

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 102

FINAL READING

Introduced by Erdman, 47.

Read first time January 06, 2023

Committee: Government, Military and Veterans Affairs

1 A BILL FOR AN ACT relating to land surveying; to amend sections 15-106,
2 23-1901, 23-1901.01, 23-1901.02, 23-1908, 23-1911, 39-1311.02,
3 39-1410, 76-846, 76-1902, 76-2502, 76-2503, 76-2504, 76-2505,
4 76-2506, 81-8,110, 81-8,110.02, 81-8,110.04, 81-8,110.08,
5 81-8,110.12, 81-8,110.13, 81-8,110.14, 81-8,113, 81-8,114, 81-8,115,
6 81-8,117, 81-8,121, 81-8,122, 81-8,122.02, 81-8,124, 81-8,125,
7 81-1704, 81-1716, 81-1717, 81-1718, 84-407, and 84-413, Reissue
8 Revised Statutes of Nebraska, and sections 81-8,108, 81-8,108.01,
9 81-8,109, 81-8,110.01, 81-8,111, 81-8,118, 81-8,119.01, 81-8,120,
10 81-8,122.01, 81-8,123, 81-8,126, 81-8,127, and 81-8,184, Revised
11 Statutes Cumulative Supplement, 2022; to change provisions relating
12 to the Nebraska Plane Coordinate System Act and the Land Surveyors
13 Regulation Act; to define and redefine terms; to authorize certain
14 land surveying activities; to provide for requirements, liability,
15 licensure, duties, organizational practice, and disciplinary action
16 as prescribed; to change requirements for the content and filing of
17 land surveys; to change and provide penalties; to change and provide
18 fees; to harmonize provisions; to provide an operative date; and to
19 repeal the original sections.
20 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 15-106, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 15-106 (1) The owner of any land within the corporate limits of a
4 city of the primary class or contiguous thereto may lay out such land
5 into lots, blocks, public ways, and other grounds under the name
6 of addition to the city of and shall
7 cause an accurate plat thereof to be made, designating explicitly the
8 land so laid out and particularly describing the lots, blocks, public
9 ways, and grounds belonging to such addition. The lots shall be
10 designated by number and by street. Public ways and other grounds shall
11 be designated by name and by number. Such plat shall be acknowledged
12 before some officer authorized to take acknowledgment of deeds and shall
13 have appended to it a certificate made by a professional ~~registered~~ land
14 surveyor that he or she has accurately surveyed such addition and that
15 the lots, blocks, public ways, and other grounds are staked and marked as
16 required by such city.

17 (2) When such plat is made, acknowledged, and certified, complies
18 with the requirements of section 15-901, and is approved by the city
19 planning commission, such plat shall be filed and recorded in the office
20 of the register of deeds and county assessor of the county in which the
21 land is located. In lieu of approval by the city planning commission, the
22 city council may designate specific types of plats which may be approved
23 by the city planning director. No plat shall be recorded in the office of
24 the register of deeds or have any force or effect unless such plat is
25 approved by the city planning commission or the city planning director.
26 The plat shall, after being filed with the register of deeds, be
27 equivalent to a deed in fee simple absolute to the city, from the owner,
28 of all streets, all public ways, squares, parks, and commons, and such
29 portion of the land as is therein set apart for public use or dedicated
30 to charitable, religious, or educational purposes.

31 (3) All additions thus laid out shall remain a part of the city, and

1 all additions, except those additions as set forth in sections 15-106.01
2 and 15-106.02, laid out adjoining or contiguous to the corporate limits
3 of a city of the primary class shall be included therein and become a
4 part of the city for all purposes. The inhabitants of such addition shall
5 be entitled to all the rights and privileges and subject to all the laws,
6 ordinances, rules, and regulations of the city. The mayor and city
7 council shall have power by ordinance to compel owners of any such
8 addition to lay out streets and public ways to correspond in width and
9 direction and to be continuous with the streets and public ways in the
10 city or additions contiguous to or near the proposed addition.

