidable conflict of interest arises, the registrant shall immediately inform the client or employer of all the circumstances which may interfere with or impair the registrant's obligation to provide professional services. Under these circumstances a registrant may not proceed to provide professional services without the full approval and consent of the client or employer.

(b) Shall notify the employer or client and withdraw from employment at any time if it becomes apparent that it is not possible to faithfully discharge the responsibilities and duties owed to the client or employer.

(c) May not agree to perform professional services for a client or employer if the registrant has a significant financial or other interest which would impair or interfere with the registrant's responsibility to faithfully discharge professional services on behalf of the client or employer.

(d) May not accept payment from any party other than a client or employer for a particular project or may not have any direct or indirect financial interest in a service or phase of a service to be provided as part of a project unless the employer or client approves.

(e) May not solicit or accept anything of value from material or equipment suppliers in return for specifying or endorsing a product.

(f) May not violate the confidences of a client or employer, except as otherwise required by rules in this chapter.

(g) May not perform services for a client or employer while a full-time employee of another employer without notifying all parties concerned.

(2) Nothing in these rules limits a registrant's professional responsibility to an owner of a project when the registrant is employed by a person or firm under contract to construct and furnish design services for that project.

History: Cr. Register, February, 1987, No. 374, eff. 3-1-87; am. (1) (intro.), Register, June, 1995, No. 474, eff. 7-1-95; am. (1) (a) to (f), Register, January, 1999, No. 517, eff. 2-1-99; am. (1) (intro.), Register, February, 2000, No. 530, eff. 3-1-00.

A-E 8.06 Professional obligations. An architect, landscape architect, professional engineer, designer or land surveyor:

(1) Shall use reasonable care and competence in providing professional services.

(2) May not evade the professional or contractual responsibility which the registrant has to a client or employer.

(3) May not enter into an agreement which provides that a person not legally and actually qualified to perform professional services has control over the registrant's judgment as related to public health, safety or welfare.

History: Cr. Register, February, 1987, No. 374, eff. 3-1-87; am. (intro.), Register, June, 1995, No. 474, eff. 7-1-95; am. (1) and (2), Register, January, 1999, No. 517, eff. 2-1-99; am. (intro.), Register, February, 2000, No. 530, eff. 3-1-00.

A-E 8.07 Unauthorized practice. An architect, professional engineer, designer or land surveyor:

(1) Shall assist in enforcing laws which prohibit the unlicensed practice of architecture, professional engineering, designing and land surveying by reporting violations to the board.

(2) May not delegate professional responsibility to unlicensed persons and may not otherwise aid or abet the unlicensed practice of architecture, professional engineering, designing or land surveying.

Note: Sections 443.02 (2) and (3), Stats., were amended by 2009 Wis. Act 123 to include landscape architects within their scopes. Section A-E 8.07 (intro.) will be modified in future rule-making by the Board.

History: Cr. Register, February, 1987, No. 374, eff. 3-1-87; am. Register, June, 1995, No. 474, eff. 7-1-95; am. (1), Register, January, 1999, No. 517, eff. 2-1-99; am. Register, February, 2000, No. 530, eff. 3-1-00.

A-E 8.08 Maintenance of professional standards. An architect, landscape architect, professional engineer, designer or land surveyor:

(1) Shall furnish the board with information indicating that any person or firm has violated provisions in ch. 443, Stats., rules in this chapter or other legal standards applicable to the profession.

(2) May not discuss with any individual board member any disciplinary matter under investigation or in hearing.

(3) Shall respond in a timely manner to a request by the board, a section of the board or the department for information in conjunction with an investigation of a complaint filed against a registrant. There is a rebuttable presumption that a registrant who takes longer than 30 days to respond to a request for information has not acted in a timely manner.

(4) Shall notify the department in writing if the registrant has been disciplined for unprofessional conduct in other states where the registrant holds a credential or has violated federal or state laws, local ordinances or administrative rules, not otherwise reportable under s. SPS 4.09 (2), which are related to the practice of an architect, landscape architect, professional engineer, designer or land surveyor. The notification shall be submitted within 48 hours of the disciplinary finding or violation of law and shall include copies of the findings, judgments and orders so that the department may determine whether the circumstances are substantially related to the practice of the registrant.

History: Cr. Register, February, 1987, No. 374, eff. 3-1-87; am. (intro.), Register, June, 1995, No. 474, eff. 7-1-95; am. (1), Register, January, 1999, No. 517, eff. 2-1-99; am. (intro.), Register, February, 2000, No. 530, eff. 3-1-00; CR 09-034; cr. (3) and (4) Register December 2009 No. 648, eff. 1-1-10; correction in (4) made under s. 13.92 (4) (b) 7., Stats., Register November 2011 No. 671.

A-E 8.09 Adherence to statutes and rules. An architect, landscape architect, professional engineer, designer or land surveyor:

(1) Shall comply with the requirements in ch. 443, Stats., rules in this chapter and all other federal, state and local codes which relate to the practice of architecture, landscape architecture, professional engineering, designing and land surveying.

(2) May not engage in conduct that may adversely affect his or her fitness to practice architecture, landscape architecture, professional engineering, designing or land surveying.

History: Cr. Register, February, 1987, No. 374, eff. 3-1-87; am. Register, June, 1995, No. 474, eff. 7-1-95; am. (1), Register, January, 1999, No. 517, eff. 2-1-99; am. Register, February, 2000, No. 530, eff. 3-1-00.

A-E 8.10 Plan stamping. (1) No architect, landscape architect, professional engineer or designer may sign, seal or stamp any plans, drawings, documents, specifications or reports for architectural, landscape architectural, professional engineering or design practice which are not prepared by the registrant or under his or her personal direction and control.

(2) No land surveyor may sign, seal or stamp any maps, plats, charts, or reports for land surveying practice which are not prepared by the land surveyor or under his or her personal direction and control.

(3) No architect, landscape architect, professional engineer, designer or land surveyor shall allow work performed by him or

her or under his or her personal direction and control to be signed, sealed or stamped by another except that an architect, landscape architect, professional engineer, designer or land surveyor working under the personal direction and control of another registrant may allow that registrant to sign and seal or stamp the work.

History: Cr. Register, February, 1987, No. 374, eff. 3-1-87; am. (1) and (3), Register, June, 1995, No. 474, eff. 7-1-95; am. (1) and (3), Register, February, 2000, No. 530, eff. 3-1-00.

A-E 8.11 Suspension of registration; effect. Any registrant whose registration has been suspended is prohibited during the term of the suspension from engaging in any of the following:

(1) Offering to perform any service which requires registra-

tion.

(2) Performing any professional service which requires registration.

(3) Signing or sealing plans, specifications, reports, maps, plats, or charts prepared for the practice of architecture, landscape architecture, professional engineering, designing or land surveying.

(4) Entering into contracts the performance of which require registration.

(5) Engaging in responsible supervision of construction as defined in s. 443.01 (8), Stats.

History: Cr. Register, February, 1987, No. 374, eff. 3-1-87; am. (3), Register, June, 1995, No. 474, eff. 7-1-95; am. (intro.) to (4), Register, January, 1999, No. 517, eff. 2-1-99; am. (3), Register, February, 2000, No. 530, eff. 3-1-00.

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Chapter A–E 10

CONTINUING EDUCATION FOR LAND SURVEYORS

A–E 10.01	Authority and purpose.	A–E 10.05	Certificate of completion, proof of attendance.
A–E 10.02	Definitions.	A–E 10.06	Recordkeeping.
A–E 10.03	Continuing education requirements.	A–E 10.07	Waiver of continuing education.
A–E 10.04	Standards for approval.	A–E 10.08	Comity.

A–E 10.01 Authority and purpose. The rules in this chapter are adopted under the authority in ss. 15.08 (5) (b), 227.11 (2) and 443.015, Stats., and govern biennial continuing education of land surveyor registrants.

History: CR 09–032; cr. Register December 2009 No. 648, eff. 1–1–10.

A–E 10.02 Definitions. As used in this chapter:

(1) “Biennium” means a 2–year period beginning February 1 of each even–numbered year.

(2) “Continuing education” means the planned, professional development activities designed to contribute to the advancement, extension and enhancement of the professional skills and scientific knowledge of the registrant in the practice of land surveying and for improvement of the safety and welfare of the public.

(3) “Professional development activities” means organized educational programs on topics related to the practice or theory of land surveying and which foster the enhancement of general or specialized knowledge, practice and values of land surveying.

(4) “Professional development hour” or “PDH”, unless specified otherwise, means 50 minutes of instruction or participation spent by the registrant in actual attendance or completion of an approved educational activity.

History: CR 09–032; cr. Register December 2009 No. 648, eff. 1–1–10.

A–E 10.03 Continuing education requirements.

(1) (a) Beginning in the February 2012 biennial registration period, unless granted a waiver under s. A–E 10.07, every registrant shall complete at least 20 hours of approved professional development hours or equivalent continuing education hours, pertinent to the practice of land surveying, except that between initial registration and the first renewal period, a new registrant shall not be required to comply with the continuing education requirements for the first renewal of registration.

(b) During each biennial registration period, the registrant shall complete a minimum of 2 professional development hours of the total number required in each of the following categories:

1. Programs, courses or activities in the area of Wisconsin statutes and rules that regulate professional land surveyors and surveys.
2. Programs, courses or activities in the area of professional conduct and ethics.
3. Programs, courses or activities in the area of land surveying or related sciences.

(2) Continuing education offered by approved providers shall include the following:

- (a) Successful completion of online, correspondence, televised, videotaped, or other short courses or tutorials.
- (b) Successful completion of a college or university course in the area of land surveying, related sciences or surveying ethics. One semester credit hour of course work is equivalent to 20 professional development hours and one quarter credit hour of course work is equivalent to 13.5 professional development hours.

(c) Successful completion of land surveying courses or programs offering professional development hours on land surveying topics.

(d) Active participation and successful completion of land surveying programs, seminars, tutorials, workshops, short courses or in–house courses.

(e) Attending program presentations at related technical or professional meetings at which at least 50 minutes is spent discussing surveying issues or attending a lecture on survey–related issues, or both. Each qualified meeting will be awarded one professional development hour.

(f) Teaching or instructing courses or programs on a land surveying topic. Teaching credit is counted for teaching a course or seminar for the first time only and does not apply to faculty in the performance of their regularly assigned duties. Two professional development hours will be awarded for every 50 minutes of teaching or presentation.

(g) Authoring land surveying related papers or articles that appear in circulated journals or trade magazines. Credit is earned in the biennium of publication. A maximum of 5 professional development hours per renewal will be awarded for this activity.

(3) Continuing education shall be completed within the preceding biennium.

(4) A land surveyor who fails to meet the continuing education or professional development hours by the renewal date, as specified in s. 440.08 (2) (a) 39., Stats., may not engage in the practice of land surveying until the registration is renewed based upon proof of compliance with the continuing education requirements.

History: CR 09–032; cr. Register December 2009 No. 648, eff. 1–1–10.

A–E 10.04 Standards for approval. (1) To be approved for credit, a continuing education program shall meet all of the following criteria:

(a) The program includes instruction in an organized method of learning contributing directly to the professional competency of the registrant and pertains to subject matters which integrally relate to the practice of the profession.

(b) The program is conducted by individuals who have specialized education, training or experience and are considered qualified concerning the subject matter of the program.

(c) The program provides proof of attendance by the registrants and fulfills pre–established goals and objectives.

(2) The land surveyor section may approve providers for continuing education programs including the following:

- (a) Wisconsin society of land surveyors.
- (b) National council of examiners for engineering and surveying.
- (c) National society of professional land surveyors.
- (d) American congress on surveying and mapping.
- (e) Colleges, universities or other educational institutions approved by the land surveyor section.
- (f) Other technical or professional societies or organizations.

(3) An advisory committee selected by the land surveyor section will make recommendations as to approval of courses, credit, PDH value for courses and other methods of earning credit.

(4) Credit for college or technical school courses approved by the land surveyor section shall be based upon course credit established by the college or technical school.

History: CR 09-032; cr. Register December 2009 No. 648, eff. 1-1-10.

A-E 10.05 Certificate of completion, proof of attendance. (1) Each registrant shall certify on the renewal application full compliance with the continuing education requirements set forth in this chapter.

(2) The land surveyor section may conduct a random audit of its registrants on a biennial basis for compliance with these requirements. It is the responsibility of each registrant to retain or otherwise produce evidence of compliance.

(3) The land surveyor section may require additional evidence demonstrating compliance with the continuing education requirements, including a certificate of attendance or documentation of completion or credit for the courses completed.

(4) If there appears to be a lack of compliance with the continuing education or professional development requirements, the land surveyor section shall notify a registrant in writing and request submission of evidence of compliance within 30 days of the notice.

(5) The land surveyor section may require a registrant to appear for an interview to address any deficiency or lack of compliance with the continuing education or professional development requirements.

History: CR 09-032; cr. Register December 2009 No. 648, eff. 1-1-10.

A-E 10.06 Recordkeeping. It shall be the responsibility of the registrant to maintain records of continuing education or professional development hours for at least 2 bienniums from the date the certificate or statement of attendance is signed. The recordkeeping shall include all of the following:

(1) The name and address of the sponsor or provider.

(2) A brief statement of the subject matter.

(3) Printed program schedules, registration receipts, certificates of attendance, or other proof of participation.

(4) The number of hours attended in each program and the date and place of the program.

History: CR 09-032; cr. Register December 2009 No. 648, eff. 1-1-10.

A-E 10.07 Waiver of continuing education. (1) A renewal applicant seeking renewal of registration without having fully complied with the continuing education requirements shall file a renewal application along with the required fee, and a statement setting forth the facts concerning non-compliance and requesting a waiver of the requirements. The request for waiver shall be made prior to the renewal date. Extreme hardship shall be determined on an individual basis by the land surveyor section. If the land surveyor section finds from the affidavit or any other evidence submitted that extreme hardship has been shown, the land surveyor section shall waive enforcement of the continuing education requirements for the applicable renewal period.

(2) In this section, extreme hardship means an inability to devote sufficient hours to fulfilling the continuing education requirements during the applicable renewal period because of one of the following:

(a) Full-time service in the uniformed services of the United States of America for a period of one year during the biennium.

(b) An incapacitating illness documented by a statement from a licensed physician.

(c) A physical inability to travel to the sites of approved programs documented by a licensed physician.

(d) A retirement from the occupation of land surveying whereby the renewal applicant no longer receives remuneration from providing land surveying services.

(e) Any other extenuating circumstances.

(3) A renewal applicant who prior to the expiration date of the license submits a request for a waiver, shall be deemed to be in good standing until the final decision on the application by the land surveyor section.

History: CR 09-032; cr. Register December 2009 No. 648, eff. 1-1-10.

A-E 10.08 Comity. An applicant for registration from another state who applies for registration to practice land surveying under s. A-E 6.06, shall submit proof of completion of continuing education obtained in another jurisdiction within the 2 years prior to application.

History: CR 09-032; cr. Register December 2009 No. 648, eff. 1-1-10.

