

## LEGISLATIVE BILL 442

Approved by the Governor May 13, 1971

Introduced by John S. Savage, 10th District; Duke Snyder, 14th District

AN ACT to amend sections 81-8,109, 81-8,114, 81,8,115, 81-8,116, 81-8,118, and 81-8,120, Reissue Revised Statutes of Nebraska, 1943, and sections 81-8,110 and 81-8,117, Revised Statutes Supplement, 1969, relating to land surveying; to redefine terms; to establish an examining board; to provide for members of the board, their appointment, term, qualifications, removal, compensation, and expenses; to provide for certificate of appointment; to provide for rules and regulations; to provide for personnel of the board and their duties; to provide for a seal; to provide for a certificate of registration; to provide for powers and duties of the board; to provide for registration as prescribed; to provide for fees; to repeal the original sections, and also sections 81-8,111 and 81-8,119, Reissue Revised Statutes of Nebraska, 1943, and section 81-8,112, Revised Statutes Supplement, 1969.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 81-8,109, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-8,109. As used in sections 81-8,108 to 81-8,127, unless the context otherwise requires:

(1) Board shall mean the State Board of Examiners for Land Surveyors;

(2) Land surveyor shall mean a person who engages in the practice of land surveying as hereafter defined; and

(3) Surveyor-in-training shall mean a person who is a graduate in an approved surveying or engineering curriculum of four years or more, or who has had four or more years of experience in surveying work of a character satisfactory to the board, and who, in addition, has successfully passed the examination in the

fundamental surveying subjects, and has received from the board a certificate stating that that portion of the examination has been successfully passed. The fee for such certificate and the renewal thereof shall be set by the board; and

~~(3)~~ (4) Land surveying shall mean and include the surveying of areas for their correct determination and description and for conveyancing, or for the establishment or reestablishment of land monuments and boundaries and the platting of lands and subdivisions thereof. =

Sec. 2. That section 81-8,110, Revised Statutes Supplement, 1969, be amended to read as follows:

~~81-8,110. The Director State Engineer or his authorized representative, the State Surveyor and the Dean of the College of Engineering of the University of Nebraska are hereby constituted an ex officio Board of Examiners for Land Surveyors. Meetings of the board shall be held at such time and place as the rules and regulations of the board may provide. The board shall adopt and have an official seal, which shall be affixed to all certificates of registration granted under sections 81-8,108 to 81-8,127. An examining board shall be established for the purpose of examining, testing and interviewing persons aspiring to become registered to practice land surveying. The examining board shall be independent of all other examining boards and is established for the purpose of determining the ability of persons coming before it to practice land surveying.~~

Sec. 3. The examining board shall consist of five members who are duly registered under the provisions of sections 81-8,108 to 81-8,127 to practice land surveying.

Sec. 4. Each member of the examining board shall be a resident of the State of Nebraska for at least one year immediately preceding his appointment to the examining board, shall have been engaged in the active practice of his discipline for at least ten years, and shall have been in responsible charge of work for at least five years prior to his appointment to the examining board.

Sec. 5. The State Surveyor shall be ex officio secretary of the board and of all committees appointed by the board and the remaining members of the board shall be appointed by the Governor for a term of five

years each, subsequent to the appointment of the members of the original examining board. The term of the Director-State Engineer shall expire as of the effective date of this act. The term of the Dean of the College of Engineering shall expire on or before the last day of February, 1973. As the terms of these members expire, the Governor shall appoint new members for terms of five years each. Two additional members shall be appointed to the examining board with terms which expire in the years 1974 and 1975. As the terms of these members expire, the Governor shall, on or before the last day of February, appoint a member to succeed the member whose appointment has expired. Each member shall serve until the appointment and qualification of his successor. Each member appointed to the examining board shall receive a certificate of appointment from the Governor. Each member so appointed, and prior to his beginning his term, shall file with the Secretary of State the constitutional oath of office.

Sec. 6. The examining board shall hold as many meetings throughout each year as may be necessary to conduct the business of the examining board and to examine, within a reasonable time, the aspirants seeking registration. An annual meeting of the examining board shall be held in the month of March for the election of officers.

Sec. 7. Notice of all meetings, including the annual meeting of the board, shall be in such manner as provided in the by-laws of the board.

