



## WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

**2013 Assembly Bill 506**

**Assembly Amendments 2  
Through 5 and Assembly  
Amendment 1 to Assembly  
Amendment 5**

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2013 Assembly Bill 506 makes various changes relating to the practice of professional land surveying. Key changes relate to the definitions of the terms “practice of professional land surveying” and “professional land surveyor”; licensing of professional land surveyors; procedures, format, and recording requirements for subdivision plats; the placement of monuments for subdivision plats; the approximation of ordinary high-water marks in shoreland plats; granting easements through survey maps; requirements of professional land surveyors in towns and in Milwaukee County; and exceptions from the general professional land surveyor licensing requirements.

### **ASSEMBLY AMENDMENT 2**

Assembly Amendment 2 removes the term “perennial” where it appears to modify the word “stream” in various platting requirements throughout the bill, thereby making various requirements under the bill applicable to the platting of any navigable stream shore, instead of only to perennial navigable stream shores.

In addition, the amendment modifies a description of “ordinary high-water mark” under the bill to make it more consistent with the definition of that term in relevant court decisions.

The amendment also removes language that the bill had required to be included on certain subdivision plats and land surveys, which stated that the owner of real property abutting a lake or a navigable perennial stream has exclusive use of that land when it is exposed.

### **ASSEMBLY AMENDMENT 3**

The bill exempts employees of public utilities from the general professional land surveying licensing requirements. However, under the bill, that exception sunsets on June 30, 2019.

Instead, Assembly Amendment 3 creates a new, permanent exception for employees of certain utilities. The exception under the amendment applies to employees of the following entities, if they are engaged in specified professional land surveying practices:

- Certain providers of broadcast services.
- Certain providers of cable services.
- Certain commercial mobile radio services.
- Certain public utilities.
- Certain telecommunications providers.
- Certain video service providers.
- Cooperative associations organized under ch. 185, Stats., for the purpose of producing or furnishing heat, light, power, or water to their members only.

Under the amendment, an employee or contractor of any of those entities may perform the following services on behalf of the entity without being subject to licensing requirements for professional land surveyors:

- The establishment of boundaries for public or private easements.
- Placing, replacing, restoring, or perpetuating monuments.
- Preparing maps that depict interests in real property.
- Performing construction surveying or geodetic surveying.

### **ASSEMBLY AMENDMENT 4**

The bill defines the “practice of professional land surveying” to include, among other activities, any service comprising the establishment or reestablishment of boundaries of the alignment and rights-of-way of roads or streets. Assembly Amendment 4 removes the word “alignment” from that definition. Thus, under the amendment, the definition does not encompass the establishment or reestablishment of the alignment of road and streets.

In addition, the amendment amends the title of an exception from the licensing requirements under the bill to clarify that the exception applies to construction surveying.

### **ASSEMBLY AMENDMENT 5**

Assembly Amendment 5 adds exceptions from the professional land surveying licensing requirements for certain activities relating to natural resources management and for employees and agents of the Department of Natural Resources (DNR), the Department of Agriculture, Trade, and Consumer Protection, and the Department of Military Affairs who create geographic information systems (GIS) maps within the scope of their employment. In addition, the amendment adds an exception allowing DNR orders under the managed forest law to be recorded without a signature and seal of a professional land surveyor.

### **ASSEMBLY AMENDMENT 1 TO ASSEMBLY AMENDMENT 5**

Assembly Amendment 1 to Assembly Amendment 5 adds exceptions from professional land surveying licensing requirements for three additional state agencies: the Department of Transportation, the Public Service Commission, and the Board of Commissioners of Public Lands. Specifically, under the amendment, employees of those agencies would be exempt from the licensing requirement under the bill for the creation of GIS maps within the scope of the employees' employment.

### **BILL HISTORY**

Representative Weatherston introduced Assembly Amendments 2 and 3 to 2013 Assembly Bill 506 on December 10, 2013 and January 15, 2014, respectively. Representative Weatherston introduced Assembly Amendments 4 and 5 to the bill on January 17, 2014. On January 22, 2014, the Assembly Committee on State Affairs and Government Operations voted to recommend the adoption of each of those four amendments on votes of Ayes, 16; Noes, 0. On the same day, the committee voted to recommend passage of the bill, as amended, also on a vote of Ayes, 16; Noes, 0.

Representative Weatherston introduced Assembly Amendment 1 to Assembly Amendment 5 on February 10, 2014. On February 13, 2014, the Assembly adopted all of the amendments and the bill, as amended, on voice votes.

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