

Approved Minutes
PSAN BOARD MEETING
Holiday Inn Midtown
2503 S. Locust, Grand Island, NE
12:00p.m.
March 22, 2013

- 1) Meeting call to order by President LaVern Schroeder.
Meeting called to order at 12:30 P.M. by President LaVern Schroeder.

2) Roll Call:

President - LaVern Schroeder (P)
President-Elect - Ron Ridgway (P)
Treasurer - John Berry (P)
Secretary - Warren Headlee (P)
Directors
 Robert Heese (P)
 Glenn Hicks (A)
 Jason Headley (P)
 Brian Langenberg (P)
 Lee Wells (A)
 Dan Martinez (P)
 Steve Cobb (P)

- 3) Review and approve agenda.

Motion to approve by Ron Ridgway; Second by Dan Martinez.

President - LaVern Schroeder	Y
President-Elect - Ron Ridgway	Y
Treasurer - John Berry	Y
Secretary - Warren Headlee	Y
Directors:	
Robert Heese	Y
Glenn Hicks	A
Jason Headley	Y
Brian Langenberg	Y
Lee Wells	A
Dan Martinez	Y
Steve Cobb	Y

Motion: Pass.

- 4) Review and approve minutes of November 2, 2012 PSAN Board Meeting.

Motion to approve by Brian Langenberg; Second by Ron Ridgway.

President - LaVern Schroeder	Y
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President-Elect - Ron Ridgway	Y
Treasurer - John Berry	Y
Secretary – Warren Headlee	Y
Directors:	
Robert Heese	Y
Glenn Hicks	A
Jason Headley	Y
Brian Langenberg	Y
Lee Wells	A
Dan Martinez	Y
Steve Cobb	Y

Motion: Pass.

- 5) Review and accept Treasurer’s report.

See attached Treasurer’s Report dated March 13, 2013.
Treasurer’s Report was accepted as written.

Old Business

- a) 2013 Summer Convention: Jeremy Feusner, July 12, 2013 at Nebraska College of Technical Agriculture in Curtis, NE.

LaVern Schroeder passed around a 2013 Summer Convention flyer that will be made available shortly.

No further action was taken by this board.

- b) 2014 Winter Convention: Doug Stevenson & Dan Martinez, February 13 & 14, 2014 in Kearney, NE.

Dan Martinez reported that Doug Stevenson stated via email “That things are 95% taken care”. Martinez added that he may add a quick presentation of the benefits of the membership dues including membership to the NSPS. He further added that auction items are still being accepted, that the Ladies Program is still optional and that the auction and social hour will take place on Thursday night during the convention.

No further action was taken by this board.

- c) 2014 Summer Convention: Don Pettigrew in Valentine, NE.

LaVern Schroeder reported that the 2014 Summer Convention will be held in Valentine, NE and that more information will be made available at a later date.

No further action was taken by this board.

- d) 2015 Winter Convention: Richard Johnson & Peter Johnson in Norfolk, NE.

LaVern Schroeder stated that the 2015 Winter Convention will be held during the last week of January at Divots in Norfolk, NE.

No further action was taken by this board.

- e) PSAN Web Site update: LaVern Schroeder.

Connie Arnold reported the following via email:

“I’ve turned in the changes for updating membership list on the web but there are several members who haven’t paid their dues. As soon as Ryan lets me know he’s made the changes, I’ll notify members to check & make sure their info is correct. At the same time, I’ll repeat the “pay your dues” reminder.”

No further action was taken by this board.

- f) GIS Committee: LaVern Schroeder.

Jason Headley made his committee report at this time. Headley reported that the Nebraska Surveyors GIS Committee’s first meeting was held on March 1, 2013. The committee’s report is attached. Headley further reported that there was a large GIS turnout at the meeting and at this time had received no responses in regard to committee report.

Steve Cobb added that while at a recent SENSLA meeting, he had expressed a need for cadastral layers to Josh Lear, GIS Council Vice-Chair. Cobb stressed to this board, that PSAN needs to take a position of education on cadastral recommendations for the GIS community. He thought this could be as simple as surveyors using and stating which published datum had been used on their surveys. He also recommended that PSAN’s platform be from the land surveyor’s perspective while helping the GIS community see the benefits to the Assessors and Register of Deeds offices. He thought it would be a good idea to offer the GIS Council a chance to come speak at a PSAN convention and in return they might reciprocate such a good faith offering. Cobb pointed out that while Nebraska would like to see statewide GIS, roughly 80% of the counties simply cannot afford it. He added that the County Assessors are the ones primarily using GIS and feels that they are the ones we should be courting.

Headley and Cobb thought the next step should be for them to meet with Nathan Watermeier, State GIS Coordinator.

No further action was taken by this board.

g) Maintenance of the 6th P.M. Monument Site: LaVern Schroeder.

LaVern Schroeder reported that the maintenance contract had been signed and that PSAN's share of \$150 had been paid to Kansas Society of Land Surveyors.

No further action was taken by this board.

h) Administrative Secretary Report: Connie Arnold.

See attached Administrative Secretary Report dated March 20, 2013.

Connie Arnold's request to have her name added to the checking signature card is addressed under New Business, Item C.

Dan Martinez asked if the \$40 fee being offered to PSAN members to join the NSPS should also be offered to SENSLA members.

Steve Cobb stated that he thinks most member of the SENSLA already belong to PSAN.

