



# Frank Lasee

WISCONSIN STATE SENATOR  
FIRST SENATE DISTRICT



## Senator Lasee's Testimony Senate Bill 394—Updating Surveying Laws

Surveying is one of the oldest professions in Wisconsin, and the laws that regulate Professional Land Surveyors have become out-of-date. SB-394 brings Surveying laws to the modern era.

- Changes all references in statutes from "Register Land Surveyor" to "Professional Land Surveyor", which is the currently used name for the profession.
- With input from DOA, the bill updates s.236, the platting statute, to simplify plat approval and allows electronic submission of the plat.
- Allows flexibility in where survey monuments can be set for road right-of-ways.
- Allows for narrower map margins consistent with industry practice.
- Clarifies the way new mapped parcels are tied to existing surveys.
- Makes it possible for the Register of Deeds to accept any media for recording maps that they choose.
- Allows Certified Survey Maps to be used to grant easements.
- The way Ordinary High Water marks are estimated on surveys along water will have a new legal framework. To ensure that this framework fits DNRs interpretation of this law we introduced Senate Amendment 2 at the DNRs request.

The reason this bill is needed, is over the decades it has become unclear as to what counts as land surveying and what does not. This bill does NOT expand surveyors' "turf" and to make sure it doesn't, this bill carves out and defines what is surveying and what is not. We worked with geodetic mappers (aerial photogrammetry and satellite map makers), construction surveyors, foresters and others who do mapping or other activities that are similar to surveying-- but are not, to ensure that they are specifically NOT required to have their work performed by a "professional land surveyor." Amendments 3 and 4 were added with input from the other groups to be perfectly clear.

I would argue that this bill creates a narrower definition of when the use of a licensed professional land surveyor is needed. The surveyors weren't asking for anything extra. They wanted clarity.

The forest products industry was one of the groups that we worked with most to ensure that their industry practices were exempt from requiring a professional land surveyor. We worked with their industry and introduced Senate Amendment 5 to clarify that recording MFL papers and forest industry practices do not constitute surveying.

The bill eliminates some old grandfather clauses to ensure that people who receive a license to become professional land surveyors have received the training and expertise that the public relies on. Because of some concerns raised by the Utility industry, we took their input and introduced Senate Amendment 3 which creates an exemption for filing utility easements in place of the old blanket exemption.

Because surveying touches so many aspects of our lives, an enormous amount of dialogue has occurred between us, other interested industries, and the surveyors to bring forward this package. I hope for your support on moving this package forward.



## WISCONSIN LEGISLATIVE COUNCIL

*Terry C. Anderson, Director*  
*Laura D. Rose, Deputy Director*

TO: SENATOR FRANK G. LASEE

FROM: Margit Kelley, Staff Attorney

RE: Senate Amendments 2, 3, 4, and 5 to 2013 Senate Bill 394 and Senate Amendment 2 to Senate Amendment 5

DATE: February 13, 2014

This memorandum, prepared at your request, briefly describes Senate Amendments 2, 3, 4, and 5 to 2013 Senate Bill 394 and Senate Amendment 2 to Senate Amendment 5.

### **2013 SENATE BILL 394**

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 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 the professional land surveying licensing requirements for three additional agencies: the Department of Transportation, the Public Service Commission, and the Board of Commissioners of Public Lands.

If you have any questions, please feel free to contact me directly at the Legislative Council staff offices.

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