

LEGISLATIVE BILL 811

Approved by the Governor March 13, 1974

Introduced by Chambers, 11

AN ACT relating to rights and privileges; to remove citizenship as a requirement for the grant of certain rights and privileges; to amend sections 1-114, 1-137, 19-1806, 37-211, 71-103, 71-139.01, 71-175.01, 71-1,107.13, 71-1,107.14, 71-1,132.13, 71-1,132.37, 71-1,158, 72-302, 77-308, 81-8,117, and 81-8,196, Reissue Revised Statutes of Nebraska, 1943, sections 37-204, 71-139, and 71-2803.01, Revised Statutes Supplement, 1972, and section 71-1,145, Revised Statutes Supplement, 1973; and to repeal the original sections, and also sections 4-101, 4-102, 4-103, 4-104, 4-105, 71-3815, and 79-1247.12, Reissue Revised Statutes of Nebraska, 1943.

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

Section 1. That section 1-114, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

1-114. The certificate of certified public accountant shall be granted by the board to any person ~~(1) who is a citizen of the United States or has duly declared his intention of becoming such citizen; (2) who is a resident of this state or has a place of business therein or, as an employee, is regularly employed therein, (3) (2) who has attained the age of twenty-one years, (4) (3) who is of good moral character, (5) (4) who has had four years of public accounting experience, satisfactory to the board, in any state, in practice as a certified public accountant or as a public accountant, or, in any state, in employment as a staff accountant by anyone practicing public accounting, or any combination of either of such types of experience; Provided, that graduation from a college or university of recognized standing shall be considered as the equivalent of two years of the public accounting experience required by this section, or who has had experience gained through employment by the federal government as a special agent or an internal revenue agent in the Internal Revenue Service and who holds a degree from a college or university of recognized standing and is certified by a District Director of Internal Revenue as having at least three and one half years of field experience as a special agent or internal revenue agent, and (6) (5) who shall have passed a written examination in theory of accounts,~~

in accounting practice, in auditing, and in such other related subjects as the board shall determine to be appropriate.

Sec. 2. That section 1-137, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

1-137. After notice and hearing as provided in sections 1-140 to 1-145, the board may revoke, or may suspend for a period not to exceed five years, any certificate issued under the provisions of sections 1-114 to 1-124, or any registration granted under sections 1-128 to 1-130, or may revoke, suspend, or refuse to renew any permit issued under section 1-136, or may censure the holder of any such permit, for any one or any combination of the following causes:

(1) Fraud or deceit in obtaining a certificate as certified public accountant, or in obtaining registration under sections 1-106 to 1-169, or in obtaining a permit to practice public accounting under sections 1-106 to 1-169;

(2) Dishonesty, fraud, or gross negligence in the practice of public accounting;

(3) Violation of any of the provisions of sections 1-151 to 1-161;

(4) Violation of a rule of professional conduct promulgated by the board under the authority granted by sections 1-106 to 1-169;

(5) Conviction of a felony under the laws of any state or of the United States;

(6) Conviction of any crime, an element of which is dishonesty or fraud, under the laws of any state or of the United States;

(7) Cancellation, revocation, suspension, or refusal to renew authority to practice as a certified public accountant or a public accountant in any other state, for any cause other than failure to pay an annual registration fee in such other state;

(8) Suspension or revocation of the right to practice before any state or federal agency;

~~(9) Failure to become a citizen of the United States within six years by any person not a citizen of the United States when he or she received a certificate~~

~~as-certified-public-accountant-under--sections--1-106--to
1-169;~~

~~(9)~~ (9) Failure of a certificate holder or registrant to obtain an annual permit under the provisions of section 1-136, within either (a) three years from the expiration date of the permit to practice last obtained or renewed by said certificate holder or registrant, or (b) three years from the date upon which the certificate holder or registrant was granted his certificate or registration, if no permit was ever issued to him, unless under the provisions of section 1-136 such failure shall have been excused by the board pursuant to the provisions of section 1-136; or

~~(10)~~ (10) Conduct discreditable to the public accounting profession.