**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Denise Aviles Executive Director		2) Date When Request Submitted: 2/9/12 Items will be considered late if submitted after 4:30 p.m. and less than: <ul style="list-style-type: none"> ▪ 10 work days before the meeting for Medical Board ▪ 14 work days before the meeting for all others 	
3) Name of Board, Committee, Council, Sections: Land Surveyors Section			
4) Meeting Date: 3/27/2012	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Legislation/Administrative Rule Matters: Discussion regarding Senate Bill 444	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	8) Is an appearance before the Board being scheduled? If yes, who is appearing? <input type="checkbox"/> Yes by _____ (name) <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed: Review, discuss, and take any action deemed appropriate.			
11) Authorization			
Denise Aviles		2/9/12	
Signature of person making this request		Date	
Supervisor (if required)		Date	
Bureau Director signature (indicates approval to add post agenda deadline item to agenda)		Date	
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Board Services Bureau Director. 3. If necessary, Provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			



2011 SENATE BILL 444

February 8, 2012 – Introduced by Senators SCHULTZ, OLSEN, HOLPERIN and HANSEN, cosponsored by Representatives RIVARD, MARKLEIN, TRANEL, VAN ROY, A. OTT, BROOKS and KRUG. Referred to Committee on Labor, Public Safety, and Urban Affairs.

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

SENATE BILL 444

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

Analysis by the Legislative Reference Bureau

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

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

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

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

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

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

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

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

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

In addition, the bill changes the name of the section to the professional land surveyor section and changes the name of the board to the examining board of architects, landscape architects, professional engineers, designers and professional land surveyors. The bill also replaces various references under current law to “registered land surveyor,” “land surveyor,” and “surveyor” with “professional land surveyor.”

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

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

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one discrete project and requiring the applicant to demonstrate to the satisfaction of the section that failure to obtain a permit will result in delay of the discrete project and financial loss to the person for whom the applicant seeks to engage in the practice of professional land surveying.

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

Current law permits a town board to contract with the county surveyor or any registered professional land surveyor to survey all or some of the sections of the town and to erect monuments. Currently, 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 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 survey and plat must be prepared for lands required to be used for burial, into cemetery lots, drives, and walks by a cemetery authority. 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 professional surveyor who prepares a lake or stream shore plat must show certain dimensions as measured from the ordinary high water mark (OHWM) of the lake or stream. The bill authorizes a professional land surveyor to incorporate an OHWM that has been determined by the DNR or that has otherwise been determined by law or to approximate the OHWM. The bill requires that statements be included on the face of certain plats or maps that explain that the land below the OHWM of a navigable water is subject to the public trust doctrine for navigable waters and that exposed land between the OHWM and the water's edge is to be used exclusively by the owner of the adjacent waterfront property, unless otherwise provided by law or by the owner's title.

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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 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 approved by a county planning agency, county park commission, or county park manager to determine whether there is a 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 (DSPS) (approving 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 approving 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 DSPS 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 approving agency has 20 days after receiving a copy of the plat to notify the subdivider and all other approving 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 approving agency has certified that it has no objection or that its objection has been satisfied. If an approving agency other than DOA fails to act within 20 days of receiving a copy of the plat, or if DOA fails to act within 30 days of receiving a copy of the plat, the plat is deemed to be approved 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 all approving agencies have approved 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 the

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Department of Natural Resources 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 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 margin that is binding and 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 material that is capable of clearly legible reproduction or other 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.

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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 parcel of property does not, in and of itself, divide the parcel into two lots if the same person holds title to the property on both sides of the stream.

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

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

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

3 15.405 (2) EXAMINING BOARD OF ARCHITECTS, LANDSCAPE ARCHITECTS,
4 PROFESSIONAL ENGINEERS, DESIGNERS, AND PROFESSIONAL LAND SURVEYORS. (intro.)
5 There is created an examining board of architects, landscape architects, professional
6 engineers, designers, and professional land surveyors in the department of safety
7 and professional services. Any professional member appointed to the examining
8 board shall be registered or licensed to practice architecture, landscape architecture,
9 professional engineering, the design of engineering systems, or professional land
10 surveying under ch. 443. The examining board shall consist of the following
11 members appointed for 4-year terms: 3 architects, 3 landscape architects, 3
12 professional engineers, 3 designers, 3 professional land surveyors, and 10 public
13 members.

14 (a) In operation, the examining board shall be divided into an architect section,
15 a landscape architect section, an engineer section, a designer section, and a
16 professional land surveyor section. Each section shall consist of the 3 members of
17 the named profession appointed to the examining board and 2 public members

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1 appointed to the section. The examining board shall elect its own officers, and shall
2 meet at least twice annually.

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

8 **SECTION 2.** 20.165 (2) (j) of the statutes, as affected by 2011 Wisconsin Act 32,
9 is amended to read:

10 20.165 (2) (j) *Safety and building operations.* The amounts in the schedule for
11 the purposes of chs. 101, 145, and 168 and ss. 167.35, 236.12 (2) ~~(a)~~ (ap), 236.13 (1)
12 (d) and (2m), and 236.335, for the purpose of transferring the amounts in the
13 schedule under par. (kg) to the appropriation account under par. (kg), and for the
14 purpose of transferring the amounts in the schedule under par. (km) to the
15 appropriation account under par. (km). All moneys received under ch. 145, ss.
16 101.177 (4) (a) 4., 101.178, 101.19, 101.63 (9), 101.654 (3), 101.73 (12), 101.82 (4),
17 101.955 (2), 101.973 (7), 167.35 (2) (f), and 236.12 (7) and all moneys transferred
18 under 2005 Wisconsin Act 45, section 76 (6), shall be credited to this appropriation
19 account.

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

21 26.09 (3) (b) 1. A court shall award damages that equal the stumpage value of
22 the raw forest products harvested if the person harvesting the raw forest products
23 or the person giving consent for the harvesting reasonably relied upon a recorded
24 survey that was done by a person who is registered licensed under ch. 443 as a
25 professional land surveyor or who is issued a permit to engage in the practice of

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1 professional land surveying under s. 443.06 even if the recorded survey is
2 determined, after the harvesting, to be in error.

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

4 30.11 (3) HOW ESTABLISHED. Whenever any municipality proposes to establish
5 a bulkhead line or to reestablish an existing bulkhead line, the municipality shall
6 indicate both the existing shore and the proposed bulkhead line upon a map and shall
7 file with the department for its approval 6 copies of the map and 6 copies of the
8 ordinance establishing the bulkhead line. The map shall use a scale of not less than
9 100 feet to an inch or any other scale required by the department. The map and a
10 metes and bounds description of the bulkhead line shall be prepared by a
11 professional land surveyor ~~registered in this state~~ licensed under ch. 443. The
12 department may require the installation of permanent reference markers to the
13 bulkhead line. Upon approval by the department, the municipality shall deliver the
14 map, description, and ordinance to the office of the register of deeds of the county in
15 which the bulkhead line lies, to be recorded by the register of deeds.

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

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

25 **SECTION 6.** 59.001 (3r) of the statutes is created to read:

SENATE BILL 444**SECTION 6**

1 59.001 (3r) "Professional land surveyor" means a professional land surveyor
2 licensed under ch. 443.

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

4 59.20 (2) (c) In counties that elect a surveyor, the surveyor shall be a registered
5 professional land surveyor. In lieu of electing a surveyor in any county having a
6 population of less than 500,000, the board may, by resolution, designate that the
7 duties under ss. 59.45 (1) and 59.74 (2) be performed by any registered professional
8 land surveyor employed by the county. Any surveyor employed by a county having
9 a population of 500,000 or more shall be a professional land surveyor.

10 **SECTION 8.** 59.43 (8) of the statutes is amended to read:

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

21 **SECTION 9.** 59.45 (1) (a) 2. of the statutes is amended to read:

22 59.45 (1) (a) 2. Make, personally or by a deputy, a record, in books or on
23 drawings and plats that are kept for that purpose, of all corners that are set and the
24 manner of fixing the corners and of all bearings and the distances of all courses run,
25 of each survey made personally, by deputies or by other professional land surveyors

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1 and arrange or index the record so it is an ~~easy to use~~ easy-to-use reference and file
2 and preserve in the office the original field notes and calculation thereof. Within 60
3 days after completing any survey, the county surveyor shall make a true and correct
4 copy of the foregoing record, in record books or on reproducible papers to be furnished
5 by the county and kept in files in the office of the county surveyor to be provided by
6 the county. In a county with a population of 500,000 or more where there is no county
7 surveyor, a copy of the record shall also be filed in the office of the regional planning
8 commission which acts in the capacity of county surveyor for the county.

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

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

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

18 59.45 (3) SURVEYOR; FEES. In addition to the regular fees of professional land
19 surveyors that are received from the parties employing the county surveyor, the
20 county surveyor may receive a salary from the county.

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

22 **59.46 Penalty for nonfeasance.** Any county surveyor, any city, village, or
23 town engineer, or any professional land surveyor who fails or refuses to perform any
24 duty required of that person by law shall forfeit not less than \$25 nor more than \$50
25 for each such failure or refusal.

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

2 59.72 **(3m)** (a) 4m. The county surveyor or a registered professional land
3 surveyor employed within the county.

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

5 59.73 **(2)** SUBDIVIDING SECTIONS. Whenever a county surveyor or professional
6 land surveyor is required to subdivide a section or smaller subdivision of land
7 established by the United States survey, the county surveyor or professional land
8 surveyor shall proceed according to the statutes of the United States and the rules
9 and regulations made by the secretary of the interior in conformity to the federal
10 statutes. While so engaged a professional land surveyor and the professional land
11 surveyor's assistants shall not be liable as a trespasser and shall be liable only for
12 any actual damage done to land or property.

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

14 59.74 **(2)** (b) 1. Whenever it becomes necessary to destroy, remove, or cover up
15 in such a way that will make it inaccessible for use, any landmark, monument of
16 survey, or corner post within the meaning of this subsection, the person including
17 employees of governmental agencies who intend to commit such act shall serve
18 written notice at least 30 days prior to the act upon the county surveyor of the county
19 within which the landmark is located. Notice shall also be served upon the
20 municipality's engineer if the landmark is located within the corporate limits of a
21 municipality. The notice shall include a description of the landmark, monument of
22 survey, or corner post and the reason for removing or covering it. In this paragraph,
23 removal of a landmark includes the removal of railroad track by the owner of the
24 track. In a county having a population of less than 500,000 where there is no county
25 surveyor, notice shall be served upon the clerk. In a county with a population of

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1 500,000 or more where there is no county surveyor, notice shall be served upon the
2 executive director of the regional planning commission which acts in the capacity of
3 county surveyor for the county. Notwithstanding par. (c), upon receipt of the notice
4 the clerk shall appoint a ~~registered~~ professional land surveyor to perform the duties
5 of a county surveyor under subd. 2.

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

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

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

15 59.74 (2) (g) Every professional land surveyor and every officer of the
16 department of natural resources and the district attorney shall enforce this
17 subsection.

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

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

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

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

10 59.74 (2) (j) The county surveyor may employ other professional land surveyors
11 to assist in this work and may accept reference checks for these corners from any
12 professional land surveyor.

13 **SECTION 20.** 59.75 of the statutes is amended to read:

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

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

24 60.84 (1r) SURVEY, CONTRACT FOR. The town board may contract with the county
25 surveyor or any registered professional land surveyor to survey all or some of the

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1 sections in the town and to erect monuments under this section as directed by the
2 board.

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

4 60.84 (1g) DEFINITION. In this section, “professional land surveyor” means a
5 professional land surveyor licensed under ch. 443.

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

7 60.84 (2) BOND. Before the town board executes a contract under sub. (1), the
8 county surveyor or professional land surveyor shall execute and file with the town
9 board a surety bond or other financial security approved by the town board.

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

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

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

21 60.84 (3) (c) (intro.) To establish, relocate or perpetuate a corner, the county
22 surveyor or professional land surveyor shall set in the proper place a monument, as
23 determined by the town board, consisting of any of the following:

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

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

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

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

8 60.84 (3) (c) 3. An equivalent monument agreed upon by all parties of the
9 contract.

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

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

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

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

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1 the regional planning commission or a longer period as may be stipulated by the
2 referring officer or public body, the commission shall report its recommendations to
3 the referring officer or public body. The report and recommendations of the
4 commission shall be advisory only. A state agency may authorize the regional
5 planning commission with the consent of the commission to act for the agency in
6 approving, examining, or reviewing plats, under s. 236.12 (2) ~~(a)~~ (ap). A regional
7 planning commission authorized by a local unit on November 1, 1980, to act for the
8 local unit in approving plats may continue to so act until the commission withdraws
9 its consent or the local unit its approval. A local unit may authorize a regional
10 planning commission, with the consent of the commission, to conduct an advisory
11 review of plats.

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

13 70.27 (2) CERTIFICATION, APPROVAL, RECORDING. Such plat, when completed and
14 certified as provided by this section, and when approved by the governing body, shall
15 be acknowledged by the clerk thereof and recorded in the office of the register of
16 deeds. No plat may be recorded in the office of the register of deeds unless it is
17 produced on material that is capable of clearly legible reproduction or other media
18 that is acceptable to the register of deeds.

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

20 70.27 (5) SURVEYS, RECONCILIATIONS. The surveyor making the plat shall be a
21 professional land surveyor licensed under ch. 443 and shall survey and lay out the
22 boundaries of each parcel, street, alley, lane, roadway, or dedication to public or
23 private use, according to the records of the register of deeds, and whatever evidence
24 that may be available to show the intent of the buyer and seller, in the chronological
25 order of their conveyance or dedication, and set temporary monuments to show the

SENATE BILL 444**SECTION 30**

1 results of such survey which shall be made permanent upon recording of the plat as
2 provided for in this section. The map shall be at a scale of not more than 100 feet per
3 inch, unless waived in writing by the department of administration under s. 236.20
4 (2) (L). The owners of record of lands in the plat shall be notified by certified letter
5 mailed to their last-known address, in order that they shall have opportunity to
6 examine the map, view the temporary monuments, and make known any
7 disagreement with the boundaries as shown by the temporary monuments. It is the
8 duty of the professional land surveyor making the plat to reconcile any discrepancies
9 that may be revealed, so that the plat as certified to the governing body is in
10 conformity with the records of the register of deeds as nearly as is practicable. When
11 boundary lines between adjacent parcels, as evidenced on the ground, are mutually
12 agreed to in writing by the owners of record, such lines shall be the true boundaries
13 for all purposes thereafter, even though they may vary from the metes and bounds
14 descriptions previously of record. Such written agreements shall be recorded in the
15 office of the register of deeds. On every assessor's plat, as certified to the governing
16 body, shall appear the volume, page, and document number of the metes and bounds
17 description of each parcel, as recorded in the office of the register of deeds, which
18 shall be identified with the number by which such parcel is designated on the plat,
19 except that lots which have been conveyed or otherwise acquired but upon which no
20 deed is recorded in the office of register of deeds may be shown on an assessor's plat
21 and when so shown shall contain a full metes and bounds description.