11 (4) No addition shall have any validity, right, or privilege as an
12 addition unless the terms and conditions of such ordinance and of this
13 section are complied with, the plats thereof are submitted to and
14 approved by the city planning commission or the city planning director,
15 and the approval of the city planning commission or the city planning
16 director is endorsed thereon. The city council may provide procedures in
17 land subdivision regulations for appeal by any person aggrieved by any
18 action of the city planning commission or city planning director on any
19 plat.

20 Sec. 2. Section 23-1901, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 23-1901 (1) It shall be the duty of the county surveyor to make or
23 cause to be made all surveys within his or her county that the county
24 surveyor may be called upon to make and record the same.

25 (2) In all counties having a population of at least one hundred
26 thousand inhabitants but less than one hundred fifty thousand
27 inhabitants, the county surveyor shall be ex officio county engineer and
28 shall be either a professional engineer as provided in the Engineers and
29 Architects Regulation Act or a professional ~~registered~~ land surveyor as
30 provided in the Land Surveyors Regulation Act or both. In such counties,
31 the office of surveyor shall be full time.

1 In counties having a population of one hundred fifty thousand
2 inhabitants or more, a county engineer shall be a professional engineer
3 as provided in the act and shall be elected as provided in section
4 32-526.

5 (3) The county engineer or ex officio county engineer shall:

6 (a) Prepare all plans, specifications, and detail drawings for the
7 use of the county in advertising and letting all contracts for the
8 building and repair of bridges, culverts, and all public improvements
9 upon the roads;

10 (b) Make estimates of the cost of all such contemplated public
11 improvements, make estimates of all material required for such public
12 improvements, inspect the material and have the same measured and
13 ascertained, and report to the county board whether the same is in
14 accordance with its requirements;

15 (c) Superintend the construction of all such public improvements and
16 inspect and require that the same shall be done according to contract;

17 (d) Make estimates of the cost of all labor and material which shall
18 be necessary for the construction of all bridges and improvements upon
19 public highways, inspect all of the work and materials placed in any such
20 public improvements, and make a report in writing to the county board
21 with a statement in regard to whether the same comply with the plans,
22 specifications, and detail drawings of the county board prepared for such
23 work or improvements and under which the contract was let; and

24 (e) Have charge and general supervision of work or improvements
25 authorized by the county board, inspect all materials, direct the work,
26 and make a report of each piece of work to the county board.

27 The county engineer or surveyor shall also have such other and
28 further powers as are necessarily incident to the general powers granted.

29 (4) The county surveyor shall prepare and file the required annual
30 inventory statement of county personal property in his or her custody or
31 possession as provided in sections 23-346 to 23-350.

1 (5) In counties having a population of one hundred fifty thousand
2 inhabitants or more, the county engineer shall appoint a full-time county
3 surveyor. The county surveyor shall perform all the duties prescribed in
4 sections 23-1901 to 23-1913 and any other duties assigned to him or her
5 by the county engineer. The county surveyor shall be a professional
6 ~~registered~~ land surveyor as provided in the Land Surveyors Regulation
7 Act.

8 Sec. 3. Section 23-1901.01, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 23-1901.01 (1) A person need not be a resident of the county when he
11 or she files for election as county surveyor, but if elected as county
12 surveyor, such person shall reside in a county for which he or she holds
13 office.

14 (2) In a county having a population of less than one hundred fifty
15 thousand inhabitants in which the voters have voted against the election
16 of a county surveyor pursuant to section 32-525 or in which no county
17 surveyor has been elected and qualified, the county board of such county
18 shall appoint a competent professional ~~registered~~ land surveyor who is
19 licensed ~~registered~~ pursuant to the Land Surveyors Regulation Act either
20 on a full-time or part-time basis to such office. In making such
21 appointment, the county board shall negotiate a contract with the
22 surveyor, such contract shall specify the responsibility of the appointee
23 to carry out the statutory duties of the office of county surveyor and
24 shall specify the compensation of the surveyor for the performance of
25 such duties, which compensation shall not be subject to section 33-116. A
26 county surveyor appointed under this subsection shall serve the same term
27 as that of an elected surveyor.

28 (3) A person appointed to the office of county surveyor in any
29 county shall not be required to reside in the county of appointment.

30 Sec. 4. Section 23-1901.02, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 23-1901.02 The county surveyor may appoint a deputy for whose acts
2 he or she will be responsible. The surveyor may not appoint the county
3 treasurer, sheriff, register of deeds, or clerk as deputy.