Sec. 8. The examining board shall elect from its membership at its annual meeting, officers for the coming year. The officers shall be a chairman and a vice-chairman. The duties of the chairman shall be to preside at all meetings of the board. The vice-chairman shall preside in the absence of the chairman, and shall with the other officers, fulfill such other duties and obligations as provided in section 81-8.110.07 and the by-laws.

Sec. 9. The secretary of the board shall receive and account for all money derived from the operation of sections 81-8.108 to 81-8.127, and shall pay it to the State Treasurer, who shall keep such money in a separate fund to be known as the Land Surveyor Examiner's Fund. This fund shall be continued from year to year. When appropriated by the Legislature, this fund shall be expended only for the purposes of sections 81-8.108 to 81-8.127. When not reappropriated for the succeeding year the money in this fund shall not revert

to the General Fund. The fund shall be paid out only upon vouchers approved by the board and upon warrants issued by the Director of Administrative Services and countersigned by the State Treasurer. The expenditures of the board shall be kept within the income collected and deposited with the State Treasurer by such board.

Sec. 10. The examining board shall make and adopt all by-laws and rules, not inconsistent with law, which are needed in performing its duties. Such rules shall be published in the roster of registrants as provided for in section 81-8.113.

Sec. 11. The Governor may remove any member of the board for misconduct, incompetency, incapacity, neglect of duty, or upon conviction of a crime involving moral turpitude.

Sec. 12. Vacancies on the board, however created, shall be filled for the unexpired term of the member by appointment by the Governor.

Sec. 13. Each member of the examining board shall receive, when authorized, all necessary travel, meals and lodging expenses incidental to the performance of his official duties or while attending national meetings or seminars as the official representative of the examining board.

Sec. 14. The examining board shall adopt and have an official seal, which shall be affixed to all registration and in-training certificates that are granted by the examining board. The dimensions of the seal shall be as provided in the by-laws.

Sec. 15. The examining board may, upon receiving the written recommendation from the examining committee, issue a registration certificate or an in-training certificate to the person named thereon. A new certificate of registration of a duly registered person may be issued to replace a certificate lost, destroyed, stolen or mutilated, subject to the rules and regulations adopted by the board. The mutilated certificate shall be returned to the secretary of the board before a new certificate is issued. Any lost or stolen certificate shall be returned to the board if ever found. The new certificate issued to replace a lost, destroyed or stolen certificate shall be plainly marked with the word DUPLICATE on the face thereof. A fee of ten dollars shall be charged the applicant for the issuance of a new certificate to replace a previously-issued certificate.

Sec. 16. The examining board shall keep a record of its proceedings and a record of all applications for registration. The information and data retained by the examining board in its files for individual applicants shall be considered as confidential. The records shall not be available to any applicant or the public for any reason.

Sec. 17. The examining board may sue or be sued as the examining board and its members need not be named as parties. Members of the board shall not be personally liable, jointly or severally, for any act or acts committed in the performance of their official duties as board members, nor shall any board member be personally liable for any hearing costs or court costs which may accrue in any action by or against the board.

Sec. 18. That section 81-8,114, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-8,114. Applications for registration shall be on forms prescribed and furnished by the board which shall be filed with the secretary of the board at least ninety days prior to the examination. Such applications shall contain a statement, made under oath, showing the applicant's education and detailed summary of his technical work and such other information as the board shall require.

Sec. 19. That section 81-8,115, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-8,115. The applicant for registration must pass a written and oral examination covering generally the matters confronting land surveyors; ~~Provided, such written examination may be waived in the discretion of the board, when the applicant is registered in another state, which maintains standards equal to those required by the State of Nebraska,~~ as provided in the by-laws.

Sec. 20. That section 81-8,116, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-8,116. Such examination shall be taken before a committee composed of not less than three qualified land surveyors to be designated by the board. ~~They shall each receive as compensation not more than ten dollars per day for each day spent in traveling to and from and attending sessions of the board and its~~

~~committees and shall be reimbursed their traveling and other necessary expenses. Each member of the examining committee shall receive when authorized all necessary travel, meals and lodging expenses incidental to the performance of the duties required under this section.~~ Such committee shall certify to the board whether or not an applicant has satisfactorily passed such written examination.

