

**ADOPTED REGULATION OF THE STATE BOARD OF
PROFESSIONAL ENGINEERS AND LAND SURVEYORS**

LCB File No. R148-04

Effective May 4, 2006

EXPLANATION – Matter in *italics* is new; matter in brackets ~~[omitted material]~~ is material to be omitted.

AUTHORITY: §1, NRS 329.160.

A REGULATION relating to the perpetuation of corners; revising the requirements relating to the form of corner records; requiring a professional land surveyor to include the expiration date of his license in a certificate that is included with a corner record; and providing other matters properly relating thereto.

Section 1. NAC 329.010 is hereby amended to read as follows:

329.010 1. A corner record presented for filing pursuant to NRS 329.140 or 329.150 must be legibly drawn in waterproof ink on paper or another material of a permanent nature suitable for recordation ~~[. The paper or other material upon which the corner record is drawn must be 8 1/2 by 14 inches with a margin of 1 inch completely around the paper or other material. A square must be left in the lower right hand corner of each sheet of the corner record for the county recorder's use. The square must be of sufficient size to accommodate the information normally included in a corner record by the county recorder of the county in which the corner record will be filed.]~~ *in accordance with the provisions of NRS 247.110.* The top of the first sheet of the corner record must have the words "Corner Record" inscribed directly below the margin at the top of the record.

2. The corner record must include a certificate of the professional land surveyor in responsible charge of the work. The certificate must be in the following form:

SURVEYOR'S CERTIFICATE

I, (name of professional land surveyor), a Professional Land Surveyor registered in the State of Nevada, certify that:

- 1. This corner record represents the establishment or restoration of a corner or accessory to a corner conducted under my direct supervision.
- 2. The monument or accessories perpetuated lie within (section, township, range, meridian, county and city, if incorporated), and the establishment or restoration was completed on (date).
- 3. This corner record has been filed pursuant to NRS 329.140 or 329.150 and complies with the provisions of NAC 329.010 and any local ordinances in effect on the date that the establishment or restoration was completed.
- 4. The monument or witness monument and accessories found are of the character shown, occupy the positions indicated, and are of sufficient durability.

(Validated seal of the professional land surveyor);

(Name and license number of the professional land surveyor printed below the seal).

3. *The certificate required pursuant to subsection 2 must include the expiration date of the license of the professional land surveyor who is named in the certificate. The expiration date must appear in the:*

(a) Validated seal of the professional land surveyor; or

(b) Area below the validated seal where the name and license number of the professional land surveyor are printed.

4. The corner record must include:

(a) A north arrow and scale.

(b) The number of each sheet and the total number of sheets included in the record.

(c) A drawing that includes:

(1) The monuments or witness monuments and accessories found, including their locations;

(2) Complete citations to maps, plats, documents and other matters of record or facts of pertinence which confirm the perpetuation of the corner; and

(3) The lineal measurements between each witness monument and the perpetuated corner.

(d) A memorandum of oaths, if any.

~~{4.}~~ 5. If the corner perpetuated in a corner record is a corner of the Public Land Survey System, it must be identified as a corner of the Public Land Survey System pursuant to the provisions of the Manual of Surveying Instructions published by the Bureau of Land Management of the Department of the Interior, which is hereby adopted by reference. A copy of the manual may be obtained from the United States Government Printing Office, Washington, D.C. 20402, at a cost of \$31.

~~{5.}~~ 6. If the Nevada coordinate system, as defined in chapter 327 of NRS, is used to reestablish or perpetuate a corner, the source of the control used must be stated.

~~{6.}~~ 7. As used in this section, “responsible charge of work” has the meaning ascribed to it in NRS 625.080.

**NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R148-04**

The State Board of Professional Engineers and Land Surveyors adopted regulations assigned LCB File No. R148-04 which pertain to chapter 329 of the Nevada Administrative Code on January 19, 2006.

Notice date: 9/30/2004

Hearing date: 11/4/2004

Date of adoption by agency: 11/4/2004 (Temporary); 1/19/2006 (Permanent)

Filing date: 5/4/2006

INFORMATIONAL STATEMENT

1. A description of how public comment was solicited, a summary of public response, and explanation how other interested persons may obtain a copy of the summary.

Public comment was solicited by mailing a Notice of Workshop to Solicit Comments on Proposed Regulation and a Notice of Intent to Act Upon Proposed Amendment to Regulation to all persons on the Nevada State Board of Professional Engineers and Land Surveyors' mailing list who had requested they be informed of proposed regulations.

The Notice of Workshop to Solicit Comments on Proposed Regulation and the Notice of Intent to Act Upon Proposed Amendment to Regulation were mailed to the recipients identified in the mailing list attached as Exhibit "A" with a cover letter requesting the recipients to post the Notices in a public place and to distribute copies of the Notices to persons who may be interested in the proposed amendments to the regulation. No public comment was received on the proposed amendments to regulation. A summary of the Board's discussion of the proposed amendments may be obtained by calling the Nevada State Board of Professional Engineers and Land Surveyors' office at (775) 688-1231 or by writing to the State Board at 1755 E. Plumb Lane, Suite 135, Reno, Nevada 89502.

2. The number of persons who:

- | | |
|--|---|
| (a) Attended each hearing: | 0 |
| (b) Testified at each hearing: | 0 |
| (c) Submitted to the Agency written comments: | 0 |

3. A description of how comment was solicited from affected businesses, a summary of their response and an explanation how other interested persons may obtain a copy of the summary.

Comments were solicited from affected businesses as outlined in number 1. The Board did not receive any comments from affected businesses. A copy of the Board's minutes concerning the proposed amendments to the regulations and the subsequent adoption of the amended regulations can be obtained by calling the Nevada State Board of Professional Engineers and Land Surveyors at (775) 688-1231 or by writing to the State Board at 1755 E. Plumb Lane, Suite 135, Reno, Nevada 89502.

4. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.

The language of the proposed amendments to the Regulation was revised by the Legislative Counsel Bureau which inserted a new paragraph 3. The Board accepted the Legislative Counsel Bureau's new paragraph 3 and clarified the language contained in paragraph 2 by inserting the phrase "with the expiration date of the license". A copy of the adopted regulation is attached as Exhibit "B".

5. The estimated economic effect of the adopted regulation on the business which it is to regulate and on the public. These must be stated separately, and each case must include:

- (a) Both adverse and beneficial effects; and**
- (b) Both immediate and long-term effects:**

(a) The proposed amendments are not expected to have either an adverse or a beneficial economic effect upon the regulated community. The proposed amendments bring the Regulation into compliance with the provisions of NRS 247.110

(b) There will be no economic effect either immediate or long term on the public or on the engineering or land surveying professions. The effect of the amendments is to bring NAC 329.010 into compliance with the provisions of NRS 247.110.

6. The estimated cost to the agency for enforcement of the adopted regulation.

The estimate cost to the State board for enforcement of the amended Regulation.

7. A description of any regulation of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.

There are no other state or government agency regulations that the proposed amendments duplicate.

8. If the regulation includes provisions that are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.

There is no federal regulation that regulates the same activity.

9. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.

The amended Regulation does not provide for or involve a new fee. Nor, do the amendments increase an existing fee.