Sec. 3. That section 19-1806, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

19-1806. An applicant for a position of any kind under civil service must be ~~a--citizen--of--the--United States--of--America~~, able to read and write the English language, a resident of said city for at least one year last past, of good moral character and of temperate and industrious habits; Provided, that the commission may, at its discretion, waive the requirement that the applicant be a resident of such city. An applicant for the lowest grade in the fire department shall not be more than thirty years of age and an applicant for the lowest grade in the police department shall not be more than thirty-five years of age, except that the commission may, at its discretion, allow an additional year of age, but not to exceed five years, for each year of experience that an applicant has in the same field of work. These facts are to be ascertained in such manner as the commission may deem advisable.

Sec. 4. That section 37-204, Revised Statutes Supplement, 1972, be amended to read as follows:

37-204. There shall be paid to the state, for permits issued under the provisions of this act, the following fees:

(1) Beginning January 1, 1970, resident fees shall be four dollars and fifty cents for hunting, four dollars for fishing, eight dollars for both fishing and hunting, and three dollars and fifty cents for trapping or otherwise taking fur-bearing animals pursuant to the regulations of the Game and Parks Commission;

(2) By nonresidents, for trapping or otherwise taking one thousand or less fur-bearing animals, one hundred dollars for a period of time specified by the commission and five dollars additional for each one hundred or part of one hundred fur-bearing animals taken or trapped; the commission may limit the number of days for which such a permit is issued and the number of fish or game birds taken on one permit, and is authorized to issue coupons attached to nonresident permits for the purpose of tagging and identification. No hunting permit shall be required of any nonresident entering this state solely to participate in scheduled dog trials for which an entry fee is charged. For purposes of this subdivision, scheduled dog trials shall mean events wherein hunting dogs and their owners or handlers compete and are judged under controlled conditions in various feats of skill and performance in the hunting or retrieving of birds and animals when such events are conducted under the written authorization of the Game and Parks Commission. Commencing January 1, 1968, the fee for the nonresident hunting permit shall be twenty-five dollars, the fee for the nonresident fishing permit shall be three dollars for three days or six dollars per year, and all other nonresident permits shall be at the rate above stated, and commencing January 1, 1973, the fee for a nonresident annual fishing permit shall be ten dollars per year; and

(3) No person, except a resident and--citizen of the United States who has resided in this state continuously for a period of ninety days before making an application for a permit under this act and who has a bona fide intention of becoming a legal resident of this state, supported by documentary proof, shall be deemed to be a resident or be issued a permit as such under this act. The issuance of a hunter's permit to anyone known to be physically or mentally unfit to carry or use firearms is hereby prohibited. All nonresident hunters regardless of age shall be required to obtain a permit, and all nonresident anglers under sixteen years of age must be accompanied by a parent or guardian possessing the required nonresident fishing permit.

Sec. 5. That section 37-211, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-211. (1) It shall be unlawful for any person, firm, or corporation dealing in raw furs to conduct such business without first obtaining from the Game and Parks Commission a fur buyers permit. The fee of this permit shall be ten dollars per annum for residents. No person, except a resident and--citizen--of--the--United--States who

has resided in this state continuously for a period of six months before making an application for a permit under this section, shall be deemed to be a resident or be issued a permit as such under this section. The fees for nonresidents of this state shall be equal to the fees charged for similar permits by the states of their respective residences but not less than one hundred dollars per annum for such nonresidents. Before any such permit shall be issued to a nonresident of this state, the applicant therefor shall execute and deliver to the secretary of the commission a corporate surety bond, running to the State of Nebraska, in the penal sum of one thousand dollars to be approved by the commission, conditioned that the permittee shall faithfully comply with all the laws of this state. Dealers sending buyers into the field, away from their place of business, will provide each such buyer with a separate permit. Every nonresident buyer entering the state or who has buyers in this state shall carry a nonresident permit.

(2) Every buyer, both resident and nonresident, shall keep complete records of all furs bought or sold in a record book to be provided by the Game and Parks Commission. Such record shall include the number and kind of furs bought or sold, the name and address of the seller or buyer, the date and place of purchase or sale, and the permit number of the seller or buyer.

(3) It shall be unlawful for any buyer to have raw furs in his, her, or its possession, unless the record, referred to in subsection (2) of this section, gives positive evidence of the origin of such furs, and unless such record of raw furs bought and sold balances at all times. Such record books shall be open to inspection by conservation officers at any and all times and shall be made available to such officers upon demand.

(4) Any violation of any of the provisions of subsection (1), (2), or (3) of this section shall constitute a misdemeanor and the offender shall, upon conviction thereof, be fined not less than twenty-five nor more than one hundred dollars, and as a part of the penalty the court shall require the offender to purchase the required permit.

