



## WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

<b>2013 Senate Bill 394</b>	<b>Senate Amendments 2 Through 5 and Senate Amendment 2 to Senate Amendment 5</b>
<i>Memo published:</i> February 25, 2014	<i>Contact:</i> Margit Kelley, Staff Attorney (266-9280) Anna Henning, Staff Attorney (266-0292)

2013 Senate Bill 394 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.

### **SENATE AMENDMENT 2**

Senate 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.

### **SENATE 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, Senate 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.

### **SENATE 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. Senate 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.

### **SENATE AMENDMENT 5**

Senate 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.

### **SENATE AMENDMENT 2 TO SENATE AMENDMENT 5**

Senate Amendment 2 to Senate 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 are exempt from the licensing requirement under the bill for the creation of GIS maps within the scope of the employees' employment.

### **BILL HISTORY**

On February 25, 2014, the Senate Committee on Judiciary and Labor recommended adoption of Senate Amendments 2 through 5, and Senate Amendment 2 to Senate Amendment 5, and recommended passage of the bill, as amended, on votes of Ayes, 5; Noes, 0.

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