No further action was taken by this board.

i) Officer's Report

i) President LaVern Schroeder: No Report.

ii) President-Elect Ron Ridgway: No Report.

iii) Treasurer John Berry.

John Berry asked that the board think about getting a PSAN credit card. He pointed out that it would be beneficial for board members who are asked to travel on behalf of PSAN.

Motion for John Berry to look into cost of getting a PSAN credit card by Steve Cobb; Second by Jason Headley.

President - LaVern Schroeder	Y
President-Elect - Ron Ridgway	Y
Treasurer - John Berry	Y
Secretary - Warren Headlee	Y
Directors:	
Robert Heese	Y
Glenn Hicks	A
Jason Headley	Y
Brian Langenberg	Y
Lee Wells	A
Dan Martinez	Y
Steve Cobb	Y

Motion: Pass.

iv) Secretary Warren Headlee: No Report.

Director's report

i) Robert Heese: No Report.

ii) Glenn Hicks: No Report.

iii) Jason Headley: No Report.

iv) Brian Langenberg: No Report.

v) Lee Wells: No Report.

vi) Dan Martinez: No Report.

vii) Steve Cobb: No Report.

New Business

a) Renewing of our Trademark: LaVern Schroeder.

LaVern Schroeder reported that the PSAN trademark expires February 2014 and that it will cost \$700 to renew. The \$700 fee is comprised of \$300 for filing fees and \$400 for attorney fees to prepare renewal. It was discussed and believed that the Trademark must be renewed every 5 years.

Motion to renew trademark and have Connie Arnold contact attorney by Dan Martinez; Second by Robert Heese.

President - LaVern Schroeder	Y
President-Elect - Ron Ridgway	Y
Treasurer - John Berry	Y
Secretary - Warren Headlee	Y
Directors:	
Robert Heese	Y
Glenn Hicks	A
Jason Headley	Y
Brian Langenberg	Y
Lee Wells	A
Dan Martinez	Y
Steve Cobb	Y

Motion: Pass.

b) Agreement with NSPS for 100% State Affiliate Membership: Dan Martinez as Head of Committee.

Dan Martinez handed out an example of a standard Memorandum of Understanding (MOU) and a copy of Minnesota's MOU for the board review (see attached). Martinez added that Minnesota had done a nice job with the wording of Article VI – Compensation Details.

LaVern Schroeder reported that several PSAN members had approached him requesting that any proposed fee increases go before the General Assembly and not just to the Board for approval.

Ron Ridgway volunteered to be on the committee.

No further action was taken by this board.

c) Adding Administrative Secretary's name to Checking Account signature Card: discussion.

Connie Arnold stated in the Administrative Secretary's Report that it would be advantageous for expediting business if she were able to get bank account information. Treasurer John Berry stated that he would also like to see her name added to the signature card.

Motion to add Connie Arnold to the Washington State Bank, PSAN account signature card by Dan Martinez; Second by Steve Cobb.

President - LaVern Schroeder	Y
President-Elect - Ron Ridgway	Y
Treasurer - John Berry	Y
Secretary - Warren Headlee	Y
Directors:	
Robert Heese	Y
Glenn Hicks	A
Jason Headley	Y
Brian Langenberg	Abstained
Lee Wells	A
Dan Martinez	Y
Steve Cobb	Y

Motion: Pass.

d) Scholarship to SSC Milford: John Berry.

John Berry reported that \$320 was raised from the raffle of the Indian picture during the 2013 Winter Convention. He asked if the board wanted to add \$180 to the amount to make \$500 available for the scholarship.

Motion to give \$500 for scholarship purposes to Southeast Community College Milford for a land surveying student in Land Surveying/Civil Engineering Technology Program by Jason Headley; Second by Dan Martinez.

President - LaVern Schroeder	Y
President-Elect - Ron Ridgway	Y
Treasurer - John Berry	Y
Secretary - Warren Headlee	Y
Directors:	
Robert Heese	Y
Glenn Hicks	A
Jason Headley	Y
Brian Langenberg	Y
Lee Wells	A
Dan Martinez	Y
Steve Cobb	Y

Motion: Pass.

Committee Reports

- i) Publications: Jerry Penry. No Report.
- ii) Nominations: Glenn Hicks & Wayne Dietz. No Report.
- iii) Education: Matt Tinkham & Duane Katt. No Report.
- iv) Public Relations: Dave Schmitz. No Report.
- v) Legislation: Todd Whitfield.

LB 520:

See attached Committee Hearing Report dated March 5, 2013.

Steve Cobb reported that we could take solace in the fact that while applause is not usually permitted during a committee hearing, the killing of LB 520 had the distinguished approval of applause. Cobb reported that the bills opposition, Bold Nebraska, was well organized and that Senator Chambers pointed out several shortcomings of the bill including:

- Good faith effort is not well defined.
- The legislature cannot dictate how the courts settle.
- Surveyors are obtaining access by current means.

Cobb recommends to wait for the Keystone Pipeline issue to go away and then try again. He also reported that he and Todd Whitfield are working on a “Code of Practice” which he thought will be beneficial in future attempts.

LB 303:

Steve Cobb reported that LB 303 (Computer Testing) was moving forward and will probably pass.

No further action taken by this board.

vi) Membership: Wayne Dietz & Glenn Hicks.

Motion to approve the membership of the following 2 candidates by Jason Headley:

- a) Brian Lou Haverkamp – Recommended by Chris Witulski
- b) Jayme Michael Malone – Recommended by Chris Witulski

Second by Ron Ridgway.

