

GREEN SHEET REDIGEST

HB 713

2024 Regular Session

Gadberry

SURVEYORS: Provides relative to the practice of land surveying and the practice of engineering.

DIGEST

Present law provides the definition of "the practice of land surveying" to include the measuring of areas, land surfaces, streams, bodies of water, and swamps for correct determination and description, for the establishment, reestablishment, ascertainment, or description of land boundaries, corners, divisions, distances, and directions, the plotting and monumenting of lands and subdivisions thereof, and mapping and topographical work.

Present law provides that a person shall be construed to practice or offer to practice land surveying who engages in land surveying and who by verbal claim, sign, advertisement, letterhead, card, or in any other way represents himself to be a land surveyor, or who represents himself as able to perform or who does perform any land surveying service or work, or any other service designated by the practitioner which is recognized as land surveying.

Proposed law removes present law.

Proposed law defines "the practice of land surveying" to mean providing, or offering to provide, professional services using such sciences as mathematics, geodesy, and photogrammetry, and involving both of the following:

- (1) The making of geometric measurements and gathering related information pertaining to the physical or legal features of the earth, improvements on the earth, the space above, on, or below the earth, or within bodies of water, whether the making of measurements or the gathering of information for the providing of these services is accomplished by conventional ground measurements, by photography, by Light Detection and Ranging (LIDAR), by global positioning via satellites, or by a combination of any of these methods for the establishment, reestablishment, ascertainment, or description of land boundaries, corners, divisions, distances, and directions, the plotting and monumenting of lands and subdivisions thereof.
- (2) Providing, utilizing, or developing the same into survey products such as graphics, data, maps, plans, reports, descriptions, or projects.

Proposed law provides that professional services include acts of consultation, investigation, testimony, evaluation, expert technical testimony, planning, mapping, assembling, and interpreting gathered measurements and information related to any one or more of the following:

- (1) Locating, relocating, establishing, reestablishing, or retracing property lines or boundaries of any tract of land, road, right-of-way, servitude, or easement.
- (2) Making any survey for the division, subdivision, or consolidation of any tract of land.
- (3) Locating or laying out alignments, positions, or elevations for the construction of fixed works, when the location of the fixed works has a direct relationship to a property boundary.
- (4) Determining, by the use of principles of land surveying, the position for any survey monument, boundary or geodetic, or reference point, and establishing or replacing any such monument or reference point.

- (5) Creating, preparing, or modifying electronic, computerized, or other data, relative to the performance of activities in proposed law.

Proposed law provides that a person shall be construed to practice land surveying if he does any of the following:

- (1) Engages in or holds himself out as able and entitled to practice land surveying.
- (2) Represents himself to be a professional land surveyor by verbal claim, sign, advertisement, letterhead, card, or in any other way.
- (3) Through the use of some other title, implies that he is a professional land surveyor or licensed by the board.

Present law provides the provisions of present law shall not be construed to prevent or to affect certain practices or professions.

Proposed law retains present law and provides that present and proposed law shall not be construed to prevent or to affect the following: Any other lawful practice when performed for purposes other than the practice of land surveying, including but not limited to photogrammetry, remote sensing, geographic information system or land information system design or services, LIDAR, unmanned aerial system services, or geoscience services.

Proposed law adds that present and proposed law shall not be construed to prevent or to affect the duties carried out by the Dept. of Agriculture and Forestry.

Present law defines "engineer" or "professional engineer" and "practice of engineering".

Proposed law deletes the definitions in present law and defines "engineer" or "professional engineer" and "practice of engineering" to be the same as provided for in present law.

(Amends R.S. 37:682(14) and 711.2(4), (12), and (14); adds R.S. 37:702(8) and (9))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Commerce to the original bill:

1. Make technical changes.
2. Delete the definitions of "engineer" or "professional engineer" and the "practice of engineering" in present law and add the definitions outlined in other present law.

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Commerce, Consumer Protection, and International Affairs to the reengrossed bill

1. Specify in the definition of "practice of land surveying" that the making of geometric and the gathering of certain related information is for the establishment; reestablishment; ascertainment; or description of land boundaries; corners; divisions; distance and directions; the plotting of land and subdivision of the land.
2. Remove from the definition of "practice of land surveying" certain professional services.
3. Remove certain activities to which the provisions of present law and proposed law will not prevent or affect.
4. Makes technical changes.