

BOARD OF EXAMINERS FOR LAND SURVEYORS

January 20, 2022

The Board of Examiners for Land Surveyors (Board) convened at 9:00 a.m. at 555 N. Cotner Blvd., Lower Level, Lincoln, NE with the following members present:

Mary L. Pro, Vice Chair
Virlyn S. Bolte
James W. Hawks
Casey Sherlock, Ex Officio Secretary of the Board

Absent:
Dennis L. Whitfield, Chair
Jerry G. Hain

Others present:
Jerry Penry, Deputy State Surveyor
Gerri Monahan

Public notice of this meeting was given by publication in the *Lincoln Journal Star* on January 10, 2022.

The Vice-Chair noted this meeting, originally scheduled to meet at 331 N. Cotner Blvd, Comfort Suites, Conference Room, Lincoln, NE, was changed to meet at 555 N. Cotner Blvd., Lower Level, Lincoln, NE. Changes were made on the Public Meeting Calendar, Board website, and signage at Comfort Suites.

The Vice-Chair stated that this meeting was being held in compliance with the updated Nebraska Open Meetings Act (Act) and that a current copy of the Act was available on the table.

All items voted on were done so in the form of a roll call vote.

Hawks moved and Bolte seconded that the November 18, 2021 Board meeting minutes be approved as presented.

Voting Aye: Hawks, Pro, Bolte.

Absent: Hain, Whitfield.

Motion carried.

Hawks moved and Bolte seconded that the November and December expense vouchers be approved:

DAS Building Div. October parking	15.00
DAS Materiel, October postage	1.05
DAS IMServices, October web hosting	28.00
Lincoln Journal Star, November Hearing notice	84.79
Hain, Jerry, November Board Meeting mileage	35.84
Hawk, James, November Board Meeting travel	315.08
Whitfield, Dennis, November Board Meeting mileage	<u>56.00</u>
November Total	\$535.76

Comfort Suites, Hawks lodging, Sept/Oct/Nov meetings	243.00
DAS Building Div. November parking	15.00
DAS IMServices, November web hosting	28.00
DAS Materiel, November postage	54.43
J.P. Cooke Co., 5 seals & freight	146.75
Lincoln Journal Star, November meeting notice	<u>9.04</u>
 December Total	 \$496.22

Voting Aye: Hawks, Pro, Bolte.

Absent: Hain, Whitfield.

Motion carried.

Board reviewed fiscal year expenses and revenues since FY 2005-2006. When biennial renewals are available online and there is less need for paper and postage, the fee schedule will be revisited.

Secretary Sherlock gave an overview of the Boards Rules and Regulations process to date. A chart on the Secretary of State's website of proposed rules & regulations docket was reviewed.

The Board reviewed and discussed possible revisions to their By-Laws.

Hawks moved and Bolte seconded to approve the NBELS By-Law revisions as presented.

Voting Aye: Pro, Bolte, Hawks.

Absent: Hain, Whitfield.

Motion carried.

Bolte moved and Hawks seconded that the Board goes into executive session at 9:26 a.m. with Sherlock, Penry, and Monahan present to discuss Class 1 Application – Land Surveyor, Class 2 Applications – Reciprocity, Class 2 Registration – Reciprocity, and Class 3 Application and Certificate – Surveyor-in-Training, and to prevent needless injury to the reputation of a person/s and as such person/s has not requested a public meeting.

Voting Aye: Bolte, Hawks, Pro.

Absent: Hain, Whitfield.

Motion carried.

The Vice-Chair stated that discussion in the executive session would be limited to Class 1 Application – Land Surveyor, Class 2 Applications – Reciprocity, Class 2 Registration – Reciprocity, and Class 3 Application and Certificate – Surveyor-in-Training.

Hawks moved and Bolte seconded that the Board returns to regular session at 9:55 a.m.

Voting Aye: Bolte, Hawks, Pro.

Absent: Hain, Whitfield.

Motion carried.

The Vice-Chair stated that no subject matter other than Class 1 Application – Land Surveyor, Class 2 Applications – Reciprocity, Class 2 Registration – Reciprocity, and Class 3 Application and Certificate – Surveyor-in-Training was discussed in the executive session.

Bolte moved and Hawks seconded that the Class 1 application of Timothy David Hajda for land surveyor registration be approved and he is permitted to take Principles and Practice of Surveying (PS) and Nebraska State-Specific (NeSS) land surveyor examinations.

Voting Aye: Hawks, Pro, Bolte.

Absent: Hain, Whitfield.

Motion carried.

Hawks moved and Bolte seconded that the Class 2 application of Nicholas R. Jensen for land surveyor registration by reciprocity from North Dakota be approved and that he be required to appear before the Secretary of the Board for an interview and land surveyor examination.