President - LaVern Schroeder	Y
President-Elect - Ron Ridgway	Y
Treasurer - John Berry	Y
Secretary - Warren Headlee	Y
Directors:	
Robert Heese	Y
Glenn Hicks	A
Jason Headley	Y
Brian Langenberg	Y
Lee Wells	A
Dan Martinez	Y
Steve Cobb	Y

Motion: Pass.

vii) Historical: Gene Thomsen & Mitch Humphrey. No Report.

viii) Ethics and Standards: Lee Wells. No Report.

ix) GIS: Jason Headley.
Report given under Old Business, Item f) GIS Committee

x) Associate: Steve Cobb. No Report.

6) Adjournment Motion.

Motion to adjourn by Steve Cobb; Second by Ron Ridgway.

Motion Passed by voice vote – Meeting adjourned 2:18 P.M.

Respectively submitted by Warren Headlee, Secretary.

Treasurer's Report
3/13/2013

Washington County Bank Checking
1/11/2013 thru 3/13/2013

Date	Nun	Description	Category	Memo	Amount
BALANCE 1/11/2013					
1/14/2013	1635	Embassy Suites			-366.38
1/25/2013		2013 Winter Conference Fees	2013 Winter Conference (speaker's room)		12,415.00
1/29/2013	1636	Schroeder Land Surveying			-40.97
1/29/2013	1637	Kirkham Michael	2013 Winter Conference Copies		-300.00
1/29/2013	1638	Cadastral Consulting LLC.	2013 Winter Conference Copies		-4,536.00
1/29/2013	1639	Sec. of State	2013 Winter Conference Speaker fee		-20.00
1/31/2013		Banking Fees	Non-Profit dues		-13.27
2/1/2013		2013 Membership Dues			100.00
2/1/2013		2013 Winter Conference Fees			1,225.00
2/1/2013		2013 Scholarship Raffle			320.00
2/1/2013	1640	Unico Group			-139.00
2/4/2013	1641	Unico Group	Insurance		-15.00
2/8/2013	1642	Service Press	Insurance		-109.03
2/8/2013	1643	Sandy Maille	Newsletter		-240.00
2/8/2013	1644	American Broadband	Newsletter		-25.00
2/12/2013	1646	QuickTeq	Webhosting		-158.90
2/13/2013	1647	Connie Arnold	Computer Repair		-62.89
2/13/2013	1649	Glenda Harders CPA	Phone/Postage		-337.00
2/13/2013	1651	Kansas Society of Land Surveyors	Tax Prep.		-150.00
2/13/2013	1652	Connie Arnold	6th PM Maint.		-240.92
2/13/2013	1653	Service Press	Postage		-743.97
2/28/2013		Banking Fees	Newsletter		-7.61
3/7/2013	1654	Embassy Suites	2013 Winter Conference Facility Fees		-23,083.79
3/7/2013	1655	American Broadband	Webhosting		-25.00
3/8/2013	1656	Regal Awards	2013 Winter Conference Awards		-297.57
3/8/2013	1657	Nebraska GIS/LIS Association	Sponsorship		-350.00
3/13/2013	1658	Connie Arnold	Wages Sept. 25th - Dec. 31 2012		-3,807.38
subtotal					-21,029.68
Edward Jones Ending Balance 12/31/2012					59,344.66
Washington County Bank Checking Balance					12,554.28
TOTAL					71,898.94

59,344.66
12,554.28
71,898.94

2013 Winter Conference Costs (facility, meals, materials, speakers, misc)
2013 Winter Conference Fees

-29,228.17
26,370.00
-2858.17

TOTAL



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March 7, 2013

Nebraska Surveyors/GIS Committee
Friday March 1, 2013
Lincoln NE.

The Nebraska Surveyors/GIS Committee held its first meeting on Friday March 1, 2013. Our goal was to generate a working relationship between both groups. We took the first step toward that goal and identified items for discussion. The gathering lasted for two hours and generated the following remarks, thoughts, and concerns.

- Renew a partnership of both groups by committee
- Have a PSAN voice on the GIS council
- Adopt GIS standards for the Nebraska State Records Board
- Evaluate projects that received grants from the Nebraska Records Board
- Educate and team with the Nebraska Association of County Officials (NACO)
- Discuss mutual benefits of sharing section corner positions with county and state officials. Mandatory or voluntary??

Conclusion: All agree that Nebraska Surveyors and GIS professionals will generate a better product if the correct standards are set.

The above statements will be discussed at the next PSAN meeting this spring. I expect to have another meeting in late May or early June.

I want to thank everyone for participating. All committee names and contacts are on the following page.

Sincerely,
Jason Headley, RLS, CFEDS

JH

March 7, 2013

Nebraska Surveyors/GIS Committee
Friday March 1, 2013
Lincoln NE.

