

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1122

Introduced by Erdman, 47.

Read first time January 19, 2022

Committee: Government, Military and Veterans Affairs

1 A BILL FOR AN ACT relating to the Land Surveyors Regulation Act; to amend
2 sections 81-8,108.01 and 81-8,109, Revised Statutes Cumulative
3 Supplement, 2020; to redefine a term; to authorize certain
4 activities and provide a requirement related to land surveying; to
5 provide for liability; to harmonize provisions; and to repeal the
6 original sections.

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

1 Section 1. Section 81-8,108.01, Revised Statutes Cumulative
2 Supplement, 2020, is amended to read:

3 81-8,108.01 Sections 81-8,108 to 81-8,127 and sections 3 and 4 of
4 this act shall be known and may be cited as the Land Surveyors Regulation
5 Act.

6 Sec. 2. Section 81-8,109, Revised Statutes Cumulative Supplement,
7 2020, is amended to read:

8 81-8,109 For purposes of the Land Surveyors Regulation Act, unless
9 the context otherwise requires:

10 (1) Board or examining board means the State Board of Examiners for
11 Land Surveyors;

12 (2) Land surveyor means a person who engages in the practice of land
13 surveying;

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

23 (4)(a) ~~(4)~~ Land surveying means the establishment or reestablishment
24 of corners and boundaries and the location of lots, parcels, tracts, or
25 divisions of land, which may include distance, direction, elevation, and
26 acreage, and the correct determination and description of lots, parcels,
27 tracts, or divisions of land for, but not limited to, any of the
28 following purposes:

29 (i) ~~(a)~~ To furnish a legal description of any tract of land to be
30 used in the preparation of deeds of conveyance when the description is
31 not the same as the one in the deed of conveyance to the current owner or

1 when bearings, distances, or measurements are needed to properly describe
2 the tract being conveyed;

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

5 (iii) (c) To determine the amount of acreage contained in any land
6 surveyed; or

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

13 (b) Land surveying includes a control survey.

14 Sec. 3. (1) A land surveyor, any person assisting a land surveyor,
15 or a surveyor-in-training may:

16 (a) Enter public or private lands or waterways in this state, except
17 for buildings, for the purpose of making a land survey;

18 (b) Investigate, recover, establish, reestablish, rehabilitate,
19 perpetuate, or use evidence of a boundary location;

20 (c) Locate, relocate, use, install, perpetuate, or replace a survey
21 monument; and

22 (d) Use any equipment that is required for the purpose of conducting
23 a land survey.

24 (2) A vehicle used for land surveying shall be marked on the
25 exterior with the name of the land surveyor or the firm which employs
26 such land surveyor.

27 Sec. 4. Any land surveyor, person assisting a land surveyor, or
28 surveyor-in-training who enters onto private property shall be liable for
29 any actual damages done to such property by such land surveyor, person
30 assisting such land surveyor, or surveyor-in-training, including damages
31 done to crops. By such entry he or she shall forfeit any and all claims

1 against the owner or tenant of the private property for damages or injury
2 done to his or her person or equipment while on the private property,
3 unless such damages or injuries are caused by the intentional conduct of
4 such owner or tenant.

5 Sec. 5. Original sections 81-8,108.01 and 81-8,109, Revised
6 Statutes Cumulative Supplement, 2020, are repealed.