

2013 DRAFTING REQUEST

Assembly Amendment (AA-AB506)

Received: 11/20/2013 Received By: mgallagh  
 Wanted: As time permits Same as LRB:  
 For: Thomas Weatherston (608) 266-0731 By/Representing: John Leiber  
 May Contact: Drafter: mgallagh  
 Subject: Occupational Reg. - misc Addl. Drafters:  
 Extra Copies: MGG; PJK

Submit via email: YES  
 Requester's email: Rep.Weatherston@legis.wisconsin.gov  
 Carbon copy (CC) to: michael.gallagher@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Public utilities employee exception

Instructions:

See attached

Drafting History:

| <u>Vers.</u> | <u>Drafted</u>         | <u>Reviewed</u>        | <u>Typed</u>          | <u>Proofed</u> | <u>Submitted</u>     | <u>Jacketed</u>      | <u>Required</u> |
|--------------|------------------------|------------------------|-----------------------|----------------|----------------------|----------------------|-----------------|
| /?           | mgallagh<br>11/22/2013 | wjackson<br>12/3/2013  |                       | _____          |                      |                      |                 |
| /P1          | mgallagh<br>12/9/2013  | wjackson<br>12/9/2013  | jfrantze<br>12/3/2013 | _____          | lparisi<br>12/3/2013 |                      |                 |
| /1           | mgallagh<br>12/10/2013 | wjackson<br>12/10/2013 | rschluet<br>12/9/2013 | _____          | lparisi<br>12/9/2013 | lparisi<br>12/9/2013 |                 |

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|--------------|------------------------|------------------------|------------------------|----------------|------------------------|------------------------|-----------------|
| /2           | mgallagh<br>12/13/2013 | wjackson<br>12/13/2013 | jfrantze<br>12/11/2013 | _____<br>_____ | sbasford<br>12/11/2013 | sbasford<br>12/11/2013 |                 |
| /3           |                        |                        | jfrantze<br>12/13/2013 | _____<br>_____ | lparisi<br>12/13/2013  | lparisi<br>12/13/2013  |                 |

FE Sent For:

<END>

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| /P1          | mgallagh<br>12/9/2013  | wjackson<br>12/9/2013  | jfrantze<br>12/3/2013 | _____          | lparisi<br>12/3/2013 |                      |                 |
| /1           | mgallagh<br>12/10/2013 | wjackson<br>12/10/2013 | rschluet<br>12/9/2013 | _____          | lparisi<br>12/9/2013 | lparisi<br>12/9/2013 |                 |

Vers. Drafted      Reviewed      Typed      Proofed      Submitted      Jacketed      Required

/2

13 Nov 12/13

jfrantze  
12/11/2013

\_\_\_\_\_  
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sbasford  
12/11/2013

sbasford  
12/11/2013

R3-12  

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Jb 13

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| /P1          | mgallagh<br>12/9/2013  | wjackson<br>12/9/2013                                | jfrantze<br>12/3/2013 | _____             | lparisi<br>12/3/2013 |                      |                 |
| /1           |                        | 1/2 WJ 12/10<br>rschluet<br>12/9/2013<br>JA<br>12/11 |                       | K27+2<br>JA<br>11 | lparisi<br>12/9/2013 | lparisi<br>12/9/2013 |                 |

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| /?           | mgallagh<br>11/22/2013 | wjackson<br>12/3/2013 |                       | _____          |                      |                 |                 |
| /P1          |                        | /1 WJ 12/9            | jfrantze<br>12/3/2013 | _____          | lparisi<br>12/3/2013 |                 |                 |

FE Sent For:

  
12/21/13  
<END>

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**Topic:**

Public utilities employee exception ✓

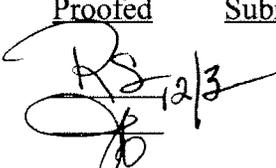
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**Instructions:**

See attached

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|--------------|----------------|-----------------|--------------|---|------------------|-----------------|-----------------|
| /?           | mgallagh       | /pi WJ 12/2     |              |  |                  |                 |                 |

FE Sent For:

<END>

**Gallagher, Michael**

---

**From:** Leiber, John  
**Sent:** Tuesday, November 19, 2013 12:06 PM  
**To:** Gallagher, Michael  
**Subject:** Amendments to LRB 2048, the surveying bill

Mike,

Please make each one a separate amendment for now, and just preliminary drafts.