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

23 70.27 (6) MONUMENTS, PLAT REQUIREMENTS. The provisions of s. 236.15 as to
24 monuments, and the provisions of s. 236.20 as to form and procedure, insofar as they
25 are applicable to the purposes of assessors' plats, shall apply. Any stake or

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1 monument found and accepted as correct by a professional land surveyor laying out
2 an assessor's plat shall be indicated as "stake found" or "monument found" when
3 mapping the plat and such stake or monument shall not be removed or replaced even
4 though it is inconsistent with the standards of s. 236.15.

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

6 70.27 (7) CERTIFICATE. (intro.) When completed, the assessor's plat shall be
7 filed with the clerk of the governing body that ordered the plat. On its title page shall
8 appear the sworn certificate of the professional land surveyor who made the plat,
9 which shall state and contain:

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

11 70.27 (7) (d) A statement that the professional land surveyor has fully complied
12 with the provisions of this section in filing the same.

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

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

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

21 157.061 (13m) "Professional land surveyor" means a professional land
22 surveyor licensed under ch. 443.

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

24 157.07 (1) A cemetery authority shall cause to be surveyed and platted by a
25 professional land surveyor ~~registered in this state~~ those portions of the lands that are

SENATE BILL 444**SECTION 36**

1 from time to time required for burial, into cemetery lots, drives, and walks, and
2 record a plat or map of the land in the office of the register of deeds. The plat or map
3 may not be recorded unless laid out and platted to the satisfaction of the county board
4 of the county, and the town board of the town in which the land is situated, or, if the
5 land is situated within a 1st class city, then only by the common council of that city.

6 **SECTION 37.** 157.07 (2) of the statutes is amended to read:

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

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

21 157.07 (3) The plat or map shall be made on a durable white media that is 22
22 inches wide by 30 inches long, or on any material that is capable of clearly legible
23 reproduction or other media that is acceptable to the register of deeds, with a
24 permanent nonfading black image. Seals or signatures that are reproduced on
25 images that comply with this subsection have the force and effect of original seals and

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1 signatures. When more than one sheet is used for any one plat or map, they shall
2 be numbered consecutively and each sheet shall contain a notation showing the
3 whole number of sheets in the plat, and its relation to the other sheets. The sheets
4 may be provided by the county through the register of deeds on terms determined by
5 the county board. The professional land surveyor shall leave a binding margin of 1.5
6 inches on the left side of the 30-inch length and a one-inch margin on all other sides.

7 **SECTION 39.** 236.02 (2m) of the statutes is amended to read:

8 236.02 (2m) "Correction instrument" means an instrument drafted by a
9 licensed professional land surveyor that complies with the requirements of s.
10 236.295 and that, upon recording, corrects a subdivision plat or a certified survey
11 map.

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

13 236.02 (9b) "Professional land surveyor" means a professional land surveyor
14 licensed under ch. 443.

15 **SECTION 41.** 236.025 of the statutes is created to read:

16 **236.025 Ordinary high water marks. (1)** For purposes of ss. 236.15 (1) (a)
17 and (d) and 236.20 (2) (g), a professional land surveyor may do any of the following:

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

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

23 (2) For purposes of sub. (1) (b), the location of the approximate ordinary high
24 water mark shall be the point on the bank of a navigable perennial stream or on the
25 shore of a lake up to which the presence and action of surface water is so continuous

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1 as to leave a distinctive mark by erosion, destruction, prevention of terrestrial
2 vegetation, predominance of aquatic vegetation, or other easily recognized
3 characteristic.

4 (3) For purposes of this section, a map, plat, or survey that shows an
5 approximate ordinary high water mark shall state on its face that the mark is shown
6 for reference only.

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

8 236.03 (2) This chapter does not apply to cemetery plats made under s. 157.07
9 and assessors' plats made under s. 70.27, but such assessors' plats shall, except in
10 counties having a population of 500,000 or more, comply with ss. 236.15 (1) (a) (ac)
11 to (g) and 236.20 (1) and (2) (a) to (e), unless waived under s. 236.20 (2) (L).

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

14 236.11 (2) (a) The subdivider or subdivider's agent shall submit to the body or
15 bodies having authority to approve plats an electronic copy of the final plat or a copy
16 of the final plat that is capable of legible reproduction. The approving authority or
17 authorities shall approve or reject the final plat within 60 days of its submission,
18 unless the time is extended by agreement with the subdivider or subdivider's agent.
19 When the approving authority is a municipality and determines to approve the plat,
20 it shall give at least 10 days' prior written notice of its intention to the clerk of any
21 municipality whose boundaries are within 1,000 feet of any portion of such proposed
22 plat but failure to give such notice shall not invalidate any such plat. If a plat is
23 rejected, the reasons therefor shall be stated in the minutes of the meeting and a copy
24 thereof or a written statement of the reasons shall be supplied to the subdivider or
25 subdivider's agent. If the approving authority fails to act within 60 days and the time

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1 has not been extended by agreement and if no unsatisfied objections have been filed
2 within that period, the plat shall be deemed approved, and, upon demand, a
3 certificate to that effect shall be made on the face of the plat by the clerk of the
4 authority ~~which~~ that has failed to act.

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

6 236.11 (2) (b) The approval of the approving authority or authorities may be
7 based on the copy submitted under par. (a) but the approval must be inscribed on the
8 recordable plat document. Before inscribing its approval, the approving authority
9 shall require the subdivider or subdivider's agent to certify the respects in which the
10 recordable plat document differs from the copy, if any. An approving authority must
11 approve all modifications in the final plat before it gives final approval to the plat.
12 No approving authority may inscribe its final approval on a plat before the affixing
13 of the certificate by the department under s. 236.12 (3).

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

16 236.12 (2) (ap) Within 2 days after a preliminary or final plat is submitted ~~for~~
17 ~~approval, legible copies, together with a list of the authorities to which the plat must~~
18 ~~be submitted for approval under s. 236.10 or objection under this subsection,~~
19 ~~furnished by the subdivider at the subdivider's expense, shall be sent, by the clerk~~
20 ~~or secretary of the approving authority to which the plat is submitted, to the~~
21 ~~following agencies which have authority~~ under par. (ac), the department shall
22 transmit an electronic copy of the plat, or, if preferable, 2 legible hard copies of the
23 plat, to each state agency authorized to object to the plat: (a) ~~Two copies for each of~~
24 ~~the state agencies required to review the plat to the department which shall examine~~
25 ~~the plat for compliance with ss. 236.15, 236.16, 236.20 and 236.21 (1) and (2)~~ under

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

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

13 236.12 (2) (ac) The subdivider or subdivider's agent shall submit an electronic
14 copy of the preliminary or final plat, or a copy of the preliminary or final plat that
15 is capable of legible reproduction, to the department, which shall examine the plat
16 for compliance with ss. 236.15, 236.16, 236.20, and 236.21 (1) and (2).

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

18 236.12 (2) (b) ~~Four copies~~ Within 2 days after a preliminary or final plat is
19 submitted under par. (ac), the department shall transmit an electronic copy of the
20 plat, or, if preferable, 4 legible hard copies of the plat, to the county planning agency,
21 if the agency employs on a full-time basis a professional engineer, a planner, or other
22 person charged with the duty of administering planning legislation and adopts a
23 policy requiring submission so that that body may determine if it has any objection
24 to the plat on the basis of conflict with park, parkway, expressway, major highways,
25 airports, drainage channels, schools, or other planned public developments. If no

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1 county planning agency exists, then 2 copies to the county park commission except
2 that in a county with a county executive or county administrator, 2 copies to the
3 county park manager, if the subdivision abuts a county park or parkway so that that
4 body may determine if it has any objection to the plat on the basis of a conflict with
5 the park or parkway development.

6 **SECTION 48.** 236.12 (3) and (6) of the statutes are consolidated, renumbered
7 236.12 (3) and amended to read:

8 236.12 (3) Within 20 days of the date of receiving the copies of the plat any
9 agency having authority to object under sub. (2) shall notify the subdivider or
10 subdivider's agent and all ~~approving or objecting authorities~~ other agencies having
11 the authority to object of any objection based upon failure of the plat to comply with
12 the statutes or rules ~~which~~ that its examination under sub. (2) is authorized to cover,
13 or, if there is no objection, it shall so certify on the face of a copy of the plat and return
14 that copy to the ~~approving authority from which it was received.~~ The plat shall not
15 be approved or deemed approved until any objections have been satisfied. If the
16 ~~objecting agency fails to act within the 20-day limit it shall be deemed to have no~~
17 ~~objection to the plat. No approving authority may inscribe its approval on a plat prior~~
18 ~~to the affixing of the certificates under either sub. (4) or (6).~~ (6) In lieu of the
19 ~~procedure under subs. (2) to (5), the subdivider or the subdivider's agent may submit~~
20 ~~the original plat to the department which shall forward 2 copies to each of the~~
21 ~~agencies authorized by sub. (2) to object. The department shall have the required~~
22 ~~number of copies made at the subdivider's expense. Within 20 days of the date of~~
23 ~~receiving the copies of the plat any agency having authority to object under sub. (2)~~
24 ~~shall notify the subdivider, and all agencies having the authority to object, of any~~
25 ~~objection based upon failure of the plat to comply with the statutes or rules which its~~

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1 ~~examination under sub. (2) is authorized to cover, or, if there is no objection, it shall~~
2 ~~so certify on the face of a copy of the plat and return that copy to the department.~~
3 After each agency and the department have certified that they have no objection or
4 that their objections have been satisfied, the department shall so certify on the face
5 of the plat. If an agency fails to act within 20 days from the date of the receipt of on
6 which it received the copy or copies of the plat, and the department fails to act within
7 30 days of receipt of the original from the date on which it received the copy of the
8 plat, it shall be deemed that there are no objections to the plat and, upon demand,
9 it the department shall be so certified certify on the face of the plat by the
10 department.

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

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

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

15 236.12 (4m) In order to facilitate approval of the final plat where whenever
16 more than one approval is required, the subdivider ~~may~~ or subdivider's agent shall
17 file ~~a true copy of the plat with the approving authority or authorities with which~~
18 ~~the original of the final plat has not been filed. The approval of such authorities may~~
19 ~~be based on such copy but shall be inscribed on the original of the final plat. Before~~
20 ~~inscribing its approval, the approving authority shall require the surveyor or the~~
21 ~~owner to certify the respects in which the original of the final plat differs from the~~
22 ~~copy. All modifications in the final plat shall be approved before final approval is~~
23 ~~given~~ a true copy of the plat that the subdivider or subdivider's agent submitted to
24 the department.

25 **SECTION 52.** 236.13 (2) (a) of the statutes is amended to read:

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1 236.13 (2) (a) As a further condition of approval, the governing body of the town
2 or municipality within which the subdivision lies may require that the subdivider
3 make and install any public improvements reasonably necessary or that the
4 subdivider execute a surety bond or provide other security to ensure that he or she
5 will make those improvements within a reasonable time. The subdivider may
6 construct the project in such phases as the governing body approves, which approval
7 may not be unreasonably withheld. If the subdivider's project will be constructed in
8 phases, the amount of any surety bond or other security required by the governing
9 body shall be limited to the phase of the project that is currently being constructed.
10 The governing body may not require that the subdivider provide any security for
11 improvements sooner than is reasonably necessary before the commencement of the
12 installation of the improvements. This paragraph applies to all preliminary and
13 final plats, regardless of whether submitted for approval before, on, or after the
14 effective date of this paragraph [LRB inserts date].

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

17 236.13 (2m) As a further condition of approval when lands included in the plat
18 lie within 500 feet of the ordinary high-water mark of any navigable stream, lake,
19 any navigable perennial stream, or an other body of navigable water or if land in the
20 proposed plat involves lake or navigable perennial stream shorelands referred to in
21 s. 236.16, the department of natural resources, to prevent pollution of navigable
22 waters, or the department of safety and professional services, to protect the public
23 health and safety, may require assurance of adequate drainage areas for private
24 sewage disposal systems and building setback restrictions, or provisions by the
25 owner for public sewage disposal facilities for waters of the state, as defined in s.

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1 281.01 (18), industrial wastes, as defined in s. 281.01 (5), and other wastes, as
2 defined in s. 281.01 (7). The public sewage disposal facilities may consist of one or
3 more systems as the department of natural resources or the department of safety and
4 professional service determines on the basis of need for prevention of pollution of the
5 waters of the state or protection of public health and safety.

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

8 236.15 (1) (ac) All of the monuments required in pars. (a) (ag) to (h) shall be
9 placed flush with the ground where practicable. Whenever placement of a
10 monument under this subsection is required at a corner or point that falls within a
11 street or proposed future street, the monument shall be placed in the side line of the
12 street.

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

15 236.15 (1) (ag) The external boundaries of a subdivision shall be monumented
16 in the field by monuments of concrete containing a ferrous rod one-fourth inch in
17 diameter or greater imbedded its full length, not less than 18 inches in length, not
18 less than 4 inches square or 5 inches in diameter, and marked on the top with a cross,
19 brass plug, iron rod, or other durable material securely embedded; or by iron rods or
20 pipes at least 18 inches long and 2 inches in diameter weighing not less than 3.65
21 pounds per lineal foot. Solid round or square iron bars of equal or greater length or
22 weight per foot may be used in lieu of pipes wherever pipes are specified in this
23 section. These monuments shall be placed at all corners, at each end of all curves,
24 at the point where a curve changes its radius, at all angle points in any line and at
25 all angle points along the meander line, said points to be not less than 20 feet back

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

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

5 236.15 (1) (b) All internal boundaries and those corners and points not required
6 to be marked by par. (a) (ag) shall be monumented in the field by like monuments as
7 defined in par. (a) (ag). These monuments shall be placed at all block corners, at each
8 end of all curves, at the point where a curve changes its radius, and at all angle points
9 in any line.

10 **SECTION 57.** 236.15 (1) (d) of the statutes is amended to read:

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

20 **SECTION 58.** 236.15 (2) of the statutes is amended to read:

21 236.15 (2) ACCURACY OF SURVEY. The survey shall be performed by a
22 professional land surveyor registered in this state and if the error in the latitude and
23 departure closure of the survey or any part thereof is greater than the ratio of one
24 in 3,000, the plat may be rejected.

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

SENATE BILL 444**SECTION 59**

1 236.16 (3) (title) LAKE AND NAVIGABLE PERENNIAL STREAM SHORE PLATS; PUBLIC
2 ACCESS.

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

4 236.16 (3) (a) All subdivisions abutting on a navigable lake or a navigable
5 perennial stream shall provide public access at least 60 feet wide providing access
6 to the low-watermark water's edge so that there will be public access, which is
7 connected to existing public roads, at not more than one-half mile intervals as
8 measured along the lake or the navigable perennial stream shore except where
9 greater intervals and wider access is agreed upon by the department of natural
10 resources and the department, and excluding shore areas where public parks or
11 open-space streets or roads on either side of ~~a~~ the navigable perennial stream are
12 provided.