Sec. 6. That section 71-103, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-103. No person shall be licensed to practice a profession under this act until he shall have furnished satisfactory evidence to the Department of Health that he has attained the age of twenty-one years, and is of good

moral character, and a citizen of the United States; Provided, that a temporary license to practice medicine and surgery may be granted to persons meeting all of the qualifications for issuing a license to practice medicine and surgery except the requirement that they be citizens of the United States and in case of graduates of medical colleges outside the United States except the requirement that they be graduates of an accredited school or college of medicine, which temporary license shall be issued for a period not to exceed five years and if the person so licensed has not become a citizen of the United States within five years of the date such temporary license is issued, the temporary license shall terminate and the person so licensed shall have no further rights to practice medicine or surgery within the State of Nebraska. If the temporary licensee becomes a citizen of the United States during the period of five years and provides evidence thereof to the department, a license to practice medicine and surgery may be issued in place of such temporary license; Provided, that the applicant for a temporary license under this section shall submit proof of his eligibility and of his intent to become a citizen of the United States and if not a graduate of an accredited school or college of medicine, a copy of a permanent certificate of the educational council for foreign medical graduates currently effective and relating to such applicant.

Sec. 7. That section 71-139, Revised Statutes Supplement, 1972, be amended to read as follows:

71-139. The Department of Health, without examination, except where a practical examination is required, may issue a license to practice any profession except pharmacy, podiatry, dentistry, medicine and surgery, and osteopathic medicine and surgery, to a person citizen of the United States who has been in the active practice of that profession in some other state, territory or the District of Columbia, upon the certificate of the proper licensing authority of the state, territory or the District of Columbia, certifying that the applicant is duly licensed, that his license has never been suspended or revoked, and that, so far as the records of such authority are concerned, the applicant is entitled to its endorsement. The applicant shall also present proof of the following things: (1) That the state, territory or the District of Columbia from which the applicant comes shall have and maintain standards regulating his profession equal to those maintained in that profession by Nebraska; (2) that his license there was based upon a written examination and the grades given at such examination; (3) the date of his license; (4) that such licensee has been actively engaged in the

practice under such license since it was issued; if not, he shall fix the time when he was out of practice; (5) the affidavit of at least two practitioners in that state, territory or the District of Columbia, testifying to the applicant being of good moral character and standing in his profession; and (6) show that the applicant has been in the active and continuous practice under license by examination in the state, territory or the District of Columbia from whence he comes for at least one year. An applicant for reciprocal registration coming from any state may be licensed by reciprocity; Provided, his individual qualifications meet the Nebraska legal requirements. Persons who graduate from colleges of osteopathy accredited by the Department of Health on recommendation of the Board of Examiners in Osteopathy since January 1, 1963, who meet the requirements of this section and who have passed a written examination which is equivalent to that required in section 71-1104 as determined by the Board of Examiners in Medicine and Surgery and who meet the requirements of section 71-1,137 for the practice of osteopathic medicine and surgery as evidenced by a joint certificate of the Board of Examiners in Osteopathy and the Board of Examiners in Medicine and Surgery may be granted a license to practice osteopathic medicine and surgery as defined in section 71-1,137. Graduates of an accredited school of osteopathy since January 1, 1963, who meet the requirements of this section and who meet the applicable requirements of section 71-1,139.01 as jointly certified by the Board of Examiners in Osteopathy and the Board of Examiners in Medicine and Surgery may be granted a special license as doctor of osteopathic medicine and surgery.

The Board of Examiners in Dentistry may approve without examination any person who has been duly licensed to practice dentistry in some other state or territory of the United States of America or in the District of Columbia under conditions and circumstances which the board shall find to be comparable to the requirements of the State of Nebraska for obtaining a license to practice dentistry. The applicant shall produce evidence satisfactory to the board that he has had the required secondary and professional education and training and is possessed of good character and morals as required by the laws of the State of Nebraska. The applicant ~~shall also produce evidence satisfactory to the board that he is a citizen of the United States, and~~ shall submit a certificate of the proper licensing authority of the state, territory or the District of Columbia where he is licensed to practice such profession, that he is duly licensed, that his license has not been suspended or revoked, and that so far as the records of such authority

are concerned he is entitled to its endorsement. If the applicant is found by the board to meet the requirements provided in this section and is qualified to be licensed to practice the profession of dentistry in the State of Nebraska, the board shall certify such fact to the Department of Health, and the department upon receipt of such certification shall issue a license to practice dentistry in the State of Nebraska to such applicant.