4 In counties having a population of one hundred thousand but less
5 than one hundred fifty thousand, if the county surveyor is a professional
6 engineer, he or she shall appoint as deputy a professional ~~registered~~
7 land surveyor or, if the county surveyor is a professional ~~registered~~
8 land surveyor, he or she shall appoint as deputy a professional engineer.
9 This requirement shall not apply if the county surveyor is both a
10 professional engineer and a professional ~~registered~~ land surveyor.

11 The appointment shall be in writing and revocable in writing by the
12 surveyor. Both the appointment and revocation shall be filed and kept in
13 the office of the county clerk.

14 The deputy shall take the same oath as the surveyor which shall be
15 endorsed upon and filed with the certificate of appointment. The surveyor
16 may require a bond of the deputy.

17 In the absence or disability of the surveyor, the deputy shall
18 perform the duties of the surveyor pertaining to the office, but when the
19 surveyor is required to act in conjunction with or in place of another
20 officer, the deputy cannot act in the surveyor's place.

21 Sec. 5. Section 23-1908, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 23-1908 The boundaries of the public lands established by the duly
24 appointed government surveyors, when approved by the Surveyor General and
25 accepted by the government, are unchangeable, and the corners established
26 thereon by them shall be held and considered as the true corners which
27 they were intended to represent, and the restoration of lines and corners
28 of such surveys and the division of sections into their legal
29 subdivisions shall be in accordance with the laws of the United States,
30 the circular of instructions of the United States Department of the
31 Interior, Bureau of Land Management, on the restoration of lost and

1 obliterated section corners and quarter corners, and the circular of
2 instructions to the county surveyors by the State Surveyor under
3 authority of the Board of Educational Lands and Funds. The county
4 surveyor is hereby authorized to restore lost and obliterated corners of
5 original surveys and to establish the subdivisional corners of sections
6 in accordance with the provisions of this section and section 23-1907.
7 Any professional ~~registered~~ land surveyor licensed ~~registered~~ under the
8 Land Surveyors Regulation Act is hereby authorized to establish any
9 corner not monumented in the original government surveys in accordance
10 with the provisions of this section and section 23-1907. Subdivision
11 shall be executed according to the plan indicated by the original field
12 notes and plats of surveys and governed by the original and legally
13 restored corners. The survey of the subdivisional lines of sections in
14 violation of this section shall be absolutely void.

15 Sec. 6. Section 23-1911, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 23-1911 The county surveyor shall record all surveys, for permanent
18 purposes, made by him or her, as required by sections 81-8,121 to
19 81-8,122.02. Such record shall set forth the names of the persons making
20 the application for the survey, for whom the work was done, and a
21 statement showing it to be an official county survey or resurvey. The
22 official records, other plats, and field notes of the county surveyor's
23 office shall be deemed and considered public records. Any agent or
24 authority of the United States, the State Surveyor or any deputy state
25 surveyor of Nebraska, or any professional land surveyor licensed
26 ~~registered~~ pursuant to the Land Surveyors Regulation Act shall at all
27 times, within reasonable office or business hours, have free access to
28 the surveys, field notes, maps, charts, records, and other papers as
29 provided for in sections 23-1901 to 23-1913. In all counties, where no
30 regular office is maintained in a county-owned building ~~the county~~
31 ~~courthouse~~ for the county surveyor of that county, the county clerk shall

1 be custodian of the official record of surveys and all other permanent
2 records pertaining to the office of county surveyor.

3 Sec. 7. Section 39-1311.02, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 39-1311.02 (1) A review of a preliminary subdivision plat shall be
6 required for all proposals to subdivide land or to make public or private
7 improvements on all land within an approved corridor.

8 (2) A building permit shall be required for all structures within an
9 approved corridor if the actual cost of the structure exceeds one
10 thousand dollars. Structures include, but are not limited to, any
11 construction or improvement to land such as public or private streets,
12 sidewalks, and utilities; golf course tee boxes, fairways, or greens;
13 drainage facilities; storm water detention areas; mitigation sites; green
14 space; landscaped areas; or other similar uses. Any application for a
15 building permit shall include a plat drawn by a person licensed as a
16 professional engineer or architect under the Engineers and Architects
17 Regulation Act or licensed ~~registered~~ as a professional land surveyor as
18 provided in the Land Surveyors Regulation Act showing the location of all
19 existing and proposed structures in the area subject to corridor
20 protection.