Here is the first amendment, it replaces 443.14(8)(d) with a more detailed list of the exemptions for public utilities:

~~443.14 (8)(d) Employees of public utilities regulated by the public service commission in land surveying for such utilities.~~

443.14 (X) of the statutes is created to read:

443.14 (X) An employee or a contractor of a provider of broadcast service, as defined in s.196.01 (1m), provider of cable service, as defined in s. 196.01 (1p), public utility, as defined in s. 196.01 (5), video service provider, or a telecommunications provider, as defined in s. 196.01 (8p), who is engaged in establishing and depicting on a map the location of an easement necessary for the provision of services by the provider of broadcast service, provider of cable services, public utility, or telecommunications provider if the map includes all of the following:

(a) A legal description of each tract of land affected by the easement. In this paragraph, legal description has the meaning given in s. 706.01 (7r), except that, notwithstanding s. 66.0217 (1) (c), internal references to any other document may be used to establish and depict on the map the location of the easement.

(b) The width of the easement.

(c) The identification of each point at which the easement intersects each boundary of each tract of land affected by the easement.

443.14 (X) of the statutes is created to read:

443.14 (X) An employee or a contractor of a cooperative association organized under ch. 185 for the purpose of producing or furnishing heat, light, power, or water to its members only, who is engaged in establishing and depicting on a map the location of an easement necessary for the provision of services by the cooperative association if the map includes all of the following:

(a) A legal description of each tract of land affected by the easement. In this paragraph, legal description has the meaning given in s. 706.01 (7r), except that, notwithstanding s. 66.0217 (1) (c), internal references to any other document may be used to establish and depict on the map the location of the easement.

(b) The width of the easement.

(c) The identification of each point at which the easement intersects each boundary of each tract of land affected by the easement."

Here is the second amendment, the known locations of the phrase in the second part are listed, if there are others please change them as well:

1 - Page 21, Section 41, starting on line 20 - replace the paragraph with:

(2) For purposes of sub. (1)(b), the location of the approximate ordinary high water mark shall be the point on the bank or shore up to which the presence and action of the water is so continuous as to leave a distinctive mark either by erosion, destruction of terrestrial vegetation, or other easily recognized characteristic. Where the ordinary high water mark is difficult to ascertain recourse may be had to other places on the same stream or lake to determine the appropriate elevation.

2 - Delete all references in the bill to "navigable perennial stream" and restore the language to current law or just "navigable" as is appropriate in each case. There is apparently no good definition in case law as to what is perennial.

I could find the following places where the term appears:

Page 21 - line 21 (see above)  
Page 27 - line 16  
Page 29 - line 9 and 14  
Page 29 - line 23  
Page 30 - line 1 and 2, 5 and 8  
Page 30 - line 15, 20 and 23  
Page 32 - line 12  
Page 32 - line 21 (see below)

3 - Page 32 - Section 70, starting on line 20 replace paragraph with:

"Any land below the ordinary high water mark of a lake or navigable stream is subject to the public trust doctrine under Article IX, Section 1, of the State Constitution."

John Leiber  
*Legislative Assistant*  
*Office of State Representative Weatherston, 62<sup>nd</sup> District*  
(608) 266-0731  
[john.leiber@legis.wisconsin.gov](mailto:john.leiber@legis.wisconsin.gov)



SU 11/22 Sam. Thomas

State of Wisconsin  
2013 - 2014 LEGISLATURE



LRBa1283

MPG: f:...

Wlj

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**  
**ASSEMBLY AMENDMENT ,**  
**TO ASSEMBLY BILL 506**

D-Note

1/P1

Insect A

1 At the locations indicated, amend the bill as follows:

2 ✓ 1. Page 48, line 1: delete "amended to read:" and substitute "repealed."