Sec. 8. That section 71-139.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-139.01. The Board of Examiners in Medicine and Surgery may approve without examination any person who after examination has been duly licensed to practice medicine and surgery in some other state or territory of the United States of America or in the District of Columbia under conditions and circumstances which the board shall find to be comparable to the requirements of the State of Nebraska for obtaining a license to practice medicine and surgery. The applicant shall produce evidence satisfactory to the board that he has had the required secondary and professional education and training and is possessed of good character and morals as required by the laws of the State of Nebraska. The applicant shall also produce evidence satisfactory to the board ~~that he is a citizen of the United States~~; that he has been in the active practice of the profession of medicine and surgery in some other state, territory or the District of Columbia for a period of one year, or has had one year or more graduate training in an accredited hospital, and shall submit a certificate of the proper licensing authority of the state, territory or the District of Columbia where he is licensed to practice such profession, that the applicant is duly licensed, that his license has not been suspended or revoked and that so far as the records of such authority are concerned, the applicant is entitled to its endorsement. If the applicant is found by the board to meet the requirements provided in this section and qualified to be licensed to practice the profession of medicine and surgery in the State of Nebraska, the board shall certify such fact to the Department of Health and the department upon receipt of such certification shall issue a license to practice medicine and surgery in the State of Nebraska to such applicant.

Sec. 9. That section 71-175.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-175.01. The Board of Examiners in Podiatry may in its discretion authorize the issuance of a license as podiatrist, without examination, to a ~~citizen--of--the United-States person~~ who is duly licensed by examination in another state, territory or the District of Columbia, in which, under like conditions, reciprocal licensing as a podiatrist, without examination, is granted to a podiatrist duly licensed by examination in this state. The applicant shall produce evidence satisfactory to the board that he meets the requirements of subdivisions (1) to (6) of section 71-139 and that he holds a certificate from the proper licensing authority from the state, territory or District of Columbia from whence he comes certifying that the applicant is duly licensed, that his license has never been suspended or revoked, and that so far as the records of such authority are concerned, the applicant is entitled to its endorsement. An applicant for reciprocal registration coming from any state, territory or the District of Columbia may in the discretion of the Board of Examiners in Podiatry be licensed by reciprocity; provided, his individual qualifications meet the Nebraska legal requirements.

Sec. 10. That section 71-1,107.13, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1,107.13. A temporary educational permit may be issued to graduates of foreign schools or colleges of medicine or to individuals; ~~who-are-not-citizens--of--the United-States~~; provided, that such applicant in addition to meeting the other requirements for the issuance of such permit presents to the Department of Health a copy of a permanent certificate of the Educational Council for Foreign Medical Graduates currently effective and relating to such applicant, at such time as the Department of Health, upon recommendation of the Board of Examiners in Medicine and Surgery shall determine, and, if so directed by the Department of Health, shall pass an examination prescribed by the Department of Health upon recommendation of the Board of Examiners in Medicine and Surgery to measure his or her clinical competence to proceed to advanced training before advancing beyond the initial phase of the training program, and if such examination is required, shall pay a fee of one hundred dollars or such additional amount as shall be determined by the Department of Health upon recommendation of the Board of Examiners in Medicine and Surgery to cover the expense of such examination.

Sec. 11. That section 71-1,107.14, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1,107.14. A visiting faculty permit may be issued to graduates of foreign schools or colleges of medicine or to individuals ~~who are not citizens of the United States~~; if an accredited college or school of medicine in the State of Nebraska has requested that such permit be issued. It shall not be necessary for such applicant to provide a certificate of the Educational Council for Foreign Medical Graduates as required in the case of temporary educational permits. If directed by the Department of Health an applicant for a visiting faculty permit may be required to pass an examination prescribed by the Department of Health upon recommendation of the Board of Examiners in Medicine and Surgery to measure his or her clinical competence to practice medicine and if such examination is required the applicant shall pay a fee of one hundred dollars or such additional amount as shall be determined by the Department of Health upon recommendation of the Board of Examiners in Medicine and Surgery to cover expense of such examination.