Attendees:

Jason Headley, RLS E&A Consulting Group/PSAN 402-895-4700
jheadley@eacg.com

Nathan Watermeier State GIS Coordinator 402-436-3750
Nathan.watermeier@nebraska.gov

Duane Katt, RLS Hamilton County Surveyor/PSAN 402-631-9263
kattsurveying@aol.com

Eric Herbert Sarpy County GIS 402-593-2274
eric@sarpy.com

Eric Hubl Lancaster County GIS 402-441-7681
ehubl@lancaster.ne.gov

Ron Way, RLS Douglas County Surveyor/PSAN 402-679-5341
ron.way@douglascounty-ne.gov

Jeff McReynolds Lincoln/Lancaster GIS 402-441-7681
jeffmcreynolds@lincoln.ne.gov

Mike McNaney Papio NRD/PSAN 402-657-2860
mmcnamney@papiomrd.org

Jim Richardson NGS Advisor 240-988-6372
James.richardson@noaa.gov

Jim Langtry US Geological Survey 402-328-4128
jlangtry@usgs.gov

Steve Cobb State Surveyors Office/PSAN 402-471-2566
Steven.cobb@nebraska.gov

Attendees by Phone: Virlyn Bolt RLS, PSAN
Duane Stott RLS Scotts Bluff County Surveyor, PSAN
Ken Hartwig, Nebraska Department of Roads
Dale Mueller, Southeast Community College

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PROFESSIONAL SURVEYORS ASSOCIATION OF NEBRASKA

March 20, 2013

Professional Surveyors Association of Nebraska Administrative Secretary's Report March 2013

There are still several members who have not paid 2013 dues. I have sent reminders and will be sending out one more before the end of the week. We are down from 271 members in 2012 to 238 members so far this year.

	<u>2012</u>	<u>2013</u>
Active Members	204	186
Retired Members	9	7
Honorary Members	8	8
Associate Members	42	31
Sustaining Members	7	5
<u>Affiliated Members</u>	<u>1</u>	<u>1</u>
	271	238

We had a problem with a large check that was mailed out to cover expenses from the convention. I was asked to call the bank to find out if it had cleared but had another problem when I attempted to get this information. Since my name is not on the checking signature card, they could not release the information to me. I made six calls, the treasurer made calls and the last treasurer also made calls too, trying to get the necessary information to fix the check problem. This is only the second time this has come up in the years that I've been administrative secretary but it wastes a lot of time trying to get important information. As of today, the stop payment has not been made because of a mailing error. Therefore, this large check is still out in limbo. I make all of the deposits, the bank statement comes here and I make a copy for the office and send the original to the treasurer. Since I do not have any checks here, there would be no way for me to get money out of the account. It would be a huge advantage for expediting business if I were able to get information regarding our account. It's not a matter of my knowing what PSAN has because I already know that!

The only other item I would like to address is e-mail. Whenever I send e-mails out that contain information that someone has requested, it would be great if the recipient would respond to let me know they received the e-mail. If I don't hear from them, I end up e-mailing again to ask if they had gotten the information.

This is about all I have to report for this time. If there are questions, please feel free to contact me and I will do my best to supply the answers.

Respectfully,
Connie Arnold
Administrative Secretary

**MEMORANDUM OF UNDERSTANDING (MOU)
BETWEEN THE
NATIONAL SOCIETY OF PROFESSIONAL SURVEYORS, INC. (NSPS)
AND THE**

**ARTICLE I
PURPOSE**

The purpose of the NSPS 100% State Affiliate Membership Program is to continue to build and enhance our national influence by joining our memberships into a single unified organization that represents the vast majority of the surveying profession.

A unified national organization would better serve the interests, objectives, and communication needs of its members. This stronger organization would also give its members a more powerful national voice in promoting and protecting our profession.

This unity of purpose will also help to advance the sciences and disciplines within the surveying and mapping profession, encourage public and private sector cooperation, create an active public relations program and advance the protection of the public welfare relative to surveying and mapping issues.

**ARTICLE II
BACKGROUND**

The NSPS Board of Governors and Board of Directors believe that the continued success and growth of our society and our profession requires a stronger relationship between the national and state societies. To that end, we desire to create a joint membership program that will attract state societies to join with NSPS to work together to enhance our profession while enjoying the benefits of membership.

Benefits of a substantially increased membership total for NSPS would include:

STRONGER INFLUENCE in dealing with federal and state legislators, agencies, and administrators.

GREATER RECOGNITION when operating among other national and international professional organizations.

INCREASED EFFICIENCY in building on past, present, and future initiatives to strengthen the surveying profession.

Thus at the May 5, 2012 NSPS Annual meeting, a motion from members of the NSPS Board of Governors, to create and implement a 100% Affiliate Membership Program was presented and approved by both the NSPS Board of Governors and Board of Directors.

**ARTICLE III
OBLIGATIONS AND RESPONSIBILITIES
OF THE STATE ASSOCIATION/SOCIETY**

- Furnish the NSPS, Inc. Secretary/Treasurer, at least sixty (60) days prior to the start of the State's membership year, a preliminary list of the names, addresses and e-mails, for all regular/licensed members whose legal residence is in the same state as that of the State Affiliate.

- Within one hundred and twenty (120) days from the start of the State Affiliate's membership year, the Affiliate shall provide NSPS a list of all regular/licensed members paid to date and the balance due for their membership fees.
- The state affiliate, after the first one hundred and twenty (120) days of the membership year, shall forward NSPS on a monthly basis the names and membership dues for all newly paid to date regular/licensed members.
- Provide a representative(s) to serve on the NSPS Board of Governors and Board of Directors .
- Publish the MOU once each year in a State Association/Society publication.
- Furnish NSPS, Inc. with the names and addresses of their officers, directors, and NSPS Governor/Director after each election.
- Affirm the affiliation with NSPS, Inc. through the display of the NSPS, Inc. logo or other statements of affiliation on the State's stationery, website and publications.