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

14 236.16 (3) (b) No public access established under this chapter may be vacated
15 except by circuit court action as provided in s. 236.43, except that such public access
16 may be discontinued under s. 66.1003, subject to s. 66.1006.

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

18 236.16 (4) LAKE AND NAVIGABLE PERENNIAL STREAM SHORE PLATS; LAND BETWEEN
19 MEANDER LINE AND WATER'S EDGE. The lands lying between the meander line,
20 established in accordance with s. 236.20 (2) (g), and the water's edge, and any
21 otherwise unplattable lands which lie between a proposed subdivision and the
22 water's edge shall be included as part of lots, outlots or public dedications in any plat
23 abutting a lake or a navigable perennial stream. This subsection applies not only to
24 lands proposed to be subdivided but also to all lands under option to the subdivider

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1 or in which the subdivider holds any interest and which are contiguous to the lands
2 proposed to be subdivided and which abut a lake or a navigable perennial stream.

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

4 236.20 (1) (a) The plat shall have ~~a binding margin 1 1/2 inches wide on the~~
5 ~~left side, and~~ a one-inch margin on all ~~other~~ sides. A graphic scale of not more than
6 100 feet to one inch shall be shown on each sheet showing layout features. When
7 more than one sheet is used for any plat, each sheet shall be numbered consecutively
8 and shall contain a notation giving the total number of sheets in the plat and showing
9 the relation of that sheet to the other sheets and each sheet shall bear the subdivision
10 and county name.

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

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

13 236.20 (2) (g) All ~~lake or stream~~ shore meander lines for all lakes or navigable
14 perennial streams that are established by the professional land surveyor in
15 accordance with s. 236.15 (1) (d), the distances and bearings thereof, and the distance
16 between the point of intersection of such meander lines with lot lines and the
17 determined or approximated ordinary high water mark.

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

19 236.20 (2) (k) When a street is on a circular curve, the main chords of the
20 right-of-way lines shall be drawn as dotted or dashed lines in their proper places.
21 All curved lines shall show, either on the lines or in an adjoining table, the radius of
22 the circle, the central angle subtended, the chord bearing, the chord length, and the
23 arc length for each segment. The tangent bearing shall be shown for each end of the
24 main chord for all nontangent circular lines. When a circular curve of 30-foot radius
25 or less is used to round off the intersection between 2 straight lines, it shall be

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1 tangent to both straight lines. It is sufficient to show on the plat the radius of the
2 curve and the tangent distances from the points of curvature to the point of
3 intersection of the straight lines.

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

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

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

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

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

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

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

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

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

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

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

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

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

9 236.21 (1) (a) By whose direction the professional land surveyor made the
10 survey, subdivision, and plat of the land described on the plat.

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

13 236.21 (1) (b) 1. ~~A~~ Except as provided in subd. 2., a clear and concise
14 description of the land surveyed, divided, and mapped by government lot, recorded
15 private claim, quarter-quarter section, section, township, range, and county and by
16 metes and bounds commencing with a monument at a section or quarter section
17 corner of the quarter section that is not the center of the section, or commencing with
18 a monument at the end of a boundary line of a recorded private claim or federal
19 reservation in which the subdivision is located.

20 2. If the land is located shown in a recorded subdivision or plat, recorded
21 addition thereto, the land shall be described by the number or other description of
22 the lot, block or subdivision thereof, to a recorded subdivision plat, or recorded
23 certified survey map that has previously been tied to ~~a corner marked and~~
24 established by the U.S. public land survey the monumented line of a quarter section,
25 government lot, recorded private claim, or federal reservation in which the land is

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1 located, the land shall be described by the subdivision name or certified survey map
2 number and the description of the lot and block thereof.

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

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

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

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

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

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

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

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

22 **SECTION 78.** 236.32 (except 236.32 (title)) of the statutes is renumbered 236.32
23 (1m), and 236.32 (1m) (intro.), (a) and (c), as renumbered, are amended to read:

24 236.32 (1m) (intro.) Any of the following may be fined not more than \$250 or
25 imprisoned not more than one year in county jail for any of the following violations:

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

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

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

7 236.32 (2m) Each monument to which a violation under sub. (1m) applies
8 constitutes a separate violation.

9 **SECTION 80.** 236.34 (1) (a) of the statutes is amended to read:

10 236.34 (1) (a) The survey shall be performed and the map prepared by a
11 professional land surveyor ~~registered in this state~~. The error in the latitude and
12 departure closure of the survey may not exceed the ratio of one in 3,000.

13 **SECTION 81.** 236.34 (1) (b) of the statutes is amended to read:

14 236.34 (1) (b) All corners shall be monumented in accordance with s. 236.15 (1)
15 ~~(ac)~~, (c), (d), and (g).

16 **SECTION 82.** 236.34 (1) (c) of the statutes is amended to read:

17 236.34 (1) (c) The map shall be prepared in accordance with s. ss. 236.16 (4) and
18 236.20 (2) (a), (b), (c), (e), (f), (g), (h), (i), (j), (k), and (L) and (3) (b), (d), and (e) at a
19 graphic scale of not more than 500 feet to an inch, which shall be shown on each sheet
20 showing layout features. The map shall be prepared with a binding margin 1.5
21 inches wide and a 0.5 inch margin on all other sides on durable white media that is
22 8 1/2 inches wide by 14 inches long, or on any material capable of clearly legible
23 reproduction or other media that is acceptable to the register of deeds, with a
24 permanent nonfading black image. When more than one sheet is used for any map,
25 each sheet shall be numbered consecutively and shall contain a notation giving the

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1 total number of sheets in the map and showing the relationship of that sheet to the
2 other sheets. "CERTIFIED SURVEY MAP" shall be printed on the map in prominent
3 letters with the location of the land by government lot, recorded private claim,
4 quarter-quarter section, section, township, range and county noted. Seals or
5 signatures reproduced on images complying with this paragraph shall be given the
6 force and effect of original signatures and seals.

7 **SECTION 83.** 236.34 (1) (d) (intro.) of the statutes is amended to read:

8 236.34 (1) (d) (intro.) The map shall include a certificate of the professional
9 land surveyor who surveyed, divided, and mapped the land which has the same force
10 and effect as an affidavit and which gives all of the following information:

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

12 236.34 (1) (d) 1. By whose direction the professional land surveyor made the
13 survey, division, and map of the land described on the certified survey map.

14 **SECTION 85.** 236.34 (1) (d) 2. of the statutes is amended to read:

15 236.34 (1) (d) 2. A clear and concise description of the land surveyed, divided,
16 and mapped by government lot, recorded private claim, quarter-quarter section,
17 section, township, range and county; and by metes and bounds commencing with a
18 monument at a section or quarter section corner of the quarter section that is not the
19 center of a section, or commencing with a monument at the end of a boundary line
20 of a recorded private claim or federal reservation in which the land is located; ~~or if,~~
21 If, however, the land is located shown in a recorded subdivision ~~or plat,~~ recorded
22 addition to a recorded subdivision, ~~then by the number or other description of the lot,~~
23 ~~block or subdivision, which plat, or recorded certified survey map that~~ has previously
24 been tied to ~~a corner marked and established by the U.S. public land survey the~~
25 monumented line of a quarter section, government lot, recorded private claim, or

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1 federal reservation in which the land is located, the land shall be described by the
2 subdivision name or certified survey map number and the description of the lot and
3 block thereof.

4 **SECTION 86.** 236.34 (1) (d) 4. of the statutes is amended to read:

5 236.34 (1) (d) 4. A statement that the professional land surveyor has fully
6 complied with the provisions of this section in surveying, dividing, and mapping the
7 land.

8 **SECTION 87.** 236.34 (1) (e) of the statutes is amended to read:

9 236.34 (1) (e) A certified survey map may be used for dedication of streets and
10 other public areas, and for granting easements to the public or any person, society,
11 or corporation marked or noted on the map, when owners' certificates and
12 mortgagees' certificates which are in substantially the same form as required by s.
13 236.21 (2) (a) have been executed and the city council or village or town board
14 involved have approved such dedication or grant. Approval and recording of such
15 certified surveys shall have the force and effect provided by s. 236.29.

16 **SECTION 88.** 236.34 (2) (b) 1. of the statutes is amended to read:

17 236.34 (2) (b) 1. The certified survey map is offered for record within 6 12
18 months after the date of the last approval of the map and within 24 36 months after
19 the date of the first approval of the map.

20 **SECTION 89.** 236.34 (4) of the statutes is created to read:

21 236.34 (4) VACATION. A certified survey map may be vacated by the circuit court
22 of the county in which the parcels of land are located in the same manner and with
23 like effect as provided in ss. 236.40 to 236.44, except that application for vacation of
24 the certified survey map may be made by any of the following:

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

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

5 **SECTION 90.** 440.03 (13) (b) 34. of the statutes is amended to read:

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

7 **SECTION 91.** 440.08 (2) (a) 39. of the statutes is amended to read:

8 440.08 (2) (a) 39. Land surveyor, professional: February 1 of each
9 even-numbered year.

10 **SECTION 92.** Chapter 443 (title) of the statutes is amended to read:

11 **CHAPTER 443**

12 **EXAMINING BOARD OF ARCHITECTS,**

13 **LANDSCAPE ARCHITECTS,**

14 **PROFESSIONAL ENGINEERS,**

15 **DESIGNERS, AND PROFESSIONAL**

16 **LAND SURVEYORS**

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

18 443.01 (1m) "Construction surveying" means surveying or mapping in support
19 of infrastructure design, improvements related to private and public boundary lines,
20 construction layout or historic preservation, and establishing any postconstruction
21 documentation related to such surveying or mapping.

22 **SECTION 94.** 443.01 (3) of the statutes is amended to read:

23 443.01 (3) "Examining board" means the examining board of architects,
24 landscape architects, professional engineers, designers, and professional land
25 surveyors.

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1 **SECTION 95.** 443.01 (3b) of the statutes is created to read:

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

4 **SECTION 96.** 443.01 (3r) (c) of the statutes is amended to read:

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

7 **SECTION 97.** 443.01 (4) of the statutes is repealed.

8 **SECTION 98.** 443.01 (6s) of the statutes is created to read:

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

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

- 14 1. The layout and rights-of-way of roads or streets.
- 15 2. Air or subsurface property rights.
- 16 3. Public or private easements.

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

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

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

4 (e) Preparing any of the following:

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

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

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

9 4. A subdivision plat, certified survey map, or correction instrument under ch.
10 236.

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

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

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

15 **SECTION 99.** 443.01 (7m) of the statutes is created to read:

16 443.01 (7m) "Professional land surveyor" means a person who, by reason of his
17 or her knowledge of law, mathematics, physical sciences, and measurement
18 techniques, acquired by education and practical experience, is granted a license or
19 permit to engage in the practice of professional land surveying under this chapter.

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

21 443.02 (4) No person may engage in or offer to engage in the practice of
22 professional land surveying in this state or use or advertise any title or description
23 tending to convey the impression that the person is a professional land surveyor
24 unless the person has been issued a certificate of registration or granted a license or
25 permit to engage in the practice of professional land surveying under this chapter.

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1 **SECTION 101.** 443.06 (title) of the statutes is amended to read:

2 **443.06** (title) **Registration Licensure requirements for professional**
3 **land surveyors.**

4 **SECTION 102.** 443.06 (1) (title) of the statutes is amended to read:

5 443.06 (1) (title) ~~REGISTRATION~~ LICENSURE, APPLICATION, QUALIFYING EXPERIENCE.

6 **SECTION 103.** 443.06 (1) (a) of the statutes is amended to read:

7 443.06 (1) (a) Application for ~~registration as a land surveyor~~ a license or a
8 permit to engage in the practice of professional land surveying shall be made to the
9 section under oath, on forms provided by the department, which shall require the
10 applicant to submit such information as the section deems necessary. The section
11 may require applicants to pass written or oral examinations or both. Applicants who
12 do not have an arrest or conviction record, subject to ss. 111.321, 111.322, and
13 111.335, shall be entitled to be ~~registered or issued a~~ granted a license or permit to
14 engage in the practice as of professional land surveyors surveying when satisfactory
15 evidence is submitted that the applicant has met one or more of the requirements of
16 sub. (2).

17 **SECTION 104.** 443.06 (1) (b) of the statutes is amended to read:

18 443.06 (1) (b) Each year, but not more than 4 years, of work or training
19 completed in a curriculum in the practice of professional land surveying approved by
20 the professional land surveyor section, or of responsible charge of ~~land surveying~~
21 teaching the practice of professional land surveying may be considered as equivalent
22 to one year of qualifying experience in ~~land surveying work~~ the practice of
23 professional land surveying, and each year, but not more than 4 years, completed in
24 a curriculum other than the practice of professional land surveying approved by the

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

3 **SECTION 105.** 443.06 (2) (intro.) of the statutes is amended to read:

4 443.06 (2) ~~REQUIREMENTS; CERTIFICATE OF REGISTRATION LICENSE.~~ (intro.) The
5 section may grant a ~~certificate of registration as a~~ license to engage in the practice
6 of professional land surveyor surveying to any person who has submitted to it an
7 application, the required fees, and one or more of the following:

8 **SECTION 106.** 443.06 (2) (a) of the statutes is repealed.

9 **SECTION 107.** 443.06 (2) (am) of the statutes is amended to read:

10 443.06 (2) (am) Evidence satisfactory to the professional land surveyor section
11 that he or she has received a bachelor's degree in a course in the practice of
12 professional land surveying or a related field that has a duration of not less than 4
13 years and is approved by the ~~land surveyor~~ section, and that he or she has engaged
14 in the practice of professional land surveying for at least 2 years of ~~land surveying~~
15 and has demonstrated practice of satisfactory character that indicates that the
16 applicant is competent to engage in the practice of professional land surveying, if the
17 applicant has passed an oral and written or written examination administered by the
18 ~~land surveyor~~ section. This paragraph applies to actions of the ~~land surveyor~~ section
19 on applications for licenses to engage in the practice of professional land surveyors'
20 ~~certificates~~ surveying that are submitted to the ~~land surveyor~~ section after June 30,
21 2000.

22 **SECTION 108.** 443.06 (2) (b) of the statutes is repealed.

23 **SECTION 109.** 443.06 (2) (bm) of the statutes is amended to read:

24 443.06 (2) (bm) Evidence satisfactory to the professional land surveyor section
25 that he or she has received an associate degree in a course in the practice of

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

11 **SECTION 110.** 443.06 (2) (c) of the statutes is repealed.

12 **SECTION 111.** 443.06 (2) (cm) of the statutes is repealed.

13 **SECTION 112.** 443.06 (2) (d) of the statutes is amended to read:

14 443.06 (2) (d) An unexpired certificate of registration, certificate of
15 certification, or license as a land surveyor or to engage in the practice of professional
16 land surveying issued to the applicant by the proper authority in any state or
17 territory or possession of the United States or in any other country whose
18 requirements meet or exceed the requirement for ~~registration licensure~~ in this
19 subsection, if the applicant has passed an oral and written or written examination
20 administered by the professional land surveyor section.