Sec. 12. That section 71-1,132.13, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1,132.13. An applicant for a license to practice as a registered professional nurse shall file with the board a written application for a license and submit satisfactory proof that the applicant: (1) ~~is a citizen of the United States or has made legal application to become a citizen;~~ (2) is of good moral character; (3) (2) has completed four years of high school study or its equivalent as determined by the board; and (4) (3) has completed the basic professional curriculum in an accredited school of professional nursing approved by the board and holds a diploma therefrom. Such application shall be made upon a form prescribed and approved by the board, verified by the applicant's oath, and accompanied by an application fee of twenty-five dollars.

Sec. 13. That section 71-1,132.37, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1,132.37. An applicant for a license to practice as a licensed practical nurse shall file with the board a written application for a license and submit satisfactory proof that the applicant:

~~(1) is a citizen of the United States or has made legal application to become a citizen;~~

(2) (1) Is eighteen years of age or more;

(3) (2) Is of good moral character;

(4) (3) Has completed two years of high school study or its equivalent as determined by the board, but exceptions shall be made for individuals who are over forty years of age and who have completed eight grades of elementary school; and

(5) (4) Has completed the basic curriculum in an accredited school of practical nursing approved by the board and holds a diploma therefrom; Provided, that for a period of one year from September 18, 1955, an applicant who is otherwise qualified may be licensed who has had a minimum course of one year in practical nursing which meets the standards laid down by the board, or has successfully completed an extension course in practical nursing which has been approved by the board, together with a minimum of three years of generalized practical nursing experience in a home, hospital, or health agency, under the supervision of a duly licensed physician or registered professional nurse.

Sec. 14. That section 71-1,145, Revised Statutes Supplement, 1973, be amended to read as follows:

71-1,145. Every applicant for examination and registration as a pharmacist shall be not less than twenty-one years of age, of good moral character and temperate habits, ~~a--citizen--of--the--United--States~~; a graduate of an accredited school or college of pharmacy, or an accredited department of pharmacy of a university, recognized by the Board of Examiners in Pharmacy, and shall file proof of sufficient internship experience in a community retail or hospital pharmacy, under the supervision of a registered or licensed pharmacist, as may be required by the Board of Examiners in Pharmacy, which shall comply with national requirements for internship as set forth by the National Association of Boards of Pharmacy, shall have satisfactorily completed at least five years of college of which at least three years shall have been in an accredited school or college of pharmacy, or in an accredited department of pharmacy of a university; and shall pass an examination satisfactory to the Board of Examiners in Pharmacy. Proof of the qualifications for registration prescribed in this section shall be made to the satisfaction of the Board of Examiners in Pharmacy, substantiated by proper affidavits; Provided, that in all cases the actual time of attendance at an accredited school or college of pharmacy, or an accredited department of pharmacy of a university, is certified by the appropriate college or

university authority by the issuance of the degree granted to a graduate of such school, college or department of pharmacy. Service and experience in a retail or hospital pharmacy under the supervision of a registered pharmacist, as required in this section, shall be predominantly related to the practice of pharmacy, and shall include the keeping of records and the making of reports required under state and federal statutes. The Department of Health, upon the recommendation of the Board of Examiners in Pharmacy, shall promulgate rules and regulations as may be required to establish standards for internship which shall comply with national requirements to effect reciprocity with other states which have similar requirements for licensure. The fee for pharmacy internship shall be forty dollars and shall accompany the application and shall be transmitted to the State Treasurer for deposit in the Nebraska Pharmaceutical Fund for expenditure in the manner prescribed by section 71-1,147.02.

Sec. 15. That section 71-1,158, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1,158. Any person desiring a license to practice veterinary medicine and surgery in this state shall make written application to the board. The application shall show that the applicant is twenty-one years of age or more, ~~a citizen of the United States~~, a graduate of an accredited veterinary school, a person of good moral character, and such other information and proof as the board may require by rule. The application shall be accompanied by a fee of fifty dollars.

If the board determines that the applicant possesses the proper qualifications, it shall admit the applicant to the next examination, or if the applicant is eligible for a license without examination under the provisions of section 71-1,160, the board may forthwith recommend that he be issued a license. If an applicant is found not qualified to take the examination or for a license without examination, the board shall immediately notify the applicant in writing of such finding and the grounds therefor. An applicant found unqualified may require a hearing on the question of his qualification under the procedure set forth in section 71-1,165. Any applicant who is found not qualified shall be allowed the return of his application fee, less the state's share of fifteen per cent contributed to the General Fund.

