

BOARD OF EXAMINERS FOR LAND SURVEYORS

May 19, 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:

Dennis L. Whitfield, Chair
Mary L. Pro, Vice Chair
Jerry G. Hain
James W. Hawks
Casey Sherlock, Ex Officio Secretary of the Board

Absent:
Virlyn S. Bolte

Others present:
Jerry Penry, Deputy State Surveyor
Gerri Monahan

Public notice of this meeting was given by publication in the *Lincoln Journal Star* on May 9, 2022.

The 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.

Pro moved and Hain seconded to approve the March 17, 2022 Board Meeting minutes as presented.

Voting Aye: Hain, Pro, Whitfield.

Abstain: Hawks.

Absent: Bolte.

Motion carried.

Hawks moved and Pro seconded that the March and April expense vouchers be approved:

DAS Building Div., February parking	15.00
DAS Materiel, February postage	17.78
DAS IMServices, February web hosting	28.00
Hain, Jerry, March Board Meeting mileage	37.44
J.P. Cooke Co., LS seal & freight	33.50
Whitfield, Dennis, March Board Meeting mileage	<u>58.50</u>

March Total \$190.22

DAS IMServices, March web hosting	28.00
DAS Materiel, March postage	21.54
Lincoln Journal Star, March meeting notice	<u>9.04</u>

April Total \$58.58

Voting Aye: Hawks, Pro, Whitfield, Hain.

Absent: Bolte.

Motion carried.

Sherlock reviewed legislative bills the Board was monitoring during the 2nd Session of the 107th Legislature. The majority were indefinitely postponed, including LB 1122, authorizing certain activities, providing a requirement related to land surveying, and providing liability. LB 224, changing provisions for the appointment of a county surveyor in certain counties, and LB 791, changing a population requirement relating to county surveyors, engineers, and highway superintendents, both passed.

The Chair adjusted the agenda to consider items that could be moved ahead of 10:00 a.m. public hearing for Rules & Regulations.

Hain moved and Pro seconded that the Board go into executive session at 9:11 a.m. with Sherlock, Penry, and Monahan present to discuss Class 1 Registration – Land Surveyor, Class 2 Applications – Reciprocity, and Class 2 Registrations – Reciprocity, 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: Pro, Whitfield, Hain, Hawks.

Absent: Bolte.

Motion carried.

The Chair stated that discussion in the executive session would be limited to Class 1 Registration – Land Surveyor, Class 2 Applications – Reciprocity, and Class 2 Registrations – Reciprocity.

Hawks moved and Hain seconded that the Board returns to regular session at 9:31 a.m.

Voting Aye: Whitfield, Hain, Hawks, Pro.

Absent: Bolte.

Motion carried.

The Chair stated that no subject matter other than Class 1 Registration – Land Surveyor, Class 2 Applications – Reciprocity, and Class 2 Registrations – Reciprocity was discussed in the executive session.

Pro moved and Hawks seconded that since Timothy David Hajda passed the Principles and Practices of Surveying (PS) examination on March 4, 2022, passed the Nebraska State-Specific examination on March 18, 2022, and has completed the requirements for Class 1 registration in Nebraska, and upon receipt of the \$100.00 registration fee, he be granted registration dated May 19, 2022, under Certificated 840.

Voting Aye: Hain, Hawks, Pro, Whitfield.

Absent: Bolte.

Motion carried.

Hawks moved and Pro seconded that the Class 2 application of Michael D. McGuinness 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: Hain, Hawks, Pro, Whitfield.

Absent: Bolte.

Motion carried

Hain moved and Pro seconded that the Class 2 application of James Andrew Schlieman 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, Whitfield, Hain.

Absent: Bolte.

Motion carried

Hawks moved and Pro seconded that since J. Michael Russell took the Nebraska reciprocity examination on April 18, 2022, and has completed the requirements for Class 2 land surveyor registration in Nebraska, by reciprocity from Oklahoma, and that upon \$100.00 registration fee, he be granted registration dated May 19, 2022, under Certificate No. 841.

Voting Aye:

Voting Nay: Pro, Whitfield, Hain, Hawks..

Absent: Bolte.

Motion failed.

Pro moved and Hawks seconded that since Thomas Whitson Brooks, Jr. passed the Nebraska reciprocity examination on April 27, 2022, and has completed the requirements for Class 2 land surveyor registration in Nebraska, by reciprocity from Alabama, and that upon \$100.00 registration fee, he be granted registration dated May 19, 2022, under Certificate No. 841.

Voting Aye: Whitfield, Hain, Hawks, Pro.

Absent: Bolte.

Motion carried

Before the formal filing of surveys in the State Records Repository, 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.

Upcoming biennial renewals were discussed. Nebraska Interactive (NIC) will be developing an online renewal form for land surveyors. Paper forms also will be available. 25% of registered licensed land surveyors will be audited.

Hawks moved and Pro seconded to table the Board's "Registration – Inactive - Active – Cancel – Reinstatement Policy" until the next meeting.

Voting Aye: Hain, Hawks, Pro, Whitfield.

Absent: Bolte.

Motion carried.

Chair noted that the Nebraska Board of Examiners for Land Surveyors, Title 234, NAC, Rules and Regulations, Chapters 1-13, rulemaking hearing was publicized in the Lincoln Journal Star on April 4, 2022, and posted on the NBELS & Secretary of State websites.