21 **SECTION 113.** 443.06 (2) (e) of the statutes is repealed.

22 **SECTION 114.** 443.06 (2) (em) of the statutes is repealed.

23 **SECTION 115.** 443.06 (3) of the statutes is renumbered 443.06 (3) (a) (intro.) and
24 amended to read:

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1 443.06 (3) PERMIT TO PRACTICE. (a) (intro.) The examining board may grant a
2 permit to engage in the practice of professional land surveying during the time an
3 application is pending to ~~a person~~ an applicant who is not registered licensed in this
4 state, if the person all of the following apply:

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

8 2. The applicant holds an unexpired certificate of registration, certificate of
9 certification, or license which in the opinion of the examining board meets the
10 requirements of sub. (2).

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

13 **SECTION 116.** 443.06 (3) (a) 3. of the statutes is created to read:

14 443.06 (3) (a) 3. The applicant identifies on the application a discrete project
15 on which he or she will be engaged in the practice of professional land surveying and
16 demonstrates to the satisfaction of the department that failure to obtain a permit
17 under this subsection may result in delay of the discrete project and financial loss
18 to the person or entity for whom the applicant is or will be engaged in the practice
19 of professional land surveying.

20 **SECTION 117.** 443.10 (title) of the statutes is amended to read:

21 **443.10** (title) **Applications, certificates, licenses, rules, and roster.**

22 **SECTION 118.** 443.10 (2) (b) of the statutes is amended to read:

23 443.10 (2) (b) The fees for examinations and ~~licenses~~ credentials, as defined in
24 s. 440.01 (2) (a), granted under this chapter are specified in s. 440.05, and the fee for

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1 renewal of such ~~licenses~~ credentials is determined by the department under s. 440.03
2 (9) (a).

3 **SECTION 119.** 443.10 (5) of the statutes is amended to read:

4 443.10 (5) FEES; RENEWALS. The professional land surveyor's surveyor section
5 shall grant a ~~certificate of registration as a~~ license to engage in the practice of
6 professional land surveyor surveying to any applicant who has met the applicable
7 requirements of this chapter. The renewal date for the ~~certificate~~ license is specified
8 under s. 440.08 (2) (a), and the renewal fee for the ~~certificate~~ license is determined
9 by the department under s. 440.03 (9) (a).

10 **SECTION 120.** 443.12 (title) of the statutes is amended to read:

11 **443.12 (title) Disciplinary proceedings against professional land**
12 **surveyors.**

13 **SECTION 121.** 443.12 (1) of the statutes is amended to read:

14 443.12 (1) The section may reprimand a professional land surveyor, or limit,
15 suspend, or revoke the ~~certificate of registration~~ license of any professional land
16 surveyor, for the practice of any fraud or deceit in obtaining the ~~certificate~~ license,
17 or any gross negligence, incompetence, or misconduct in the practice of professional
18 land surveying.

19 **SECTION 122.** 443.12 (3) of the statutes is amended to read:

20 443.12 (3) If after a hearing 3 members vote in favor of reprimand or limiting,
21 suspending, or revoking the ~~certificate of registration~~ license of a professional land
22 surveyor, the section shall notify the surveyor to that effect. The surveyor shall
23 return the ~~certificate~~ license to the examining board immediately on receipt of notice
24 of a revocation. The action of the section may be reviewed under ch. 227.

25 **SECTION 123.** 443.135 of the statutes is created to read:

SENATE BILL 444**1 443.135 Construction and geodetic surveying; preparation of maps.**

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

6 **SECTION 124.** 443.14 (8) (a) of the statutes is amended to read:

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

11 **SECTION 125.** 443.14 (8) (b) of the statutes is repealed.

12 **SECTION 126.** 443.14 (8) (c) of the statutes is repealed.

13 **SECTION 127.** 443.14 (8) (d) of the statutes is amended to read:

14 443.14 (8) (d) Employees of public utilities regulated by the public service
15 commission while engaged in the practice of professional land surveying for such
16 utilities. This paragraph does not apply after July 1, 2013.

17 **SECTION 128.** 443.14 (9) of the statutes is amended to read:

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

20 **SECTION 129.** 443.14 (11) of the statutes is amended to read:

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

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

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

12 **SECTION 131.** 443.18 (2) (b) of the statutes is amended to read:

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

22 **SECTION 132.** 470.025 (7) of the statutes is amended to read:

23 470.025 (7) A professional land surveyor ~~registered licensed~~ under ch. 443 who
24 is engaged in the planning, design, installation, or regulation of land and water
25 conservation activities under ch. 92 or s. 281.65.

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1 **SECTION 133.** 703.02 (6m) of the statutes is amended to read:

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

6 **SECTION 134.** 703.02 (13r) of the statutes is created to read:

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

9 **SECTION 135.** 703.11 (2) (intro.) of the statutes is amended to read:

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

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

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

20 **SECTION 137.** 703.11 (4) of the statutes is amended to read:

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

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

3 **SECTION 138.** 703.115 (1) (b) of the statutes is amended to read:

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

8 **SECTION 139.** 703.13 (6) (e) of the statutes is amended to read:

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

14 **SECTION 140.** 703.13 (7) (c) of the statutes is amended to read:

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

21 **SECTION 141.** 703.13 (8) (c) of the statutes is amended to read:

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

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

3 **SECTION 142.** 707.215 (2) (intro.) of the statutes is amended to read:

4 707.215 (2) REQUIRED CONTENTS. (intro.) A plat filed for recording under sub.
5 (1) may consist of one or more sheets, shall be produced on any material capable of
6 clearly legible reproduction or other media that is acceptable to the register of deeds,
7 and shall contain at least all of the following:

8 **SECTION 143.** 707.215 (3) of the statutes is amended to read:

9 707.215 (3) FORM OF MAPS AND PLANS. All survey maps and floor plans submitted
10 for recording shall be legibly prepared with a binding margin of 1.5 inches on the left
11 side and a one-inch margin on all other sides on durable white media that is 14
12 inches in length and 22 inches in width, or on any material capable of clearly legible
13 reproduction or other media that is acceptable to the register of deeds, with a
14 permanent nonfading black image. The maps and plans shall be drawn to a
15 convenient scale.

16 **SECTION 144.** 707.215 (5) (intro.) of the statutes is amended to read:

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

21 **SECTION 145.** 709.02 (1) of the statutes, as affected by 2011 Wisconsin Act 107,
22 is amended to read:

23 709.02 (1) In regard to transfers described in s. 709.01, the owner of the
24 property shall furnish, not later than 10 days after acceptance of a contract of sale
25 or option contract, to the prospective buyer of the property a completed copy of the

SENATE BILL 444

1 report under s. 709.03 or 709.033, whichever is applicable, subject to s. 709.035,
2 except that the owner may substitute for any entry information supplied by a
3 licensed engineer, professional land surveyor, as defined in s. 443.01 (7m), or
4 structural pest control operator, by an individual who is a qualified 3rd party, or by
5 a contractor about matters within the scope of the contractor's occupation if the
6 information is in writing and is furnished on time and if the entry to which it relates
7 is identified, and except that the owner may substitute for any entry information
8 supplied by a public agency. Information that substitutes for an entry on the report
9 under s. 709.03 or 709.033 and that is supplied by a person specified in this section
10 may be submitted and certified on a supplemental report prepared by the person, as
11 long as the information otherwise satisfies the requirements under this section. A
12 prospective buyer who does not receive a report within the 10 days may, within 2
13 business days after the end of that 10-day period, rescind the contract of sale or
14 option contract by delivering a written notice of rescision to the owner or to the owner's
15 agent.

16 **SECTION 146.** 709.07 of the statutes, as affected by 2011 Wisconsin Act 107, is
17 amended to read:

18 **709.07 Liability precluded.** An owner is not liable for an error or omission
19 in a report under s. 709.03 or 709.33 if the owner had no knowledge of that error or
20 omission, if the error or omission was based on information provided by a public
21 agency, by a licensed engineer, professional land surveyor, as defined in s. 443.01
22 (7m), structural pest control operator, or qualified 3rd party, or by a contractor about
23 matters within the scope of the contractor's occupation.

24 **SECTION 147.** 710.09 of the statutes is created to read:

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1 **710.09 Navigable stream does not divide parcel.** Unless otherwise
2 provided by local ordinance, a navigable stream running through a parcel of land
3 does not, in and of itself, divide the parcel into 2 parcels if the parcel, on both sides
4 of the stream, is owned by the same owner.

5 **SECTION 148.** 893.37 of the statutes is amended to read:

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

11 **SECTION 149.** 2009 Wisconsin Act 376, section 13 (1) is amended to read:

12 [2009 Wisconsin Act 376] Section 13 (1) The treatment of section 236.13 (1) (b)
13 ~~and (2) (a)~~ of the statutes first applies to preliminary plats or, in cases in which no
14 preliminary plats are submitted, final plats that are submitted for approval on the
15 effective date of this subsection.

16 **SECTION 150. Nonstatutory provisions.**

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

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

SECTION 151. Initial applicability.

5 (1) PROFESSIONAL LAND SURVEYORS.

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

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

10 (c) The treatment of section 157.07 (1) of the statutes first applies to lands
11 surveyed and platted on the effective date of this paragraph.

12 (d) The treatment of section 157.07 (2) and (3) of the statutes first applies to
13 cemetery plats and maps created on the effective date of this paragraph.

14 (e) The treatment of section 236.21 (1) (intro.), (a), and (d) of the statutes first
15 applies to plats certified by a professional land surveyor, as defined in section 443.01
16 (7m) of the statutes, as created by this act, on the effective date of this paragraph.

17 (f) The treatment of section 236.02 (2m) of the statutes first applies to
18 correction instruments that are drafted on the effective date of this paragraph.

19 (g) The treatment of sections 236.15 (2) and 236.34 (1) (a) of the statutes first
20 applies to surveys that are performed on the effective date of this paragraph.

21 (h) The renumbering and amendment of section 236.32 of the statutes and the
22 creation of section 236.32 (2m) of the statutes first apply to the placement, removal,
23 or disturbance of monuments, or the failure to replace monuments, on the effective
24 date of this paragraph.
25

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1 (i) The treatment of section 236.34 (1) (d) (intro.), 1., and 4. of the statutes first
2 applies to certified survey maps recorded on the effective date of this paragraph.

3 (j) The treatment of section 703.02 (6m) of the statutes first applies to correction
4 instruments drafted on the effective date of this paragraph.

5 (k) The treatment of section 703.11 (4) of the statutes first applies to
6 condominium plats certified on the effective date of this paragraph.

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

10 (m) The treatment of section 707.215 (5) (intro.) of the statutes first applies to
11 certifications made on the effective date of this paragraph.

12 (n) The treatment of sections 709.02 (1) and 709.07 of the statutes first applies
13 to original reports furnished on the effective date of this paragraph.

14 (o) The treatment of section 893.37 of the statutes first applies to acts or
15 omissions occurring on the effective date of this paragraph.

16 (2) PLATS AND CERTIFIED SURVEY MAPS.

17 (a) The treatment of sections 236.12 (2) (intro.), (a), (ac), and (b), (3), (4), (5), (6),
18 and (8), 236.13 (2m), and 236.20 (1) (b) of the statutes, the renumbering and
19 amendment of section 236.11 (2) of the statutes, and the creation of section 236.11
20 (2) (b) of the statutes first apply to preliminary plats or, in cases in which no
21 preliminary plats are submitted, to final plats, that are submitted for approval on
22 the effective date of this paragraph.

23 (b) The treatment of sections 236.025, 236.15 (1) (intro.), (a), and (d), and 236.34
24 (1) (b) of the statutes first applies to surveys performed on the effective date of this
25 paragraph.

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1 (c) The treatment of section 236.20 (1) (a), (2) (g) and (k), (3) (b), (4) (b), (5) (c),
2 and (6) of the statutes first applies to final plats, and to certified survey maps if
3 applicable, that are submitted for approval on the effective date of this paragraph.

4 (d) The treatment of sections 236.21 (1) (b) and 236.25 (2) (c) and (d) of the
5 statutes first applies to final plats that are offered for record on the effective date of
6 this paragraph.

7 (e) The treatment of section 236.34 (1) (d) 2. and (2) (b) 1. of the statutes first
8 applies to certified survey maps that are offered for record on the effective date of this
9 paragraph.

10 (f) The treatment of section 236.34 (1) (e) of the statutes first applies to certified
11 survey maps that are submitted for approval on the effective date of this paragraph.

12 (3) RECORDING MEDIA.

13 (a) The treatment of section 70.27 (2) of the statutes first applies to assessor's
14 plats that are offered for record on the effective date of this paragraph.

15 (b) The treatment of section 236.25 (2) (a) of the statutes first applies to final
16 plats that are offered for record on the effective date of this paragraph.

17 (c) The treatment of section 236.34 (1) (c) of the statutes first applies to certified
18 survey maps that are offered for record on the effective date of this paragraph.

19 (d) The treatment of section 703.11 (2) (intro.) of the statutes first applies to
20 condominium plats that are offered for record on the effective date of this paragraph.

21 (e) The treatment of section 707.215 (2) (intro.) and (3) of the statutes first
22 applies to time-share property plats or time-share property survey maps and floor
23 plans, as applicable, that are offered for record on the effective date of this
24 paragraph.

25 **SECTION 152. Effective date.**

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**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Denise Aviles Executive Director		2) Date When Request Submitted: 3/12/2012 Items will be considered late if submitted after 4:30 p.m. and less than: <ul style="list-style-type: none"> ▪ 10 work days before the meeting for Medical Board ▪ 14 work days before the meeting for all others 	
3) Name of Board, Committee, Council, Sections: Land Surveyors Section			
4) Meeting Date: March 27, 2012	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Legislative/Admin Rule Matters: Discussion and Action related to 2011 Senate Bill 453 related to General Department Responsibilities and changes to Wis. Stat. § 443	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	8) Is an appearance before the Board being scheduled? If yes, who is appearing? <input type="checkbox"/> Yes by _____ (name) <input type="checkbox"/> No	9) Name of Case Advisor(s), if required: n/a	
10) Describe the issue and action that should be addressed: Review, discuss and take any action deemed appropriate.			
11) Authorization			
Denise Aviles		3/12/12	
Signature of person making this request		Date	
Supervisor (if required)		Date	
Bureau Director signature (indicates approval to add post agenda deadline item to agenda)		Date	
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Board Services Bureau Director. 3. If necessary, Provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

Business & Design Professions Bureau-
Relevant Sections of 2011 SB 453

2011 - 2012 LEGISLATURE

2011 SENATE BILL 453

February 9, 2012 - Introduced by Senator LEIBHAM, cosponsored by Representative RIVARD. Referred to Committee on Judiciary, Utilities, Commerce, and Government Operations.

Analysis by the Legislative Reference Bureau

DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

This bill makes various changes to the authority and responsibilities of the Department of Safety and Professional Services (DSPS).