Voting Aye: Hawks, Pro, Bolte.

Absent: Hain, Whitfield.

Motion carried.

Bolte moved and Hawks seconded that the Class 2 application of James Janisse for land surveyor registration by reciprocity from Texas be approved and that he be required to appear before the Secretary of the Board for an interview and land surveyor examination.

Voting Aye: Pro, Bolte, Hawks.

Absent: Hain, Whitfield.

Motion carried.

Hawks moved and Bolte seconded that since John Bruckner, passed the Nebraska reciprocity examination on January 10, 2022, and has completed the requirements for Class 2 land surveyor registration in Nebraska, by reciprocity from North Dakota, and that upon \$100.00 registration fee, he be granted registration dated January 20, 2022, under Certificate No. 838.

Voting Aye: Bolte, Hawks, Bolte.

Absent: Hain, Whitfield.

Motion carried

Before the formal filing of surveys in the State Records Repository (SRR), a newly registered land surveyor is asked to send their first 5 Nebraska surveys to the Nebraska State Surveyor for review. This is a courtesy service to potential unique situations that may arise when surveying in Nebraska.

Bolte moved and Hawks seconded that the Class 3 application of Trevor Martinosky for registration by Surveyor-in-Training (SIT) be approved and that since he has demonstrated a knowledge of surveying fundamentals by passing the NCEES Fundamentals of Surveying (FS) examination on November 18, 2021, and upon receipt of the SIT registration for \$20.00, Martinosky be granted SIT registration dated January 20, 2022, under Certificate No. 295.

Voting Aye: Bolte, Hawks, Pro.

Absent: Hain, Whitfield.

Motion carried

Several Nebraska legislative bills were reviewed:

LB1122 – relating to the Land Surveyors Regulation Act to redefine a term, authorize certain activities and provide a requirement related to land surveying, and provide for liability.

LB975 – to provide that a state official or state employee is prohibited from testing at a public hearing before the Legislature on any issue in any capacity other than neutral unless such state official or state employee is on unpaid or vacation leave from state employment for the duration of the public hearing.

LR191 – to examine the effect of universal recognition of occupational licenses on populations frequently negatively impacted by occupational licensing in the state, including, low-income workers, military members and their spouses, and those with a criminal history.

LB709 – to change provisions relating to preliminary applications by individuals with a criminal conviction.

LB791 – change the population threshold dealing with county surveyor population requirements from sixty thousand to one hundred thousand.

LB263 – would allow for recognition in Nebraska for most types of occupational licenses issued in other states.

LB1174 – to require reports from state entities and require public hearings.

LB1127 – relating to state regulations, to adopt the Regulatory Sandbox Act.

Secretary Sherlock reported on several items:

A land surveyor, whose technical aspects were followed as calculations and corners were found and noted on the survey, has complied with follow-up items about a possible informal complaint discussed at the last meeting.

The National Council of Examiners for Engineering and Surveying (NCEES) Central Zone meeting will be held in Oklahoma City, OK in April. The Nebraska Board delegates are Bolte, Hain, and Pro.

Sherlock gave a presentation on establishing the North Quarter Corner on a closing township against a standard parallel at the Southeast Nebraska Land Surveyors Association (SENLSA) Winter Seminar in Gretna.

At the upcoming Professional Surveyors Association of Nebraska (PSAN) Winter Seminar in Kearney, Sherlock will review changes in the Board's Rules and Regulations, Board of Educational Land and Funds (BELF) survey projects, and teach a Survey Math 101 class for the pre-exam class. Penry will review the State Records Repository (SRR) process.

Penry provided some historical data on the Board's beginnings in 1957. The first three land surveyor licensees were granted to Hugh Dillon, Louis Weaver, and Marvin Garber. The first members of the Board were: Chair L.N. Ress, the Nebraska State Engineer; Vice-Chair, Merk Hobson, University of Nebraska Dean of College of Engineering; and Secretary, Hugh Dillon, Nebraska State Surveyor. They were charged with organizing the Board of Examiners for Land Surveyors.

In 1957, 51 land surveyor licenses were granted; in 1958, 106 land surveyor licenses were granted; and 31 in 1959. A Land Surveyors Bond of \$5,000 was required until 1969. The bond was executed for one year ending December 31 and renewed yearly. The condition of the above obligation is such that whereas the Principal had applied to the State Board of Examiners for Land Surveyors for registration as a Land Surveyor under the provisions of Legislative Bill No. 153 of the sixty-eighth session of the Nebraska Legislature.

The next Board meeting will be held on March 17, 2022, in Lincoln.

Hawks moved and Bolte seconded that the meeting is adjourned at 11:00 a.m.

All in favor. Motion carried.

Casey C. Sherlock
Ex Officio Secretary of the Board