The revised Title 234 Rules and Regulations now contain 13 chapters. The definition of a control survey was added to the definitions: Control Survey, a control survey utilizes and/or establishes primary monuments that form the basis of control, both horizontally and vertically, from which subordinate surveys are referenced into and adjusted. These surveys may include, but are not limited to, route alignments, photogrammetry, topographic mapping and boundary surveys. The positions of the monuments within a control survey provide the standard of accuracy from which subsequent and subordinate surveys are governed.

Hawks moved and Hain seconded to open the Nebraska Board of Examiners for Land Surveyors Title 234, NAC, Rules and Regulations, Chapters 1-13 rulemaking public hearing at 10:00 a.m.

Voting Aye: Hain, Hawks, Pro, Whitfield.

Absent: Bolte.

Motion carried.

No public attendees were present. No communications or written comments were received before the hearing.

Pro moved and Hawks seconded to close the Nebraska Board of Examiners for Land Surveyors Title 234, NAC, Rules and Regulations, Chapters 1-13 rulemaking public hearing at 10:03 a.m.

Voting Aye: Hawks, Pro, Whitfield, Hain.

Absent: Bolte.

Motion carried.

Hawks moved and Pro seconded to accept revisions to the proposed rules and regulations and approve the Rules and Regulations under Title 234, NAC, Nebraska Board of Examiners for Land Surveyors, Chapters 1-13, per discussion following the public hearing.

Voting Aye: Pro, Whitfield, Hain, Hawks.

Absent: Bolte.

Motion carried.

The approved final draft of Title 234 Board of Examiners for Land Surveyors Rules and Regulations will be submitted to the Secretary of State of Nebraska for adoption.

The Board's agreement for office staff support and rental space in the State Surveyor's Office was discussed. The previous agreement was amended to quarterly payments, effective July 1, 2022 – thru June 30, 2025.

Pro moved and Hain seconded to approve the NBELS Agreement for Office Staff and Rental Space in the State Surveyor's Office for FY 22-23 thru FY 24-25.

Voting Aye: Whitfield, Hain, Hawks, Pro.

Absent: Bolte.

Motion carried.

The Board's in-state travel policy was discussed.

Hawks moved and Pro seconded that members and staff of the Nebraska Board of Examiners for Land Surveyors are hereby given blanket approval to travel within the State of Nebraska in performance of their official duties while attending board meetings or seminars as the official representative of the Examining Board. When necessary, this blanket approval is also granted for these members and staff to claim reimbursable travel expenses.

Voting Aye: Hain, Hawks, Pro, Whitfield.

Absent: Bolte.

Motion carried.

Written authorization, in the form of a motion in the meeting minutes, is necessary for out-of-state travel for Board members and staff.

Hawks moved and Hain seconded to suspend the rules and regulations and cast a unanimous ballot for Pro as Chair and Hain as Vice-Chair effective July 1, 2022.

Voting Aye: Hain, Hawks, Pro, Whitfield.

Absent: Bolte.

Motion carried.

Bolte submitted a written report and Pro gave an overview of activities at the recent NCEES (National Council of Examiners for Engineering and Surveying) Central/Southern Zone meeting in Oklahoma City. State Specific exams, exam modules, and costs of licensing were discussed. The progressive experience movement was highlighted. The site selection committee selected New Mexico for a joint Central and Western zone meeting in 2025.

Hain moved and Pro seconded to approve James Hawks, Jerry Hain, Mary Pro, and Casey Sherlock as NCEES Annual Meeting delegates and Member Board Administrator (MBA) to attend the NCEES Annual Meeting on August 23-26, 2022 in Carlsbad, California.

Voting Aye: Hawks, Pro, Whitfield, Hain.

Absent: Bolte.

Motion carried.

Sherlock reported on a lack of communications by a registered LS who is not filing survey plats. Sherlock referenced that the Nebraska Survey Record Repository has not yet received the survey plats for filing referred to in the prior email communication. The Board of Examiners requested that Sherlock send another email making the LS aware that the Board is monitoring this situation and considering action. The timely filing of surveys is required by Nebraska Revised Statutes and is a condition of continued licensure. The LS will be asked to fulfill their statutory duties as a Professional Land Surveyor in the State of Nebraska, and file these surveys as required immediately. The Board will discuss this issue at its next meeting and may consider official action at that time.

Sherlock and Penry took part in a Workforce Team meeting at Southeast Community College in Milford.

Sherlock and Penry continue to conduct survey work on some parcels of Board of Educational Lands and Funds (BELF) lease property, most recently in Dundy, Perkins, and Custer Counties.

Saline County surveys and record books are being scanned and uploaded to the State Surveyor's Office website. County survey records can be accessed under "Links", County Survey Records, Contributed Files. <https://sso.nebraska.gov/nescdb/contributed-files.html>

Nebraska Revised Statute 84-413 Survey Record Repository, duties: The survey record repository shall:
(3) As funds become available from the fees collected pursuant to this section, and at no cost to the counties, request records of all surveys completed prior to July 17, 1982, from the counties and incorporate such records into the repository files.

The next Board meeting will be held on July 21, 2022, at 9:00 a.m. in Lincoln.

Hain moved and Pro 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