OCCUPATIONAL REGULATION

1.) [GENERAL] Under current law, DSPS may not issue or renew certain licenses that are specifically referred to in the statutes to applicants who are delinquent in family or child support payments or in payment of state taxes. This bill expands the scope of the types of licenses for which issuance or renewal must be denied due to support or tax delinquency to include all of the occupational and professional licenses issued by DSPS.

Under current law, DSPS may conduct investigations, hold hearings, and make findings to determine whether a person has engaged in a practice or used a professional title without a required credential. If, after holding a hearing, DSPS determines that the person does not have the appropriate credential, DSPS may issue a special order prohibiting the person from continuing the practice or using the title. DSPS may issue a temporary restraining order in lieu of holding a hearing if DSPS has reason to believe that the person has engaged in a practice or used a title without a required credential. If a person against whom a special order has been issued violates that order, the person is subject to forfeitures. If a person against whom a temporary restraining order has been issued violates that order, the person is subject to fines or imprisonment or both.

This bill clarifies that the authority granted to DSPS to impose fines or forfeitures against or imprison a person who has engaged in a practice or used a title without holding the appropriate credential is separate from and in addition to the authority granted to the various boards to enforce the laws and regulations applicable to the professions regulated by those boards.

Currently, DSPS requires by rule that a person who holds a credential issued by DSPS send a notice to DSPS within 48 hours of his or her conviction of a crime.

This bill places that requirement in the statutes.

Business & Design Professions Bureau- Relevant Sections of 2011 SB 453

2.) Current law grants authority to the **Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, and Land Surveyors** (examining board) to regulate the practice of architecture, the practice of landscape architecture, the practice of professional engineering, the practice of designing, and the practice of land surveying by individuals and corporate entities. This bill makes a number of changes to current law to clarify that separate architect, landscape architect, professional engineer, designer, and land surveyor sections of the examining board exercise exclusive authority over the separate professions.

Current law permits the examining board to reprimand an architect, landscape architect, or professional engineer or limit, suspend, or revoke the certificate of registration of any registrant, and the certificate of record of any engineer-in-training, who is found guilty of any violation of the rules of professional conduct promulgated by the examining board. Current law also permits the examining board, subject to rules promulgated by the examining board, to issue a new certificate of registration, certificate of record, or certificate of authorization, to replace any certificate that is revoked, lost, destroyed, or mutilated. Current law does not, however, explicitly grant authority to the examining board or to any section of the examining board to promulgate rules. This bill grants explicit authority to each section of the examining board to promulgate rules governing the professional conduct of individuals, firms, partnerships, and corporations registered, permitted, certified, or granted a certificate of authorization by that section.

SECTION 154. 440.03 (13) (am) of the statutes is created to read:

440.03 (13) (am) A person holding a credential under chs. 440 to 480 who is convicted of a felony or misdemeanor anywhere shall send a notice of the conviction by 1st class mail to the department within 48 hours after the entry of the judgment of conviction. The department shall by rule determine what information and documentation the person holding the credential shall include with the written notice.

SECTION 155. 440.19 of the statutes is created to read:

440.19 Voluntary surrender of license, permit, or certificate. A person who holds a license, permit, or certificate of certification or registration issued under chs. 440 to 480 may voluntarily surrender that license, permit, or certificate of certification or registration. The department, examining board, affiliated credentialing board, or board of the department that issued the license, permit, or certificate of certification or registration may refuse to accept that surrender if a complaint has been filed or disciplinary proceeding has been commenced against the person under s. 440.20.

SECTION 156. 440.21 (4) (a) of the statutes is amended to read:

440.21 (4) (a) Any Notwithstanding any other provision of chs. 440 to 480 relating to fines, forfeitures, or imprisonment, any person who violates a special order issued under sub. (2) may be required to forfeit not more than \$10,000 for each offense. Each day of continued violation constitutes a separate offense. The attorney general or any district attorney may commence an action in the name of the state to recover a forfeiture under this paragraph.

SECTION 157. 440.21 (4) (b) of the statutes is amended to read:

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440.21 (4) (b) Any Notwithstanding any other provision of chs. 440 to 480 relating to fines, forfeitures, or imprisonment, any person who violates a temporary restraining order or an injunction issued by a court upon a petition under sub. (3) may be fined not less than \$25 nor more than \$5,000 or imprisoned for not more than one year in the county jail or both.

SECTION 158. 440.26 (2) (c) 5. of the statutes is created to read:

440.26 (2) (c) 5. The department may, based on rules adopted by the department, refuse to issue a license under this section to an individual who has committed any of the acts described in sub. (6) (a) 1. to 5.

SECTION 165. 443.01 (2) of the statutes is amended to read:

443.01 (2) "Engineer-in-training" means a person who is a graduate in an engineering curriculum of 4 years or more from a school or college approved by the professional engineer section of the examining board as of satisfactory standing, or a person who has had 4 years or more of experience in engineering work of a character satisfactory to the ~~examining board~~ professional engineer section; and who, in addition, has successfully passed the examination in the fundamental engineering subjects prior to the completion of the requisite years in engineering work, as provided in s. 443.05, and who has been granted a certificate of record by the ~~examining board~~ professional engineer section stating that the person has successfully passed this portion of the professional examinations.

SECTION 166. 443.015 (title) of the statutes is amended to read:

443.015 (title) Examining board to establish continuing education requirements; promulgate rules.

SECTION 167. 443.015 of the statutes is renumbered 443.015 (1) and amended to read:

443.015 (1) The Each section of the examining board may establish continuing education requirements for renewal of a credential issued by that section under this chapter.

SECTION 168. 443.015 (2) of the statutes is created to read:

443.015 (2) Each section of the examining board may promulgate rules governing the professional conduct of individuals, firms, partnerships, and corporations registered, permitted, certified, or granted a certificate of authorization by that section.

SECTION 169. 443.03 (1) (intro.) of the statutes is amended to read:

443.03 (1) (intro.) An applicant for registration as an architect shall submit as 2satisfactory evidence to the architect section of the examining board all of the following:

SECTION 170. 443.03 (1) (a) of the statutes is amended to read:

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443.03 (1) (a) That he or she has acquired a thorough knowledge of sound construction, building hygiene, architectural design and mathematics; ~~and~~.

SECTION 171. 443.03 (1) (b) (intro.) of the statutes is created to read:

443.03 (1) (b) (intro.) One of the following:

SECTION 172. 443.03 (1) (b) 1. of the statutes is renumbered 443.03 (1) (b) 1m. and amended to read:

443.03 (1) (b) 1m. A diploma of graduation, or a certificate, from an architectural school or college approved by the ~~examining board~~ architect section as of satisfactory standing, together with at least 2 years' practical experience of a character satisfactory to the ~~examining board~~ architect section in the design and construction of buildings; ~~or~~.

SECTION 173. 443.03 (1) (b) 2. of the statutes is amended to read:

443.03 (1) (b) 2. A specific record of 7 or more years of experience in architectural work of a character satisfactory to the ~~examining board~~ architect section in the design and construction of buildings.

SECTION 174. 443.03 (2) of the statutes is amended to read:

443.03 (2) Graduation in architecture from a school or college approved by the ~~examining board~~ architect section as of satisfactory standing shall be considered as equivalent to 5 years of experience, and the completion satisfactory to the ~~examining board~~ architect section of each year of work in architecture in such school or college without graduation shall be considered equivalent to one year of experience.

Graduation in a course other than architecture from a school or college approved by the ~~examining board~~ architect section as of satisfactory standing shall be considered as equivalent to not more than 4 years of experience.

SECTION 175. 443.035 (intro.) of the statutes is amended to read:

443.035 Registration requirements for landscape architects. (intro.)

The landscape architect section of the examining board shall register as a landscape architect an individual who does all of the following:

SECTION 176. 443.035 (1) of the statutes is amended to read:

443.035 (1) Submits to the department evidence satisfactory to the ~~examining board~~ landscape architect section of any of the following:

(a) That he or she has a bachelor's degree in landscape architecture, or a master's degree in landscape architecture, from a curriculum approved by the ~~examining board~~ landscape architect section and has at least 2 years of practical experience in landscape architecture of a character satisfactory to the ~~examining board~~ landscape architect section.

(b) That he or she has a specific record of at least 7 years of training and experience in the practice of landscape architecture including at least 2 years of courses in landscape architecture approved by the ~~examining board~~ landscape architect section, and 4 years of practical experience in landscape architecture of a character satisfactory to the ~~examining board~~ landscape architect section.

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SECTION 177. 443.04 of the statutes is amended to read:

443.04 Registration requirements for professional engineers. An applicant for registration as a professional engineer shall submit satisfactory evidence to the professional engineer section of the examining board of all of the following:

(1m) A diploma of graduation, or a certificate, from an engineering school or college approved by the ~~examining board~~ professional engineer section as of satisfactory standing in an engineering course of not less than 4 years or a diploma of graduation or degree from a technical college approved by the ~~examining board~~ professional engineer section as of satisfactory standing in an engineering-related course of study of not less than 2 years.

(2m) (a) For an applicant possessing a diploma or certificate from a course of study of not less than 4 years as specified in sub. (1m), a specific record of 4 or more years of experience in engineering work of a character satisfactory to the ~~examining board~~ professional engineer section and indicating that the applicant is competent to be placed in responsible charge of engineering work.

(b) For an applicant possessing a diploma or degree from a course of study of not less than 2 years as specified in sub. (1m), a specific record of 6 or more years of experience in engineering work of a character satisfactory to the ~~examining board~~ professional engineer section and indicating that the applicant is competent to be placed in responsible charge of engineering work.

SECTION 178. 443.05 (1) (intro.), (a) and (b) and (2) of the statutes are amended to read:

443.05 (1) An applicant for certification as an engineer-in-training shall submit ~~as~~ satisfactory evidence to the professional engineer section of the examining board ~~as follows~~ one of the following:

(a) A diploma of graduation in engineering or a certificate in engineering from a school or college approved by the ~~examining board~~ professional engineer section as of satisfactory standing, ~~or,~~

(b) A specific record of 4 years or more of experience in engineering work of a character satisfactory to the ~~examining board~~ professional engineer section.

(2) Graduation in engineering from a school or college approved by the ~~examining board~~ professional engineer section as of satisfactory standing shall be considered as equivalent to 4 years of experience and the completion satisfactory to the ~~examining board~~ professional engineer section of each year of work in engineering in such school or college without graduation shall be considered as equivalent to one year of experience. Graduation in a course other than engineering from a school or college approved by the ~~examining board~~ professional engineer section as of satisfactory standing shall be considered as equivalent to 2 years of experience. No applicant may receive credit for more than 4 years of experience under this subsection.

SECTION 179. 443.06 (1) (a) of the statutes is amended to read:

443.06 (1) (a) Application for registration as a land surveyor or a permit to practice shall be made to the section under oath, on forms provided by the

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department, which shall require the applicant to submit such information as the land surveyor section of the examining board deems necessary. The land surveyor section may require applicants to pass written or oral examinations or both. Applicants who do not have an arrest or conviction record, subject to ss. 111.321, 111.322, and 111.335, shall be entitled to be registered or issued a permit to practice as land surveyors when satisfactory evidence is submitted that the applicant has met one or more of the requirements of sub. (2).

SECTION 180. 443.06 (2) (intro.) of the statutes is amended to read:

443.06 (2) REQUIREMENTS; CERTIFICATE OF REGISTRATION. (intro.) The land surveyor section may grant a certificate of registration as a land surveyor to any person who has submitted to it an application, the required fees, and one or more of the following:

SECTION 181. 443.06 (3) of the statutes is amended to read:

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

SECTION 182. 443.07 (1) (intro.) of the statutes is amended to read:

443.07 (1) (intro.) An applicant for a permit as a designer shall submit as evidence satisfactory to the designer section of the examining board ~~indicating one of the following to indicate~~ that he or she is competent to be in charge of such work as follows:

SECTION 183. 443.07 (1) (a) of the statutes is amended to read:

443.07 (1) (a) A specific record of 8 years or more of experience in specialized engineering design work and the satisfactory completion of a written examination in the field or branch, as determined by the ~~board~~ designer section, in which certification is sought ~~or~~.

SECTION 184. 443.07 (3) of the statutes is amended to read:

443.07 (3) Permits shall be granted, designated, and limited to the fields and subfields of technology as are determined by the ~~examining board~~ designer section and recognized in engineering design practice. Any person holding a permit may prepare plans and specifications and perform consultation, investigation, and evaluation in connection with the making of plans and specifications, within the scope of the permit, notwithstanding that such activity constitutes the practice of architecture or professional engineering under this chapter.

SECTION 185. 443.07 (5) of the statutes is amended to read:

443.07 (5) The permit shall, on its face, restrict the holder thereof to the specific field and subfields of designing in which the permittee acquired his or her experience

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in designing. If qualified in more than one type of designing, persons may receive permits for more than one field or subfield of designing as may be determined by the ~~examining board~~ designer section.

SECTION 186. 443.08 (1) of the statutes is renumbered 443.08 (1) (a) and amended to read:

443.08 (1) (a) The practice of architecture ~~or professional engineering~~ pertaining to the internal operations of a firm, partnership, or corporation may be performed by employees if the architectural ~~or professional engineering~~ services are performed by or under the direct supervision of architects ~~or professional engineers~~ registered under this chapter, or persons exempt from registration under s. 443.14. Registered or exempt architectural ~~or professional engineering~~ employees may provide architectural ~~or professional engineering~~ data with respect to the manufacture, sale, and utilization of the products of the firm, partnership, or corporation to other registered or exempt architects ~~or professional engineers~~.

SECTION 187. 443.08 (1) (b) of the statutes is created to read:

443.08 (1) (b) The practice of professional engineering pertaining to the internal operations of a firm, partnership, or corporation may be performed by employees if the professional engineering services are performed by or under the direct supervision of professional engineers registered under this chapter, or persons exempt from registration under s. 443.14. Registered or exempt professional engineering employees may provide professional engineering data with respect to the manufacture, sale, and utilization of the products of the firm, partnership, or corporation to other registered or exempt professional engineers.

SECTION 188. 443.08 (2) of the statutes is renumbered 443.08 (2) (a) (intro.) and amended to read:

443.08 (2) (a) (intro.) The No individual architect registered under this chapter may practice or offer to practice architecture, professional engineering or designing by individual architects, professional engineers or designers registered or granted a permit under this chapter, through a firm, partnership or corporation as principals, officers, employees or agents, is permitted subject to this chapter, if a principal, officer, employee, or agent of a firm, partnership, or corporation unless all of the following are satisfied:

1. All personnel who practice or offer to practice in its behalf as architects, ~~professional engineers or designers~~ are registered ~~or granted a permit~~ under this chapter ~~and if the~~.

2. The firm, partnership, or corporation has been issued a certificate of authorization under sub. (3) (a) 1.

SECTION 189. 443.08 (2) (b) of the statutes is created to read:

443.08 (2) (b) No individual professional engineer registered under this chapter may practice or offer to practice professional engineering as a principal, officer, employee, or agent of a firm, partnership, or corporation unless all of the following are satisfied:

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1. All personnel who practice or offer to practice in its behalf as professional engineers are registered under this chapter.