ARTICLE IV ROLES AND RESPONSIBILITY OF NSPS

- Provide leadership for the surveying & mapping community on a national level.
- Provide a voice for the surveying & mapping community on a national level.
- Provide a National Government Affairs Program and leadership on State and Regional Government Affairs issues.
- Provide coordination and promotion of surveying & mapping curriculums on a national level.
- Provide a liaison with other national and international geomatics and geospatial organizations.
- Provide for the distribution of significant information of new technology and innovations that support the furtherance of surveying & mapping science.
- Provide assistance to the affiliate in obtaining speakers and programs for conferences and workshops.
- Coordinate licensing concerns of a national interest with the affiliates and provide review of the NCEES Model Law.
- Promote the affiliates activities and programs through the NSPS Website and publications.

ARTICLE V ISSUES OF MUTUAL UNDERSTANDING

- The two parties are two distinct and separate entities, that share a mutual interest in furthering the surveying & mapping profession.
- NSPS will act as the clearinghouse and spokesperson for the Affiliates on national issues.

- Each State Affiliate may opt out for all of their members having their personal information shared by NSPS with third parties by submitting a letter to the NSPS Secretary/Treasurer at the beginning of every membership year.
- NSPS is not responsible for the expenses associated with the attendance of the affiliate's representative(s) to the NSPS Board of Governors and Board of Directors meetings.
- The State Affiliate organization has the right and is expected to send a representative to all meetings of the Board of Directors
- Affiliates will participate in the annual NSPS lobby effort to include Lobby Day and will schedule meetings with their Congressional delegation.

ARTICLE VI COMPENSATION DETAILS

- The affiliate will remit to NSPS an annual fee of \$40 (forty dollars) for each Regular/Licensed Member **whose legal residence is in the same state as that of the State Affiliate.**
- All costs incurred by the Affiliate that are associated with collecting and disbursing the annual fee to NSPS shall be borne solely by the Affiliate.

ARTICLE VII MISCELLANEOUS DETAILS

- Life and Retired State members upon agreement between NSPS and the State Affiliate may be omitted from the yearly Affiliate Regular/Licensed membership tally.
- Individual **non** Regular/Licensed, Life or Retired members etc., **whose legal residence is in the same state as that of the State Affiliate,** are allowed to take part in the NSPS membership program on an optional basis at an annual fee of \$40 (forty dollars), in their appropriate NSPS membership category. The affiliate will supply NSPS with a listing of the additional members.
- Student members of a State Affiliate's membership can qualify to be included in this program at the current NSPS student membership fee of \$30 (thirty dollars) for the 2013 membership year and at a membership fee of \$10 (ten dollars) starting with the 2014 membership year.

ARTICLE VIII TERMS OF THE AGREEMENT

- This MOU Agreement will become effective upon the first day after the signing of this Agreement by the authorized officers of both parties.
- This MOU Agreement shall remain in force until such time as either party ceases to exist as a legal entity within the state of their listed headquarters.
- The agreement may be terminated by either party upon a two-thirds vote by their governing Board and the delivery of a written notice of termination to the other party's listed headquarters within no less than ninety days prior to the commencement of a new membership year.

- Upon receipt of a termination notice from either party, both parties will have a maximum of sixty days in which to complete all financial and legal obligations existing between them.
- Should a dispute arise between the parties as to the terms of this agreement and an amicable settlement cannot be reached by the two parties, both parties agree to submit the dispute to a dispute resolution procedure to be held within the state of the aggrieved party.

**ARTICLE IX
EFFECTIVE DATE AND SIGNATURES**

NOW BE IT RESOLVED that the National Society of Professional Surveyors, Inc., (NSPS, Inc.) and the _____ have joined together with mutual understanding as to their obligations and responsibilities, that each party will adhere to the MOU Agreement to the best of their ability and herewith sign this MOU Agreement in good faith.

**SIGNED FOR THE
NATIONAL SOCIETY OF PROFESSIONAL SURVEYORS, INC.
ON**

This _____ day of _____ 20.

Attest: Secretary

President

Printed Name of Secretary

Printed Name of President

FOR THE

This _____ day of _____ 20.

Attest: Secretary

President

Printed Name of Secretary

Printed Name of President

MEMORANDUM OF UNDERSTANDING (MOU)
BETWEEN THE
NATIONAL SOCIETY OF PROFESSIONAL SURVEYORS, INC. (NSPS)
AND THE
MINNESOTA SOCIETY OF PROFESSIONAL SURVEYORS (MSPS)

ARTICLE I
PURPOSE

The purpose of the NSPS 100% State Affiliate Membership Program is to create an environment that will not only maintain but enhance our national influence by joining our memberships into a single unified organization that represents, as near as possible, 100% of the surveying profession.

A unified national organization would better serve the interests, objectives, and communication needs of its members, in helping to enhance the public image of the surveying profession. This stronger organization would also give its members a more powerful national voice in promoting and protecting our profession. This unity of purpose will also help to advance the sciences and the disciplines within the profession of surveying and mapping, encourage cooperation between the public and the private sectors, create an active public relations program and advance the protection of public welfare relative to surveying and mapping issues.

ARTICLE II
BACKGROUND

The NSPS Board of Governors and Board of Directors feel that the continued success and growth of our society and our profession requires a stronger relationship between the national and state societies. To that end, we desire to create a joint membership program that will attract state societies to join with NSPS to work together to enhance our profession while enjoying the benefits of membership.

Benefits of a unified national organization for NSPS would include:

STRONGER INFLUENCE in dealing with federal and state legislators, agencies, and administrators.