21 Sec. 8. Section 39-1410, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 39-1410 The section lines are hereby declared to be public roads in
24 each county in the state, and the county board may whenever the public
25 good requires it open such roads without any preliminary survey and cause
26 them to be worked in the same manner as other public roads; Provided, any
27 damages claimed by reason of any such road shall be appraised and allowed
28 in the manner provided by law. The county board shall cause existing
29 government corners along such line to be perpetuated by causing to be
30 planted monuments of some durable material, with suitable witnesses, and
31 causing a record to be made of the same and, if government corners are

1 lost or obliterated, the county board shall cause the corners to be
2 located in the manner provided in the manual of instruction for
3 government surveys. The county board shall cause such work to be
4 performed by the county surveyor or, if there is no county surveyor in
5 the county, by some other competent professional land surveyor.

6 Sec. 9. Section 76-846, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 76-846 (a) Plats and plans are a part of the declaration. Separate
9 plats and plans are not required by sections 76-825 to 76-894 if all the
10 information required by this section is contained in either a plat or
11 plan.

12 (b) Each plat must show:

13 (1) the name and a survey or general schematic map of the entire
14 condominium;

15 (2) the extent of any existing encroachments by or upon any portion
16 of the condominium;

17 (3) to the extent feasible, a legally sufficient description or
18 drawing of all easements serving or burdening any portion of the
19 condominium;

20 (4) the location and dimensions of any vertical unit boundaries not
21 shown or projected on plans recorded pursuant to subsection (d) of this
22 section and that unit's identifying number;

23 (5) the location with reference to an established datum of any
24 horizontal unit boundaries not shown or projected on plans recorded
25 pursuant to subsection (d) of this section and that unit's identifying
26 number;

27 (6) a legally sufficient description of any real estate in which the
28 unit owners will own only an estate for years, labeled as leasehold real
29 estate;

30 (7) the distance between noncontiguous parcels of real estate
31 comprising the condominium; and

1 (8) the location and dimensions of limited common elements,
2 including porches, balconies, and patios, other than parking spaces and
3 the other limited common elements described in subdivisions (2) and (4)
4 of section 76-839.

5 (c) A plat may also show the intended location and dimensions of any
6 contemplated improvement to be constructed anywhere within the
7 condominium. Any contemplated improvement shown must be labeled either
8 Must Be Built or Need Not Be Built.

9 (d) To the extent not shown or projected on the plats, plans of the
10 units must show or project:

11 (1) the location and dimensions of the vertical boundaries of each
12 unit, and that unit's identifying number;

13 (2) any horizontal unit boundaries, with reference to an established
14 datum, and that unit's identifying number; and

15 (3) any units in which the declarant has reserved the right to
16 create additional units or common elements pursuant to subsection (c) of
17 section 76-847, identified appropriately.

18 (e) Unless the declaration provides otherwise, the horizontal
19 boundaries of part of a unit located outside of a building have the same
20 elevation as the horizontal boundaries of the inside part, and need not
21 be depicted on the plats and plans.

22 (f) Upon exercising any development right, the declarant shall
23 record either new plats and plans necessary to conform to the
24 requirements of subsections (a), (b), and (d) of this section, or new
25 certifications of plats and plans previously recorded if those plats and
26 plans otherwise conform to the requirements of those subsections.

27 (g) Any plat or plan required by sections 76-825 to 76-894 must be
28 prepared by a professional land ~~registered~~ surveyor, an architect, or a
29 professional engineer.