3 ✓ 2. Page 48, line 2 delete lines 2 to 4 and substitute:

4 "SECTION 131m. 443.14 (8m) of the statutes is created to read:

5 443.14 (8m) (a) Subject to par. (b), an employee or a contractor of any of the  
6 following while engaged in land surveying is exempt from the provisions of this  
7 chapter:

8 1. The provider of a broadcast service, as defined in s. 196.01 (1m). ✓

9 2. The provider of a cable service, as defined in s. 196.01 (1p). ✓

10 3. A public utility, as defined in s. 196.01 (5). ✓

11 4. A telecommunications provider, as defined in s. 196.01 (8p). ✓

12 5. A video service provider, as defined in s. 196.01 (12r). ✓

"SECTION 131e. RP; 443.14 (8)(d).



2013-2014 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB 1285/Plins

MPG:.....

91283/Plins

1 INSERT A

2 #. Page 47, line 19: delete lines 19 to 23 and substitute: STET

3 Fix Comp. → "SECTION 128m. 443.14 (8) (intro.) <sup>new word 20</sup> ~~and (a) of the statutes are consolidated,~~ <sup>of the statutes is repealed</sup>

4 renumbered 443.14 (8) and amended to read:

5 443.14 (8) (intro.) The following persons doing surveying work are exempt from

6 the provisions of this chapter: (a) An employee of a professional land surveyor

7 registered in this state or authorized to practice under a permit, while working doing

8 surveying work under the supervision of the employer. ~~Such exempt, if the employee~~

9 shall ~~is~~ not be in responsible charge of the practice of professional land surveying. STET

10 END INSERT A

SECTION 128m. RA; 443.14 (8)(a); 443.14 (8)

STET

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

LRBa1283/P1dn

MPG: f:...

WJ

Date

Representative Weatherston:

Please review this amendment to AB 506 carefully to ensure that it is consistent with your intent.

Rather than creating new paragraphs under s. 443.14 (8), the draft creates a new subsection, sub. (8m), for the amendment's exemption from land surveying licensure requirements. Also, the draft does not separate the exemption for a cooperative from the exemption for the various providers under ch. 196 because the requirements for the exemption are identical.

Please do not hesitate to contact me with any questions.

Thank you.

Michael Gallagher  
Legislative Attorney  
Phone: (608) 267-7511  
E-mail: michael.gallagher@legis.wisconsin.gov

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

LRBa1283/P1dn  
MPG:wlj:jf

December 3, 2013

Representative Weatherston:

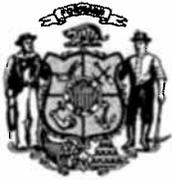
Please review this amendment to AB 506 carefully to ensure that it is consistent with your intent.

Rather than creating new paragraphs under s. 443.14 (8), the draft creates a new subsection, sub. (8m), for the amendment's exemption from land surveying licensure requirements. Also, the draft does not separate the exemption for a cooperative from the exemption for the various providers under ch. 196 because the requirements for the exemption are identical.

Please do not hesitate to contact me with any questions.

Thank you.

Michael Gallagher  
Legislative Attorney  
Phone: (608) 267-7511  
E-mail: michael.gallagher@legis.wisconsin.gov



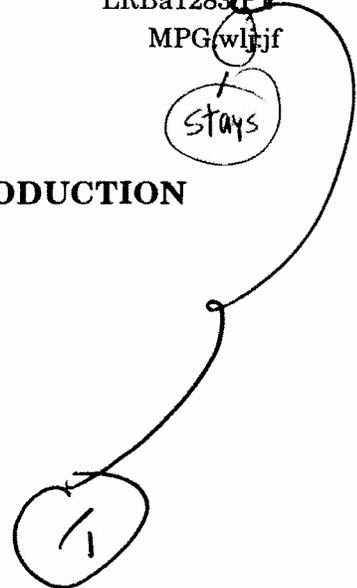
Today



LRBa1283(P)  
MPG/wljf

STAYS

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**  
**ASSEMBLY AMENDMENT ,**  
**TO ASSEMBLY BILL 506**



1 At the locations indicated, amend the bill as follows:

2 **1.** Page 47, line 19: delete lines 19 to 23 and substitute:

3 “SECTION 128e. 443.14 (8) (intro.) of the statutes is repealed.

