

estate, may, without the consent of the owner or person in possession, enter upon or cross any lands, air, space or water resource, whether publicly or privately owned, except for property owned or operated by a public utility, and specifically exempting property owned and /or operated by wastewater treatment facilities, necessary to perform surveying services.

In the event the committee is not amenable to an exemption for public utilities, the NBC proposes two revisions to H5344 that while still preserving the surveyor's right of entry created by this bill, together protect the vital facilities and infrastructure owned and operated by public utilities. Specifically:

- 1) Add the following verbiage to subsection (d) at page 1 line 15

(d) This section shall not be construed to give a professional land surveyor the authority to enter any building or structure used as a residence or for storage, or the authority to enter any building or structure on lands owned or operated by a public utility, including lands owned by a wastewater treatment facility.

- 2) Insert a new subsection (e)(3) on page 2 to read as follows:

(e)(3) Notwithstanding §5-8.1-21(e)(1) and §5-8.1-21(e)(2), receipt of written notice to a public utility, including wastewater treatment facilities, whether delivered by hand in accordance with §5-8.1-21(e)(1) or by mail in accordance with §5-8.1-21(e)(2), shall be confirmed by the land surveyor and a scheduled appointment shall be made with the public utility, including wastewater treatment facilities, prior to the surveyor entering upon or crossing lands, air, space or water resource owned or operated by the public utility.

The NBC respectfully requests that the Committee consider the above proposed changes to H5344 and urges the legislature to consider the real risks that could arise from granting such broad authority to land surveyors.

Thank you for the opportunity to comment.

Sincerely,



Jennifer J. Harrington
General Counsel
Legislative Liason
Narragansett Bay Commission