Sec. 16. That section 71-2803.01, Revised Statutes Supplement, 1972, be amended to read as follows:

71-2803.01. (1) Notwithstanding the provisions of section 71-103, a temporary license to practice physical therapy may be granted to persons meeting all of the qualifications for such license except the requirement that they be citizens of the United States. Such temporary license shall be issued for a period not to exceed five years and if the person so licensed has not become a citizen of the United States within five years of the date such temporary license was issued, such license shall terminate and the person so licensed shall have no further rights to practice physical therapy in this state. If the temporary licensee becomes a citizen of the United States while the temporary license is in force, and provides evidence thereof to the Department of Health, a license to practice physical therapy may be issued in place of such temporary license. The applicant for a temporary license shall submit proof of his eligibility and intent to become a citizen of the United States.

(2) A temporary license to practice physical therapy may be granted to persons who establish residence in Nebraska and who meet all the requirements for a license except passage of the examination required by section 71-2803. Such temporary license shall be valid only until the next such examination. In the event a temporary licensee fails the examination required by section 71-2803, the Director of Health may suspend or extend such licensee's temporary license until such licensee does pass such examination. The fee to be paid and procedures for the denial, suspension or revocation of such a temporary license shall be the same as for a license, except that the fee paid shall equal the renewal fee rather than the initial fee for a license.

Sec. 17. That section 72-302, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

72-302. Any person, persons or association of persons, corporate or otherwise, being citizens of the United States, desiring to obtain the right to prospect for and develop the minerals or valuable substances upon or in any of the public lands or waters of the state, except oil and gas, may do so under the provisions of sections 72-301 to 72-314. It shall be unlawful to prospect upon or in any of such public lands or waters without a permit or for anyone to interfere with the functions and duties of the state surveys having in charge the investigations of the natural resources of the state. The Conservation and Survey Division of the University of Nebraska at the request of the Board of Educational Lands and Funds shall make investigations and

reports concerning state lands.

Sec. 18. That section 77-308, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-308. The special assessors and deputies appointed under section 77-307 shall be ~~citizens--of--the United--States--and~~ residents of the county wherein reassessment is made. Each special assessor and deputy shall subscribe and file with the State board of Equalization and Assessment his oath to faithfully and fairly perform the duties of his office.

Sec. 19. That section 81-8,117, Reissue Revised Statutes of Nebraska, 1943, 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)~~ (3) 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)~~ (4) He has successfully passed a 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)~~ (5) He has not less than eight years of surveying experience of which five years must be as defined in subdivision (4) of section 81-8,109, 7 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 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 four years of practice in a responsible position.

Sec. 20. That section 81-8,196, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-8,196. Each applicant for registration as a professional landscape architect shall have the following requirements:

(1) Graduation from a course of study in landscape architecture of four years or more in a school or college satisfactory to the board. In addition, the applicant shall also submit a specific record of four years or more of practical experience in landscape architecture which is of a grade and character satisfactory to the board. In lieu of graduation from a four-year landscape architecture course in school or college, and the additional requirement for practical experience, there may be substituted evidence of at least eight years of practical experience which in the opinion of the board has prepared the applicant for examination and registration;

(2) Successful passing of a written, oral, or written and oral examination in landscape architecture which is designed to determine the proficiency and qualifications to engage in the practice of professional landscape architecture. No applicant shall be entitled to take this examination until the applicant's education, training or experience, or both training and experience, have met the requirements of the board;

(3) Be at least twenty-one years of age; and

(4) Be ~~a citizen of the United States~~ and of good character.

Sec. 21. That original sections 1-114, 1-137, 19-1806, 37-211, 71-103, 71-139.01, 71-175.01, 71-1,107.13, 71-1,107.14, 71-1,132.13, 71-1,132.37, 71-1,158, 72-302, 77-308, 81-8,117, and 81-8,196, Reissue Revised Statutes of Nebraska, 1943, sections 37-204, 71-139, and 71-2803.01, Revised Statutes Supplement, 1972, and section 71-1,145, Revised Statutes Supplement, 1973, and also sections 4-101, 4-102, 4-103, 4-104, 4-105, 71-3815, and 79-1247.12, Reissue Revised Statutes of Nebraska, 1943, are repealed.