4 SECTION 128m. 443.14 (8) (a) of the statutes is renumbered 443.14 (8) and  
5 amended to read:

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

10 **2.** Page 48, line 1: delete lines 1 to 4 and substitute:

11 “SECTION 131e. 443.14 (8) (d) of the statutes is repealed.

12 SECTION 131m. 443.14 (8m) of the statutes is created to read:



**Gallagher, Michael**

---

**From:** Leiber, John  
**Sent:** Tuesday, December 10, 2013 1:02 PM  
**To:** Gallagher, Michael  
**Subject:** LRB a1283

Michael,

One change to make in the amendment to 443.14(8m)(a) adding on page, after line 10 . Please add another exemption that reads:

7. A commercial mobile radio service provider, as defined in 196.01(2g).

We'd like to introduce this soon, so please rush this, if possible.

John Leiber  
*Legislative Assistant*  
*Office of State Representative Weatherston, 62<sup>nd</sup> District*  
(608) 266-0731  
[john.leiber@legis.wisconsin.gov](mailto:john.leiber@legis.wisconsin.gov)



IN: 12/10 By: Wed., 12/11

State of Wisconsin  
2013 - 2014 LEGISLATURE

Thanks  
==



LRBa1283/1  
MPG:wj:rs

stays

12

**ASSEMBLY AMENDMENT ,  
TO ASSEMBLY BILL 506**

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 47, line 19: delete lines 19 to 23 and substitute:

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4 **SECTION 128m.** 443.14 (8) (a) of the statutes is renumbered 443.14 (8) and  
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6 443.14 (8) An employee of a professional land surveyor ~~registered in this state~~  
7 ~~or authorized to practice under a permit, while working~~ doing surveying work under  
8 the supervision of the employer. ~~Such exempt, if the employee shall~~ is not be in  
9 responsible charge of the practice of professional land surveying.”.

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12 **SECTION 131m.** 443.14 (8m) of the statutes is created to read:

1 443.14 (8m) (a) Subject to par. (b), an employee or contractor of any of the  
2 following while engaged in land surveying is exempt from the provisions of this  
3 chapter:

4 1. The provider of a broadcast service, as defined in s. 196.01 (1m).

5 2. The provider of a cable service, as defined in s. 196.01 (1p).

6 3. A public utility, as defined in s. 196.01 (5).

7 4. A telecommunications provider, as defined in s. 196.01 (8p).

8 5. A video service provider, as defined in s. 196.01 (12r).

9 6. A cooperative association organized under ch. 185 for the purpose of  
10 producing or furnishing heat, light, power, or water to its members only.

11 (b) The exemption under par. (a) applies only if the employee's or contractor's  
12 performance of land surveying is limited to establishing and mapping the location  
13 of an easement for the provision of services by the provider or cooperative under par.

14 (a) 1. to 6. and if the map prepared by the employee or contractor contains all of the  
15 following:

16 1. A legal description, as defined in s. 706.01 (7r), of each tract of land affected  
17 by the easement. Notwithstanding s. 66.0217 (1) (c), an internal reference to another  
18 document may be used in the legal description to describe the location of an  
19 easement.

20 2. The width of the easement.

21 3. An identification of each point at which the easement intersects each  
22 boundary of each tract of land affected by the easement.”.

23 (END)

3. A commercial mobile radio service provider, as defined  
in s. 196.01 (2g)

**Gallagher, Michael**

---

**From:** Leiber, John  
**Sent:** Thursday, December 12, 2013 4:04 PM  
**To:** Gallagher, Michael  
**Subject:** LRB a1283

Michael,

Here is some new language to be added to the amendment, I'll send the jacket back again hopefully for the last time. This one also should be rushed if possible. There will be at least one more amendment to AB 506 coming either tomorrow or early next week.

**AB 506, Page 47, line 16 make change**

SECTION 127. 443.135 (2) of the statutes is created to read:

443.135(2) Preparing a map that depicts easements, temporary trails, ~~easements~~ or other uses of lands if the map contains the following statement: "This map is not a survey of the actual boundary of any property this map depicts.