GREATER RECOGNITION when operating among other national and international professional organizations.

INCREASED EFFICIENCY in building on past, present, and future initiatives to strengthen the surveying profession.

Thus at the May 5, 2012 NSPS Annual meeting, a motion from members of the NSPS Board of Governors, to create and implement a 100% Affiliate Membership Program was presented and approved by both the NSPS Board of Governors and Board of Directors.

ARTICLE III
OBLIGATIONS AND RESPONSIBILITIES OF THE
MINNESOTA SOCIETY OF PROFESSIONAL SURVEYORS (MSPS)

Furnish the NSPS, Inc. Secretary/Treasurer, at least sixty (60) days prior to the start of the MSPS membership year, a preliminary list of the names, or the number of its regular/licensed members whose legal residence is in Minnesota, along with a list of MSPS regular/licensed members who are not Minnesota residents as of the signing date of this document.

Within one hundred and twenty (120) days from the start of the MSPS membership year, the Affiliate shall provide NSPS a list of all regular/licensed members paid to date and the balance due for their NSPS membership fees (\$40/member).

MSPS, after the first one hundred and twenty (120) days of the membership year, shall forward NSPS on a monthly basis the names and membership dues for all newly paid to date regular/licensed members.

MSPS will provide a representative(s) to serve on the NSPS Board of Governors and Board of Directors .

MSPS will pay all of the expenses associated with the attendance of their Representative (s) to the NSPS Board of Governors and Board of Directors meetings.

MSPS will publish the MOU once each year in an MSPS publication.

MSPS will furnish NSPS, Inc. with the names and addresses of their officers, directors, and NSPS Governor/Director after each election.

MSPS will affirm the affiliation with NSPS, Inc. through the display of the NSPS, Inc. logo or other statements of affiliation on the State's stationery, website and publications.

ARTICLE IV ROLES AND RESPONSIBILITY OF NSPS

To provide leadership for the surveying & mapping community on a national level.

To provide one voice for the surveying & mapping community on a national level.

To provide a National Government Affairs Program and leadership on State and Regional Government Affairs issues.

To provide coordination and promotion of surveying & mapping curriculums on a national level.

To provide a liaison with other national and international geomatics and geospatial organizations.

Provide for the distribution of significant information of new technology and innovations that support the furtherance of surveying & mapping science.

Provide assistance to the affiliate in obtaining speakers and programs for conferences and workshops.

Coordinate licensing concerns of a national interest with the affiliates and provide review of the NCEES Model Law.

Promote the affiliates activities and programs through the NSPS Website and publications.

ARTICLE V ISSUES OF MUTUAL UNDERSTANDING

The two parties are two distinct and separate entities, that share a mutual interest in furthering the surveying & mapping profession.

NSPS will act as the clearinghouse and spokesperson for state affiliates on national issues.

MSPS may opt out for all of their members having their personal information shared by NSPS with third parties by submitting a letter to the NSPS Secretary/Treasurer at the beginning of every membership year.

MSPS has the right and is expected to send a representative to all meetings of the Board of Directors.

MSPS will participate in the annual NSPS Lobby Day and schedule meetings with their Congressional delegation.

ARTICLE VI COMPENSATION DETAILS

MSPS will remit to NSPS an annual fee of \$40.00 for each Regular/Licensed Member. Only those non-resident licensed/regular members who are currently a licensed/regular member of MSPS as of the signing date of this MOU by MSPS would be allowed to take part in the 100% membership program through MSPS. Their membership would be on an optional basis similar to the life, retired and associate members. After that date, non-resident licensees who become licensed/regular members of MSPS may only participate (on an optional basis) in the 100% membership program through MSPS if they do not at that time, nor have they for the previous three (3) years, held membership in another State Affiliate as a licensed/regular member.

All costs incurred by MSPS that are associated with collecting and disbursing the annual fee to NSPS shall be borne solely by MSPS.

ARTICLE VII MISCELLANEOUS DETAILS

Life and Retired State members upon agreement between NSPS and the State Affiliate may be omitted from the yearly Affiliate Regular/Licensed membership tally. MSPS will offer the option to its Life and retired members to become NSPS members at the current member (\$40) rate.

Individual non Regular/Licensed, Life or Retired members etc. of MSPS are allowed to take part in the NSPS membership program on an optional basis, in their appropriate NSPS membership category. MSPS will supply NSPS a listing of the additional members. MSPS will offer the option to our Training and Technical members to become NSPS members at the current (\$40) rate.

MSPS Student members can qualify to be included in this program at the current NSPS student rate of \$30 (thirty dollars) for the 2013 membership year, and at a membership fee of \$10 (ten dollars) starting with the 2014 membership year.

All newly licensed Land Surveyors with a Minnesota residence will be offered a membership at no cost in MSPS and NSPS for one year. These newly licensed members will be included in the yearly MSPS membership tally.

ARTICLE VIII TERMS OF THE AGREEMENT

This MOU Agreement will become effective upon the first day after the signing of this Agreement by the authorized officers of both parties.

This MOU Agreement shall remain in force until such time as either party ceases to exist as a legal

entity within the state of their listed headquarters.

The agreement may be terminated by either party upon a two-thirds vote by their governing Board and the delivery of a written notice of termination to the other party's listed headquarters within no less than ninety days prior to the commencement of a new membership year.

Upon receipt of a termination notice from either party, both parties will have a maximum of sixty days in which to complete all financial and legal obligations existing between them.

