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**STATEMENT IN SUPPORT  
OF ASSEMBLY BILL 271**

**ASSEMBLY CONSUMER PROTECTION COMMITTEE**

July 1, 2009

**WILLIAM P. O'CONNOR  
WISCONSIN SOCIETY OF LAND SURVEYORS**

I want to thank Representative Clark, Senator Risser and the other sponsors from both parties for their work and support for this important bill. Thanks, too, to Rep. Hintz and the Committee for scheduling this hearing after an exhausting budget discussion.

All of the lands in this state were first described in the United States Government Survey mostly in the mid-1800s. A lot has changed since then. Global positioning systems, computers and other technologies have taken the place of the chains and other hand tools used when State lands were first described in the 19<sup>th</sup> Century.

Since the 1950's, Wisconsin law has regulated the practice of land surveying to provide assurance that the boundaries of land people purchase for homes, farms and businesses are clearly established. The Department of Regulation and Licensing has statutory responsibility for the integrity of the system under which land boundaries are established to ensure that surveyors have the knowledge and experience necessary to do this work accurately. That system includes experience and education standards, a license examination, professional responsibility standards and continuing education requirements for land surveyors. It also includes accuracy standards governing survey practice. State laws also set detailed requirements for special types of land divisions, including subdivision plats, certified survey maps, cemetery and assessor's plats and condominiums. A county surveyor in each county is charged to maintain records of every plat, subdivision and land survey prepared by professional land surveyors and registers of deeds are only authorized to record maps and other survey documents that are signed and sealed by a registered land surveyor.

AB-271 would not change the fundamental elements of this system. Rather the bill aims to bring the statutes in line with modern survey practice and technology, to narrow the definition of land surveying to avoid overbroad coverage and to eliminate conflicting language adopted in session laws adopted over the decades since World War II.

Numerous statutes enacted over the last century refer to land surveyors. But these references are not consistent. Thus, much of the bulk of the bill simply amends existing provisions to consistently refer to persons licensed by the Department of Regulation and Licensing as Professional Land Surveyors.

The most consequential provisions of the proposal are contained in the sections of the bill that define the regulated practice of professional land surveying. What is land surveying? Under current law, a single sentence in s. 443.01 defines the practice, and simply put, it is too broad. It does not adequately define which activities should require a licensed professional and which do not. AB-271 replaces that definition with a more precise listing of the specific mapping and related activities for which licensure as a Professional Land Surveyor is required. Activities not within the definition provided in the bill would not be subject to training, licensing, professional regulation or accuracy standards.

At the core of the listed activities that constitute the practice of land surveying is the preparation of maps and the placement of monuments set when a new property boundary is established. Under current law, a surveyor license is required for anyone who prepares maps “showing the shape and area of tracts of land.” This might have been an appropriate definition years ago, when it took a long time and specialized skills to prepare a map showing the boundaries of tracts of land.

But the computer age of has transformed map making. Nowadays, anybody with a computer can make a map showing the boundaries of tracts of land and millions do, for reasons that range from recreation to travel planning to property tax listing, zoning regulation and traffic management. This bill aims to draw a clear line that allows anybody to make maps of lands, but places responsibility for maps that establish property boundaries on professional land surveyors.

The bill includes additional language that, again, aims to provide a more precise definition of the activities that require professional land surveying licensure and those that do not.

Over the last couple of weeks, I and other representatives of the Wisconsin Society of Land Surveyors have been involved in extensive discussions with Representative Clark, agency staff and others about the bill. These discussions have focused on a few key areas of concern that I would like to briefly address this morning.

First, the bill recognizes that professional land surveyors must have knowledge of electronic land information systems, sometimes known as GIS or geographic information systems. The language of the bill was intended to recognize that activity as an element of the practice of land surveying, not to require that every person involved in the design, management or operation of these systems hold a license as a professional land surveyor. WSLS would support an amendment to the bill to make it absolutely clear that survey licensure is not required by the hundreds of state, county and local government employees who manage Geographic Information Systems, but do not undertake to actually establish property lines. We will work with the bill author and the GIS community to make sure that this concern is allayed with appropriate language.

Second, some agency staff have expressed concern that the bill's language could be construed to require that maps produced to establish boundaries for regulatory purposes be prepared by professional land surveyors. Again, the bill does not aim to establish any requirements that would affect the conduct of state or local regulatory programs and WSLS would support an amendment to clarify that maps prepared to set boundaries for governmental regulations – from hunting to zoning and traffic rules – do not require the involvement of professional land surveyors.

Third, some agency staff have questioned how the bill would affect programs under which agencies and some local governments purchase certain types of easements. Under these programs, agencies acquire not full ownership, but important property rights within specified boundaries to support land and water conservation goals. WSLS recognizes that there may be circumstances where these boundaries could be established under these programs by government employees not licensed as professional land surveyors. But we approach this issue cautiously. In many cases, these conservation programs acquire permanent easement interests that run with the land in perpetuity. WSLS believes that whenever permanent boundaries are established by maps or plats or through the placement of monuments in the field, those boundaries should be accurate and should stand the test of time. The Society could support an amendment to exempt certain government easement programs from the licensing requirements under the bill, but only where provision is made to ensure that the exempt work is performed by persons whose qualifications have been established and the easement boundaries are established to an accuracy standard appropriate to the program involved.

I want to reiterate my appreciation to Representative Clark and to the DATCP, DNR and GIS professionals who have been involved in discussions about these issues. I feel confident that amended language can be crafted that will give Wisconsin consumers confidence in the integrity of property boundaries without unduly burdening the work of state agencies and without interfering with the work of land information professionals. WSLS looks forward to working toward resolution of these issues so the Committee can take executive action on the bill early this fall.