**LRB a1283, Page 2, line 12, make changes:**

443.14 **(8m)(b)** The exemption under par. (a) applies only if the employee or contractor is engaged in services described in s. 443.01 (6s) (a) 3., (c), (d) and (f).

**Delete 443.14 (8m)(b) 1 – 3 in amendment**

John Leiber  
*Legislative Assistant*  
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(608) 266-0731  
[john.leiber@legis.wisconsin.gov](mailto:john.leiber@legis.wisconsin.gov)

**Gallagher, Michael**

---

**From:** Leiber, John  
**Sent:** Friday, December 13, 2013 8:30 AM  
**To:** Gallagher, Michael  
**Subject:** RE: LRB a1283

Yes, that looks better

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**From:** Gallagher, Michael  
**Sent:** Friday, December 13, 2013 7:48 AM  
**To:** Leiber, John  
**Subject:** RE: LRB a1283

John, should the second change below read as follows?

443.14 **(8m)(b)** The exemption under par. (a) applies only if the employee or contractor is engaged in services described in s. 443.01 (6s) (a) 3., (c), (d) and (f) for or on behalf of the provider or cooperative.

**Mike Gallagher**  
Attorney  
Wisconsin Legislative Reference Bureau  
(608) 267-7511

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**Delete 443.14 (8m)(b) 1 – 3 in amendment**

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Legislative Assistant  
Office of State Representative Weatherston, 62<sup>nd</sup> District  
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[john.leiber@legis.wisconsin.gov](mailto:john.leiber@legis.wisconsin.gov)



Travis



LRBa12892  
MPG:wl/jf

STAYS

13

**ASSEMBLY AMENDMENT,  
TO ASSEMBLY BILL 506**

Insert 1-1

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4 **SECTION 128m.** 443.14 (8) (a) of the statutes is renumbered 443.14 (8) and  
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6 443.14 (8) An employee of a professional land surveyor registered in this state  
7 ~~or authorized to practice under a permit, while working~~ doing surveying work under  
8 the supervision of the employer. ~~Such exempt, if the employee shall~~ is not be in  
9 responsible charge of the practice of professional land surveying.”.

10 **2.** Page 48, line 1: delete lines 1 to 4 and substitute:

11 “SECTION 131e. 443.14 (8) (d) of the statutes is repealed.

12 **SECTION 131m.** 443.14 (8m) of the statutes is created to read:

1 443.14 (8m) (a) Subject to par. (b), an employee or contractor of any of the  
2 following while engaged in land surveying is exempt from the provisions of this  
3 chapter:

- 4 1. The provider of a broadcast service, as defined in s. 196.01 (1m).
- 5 2. The provider of a cable service, as defined in s. 196.01 (1p).
- 6 3. A commercial mobile radio service provider, as defined in s. 196.01 (2g).
- 7 4. A public utility, as defined in s. 196.01 (5).
- 8 5. A telecommunications provider, as defined in s. 196.01 (8p).
- 9 6. A video service provider, as defined in s. 196.01 (12r).
- 10 7. A cooperative association organized under ch. 185 for the purpose of  
11 producing or furnishing heat, light, power, or water to its members only.

12 (b) The exemption under par. (a) applies only if the employee's or contractor's  
13 performance of land surveying is limited to establishing and mapping the location  
14 of an easement for the provision of services by the provider or cooperative under par.  
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18 by the easement. Notwithstanding s. 66.0217 (1) (c), an internal reference to another  
19 document may be used in the legal description to describe the location of an  
20 easement.
- 21 2. The width of the easement.
- 22 3. An identification of each point at which the easement intersects each  
23 boundary of each tract of land affected by the easement."

24

(END)

employee or contractor is engaged in services described  
in s. 443.01 (6s) (a) 3., (c), (d), or (f) for or on  
behalf of the provider or cooperative." @

**2013-2014 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRBa1283/3ins  
MPG:wljf

1           INSERT 1-1

2           **1.** Page 47, line 16: substitute “easements, temporary trails” for “temporary  
3 trails, easements”.

4           END INSERT 1-1