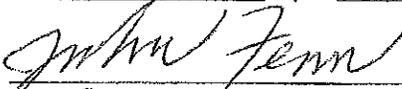
Should a dispute arise between the parties as to the terms of this agreement and an amicable settlement cannot be reached by the two parties, both parties agree to submit the dispute to a dispute resolution procedure to be held within the state of the aggrieved party.

**ARTICLE IX
EFFECTIVE DATE AND SIGNATURES**

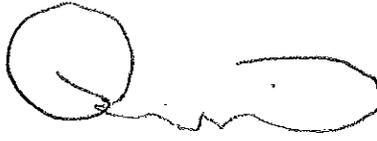
NOW BE IT RESOLVED that the National Society of Professional Surveyors, Inc., (NSPS, Inc.) and the Minnesota Society of Professional Surveyors (MSPS) have joined together with mutual understanding as to their obligations and responsibilities, that each party will adhere to the MOU Agreement to the best of their ability and herewith sign this MOU Agreement in good faith.

**SIGNED FOR THE
NATIONAL SOCIETY OF PROFESSIONAL SURVEYORS, INC.
ON**

This 12th day of DECEMBER 2012



Attest: Secretary



President

John Fenn
Printed Name of Secretary

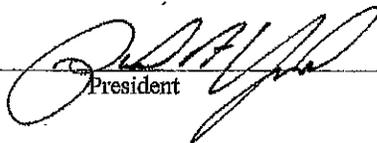
Robert Dahn
Printed Name of President

**FOR THE
MINNESOTA SOCIETY OF PROFESSIONAL SURVEYORS
ON**

This 12TH day of DECEMBER 2012



Attest: Executive Director



President

Eric Ewald
Printed Name of Executive Director

Paul A. Vogel
Printed Name of President

KISSEL/E&S ASSOCIATES

2013 LEGISLATURE

COMMITTEE HEARINGS REPORTS

Date: 3/5/2013
Committee: Judiciary Committee
Senators: Ashford, Chambers, Christensen, Davis, Lathrop, Seiler
Bill: 520
Reported by: Kelsey Dawson for Kissel/E&S Associates

LB 520 (Christensen) – Allow land surveyors to enter upon public or private lands or waters as prescribed

Legislative Bill 520 would provide for a right of entry upon private property for registered surveyors in performance of their duties. The bill would limit their ability to enter premises to the following activities:

- (a) determination of section quarters, quarter corners, property corners, boundary lines, right-of-way and easements;
- (b) to make surveys;
- (c) to conduct examinations or investigations; or
- (d) to acquire other necessary and relevant data in contemplation of:
 - (i) Establishing the location of a street, road or highway;
 - (ii) Acquiring of land, property and road building materials; or
 - (iii) Performing other operations incidental to construction, reconstruction, or maintenance of a road, street or highway.

The Legislation would require a good faith effort on part of the surveyor to make an attempt to announce and identify themselves and the purpose for entry to the owner. The surveyor would be responsible for any actual or demonstrable damages to property.

Sen. Christensen introduced this bill on behalf of the Professional Surveyor Association of Nebraska. A similar bill was introduced two years ago, now this bill includes information about railroads and additional clarification of what information to survey.

Proponent Testimony

- Todd Whitfield, Nebraska registered land surveyor, on his own behalf. Statutes address county and state surveyors, but not private practice regulation land surveyors. The intent of this bill is to provide private practice surveyors a legal avenue to access land.

Sometimes it is necessary to go multiple lots away from the one the surveyor is serving. Testified that without an avenue to enter land, private practice surveyors cannot do their duties to the best of their ability.

Sen. Chambers asked who drafted the language. Mr. Whitfield stated they hired a lobbyist to help them. Sen. Chambers asked if they reviewed the language. Mr. Whitfield stated they reviewed for the most part, but they did discover an area today that they would be up to change. Sen. Chambers pointed to page 2 which talks about certification, but not authority. Sen. Chambers asked about the permit from the railroad before entering. Mr. Whitfield stated that if the railroad refuses, they have to find another avenue. Sen. Chambers asked about examinations and investigations and which work Mr. Whitfield prefers. Mr. Whitfield stated that they will go out to find evidence to establish a boundary line and that he personally prefers "investigation." Sen. Chambers asked about finding and acquiring other necessary and relevant data. Mr. Whitfield stated they physically locate data. Sen. Chambers asked why the law should allow a private entrepreneur onto someone's property. Mr. Whitfield said to establish boundary lines and ownership. Sen. Chambers asked why anyone should be allowed to criminally trespass. Mr. Whitfield stated it is in their interest to know the boundary lines and there are not a lot of situations where people do not allow private practice surveyors on their land. Sen. Chambers asked why he did not get a court order. Mr. Whitfield stated it is cost prohibitive to them and their clients. Sen. Chambers asked why the private surveyors do not just show their identification without a request. Mr. Whitfield stated the bill writer put that in, but they show their identification every time. Sen. Chambers asked what a "good faith" attempt to notify and identify meant. Mr. Whitfield stated that you try to make sure they are aware and they do not want people to just go onto the land. Sen. Chambers asked if knocking on the door was enough to satisfy the good faith requirement. Mr. Whitfield said yes. Sen. Chambers stated the good faith requirement is not designed to create the right to enter and conduct the survey. Sen. Chambers asked if the surveyors could get a court order now and what it would say. Mr. Whitfield said yes and it would say "provide entry onto property to do his duties." Sen. Chambers asked about damages to property. Mr. Whitfield stated that surveyors are responsible for all damages.