2. The firm, partnership, or corporation has been issued a certificate of authorization under sub. (3) (a) 2.

SECTION 190. 443.08 (2) (c) of the statutes is created to read:

443.08 (2) (c) No individual designer granted a permit under this chapter may practice or offer to practice designing as a principal, officer, employee, or agent of a firm, partnership, or corporation unless all of the following are satisfied:

1. All personnel who practice or offer to practice in its behalf as designers are granted a permit under this chapter.

2. The firm, partnership, or corporation has been issued a certificate of authorization under sub. (3) (a) 3.

SECTION 191. 443.08 (3) (a) of the statutes is renumbered 443.08 (3) (a) 1. and amended to read:

443.08 (3) (a) 1. A firm, partnership, or corporation desiring a certificate of authorization shall submit an application to the department on forms provided by the department, listing the names and addresses of all officers and directors, and all individuals in its employment registered ~~or granted a permit~~ to practice architecture, ~~professional engineering or designing~~ in this state who will be in responsible charge of architecture, ~~professional engineering or designing~~ being practiced in this state through the firm, partnership, or corporation and other relevant information required by the architect section of the examining board. A similar type of form shall also accompany the renewal fee. If there is a change in any of these persons, the change shall be reported on the same type of form, and filed with the department within 30 days after the effective date of the change. The ~~examining board~~ architect section shall grant a certificate of authorization to a firm, partnership, or corporation complying with this subsection upon payment of the initial credential fee determined by the department under s. 440.03 (9) (a). This subsection does not apply to firms, partnerships, or corporations exempt under s. 443.14 (3) or (5).

SECTION 192. 443.08 (3) (a) 2. of the statutes is created to read:

443.08 (3) (a) 2. A firm, partnership, or corporation desiring a certificate of authorization shall submit an application to the department on forms provided by the department, listing the names and addresses of all officers and directors, and all individuals in its employment registered to practice professional engineering in this state who will be in responsible charge of professional engineering being practiced in this state through the firm, partnership, or corporation and other relevant information required by the professional engineer section of the examining board. A similar type of form shall also accompany the renewal fee. If there is a change in any of these persons, the change shall be reported on the same type of form, and filed with the department within 30 days after the effective date of the change. The professional engineer section shall grant a certificate of authorization to a firm, partnership, or corporation complying with this subsection upon payment of the initial credential fee determined by the department under s. 440.03 (9) (a). This

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subsection does not apply to firms, partnerships, or corporations exempt under s. 443.14 (3) or (5).

SECTION 193. 443.08 (3) (a) 3. of the statutes is created to read:

443.08 **(3)** (a) 3. A firm, partnership, or corporation desiring a certificate of authorization shall submit an application to the department on forms provided by the department, listing the names and addresses of all officers and directors, and all individuals in its employment granted a permit to practice designing in this state who will be in responsible charge of designing being practiced in this state through the firm, partnership, or corporation and other relevant information required by the designer section of the examining board. A similar type of form shall also accompany the renewal fee. If there is a change in any of these persons, the change shall be reported on the same type of form, and filed with the department within 30 days after the effective date of the change. The designer section shall grant a certificate of authorization to a firm, partnership, or corporation complying with this subsection upon payment of the initial credential fee determined by the department under s. 440.03 (9) (a). This subsection does not apply to firms, partnerships, or corporations exempt under s. 443.14 (3) or (5).

SECTION 194. 443.08 (4) (a) of the statutes is renumbered 443.08 (4) (a) 1. and amended to read:

443.08 **(4)** (a) 1. No firm, partnership, or corporation may be relieved of responsibility for the conduct or acts of its agents, employees, or officers by reason of its compliance with this chapter, nor may any individual practicing architecture, landscape architecture, professional engineering or designing be relieved of responsibility for architectural, landscape architectural, professional engineering or designing services performed by reason of his or her employment or relationship with the firm, partnership, or corporation.

SECTION 195. 443.08 (4) (a) 2. of the statutes is created to read:

443.08 **(4)** (a) 2. No firm, partnership, or corporation may be relieved of responsibility for the conduct or acts of its agents, employees, or officers by reason of its compliance with this chapter, nor may any individual practicing landscape architecture be relieved of responsibility for landscape architectural services performed by reason of his or her employment or relationship with the firm, partnership, or corporation.

SECTION 196. 443.08 (4) (a) 3. of the statutes is created to read:

443.08 **(4)** (a) 3. No firm, partnership, or corporation may be relieved of responsibility for the conduct or acts of its agents, employees, or officers by reason of its compliance with this chapter, nor may any individual practicing professional engineering be relieved of responsibility for professional engineering services performed by reason of his or her employment or relationship with the firm, partnership, or corporation.

SECTION 197. 443.08 (4) (a) 4. of the statutes is created to read:

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443.08 (4) (a) 4. No firm, partnership, or corporation may be relieved of responsibility for the conduct or acts of its agents, employees, or officers by reason of its compliance with this chapter, nor may any individual practicing designing be relieved of responsibility for designing services performed by reason of his or her employment or relationship with the firm, partnership, or corporation.

SECTION 198. 443.08 (4) (b) of the statutes is renumbered 443.08 (4) (b) 1. and amended to read:

443.08 (4) (b) 1. All final drawings, specifications, plans, reports, or other architectural, ~~engineering or designing~~ papers or documents involving the practice of architecture, ~~professional engineering or designing, or landscape architectural papers or documents prepared by a landscape architect registered under this chapter,~~ prepared for the use of a firm, partnership, or corporation, for delivery by it to any person, or for public record within the state shall be dated and bear the signature and seal of the architect, ~~landscape architect, professional engineer or designer~~ who was in responsible charge of their preparation. This paragraph does not apply to persons exempt under s. 443.14 (3), (4), or (5).

SECTION 199. 443.08 (4) (b) 2. of the statutes is created to read:

443.08 (4) (b) 2. All final drawings, specifications, plans, reports, or other landscape architectural papers or documents prepared by a landscape architect registered under this chapter, prepared for the use of a firm, partnership, or corporation, for delivery by it to any person, or for public record within the state shall be dated and bear the signature and seal of the landscape architect who was in responsible charge of their preparation. This paragraph does not apply to persons exempt under s. 443.14 (3), (4), or (5).

SECTION 200. 443.08 (4) (b) 3. of the statutes is created to read:

443.08 (4) (b) 3. All final drawings, specifications, plans, reports, or other engineering papers or documents involving the practice of professional engineering, prepared for the use of a firm, partnership, or corporation, for delivery by it to any person, or for public record within the state shall be dated and bear the signature and seal of the professional engineer who was in responsible charge of their preparation. This paragraph does not apply to persons exempt under s. 443.14 (3), (4), or (5).

SECTION 201. 443.08 (4) (b) 4. of the statutes is created to read:

443.08 (4) (b) 4. All final drawings, specifications, plans, reports, or other designing papers or documents involving the practice of designing, prepared for the use of a firm, partnership, or corporation, for delivery by it to any person, or for public record within the state shall be dated and bear the signature and seal of the designer who was in responsible charge of their preparation. This paragraph does not apply to persons exempt under s. 443.14 (3), (4), or (5).

SECTION 202. 443.08 (5) of the statutes is renumbered 443.08 (5) (a) and amended to read:

443.08 (5) (a) No firm, partnership, or corporation may engage in the practice of or offer to practice architecture, ~~professional engineering or designing~~ in this state, or use

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in connection with its name, or otherwise assume, use or advertise any title or description tending to convey the impression that it is engaged in the practice of architecture, ~~professional engineering or designing~~, nor may it advertise or offer to furnish an architectural, ~~professional engineering or designing~~ service, unless the firm, partnership, or corporation has complied with this chapter.

SECTION 203. 443.08 (5) (b) of the statutes is created to read:

443.08 (5) (b) No firm, partnership, or corporation may engage in the practice of or offer to practice professional engineering in this state, or use in connection with its name, or otherwise assume, use or advertise any title or description tending to convey the impression that it is engaged in the practice of professional engineering, nor may it advertise or offer to furnish a professional engineering service, unless the firm, partnership, or corporation has complied with this chapter.

SECTION 204. 443.08 (5) (c) of the statutes is created to read:

443.08 (5) (c) No firm, partnership, or corporation may engage in the practice of or offer to practice designing in this state, or use in connection with its name, or otherwise assume, use or advertise any title or description tending to convey the impression that it is engaged in the practice of designing, nor may it advertise or offer to furnish a designing service, unless the firm, partnership, or corporation has complied with this chapter.

SECTION 205. 443.09 (4m) of the statutes is amended to read:

443.09 (4m) No person may be registered as a landscape architect under this chapter unless he or she passes a written examination or written and oral examinations conducted or approved by the landscape architect section of the examining board under sub. (5).

SECTION 206. 443.09 (5) of the statutes is amended to read:

443.09 (5) Written or written and oral examinations shall be held at such time and place as the landscape architect section of the examining board determines. The scope of the examinations and the methods of procedure shall be prescribed by the ~~examining board~~ landscape architect section with special reference to the applicant's ability to design and supervise architectural, landscape architectural, or engineering work, which shall promote the public welfare and ensure the safety of life, health, and property. A candidate failing an examination may, upon application and payment of the required reexamination fee, be examined again by the ~~examining board~~ landscape architect section. No restrictions may be placed on the number of times an unsuccessful candidate may be reexamined, except that after failure of 3 reexaminations, the ~~examining board~~ landscape architect section may require a one-year waiting period before further reexamination.

SECTION 207. 443.10 (1) (a) to (d) of the statutes are amended to read:

443.10 (1) (a) The appropriate section of the examining board may, upon application and the payment of the required fee, grant a certificate of registration as an architect, as a landscape architect, or as a professional engineer to any person who holds an unexpired certificate of similar registration issued to the person by the

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proper authority in any state or territory or possession of the United States or in any country in which the requirements for the registration of architects, landscape architects, or professional engineers are of a standard not lower than specified in this chapter.

(b) The appropriate section of the examining board may, upon application and payment of the required fee, grant a certificate of registration as an architect, as a landscape architect, or as a professional engineer to any person who holds an unrevoked card or certificate of national reciprocal registration, issued by any state, territory, or possession of the United States or by any country, which is in conformity with the regulations of the national council of state board of architectural, or engineering examiners, or council of landscape architectural registration boards, and who complies with the regulations of the ~~examining board~~ appropriate section, except as to qualifications and registration fee.

(c) The professional engineer section of the examining board may, upon application therefor, and the payment of the required fee, grant a certificate-of-record as engineer-in-training to any person who holds an unexpired certificate of similar certification issued to the person by the proper authority in any state or territory or possession of the United States or in any country in which the requirements for the certification of engineers-in-training are of a standard not lower than specified in this chapter.

(d) The appropriate section of the examining board may, upon application and payment of the required fee, grant a permit to practice or to offer to practice architecture, landscape architecture, or professional engineering to a person who is not a resident of and has no established place of business in this state, or who has recently become a resident of this state, if the person holds an unexpired certificate of similar registration issued to the person by the proper authority in any state or territory or possession of the United States or in any country in which the requirements for the registration of architects, landscape architects, or professional engineers are of a standard not lower than specified in this chapter.

SECTION 208. 443.10 (2) (c) of the statutes is amended to read:

443.10 (2) (c) The appropriate section of the examining board shall grant a certificate of registration upon payment of the registration fee to any applicant who, in the opinion of the ~~examining board~~ appropriate section, has satisfactorily met all the applicable requirements of this chapter. The certificate shall authorize the practice of architecture, landscape architecture, or professional engineering, as appropriate.

SECTION 209. 443.10 (2) (d) of the statutes is amended to read:

443.10 (2) (d) The granting of a certificate of registration by the appropriate section of the examining board shall be evidence that the person named in the certificate is entitled to all the rights and privileges of a registered architect, a registered landscape architect, or a registered professional engineer under the classification stated on the certificate, while the certificate remains unrevoked or unexpired.

SECTION 210. 443.10 (2) (f) of the statutes is amended to read:

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443.10 (2) (f) The professional engineer section of the examining board shall grant a certificate of record as engineer-in-training to any applicant who, in the opinion of the ~~examining board~~ professional engineer section, has satisfactorily met all the requirements of this section pertaining to engineers-in-training.

SECTION 211. 443.10 (2) (h) of the statutes is amended to read:

443.10 (2) (h) Certificates of record as engineers-in-training shall expire on July 31st of the 10th year after their issuance unless extended by the professional engineer section of the examining board. An application for extension shall contain evidence satisfactory to the ~~examining board~~ professional engineer section that the applicant's professional experience has been delayed.

SECTION 212. 443.10 (3) of the statutes is amended to read:

443.10 (3) EMERGENCY RULES; LIMITATION. ~~The~~ No section of the examining board may ~~not~~ adopt or change, by emergency rule, any requirement for the registration of or issuance of a permit to any applicant under this chapter.

SECTION 213. 443.10 (4) (a) and (b) of the statutes are amended to read:

443.10 (4) (a) A list, showing the names and addresses of all engineers-in-training certified by the professional engineer section of the examining board during the period from July 1 to June 30, shall be prepared each year by the ~~examining board~~ professional engineer section. The list shall be obtainable by purchase at cost.

(b) ~~The~~ Each section of the examining board shall keep a record of its proceedings together with a record of all other information pertaining to its proceedings as may be deemed necessary by that section of the ~~examining~~ board. The records of ~~the~~ each section of the examining board shall be prima facie evidence of the proceedings of that section of the examining board set forth in the records, and a transcript thereof, duly certified by the secretary of that section of the examining board under seal, shall be admissible in evidence with the same effect as if the original were produced.

SECTION 214. 443.11 (1) (intro.) of the statutes is amended to read:

443.11 (1) (intro.) The appropriate section of the examining board may reprimand an architect, landscape architect, or professional engineer or limit, suspend, or revoke the certificate of registration of any registrant, and the certificate of record of any engineer-in-training, who is found guilty of:

SECTION 215. 443.11 (1) (e) of the statutes is amended to read:

443.11 (1) (e) Any violation of the rules of professional conduct adopted and promulgated by that section of the examining board.

SECTION 216. 443.11 (2) of the statutes is amended to read:

443.11 (2) The appropriate section of the examining board may reprimand a firm, partnership, or corporation holding a certificate of authorization issued under this chapter or may limit, suspend, or revoke such a certificate if any of the agents, employees, or officers of the firm, partnership, or corporation has committed any act

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or has been guilty of any conduct which would authorize a reprimand or a limitation, suspension, or revocation of the certificate of registration of a registrant or the certificate of record of an engineer-in-training under this chapter, unless the firm, partnership, or corporation submits evidence satisfactory to the appropriate section of the examining board that the agent, employee, or officer is not now practicing or offering to practice architecture, landscape architecture, or professional engineering in its behalf.

