



January 5, 2010

Senate Economic Development Committee
Senator Julie Lassa, Chair
P.O. Box 7882
Wisconsin State Capitol
Madison, WI 53707
(via Email: Sen.Lassa@legis.wisconsin.gov)

Dear Senator Lassa and Members of the Committee:

The American Society for Photogrammetry and Remote Sensing (ASPRS)¹ commends your Committee's interest in the geospatial profession, as evidenced by your consideration of SB 194 (and its companion AB 271). However, we are deeply concerned that these bills will adversely affect our members in Wisconsin and those in neighboring states that work in Wisconsin and **recommend SB 194 NOT be approved in its current form.**

SB 194 (and AB 271) would add new services to the definition of the practice of land surveying, subject to the requirement that such services be performed by a licensed surveyor. Specifically, Section 60 would add cartographic surveying which includes topographic, aerial and mining data of features on, below or above the surface of the earth, Section 61 would add construction surveying which includes any mapping in support of infrastructure design or the establishing of construction documentation, and Section 63 would add geodetic surveying which includes mapping the size or shape of the earth or the precise location of points on the earth's surface.

However, today, these services are not required to be performed by a licensed individual. If enacted in their current form, AB 271 or SB 194 would legislate out of business a number of highly qualified geospatial professionals who are not licensed surveyors. This is due primarily to the fact that neither bill includes a "grandfather" provision, although there are other more technical weaknesses in the current language as well.

The practical effect of SB 194 and AB 271 will be to regulate photogrammetry (and potentially some applications of GIS technology) as the practice of surveying. Any individual who today is providing photogrammetric or GIS services in the State of Wisconsin, and who is not a licensed surveyor, would therefore be prohibited from continuing their practice should AB 271 or SB 194 be enacted into law in their present form. This would have the effect of legislating out of business any individual who, while highly experienced, qualified and competent to perform photogrammetric mapping or GIS services, does not meet the requirements for becoming licensed as a surveyor under Chapter 443.

In this regard, SB 194 and AB 271 are also inconsistent with the Model Law (see www.ncees.org/introduction/about_ncees/ncees_model_law.pdf) of the National Council of

¹ Founded in 1934, ASPRS is a national/international scientific and educational organization of more than 6,000 geospatial information professionals, and 140 sustaining corporate members. The Society is devoted to advancing knowledge and improving understanding of the imaging and mapping sciences to promote responsible applications of photogrammetry, aircraft and satellite remote sensing, geographic information systems, and supporting technologies.

Examiners for Engineers and Surveyors (NCEES), the national organization composed of engineering and surveying licensing boards representing all U.S. states and territories. The Wisconsin Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors is a member of NCEES.

Photogrammetric mapping and other geospatial services, including some applications of GIS, are recognized by NCEES as very different sub-disciplines in the broad field of surveying and engineering. They require different techniques, equipment, training, methodologies, experience and, most importantly, examination. An individual trained and experienced in land surveying is not typically qualified or competent to practice photogrammetry or provide non-boundary related GIS mapping services, nor are photogrammetrists or GIS specialists typically qualified to perform boundary surveys.

If either AB 271 or SB 194 is enacted in their present form, qualified photogrammetry and GIS practitioners who do not meet the State Board's boundary survey requirements would be legally prohibited from continuing to practice in Wisconsin. That will create an immediate shortage of photogrammetrists and GIS practitioners, causing severe economic disruption in the State.

Activities such as flood plain mapping; highway corridor mapping; infrastructure mapping for pipelines, airports, water supply systems and other critical public works projects; private commercial and residential land development; and natural resource management would all come to a virtual standstill without an adequate supply of geospatial practitioners. In addition, in the limited number of cases where these projects could be technically carried out utilizing conventional land surveying methods, significant and unnecessary added costs and years of delays would negatively impact the economy of the State of Wisconsin.

The NCEES Model Law was carefully developed after an extensive process that included a nationwide corps of stakeholders, such as engineers, surveyors, photogrammetrists, GIS practitioners, and state licensing board members. The Model Law includes a grandfather or "savings" clause to permit a window during which currently practicing photogrammetrists can become licensed as surveyors, with practice limited to their area of competence and expertise – by demonstrating qualifications and experience in the specialty area of photogrammetry, but not tying it to experience, examination or education specific to the other discipline areas represented by traditional land surveying.

Recently, the Legislatures in the State of Oregon and the Commonwealth of Virginia included licensing of photogrammetrists in their respective definitions of surveying. Those Legislatures each included such a savings clause or grandfather provision. In addition, all geospatial stakeholders in Oregon and Virginia came together, prior to drafting of the final legislative language, to insure that the resulting legislation did not inadvertently harm the increasingly important applications of the related geospatial technologies.

Similar processes have benefited other state legislatures that have recently enacted legislation affecting photogrammetry in their Land Surveyors Acts, including North Carolina, South Carolina and Florida. To the best of our knowledge, such an inclusive process was not followed in Wisconsin; ASPRS and its Wisconsin members were not consulted regarding the development of the proposal that became AB 271 or SB 194.

We respectfully urge you to halt consideration of SB 194 (and/or AB 271) and allow time for a similar consultative process to occur amongst the geospatial community within Wisconsin. If such a delay is not possible, then at a minimum we believe it is imperative for you to include a provision similar to the "Grandfathering of Photogrammetrists" language that is found in section 160.60 of

the NCEES Model Law, and mandate the use of the NCEES Model Rules² in the administrative implementation of this legislation.

We would be pleased to meet with you and/or other interested parties to discuss our concerns and develop a mutually agreeable solution, including the grandfather provision we recommend.

Sincerely,



James R. Plasker
Executive Director

cc (via email) to Committee Members:

Senator John Lehman (Sen.Lehman@legis.wisconsin.gov)
Senator Kathleen Vinehout (Sen.Vinehout@legis.wisconsin.gov)
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² The NCEES Model Rules were developed by the same stakeholder process mentioned above to address the critical delineations between those practices within the geospatial professions, including the application of GIS technologies, which require licensure to protect the public health, safety and welfare, and those which do not rise to that level. ASPRS believes that both the adoption of the “savings” clause in the statute and the use of the Model Rules as a guide in the establishment of related administrative regulations are imperative to successful and non-punitive implementation of this legislation. (See section 210.25 Inclusions and Exclusions of Surveying Practice at www.ncees.org/introduction/about_ncees/ncees_model_rules.pdf)