Sen. Davis asked what the motivating source of this bill was. Mr. Whitfield stated it was because private surveyors do not have a good legal avenue over the years. Sen. Davis asked if it was because of the pipeline. Mr. Whitfield said he did not believe so and that they do surveys for transfer of ownership. Sen. Davis asked if there were other ways to determine corners. Mr. Whitfield stated not if the surveyor is doing a proper job. Sen. Davis asked what they do if they cannot find the corner. Mr. Whitfield stated they ask the county surveyor to establish the corner.

- Doug Stevenson, on behalf of the Professional Surveyor Association of Nebraska. Testified this bill allows lines and corners to be located, but does not give free range of the property. A land surveyor is engaged to identify the line or corner as accurately as possible, whether to the benefit or detriment of his client. The surveyor provides a disservice to the client and property owners if they cannot. Surveyors should be able to do their job without fear of trespass actions.

Sen. Chambers asked Mr. Stevenson about the case he was involved with, where Mr. Stevenson was hired by the district court to conduct the survey. The case involved the river, so there was another piece of property that neither sister owned. Mr. Stevenson stated the issue was resolved through a court order. Sen. Chambers stated we are dealing with people who do not surveyors on their property. Sen. Chambers asked if Mr. Stevenson came across such a person, if he would go on the land anyway. Mr. Stevenson said no. Sen. Chambers asked if that is because he can go to court. Mr. Stevenson said yes. Sen. Chambers asked then why does he need this bill. Mr. Stevenson stated that the bill gives a little more to the surveyor, so that people might be more willing to let them on the land. Sen. Chambers asked if this on the books would help. Mr. Stevenson stated yes in some situations, but not all.

- LaVern Schroeder, President of the Professional Surveyor Association of Nebraska. Testified that a county surveyor has a right of entry, but a private surveyor is not given that right. Private practice surveyors do not have a clear avenue to go straight to court and this bill would streamline the process.

Sen. Chambers asked how many time Mr. Schroeder had been turned away as a private surveyor. Mr. Schroeder stated he had never been denied, it took a while, but he had to talk to the landowners. Sen. Chambers asked why Mr. Schroeder needed the bill. Mr. Schroeder stated the bill allows surveyors to give notice by mail. Sen. Chambers asked what Mr. Schroeder does when he does not get a response. Mr. Schroeder stated that he calls until he gets an answer. Sen. Chambers questioned sending notification through regular mail. Mr. Schroeder stated he could see how that might be a problem and said they could do certified mail. Sen. Chambers stated that Mr. Schroeder had yet to show anything this bill changes.

Opponent Testimony

- Ken Winston, on behalf of the Nebraska Sierra Club. Testified about landowner rights.
- Randy Thompson, on his own behalf. Testified that this is the first time in history a major corporation (TransCanada) is facing resistance from farmers and ranchers willing to stand for their rights (individual property rights). Corporation giants turn to their political allies to have existing laws re-written or bent to meet their needs. If this bill is passed it will enhance their position. Asked how far the committee was willing to go to appease the corporation giants and whether they were willing to legalize trespassing.

- Susan Donovan, on her own behalf. Stated she did not want to reiterate what was already said, but she wondered what Sen. Christensen’s reasons are for entering this bill. Testified that this bill gives more equality to entities than to landowners and does nothing to protect Nebraska citizens.
- Max Nelson, on his own behalf. Asked what is a “good faith effort”? Testified that when you tell someone no that should be the end of it. People in Nebraska are an easygoing people. People will rise up. Testified that if he had to give his land he would ask for the value of the land in gold so that he could leave the country.
- Nina Nelson, on her own behalf. Testified they have a right to their privacy and protection from outsiders. Testified that this bill would give a right of entry to land purchased with her money. Landowners have every right to know who is on their property. Surveyors do not represent themselves. There are loop holes. Registered surveyors could be bought off. Today the concern is pipelines. Asked the committee not to rush into laws that take away rights of landowners.
- Ben, on his own behalf. Testimony developed from his work with Nebraska Easement Action Team (NEAT) and the Nebraska Farmers Union. Testified that everything hinges on “good faith.” Good faith is not enough to allow someone to legally trespass. Regular mail does not work because sometimes there are absentee landowners. Surveyors already have a legal avenue; they do not need the legal ability to trespass. Also the bill states the court shall give the surveyor an order, but the court should have an option not to give an order.

Sen. Chambers stated that the legislature cannot dictate how the court settles, which shows another problem with this bill. Sen. Chambers stated that was why he asked who drafted it, because he did not know what he was talking about.

- Jim Tarnik, on his own behalf. Testified there was no reason to give a company access to private property. This bill gives more power to harass landowners. What is a “good faith effort”? “Sign your farm over now, because we’re going to take it anyway.” This bill gives corporations another chance to take our rights.
- Bruce Eoett, on his own behalf. Testified this bill is in direct violation of property owners’ rights. Unless all permits are approved, no one should enter your property.
- Sherrie Poloski, on her own behalf. Landowners will recognize a best interest to allow land surveyors onto their land, but that is the only power they have. We should not make it easier or more convenient.
- Abby K, on her own behalf. Testified this bill allows surveyors to access private property without permission. There are landowner rights. No one should access your land without your permission. Nebraska farmers do not want this. Due process gives you the right to a hearing before giving up your rights. There needs to be actual notice and at least 30 days to respond and object.