SECTION 217. 443.11 (3) of the statutes is amended to read:

443.11 (3) Any person may make charges that any registrant, holder of a certificate of record as engineer-in-training or corporate holder of a certificate of authorization has committed an act for which a reprimand or limitation, suspension, or revocation of registration is authorized under sub. (1). Such charges shall be in writing, shall be sworn to by the person making them and shall be submitted to the appropriate section of the examining board. The appropriate section of the examining board may, on its own motion, make such charges. All charges, unless dismissed by the appropriate section of the examining board as unfounded or trivial, shall be heard by the appropriate section of the examining board, subject to the rules promulgated under s. 440.03 (1).

SECTION 218. 443.11 (4) of the statutes is amended to read:

443.11 (4) If after a hearing under sub. (3), 3 members of a section of the examining board vote in favor of sustaining charges specified in sub. (3), the appropriate section of the examining board shall reprimand or limit, suspend, or revoke the certificate of registration of the registered architect, registered landscape architect, or registered professional engineer, the certificate of record of the holder of a certificate as engineer-in-training, or the certificate of authorization of a firm, partnership, or corporation.

SECTION 219. 443.11 (5) of the statutes is amended to read:

443.11 (5) The ~~action~~ actions of each section of the examining board under this section shall be subject to review in the manner provided in ch. 227.

SECTION 220. 443.11 (6) of the statutes is amended to read:

443.11 (6) The appropriate section of the examining board, for reasons ~~the appropriate section of the examining board~~ it considers sufficient, may reissue a certificate of registration or a certificate of record to any person, or a certificate of authorization to any firm, partnership, or corporation, whose certificate has been revoked, ~~except for a certificate revoked~~ under s. ~~440.12~~, this section if 3 members of the section of the examining board vote in favor of such reissuance. Subject to the rules of the examining board, the appropriate section of the examining board may, upon payment of the required fee, issue a new certificate of registration, certificate of record or certificate of authorization, to replace any certificate that is revoked, lost, destroyed or mutilated.

SECTION 221. 443.13 of the statutes is renumbered 443.13 (1) (intro.) and amended to read:

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443.13 (1) (intro.) The designers' section of the examining board may limit, suspend, or revoke a permit or reprimand the permittee if the permittee is guilty of ~~fraud~~ any of the following:

(a) Fraud or deceit in obtaining the permit, ~~gross,~~

(b) Gross negligence, incompetency, or misconduct in practice, ~~signing,~~

(c) Signing documents not prepared by the permittee or under the permittee's control, ~~knowingly,~~

(d) Knowingly aiding or abetting unauthorized designing of engineering systems as stated in s. 443.07 (3) by persons not granted permits under this chapter ~~or conviction,~~

(e) Conviction of a felony, subject to ss. 111.321, 111.322, and 111.335, or adjudication of mental incompetency by a court of competent jurisdiction.

(2) If, after a hearing conducted under the rules promulgated under s. 440.03 (1) before the designers' section of the examining board, two-thirds of the members of the section vote in favor of sustaining the charges, the designers' section of the examining board shall reprimand the permittee or limit, suspend, or revoke the permit. The action of the designers' section of the examining board under this section is subject to review under ch. 227.

SECTION 222. 443.14 (1) of the statutes is renumbered 443.14 (1) (a) and amended to read:

443.14 (1) (a) An employee of a person holding a certificate of registration ~~in this state in architecture under s. 443.10~~ who is engaged in the practice of architecture ~~or professional engineering~~ and an employee of a person temporarily exempted from registration in architecture under this section, if the practice of the employee does not include responsible charge of architecture ~~or professional engineering~~ practice.

SECTION 223. 443.14 (1) (b) of the statutes is created to read:

443.14 (1) (b) An employee of a person holding a certificate of registration in professional engineering under s. 443.10 who is engaged in the practice of professional engineering and an employee of a person temporarily exempted from registration in professional engineering under this section, if the practice of the employee does not include responsible charge of professional engineering practice.

SECTION 224. 443.14 (4) of the statutes is renumbered 443.14 (4) (a) and amended to read:

443.14 (4) (a) Any person who practices architecture ~~or professional engineering~~, exclusively as a regular employee of a private company or corporation, by rendering to the company or corporation architectural ~~or professional engineering~~ services in connection with its operations, so long as the person is thus actually and exclusively employed and no longer, if the company or corporation has at least one architect ~~or professional engineer~~ who is registered under this chapter in responsible charge of the company's or corporation's architectural ~~or professional engineering~~ work in this state.

SECTION 225. 443.14 (4) (b) of the statutes is created to read:

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443.14 (4) (b) Any person who practices professional engineering, exclusively as a regular employee of a private company or corporation, by rendering to the company or corporation professional engineering services in connection with its operations, so long as the person is thus actually and exclusively employed and no longer, if the company or corporation has at least one professional engineer who is registered under this chapter in responsible charge of the company's or corporation's professional engineering work in this state.

SECTION 226. 443.18 (1) (a) of the statutes is amended to read:

443.18 (1) (a) Any person who practices or offers to practice architecture, landscape architecture, or professional engineering in this state, or who uses the term "architect," "landscape architect," or "professional engineer" as part of the person's business name or title, except as provided in s. 443.08 (6), or in any way represents himself or herself as an architect, landscape architect, or a professional engineer unless the person is registered or exempted in accordance with this chapter, or unless the person is the holder of an unexpired permit issued under s. 443.10 (1) (d), or any person presenting or attempting to use as his or her own the certificate of registration of another, or any person who gives any false or forged evidence of any kind to the examining board or to any section of the examining board or to any member of the examining board or to any member of any section of the examining board in obtaining a certificate of registration, or any person who falsely impersonates any other registrant of like or different name, or any person who attempts to use an expired or revoked certificate of registration, or violates any of the provisions of this section, may be fined not less than \$100 nor more than \$500 or imprisoned for not more than 3 months or both.

SECTION 227. 443.18 (2) (a) and (b) of the statutes are amended to read:

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

(b) If it appears upon complaint or is known to the land surveyor section of the examining board that any person who is not authorized is practicing or offering to practice land surveying in this state, the land surveyor section, the department of justice, or the district attorney of the proper county may, in addition to other remedies, bring action in the name and on behalf of the state to enjoin the person from practicing or offering to practice land surveying.

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SECTION 241. Effective dates. This act takes effect on the 30th day after the day of publication, except as follows:

(1) SECTION 239 of this act takes effect on the day after publication.

(END)

**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Denise Aviles Executive Director		2) Date When Request Submitted: 2/9/12 Items will be considered late if submitted after 4:30 p.m. and less than: <ul style="list-style-type: none"> ▪ 10 work days before the meeting for Medical Board ▪ 14 work days before the meeting for all others 	
3) Name of Board, Committee, Council, Sections: Land Surveyor Section			
4) Meeting Date: 3-27-12	5) Attachments: <input type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Travel: Joint Central/Western Zone Interim Meeting on May 17-19 in Jackson Hole, WY	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	8) Is an appearance before the Board being scheduled? If yes, who is appearing? <input type="checkbox"/> Yes by _____ (name) <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required: n/a	
10) Describe the issue and action that should be addressed: Discuss and take any action deemed appropriate.			
11) Authorization			
Denise Aviles		2/9/12	
Signature of person making this request		Date	
Supervisor (if required)		Date	
Bureau Director signature (indicates approval to add post agenda deadline item to agenda)		Date	
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Board Services Bureau Director. 3. If necessary, Provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

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**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

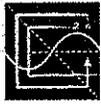
1) Name and Title of Person Submitting the Request: Denise Aviles Executive Director		2) Date When Request Submitted: 2/9/12 Items will be considered late if submitted after 4:30 p.m. and less than: <ul style="list-style-type: none"> ▪ 10 work days before the meeting for Medical Board ▪ 14 work days before the meeting for all others 	
3) Name of Board, Committee, Council, Sections: Land Surveyor Section			
4) Meeting Date: 3-27-12	5) Attachments: <input type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Travel: 2012 NCEES Annual Meeting on August 22-25 in St. Louis, Missouri	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	8) Is an appearance before the Board being scheduled? If yes, who is appearing? <input type="checkbox"/> Yes by _____ (name) <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required: n/a	
10) Describe the issue and action that should be addressed: Discuss and take any action deemed appropriate.			
11) Authorization			
Denise Aviles		2/9/12	
Signature of person making this request		Date	
Supervisor (if required)		Date	
Bureau Director signature (indicates approval to add post agenda deadline item to agenda)		Date	
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Board Services Bureau Director. 3. If necessary, Provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

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**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Denise Aviles Executive Director		2) Date When Request Submitted: 2/9/12 Items will be considered late if submitted after 4:30 p.m. and less than: <ul style="list-style-type: none"> ▪ 10 work days before the meeting for Medical Board ▪ 14 work days before the meeting for all others 	
3) Name of Board, Committee, Council, Sections: Land Surveyor Section			
4) Meeting Date: 3-27-12	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Informational Items: Update on the Transition of the NCEES Fundamentals of Engineering (FE) and Fundamentals of Surveying (FS) Exams to Computer-Based Testing (CBT)	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	8) Is an appearance before the Board being scheduled? If yes, who is appearing? <input type="checkbox"/> Yes by _____ (name) <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required: n/a	
10) Describe the issue and action that should be addressed: For informational purposes only.			
11) Authorization			
Denise Aviles		2/9/12	
Signature of person making this request		Date	
Supervisor (if required)		Date	
Bureau Director signature (indicates approval to add post agenda deadline item to agenda)		Date	
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Board Services Bureau Director. 3. If necessary, Provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			



To: NCEES Members and Associate Members
From: Jerry Carter, Executive Director *Jerry T. Carter*
Re: Computer-Based Testing Update
Date: December 22, 2011

As we wind down the year, I thought it appropriate to provide you with an update on the transition of the NCEES Fundamentals of Engineering (FE) and Fundamentals of Surveying (FS) exams to computer-based testing (CBT). The goal is to launch the new format in January 2014.

Both the Committee on Examinations for Professional Engineers (EPE) and the Committee on Examinations for Professional Surveyors (EPS) have been hard at work developing and issuing surveys for content reviews for the FE and FS exams. Thousands of licensed practitioners and educators have participated in surveys that will help determine the future form and structure of these exams. The results from the surveys and recommendations for the new specifications will be submitted to the exam development committees for adoption in early 2012. Once the new exam specifications have been approved, we will conduct standard-setting studies that will help determine the appropriate length for each examination. The plan is to complete this process by early fall 2012.

The Committee on Examination Policy and Procedures (EPP) has been reviewing existing NCEES exam-related policies and will propose any needed policy changes to govern the administration of NCEES exams via CBT. Revisions to exam policies will require action by the full Council, and we anticipate the EPP Committee offering a number of related motions during the 2012 NCEES annual meeting.

The CBT Implementation Task Force met in early November and will meet again in March 2012. The task force has been charged with reviewing activities of NCEES committees, staff, and the NCEES test vendor (Pearson VUE) related to CBT implementation and with providing recommendations for any additional actions required to begin the administration of the FE and FS exams via computer within the proposed timeline. The task force was also charged to consider the potential transition of the Principles and Practice of Engineering (PE) and Principles and Practice of Surveying (PS) exams to CBT, to evaluate and recommend which PE exams could be transitioned to CBT, and to recommend the proposed frequency for offering each exam.

The first meeting of the CBT Implementation Task Force resulted in the following actions and recommendations:

- The task force will propose a 2012 annual meeting motion to transition the PS exam to CBT as soon as feasible. This motion will be contingent upon the endorsement of the EPS Committee, with the possibility of it being a joint motion. Still to be determined is whether state-specific surveying exams will be included in the motion.
- The task force discussed PE references at length. It has requested additional information from Pearson VUE and exam development committees regarding a potential list of required reference books, the availability of electronic versions of texts, and the different embedding and display methods available for reference materials using CBT.

- The task force developed criteria to aid in the selection of the 20 additional examination sites Pearson VUE has contractually agreed to provide in the transition of the FE and FS to CBT. These sites will be in addition to the 275+ sites that Pearson VUE already has throughout the country. NCEES staff will provide further evaluation and feedback.
- The task force discussed at length how to protect exam items when candidates are allowed to take breaks. It discussed several options, including one in which exam sections would be grouped in relation to breaks. This would prevent a candidate from reviewing already completed sections of an exam after taking a break. The task force has requested additional information from Pearson VUE on methodology used for similar examinations. It acknowledged that the number and length of breaks will depend on the actual length of the exams, which will be determined through the standard-setting studies.
- The task force requested NCEES staff to provide it with an overall plan and timeline for major items and dependencies, as well as a plan for coordinating committee/task force involvement.
- The task force agreed that all exam candidates will be required to pay NCEES directly for all exam-related fees at the time of registration. It noted that with the nearly continuous offering of the FE and FS exams as of 2014, it will be impossible for NCEES to accurately invoice member boards after a candidate takes an exam.

The last point noted by the task force concerning payment of exam fees is one that the NCEES management team has reviewed and discussed at length. Although the vast majority of NCEES member boards currently require candidates to pay NCEES directly for the exams and exam administration, several member boards still collect all exam-related fees. NCEES then invoices them after each exam administration. Moving the exams to CBT will allow candidates to select a time and location to take the NCEES exams. This means there will be additional complications for the accounting of exam-related fees. Pearson VUE will bill NCEES monthly for candidates who have taken the FE or FS exam. NCEES will also work directly with Pearson VUE concerning fees associated with a candidate canceling or rescheduling an exam.

For these reasons, the NCEES Board of Directors has approved an action by the CBT Implementation Task Force to require all candidates to pay NCEES directly for all exam-related fees effective with the transition to CBT. Member boards will continue to collect application fees required for their respective jurisdiction. However, once approved to take the FE or FS exams, candidates will be required to pay the \$250 exam fee directly to NCEES as a part of the online exam registration process. Member boards that currently collect exam fees from candidates or have exam fees collected by a third-party vendor should institute necessary actions to modify statutes, administrative regulations, processes, or contracts to account for this future change.

We are also aware that several member boards subsidize the cost of the FE exam through various methods. Based on the future change of having candidates pay NCEES directly for all exam-related fees, NCEES will no longer be able to account for these subsidies through special invoicing provisions. We encourage member boards to continue to subsidize the costs of the FE for their candidates when possible. To that end,

we are evaluating potential options that NCEES can offer to promote this effort. One possibility is to provide member boards with the ability to purchase vouchers that can be distributed to FE candidates per criteria established by the board. We will continue to evaluate this and other opportunities as potential options to be incorporated into the process.

As you can tell, NCEES committees, task forces, and staff are devoting a great deal of attention to CBT and are working hard to make the transition a success. We will also be increasing the level of communication to keep everyone abreast of the CBT effort and actions as they are taken. We are scheduling a CBT workshop during the 2012 NCEES annual meeting to provide an opportunity to discuss CBT-related motions that will be offered for action by the Council. We look forward to the challenge and the opportunity to provide enhancements to the exam process.

From the NCEES leadership and staff, we wish each of you a happy and safe holiday season.