Sec. 21. That section 81-8,117, Revised Statutes Supplement, 1969, be amended to read as follows:

81-8,117. No person shall be eligible for registration unless:

- (1) He is of good moral character;
- (2) He is at least twenty-five years of age;
- (3) He is a citizen of the United States;

(4) He is a high school graduate or holds a certificate of high school equivalency, unless such requirement is specifically waived by the board in his individual case;

(5) He has successfully passed a ~~written, or~~ oral, ~~or written~~ and oral examination, designed to determine his proficiency and qualification to engage in the practice of land surveying. No applicant shall be entitled to take such examination until he shows the necessary practical experience in land surveying work; and

~~(6) He has (a) not less than eight years' surveying experience of which four years must be in a responsible position as a subordinate to a licensed land surveyor, and for purposes of this~~ (6) He has not less than eight years of surveying experience of which five years must be as defined in section 81-8,109, subsection (4). Three of such five years must have been in a responsible position as a subordinate to a licensed land surveyor and for the purpose of this section, responsible position shall mean a position that requires initiative, skill, and independent judgment; this term excludes chainman, rodman, instrument man, ordinary draftsman and others doing routine work, or (b) has graduated, after a course of not less than four years in surveying, engineering, or other approved curriculum, with proportionate credit for lesser time, from a school or college approved by the board as of satisfactory

standing, and an additional ~~three~~ four years of practice in a responsible position.

Sec. 22. That section 81-8,118, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-8,118. To pay the expense of the operation and enforcement of sections 81-8,108 to 81-8,127, the board shall, at the time application for registration is submitted, collect from the applicant an examination fee of not less than twenty-five dollars and not more than fifty dollars as set forth in the by-laws. If the applicant fails to qualify, such fee shall not be returned but such applicant may be reexamined, after a period of not less than one year nor more than two years, ~~without the payment of an additional fee with the payment of a reexamination fee as set forth in the by-laws~~. After the issuance of a certificate of registration, an annual fee of not less than five nor more than ~~ten~~ twenty-five dollars, as the board shall direct, shall be due and payable on or before January 1 of each year. Failure to remit annual fees when due, shall automatically cancel such registration, but otherwise the registration shall remain in full force and effect continuously from the date of issuance, unless suspended or revoked by the board for just cause. A registration which has been canceled for failure to pay the annual fee when due may be reinstated within one year, but such annual fee shall be increased ten per cent for each month or fraction of a month that payment is delayed.

Sec. 23. That section 81-8,120, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-8,120. A nonresident of this state who is registered as a land surveyor in another state may be registered under the provisions of sections 81-8,108 to 81-8,127 by filing an application therefor with the secretary of the board accompanied by a certified copy of his registration in such other state and the payment to the board of a fee in the sum of not less than twenty-five dollars and not more than fifty dollars as set forth in the by-laws. ~~The board may in its discretion waive the requirement of a written examination of such applicant but such applicant shall meet all other requirements for resident applicants; He shall be required to take such examinations as the board deems necessary to determine his qualifications, but in any event he shall be required to pass a written and~~

oral examination of not less than four hours' duration, which shall include questions on laws, procedures, and practices pertaining to the practice of land surveying in this state: Provided, that before a nonresident of this state shall be registered under the provisions of sections 81-8,108 to 81-8,127, he shall first file a written consent that actions and suits at law may be commenced against him in any county of this state wherein any cause of action may arise because of any survey commenced or conducted by such nonresident surveyor, his agent, or employees in such county. Such consent shall provide that service of summons in any such action may be served upon the Secretary of State of the State of Nebraska, for and on behalf of such nonresident land surveyor, and such service shall be held to be sufficient to give the court jurisdiction over such nonresident land surveyor and his agents.

Sec. 24. That original sections 81-8,109, 81-8,114, 81-8,115, 81-8,116, 81-8,118, and 81-8,120, Reissue Revised Statutes of Nebraska, 1943, and sections 81-8,110 and 81-8,117, Revised Statutes Supplement, 1969, and also sections 81-8,111 and 81-8,119, Reissue Revised Statutes of Nebraska, 1943, and section 81-8,112, Revised Statutes Supplement, 1969, are repealed.