

LEGISLATIVE BILL 478

Approved by the Governor February 7, 1984

Introduced by Warner, 25; Kilgarin, 7; Wagner, 41;
Goodrich, 20; L. Johnson, 15; Kahle, 37;
Marsh, 29; Morehead, 30; H. Peterson, 35

AN ACT relating to land surveying; to amend sections 81-8,110.01, 81-8,115, 81-8,117, and 81-8,123, Reissue Revised Statutes of Nebraska, 1943; to reestablish the State Board of Examiners for Land Surveyors; to change provisions relating to membership of the board; to eliminate certain requirements as prescribed; to provide powers; to provide for professional development as prescribed; to harmonize provisions; to repeal the original sections; and to declare an emergency.

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

Section 1. Notwithstanding the provisions of sections 81-196 to 81-1,108, the State Board of Examiners for Land Surveyors is hereby reestablished.

Sec. 2. That section 81-8,110.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-8,110.01. The examining board shall consist of ~~five~~ four members appointed by the Governor who are duly registered under the provisions of sections 81-8,108 to 81-8,127 to practice land surveying and one lay member who is appointed by the Governor and who is of the age of legal majority and has been a resident of Nebraska for at least one year immediately prior to appointment to the board. Such lay member shall be a representative of consumer viewpoints.

Sec. 3. 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 as provided in the bylaws.

Sec. 4. 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 high school graduate or holds a certificate of high school equivalency, unless such requirement is specifically waived by the board in his

individual case;

~~(4)~~ (1) He or she has successfully passed a written ~~and oral~~ examination, designed to determine his or her proficiency and qualification to engage in the practice of land surveying. No applicant shall be entitled to take such examination until he or she shows the necessary practical experience in land surveying work; and

~~(5)~~ (2) He or she has not less than ~~six eight~~ years of surveying experience of which five years must be as defined in subdivision (4) of section 81-8,109. 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 person, ordinary draftsman drafter, 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 ~~two four~~ years of practice in a responsible position.

Sec. 5. That section 81-8,123, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-8,123. The board may, upon its own motion, and shall, upon the sworn complaint in writing of any person, investigate the actions of any land surveyor. It shall have the power to place any land surveyor on probation or to revoke or suspend any registration under the provisions of sections 81-8,108 to 81-8,127, when the land surveyor has been found guilty of any of the following practices: (1) Fraud or deceit in obtaining a registration; (2) negligence or incompetency in the performance of his or her duties; or (3) misconduct in the performance of his or her duties.

Sec. 6. (1) Beginning in 1986, as a condition for renewal of a certificate of registration issued pursuant to sections 81-8,108 to 81-8,127, a certificate holder shall be required to successfully complete fifteen hours of professional development within the preceding calendar year.

(2) The State Board of Examiners for Land Surveyors shall not renew the certificate of registration of any certificate holder who has failed to complete the professional development requirements pursuant to subsection (1) of this section, unless he or she can show good cause why he or she was unable to comply with such requirements. If the board determines that good cause was shown, the board shall permit the registered surveyor to make up all outstanding required hours of professional development.

Sec. 7. The State Board of Examiners for Land Surveyors shall adopt and promulgate such administrative

procedures and rules and regulations as are necessary for the effective delivery and certification of all programs of professional development required in section 6 of this act.

Sec. 8. That original sections 81-8,110.01, 81-8,115, 81-8,117, and 81-8,123, Reissue Revised Statutes of Nebraska, 1943, are repealed.

Sec. 9. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.