

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 343

Introduced by Brasch, 16.

Read first time January 12, 2011

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to land surveying; to amend sections 81-8,109,
2 81-8,110.02, 81-8,110.12, 81-8,110.13, 81-8,117,
3 81-8,121, 81-8,122, and 81-8,122.02, Reissue Revised
4 Statutes of Nebraska; to redefine a term; to change land
5 surveyor registration requirements; to harmonize
6 provisions; and to repeal the original sections.

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

1 Section 1. Section 81-8,109, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 81-8,109 For purposes of sections 81-8,108 to 81-8,127,
4 unless the context otherwise requires:

5 (1) Examining board ~~shall mean~~ means the State Board of
6 Examiners for Land Surveyors;

7 (2) Land surveyor ~~shall mean~~ means a person who ~~engages~~
8 ~~in the practice of land surveying;~~ has been registered as such by the
9 examining board under sections 81-8,108 to 81-8,127;

10 (3) Surveyor-in-training ~~shall mean~~ means a person (a)
11 ~~who is a graduate in an approved surveying or engineering curriculum~~
12 ~~of four years or more or who has had four or more years of experience~~
13 ~~in surveying work of a character satisfactory to the examining board~~
14 ~~and (b) who has successfully passed the examination in the~~
15 ~~fundamental surveying subjects and has received from the examining~~
16 ~~board a certificate stating that that portion of the examination has~~
17 ~~been successfully passed. The fee for such certificate and for the~~
18 ~~renewal of such certificate shall be set by the examining board;~~ who
19 has successfully passed a written examination in the fundamentals of
20 surveying approved by the examining board; and

21 (4) Land surveying ~~shall mean~~ means the establishment or
22 reestablishment of corners and boundaries and the location of lots,
23 parcels, tracts, or divisions of land, which may include distance,
24 direction, elevation, and acreage, and the correct determination and
25 description of lots, parcels, tracts, or divisions of land for, but

1 not limited to, any of the following purposes:

2 (a) To furnish a legal description of any tract of land
3 to be used in the preparation of deeds of conveyance when the
4 description is not the same as the one in the deed of conveyance to
5 the current owner or when bearings, distances, or measurements are
6 needed to properly describe the tract being conveyed;

7 (b) To furnish a legal description of any land surveyed
8 to be used in the platting or subdividing of the land;

9 (c) To determine the amount of acreage contained in any
10 land surveyed; or

11 (d) To furnish a topographic plat of a lot, parcel,
12 tract, or division of land and locating natural and artificial
13 features in the air, on the surface or subsurface of the earth, and
14 on the beds or surface of bodies of water for the purpose of
15 establishing the facts of size, area, shape, topography, and
16 orientation of improved or unimproved real property and appurtenances
17 to the real property.

18 Sec. 2. Section 81-8,110.02, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 81-8,110.02 Each member of the examining board who is a
21 ~~registered~~ land surveyor shall be a resident of the State of Nebraska
22 for at least one year immediately preceding his or her appointment to
23 the examining board, shall have been engaged in the active practice
24 of the discipline for at least ten years, and shall have been in
25 responsible charge of work for at least five years prior to his or

1 her appointment to the examining board.

2 Sec. 3. Section 81-8,110.12, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 81-8,110.12 The examining board shall adopt and have an
5 official seal, which shall be affixed to all registration and ~~in-~~
6 ~~training~~ surveyor-in-training certificates that are granted by the
7 examining board. The dimensions of the seal shall be as provided in
8 the bylaws.

9 Sec. 4. Section 81-8,110.13, Reissue Revised Statutes of
10 Nebraska, is amended to read:

11 81-8,110.13 The examining board may issue a registration
12 certificate or ~~an in-training~~ a surveyor-in-training certificate to a
13 qualified person. A new certificate of registration of a duly
14 registered person may be issued to replace a certificate lost,
15 destroyed, stolen, or mutilated, subject to the rules and regulations
16 adopted by the examining board. A fee not to exceed fifty dollars
17 shall be charged the applicant for the issuance of a new certificate
18 to replace a previously issued certificate.

19 Sec. 5. Section 81-8,117, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 81-8,117 No person shall be eligible for registration
22 unless: ~~(1)~~ he or she has successfully passed a written
23 examination, designed to determine his or her proficiency and
24 qualification to engage in the practice of land surveying. No
25 applicant shall be entitled to take such examination until he or she

1 fulfills the requirements set forth in the rules and regulations
2 adopted and promulgated by the examining board. shows the necessary
3 practical experience in land surveying work; and

4 (2) ~~He or she has not less than six years of surveying~~
5 ~~experience of which five years must be as defined in subdivision (4)~~
6 ~~of section 81-8,109. Three of such five years must have been in a~~
7 ~~responsible position as a subordinate to a licensed land surveyor,~~
8 ~~and for the purpose of this section, responsible position shall mean~~
9 ~~a position that requires initiative, skill, and independent judgment;~~
10 ~~this term excludes chainman, rodman, instrument person, ordinary~~
11 ~~drafter, and others doing routine work, or has graduated, after a~~
12 ~~course of not less than four years in surveying, engineering, or~~
13 ~~other approved curriculum, with proportionate credit for lesser time,~~
14 ~~from a school or college approved by the examining board as of~~
15 ~~satisfactory standing, and an additional two years of practice in a~~
16 ~~responsible position.~~

17 Sec. 6. Section 81-8,121, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 81-8,121 The issuance of a certificate of registration by
20 the examining board shall be evidence that the person named therein
21 is entitled to all rights and privileges of a ~~registered~~ land
22 surveyor and that the recipient thereof is admitted to the practice
23 of land surveying in this state while the certificate remains
24 unsuspended, unrevoked, or unexpired. The examining board shall
25 provide for each person registered a seal bearing the registrant's

1 name and the legend Registered Land Surveyor. Plats, reports, and
2 field notes issued by a ~~registered~~ land surveyor may be stamped with
3 his or her seal or a facsimile thereof which is approved by the
4 examining board during the life of his or her certificate. It shall
5 be unlawful for any one to stamp or seal any documents with a seal or
6 facsimile thereof after the certificate of the registrant named
7 thereon has been suspended or revoked or has expired.

8 Sec. 7. Section 81-8,122, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 81-8,122 When the county ~~shall receive~~ receives an
11 official copy of a survey from a ~~registered~~ land surveyor or from the
12 survey record repository established pursuant to section 84-412, such
13 copy shall be placed on file in the office of the county surveyor in
14 the county where the land is located. If no regular office is
15 maintained in the county courthouse for the county surveyor, it shall
16 be placed on file in the office of the county clerk.

17 Sec. 8. Section 81-8,122.02, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 81-8,122.02 Any ~~registered~~ land surveyor who fails to
20 file a record of survey as provided in section 81-8,122.01 shall be
21 reported to the examining board which shall take whatever action, as
22 provided in section 81-8,123, that it deems appropriate.

23 Sec. 9. Original sections 81-8,109, 81-8,110.02,
24 81-8,110.12, 81-8,110.13, 81-8,117, 81-8,121, 81-8,122, and
25 81-8,122.02, Reissue Revised Statutes of Nebraska, are repealed.