30 Sec. 10. Section 76-1902, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 76-1902 As used in the Farm Homestead Protection Act, unless the
2 context otherwise requires:

3 (1) Designation of homestead shall mean a sworn written statement by
4 an individual mortgagor, trustor, or judgment debtor which describes his
5 or her homestead, executed on or after November 21, 1986. Such statement
6 shall include a legal description of the homestead. If only a portion of
7 the homestead will be encumbered by the mortgage, trust deed, or judgment
8 lien with respect to which a designation is made, then such portion so
9 encumbered shall also be identified by proper legal description. If the
10 homestead or the encumbered portion of the homestead is not separately
11 described in its entirety in the mortgage or trust deed with respect to
12 which a designation is made, or cannot be accurately described as a
13 fractional part of a section, the designation shall be accompanied by a
14 survey which includes a metes and bounds description with reference to
15 established datum. The survey and description shall be prepared by and
16 bear the signature and seal of a professional ~~registered~~ land surveyor.
17 The designation shall include statements by the individual mortgagor,
18 trustor, or judgment debtor that (a) he or she resides in a dwelling
19 house located upon the homestead, (b) all appurtenances to such dwelling
20 and an adequate supply of potable water and an adequate system of sewage
21 disposal exist upon the homestead, (c) both the water supply and sewage
22 disposal system are located entirely upon the homestead and neither will
23 require access to or an easement across any part of the nondesignated
24 agricultural land encumbered by such mortgage or trust deed, (d) both the
25 homestead and the nonhomestead real estate encumbered by such mortgage or
26 trust deed have existing legal access to a public roadway, and (e)
27 provide a complete listing of all structures and other improvements
28 situated on the portion of the homestead so encumbered, together with a
29 representation that such structures and improvements are within the
30 homestead boundary and do not encroach upon any of the nonhomestead real
31 estate encumbered by such mortgage or trust deed;

1 (2) Agricultural land shall mean a parcel of land larger than twenty
2 acres not located in any incorporated city or village which is owned by
3 an individual and used in farming operations carried on by the owner at
4 any time within the preceding three-year period for the production of
5 farm products as defined in section 9-102, Uniform Commercial Code.
6 Agricultural land shall include wasteland lying within or contiguous to
7 and in common individual ownership with land used in farming operations
8 for the production of farm products;

9 (3) Homestead shall mean a parcel of agricultural land encumbered in
10 whole or in part by the lien of a mortgage, trust deed, or judgment, for
11 which a designation of homestead has been made pursuant to the Farm
12 Homestead Protection Act, and which possesses all of the attributes
13 legally requisite to its selection by the mortgagor, trustor, or judgment
14 debtor as his or her homestead under Chapter 40, except that the value
15 limitation of section 40-101 shall not be construed to limit or impede
16 any such designation;

17 (4) Protected real estate shall mean agricultural land which is
18 encumbered by the lien of a judgment entered or a mortgage or trust deed
19 executed on or after November 21, 1986, which lien is of a first and
20 paramount priority over any other lien except a tax lien; and

21 (5) Redemptive homestead shall mean that portion of any protected
22 real estate for which an owner has made a designation of homestead as
23 provided in the Farm Homestead Protection Act.

24 Sec. 11. Section 76-2502, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 76-2502 (1) For purposes of the Nebraska Plane Coordinate System
27 Act, Nebraska Plane Coordinate System means the system of plane
28 coordinates for designating the geographic position of points on, within,
29 or above the surface of the earth, within the State of Nebraska, defined
30 or located in reference to the National Spatial Reference System, or its
31 successors, which have been established by the National Ocean Service/

1 National Geodetic Survey, or its successors, for defining and stating the
2 geographic positions or locations of points on the surface of the earth,
3 within the State of Nebraska; and

4 (2) For purposes of more precisely defining the Nebraska Plane
5 Coordinate System, it shall be the most recent system of plane
6 coordinates adopted by the Geographic Information Systems Council,
7 supported and published by the National Geodetic Survey, based on the
8 National Spatial Reference System, and known as the State Plane
9 Coordinate System, for defining and stating the geographic positions or
10 locations of points within the State of Nebraska. ~~the following~~
11 ~~definition by the National Ocean Service/National Geodetic Survey is also~~
12 ~~adopted:~~

13 ~~The Nebraska Plane Coordinate System is a Lambert conformal conic~~
14 ~~projection of the North American Datum of 1983, having standard parallels~~
15 ~~at north latitudes 40 degrees 00 minutes and 43 degrees 00 minutes along~~
16 ~~which parallels the scale shall be exact. The origin of coordinates is at~~
17 ~~the intersection of the meridian 100 degrees 00 minutes west of Greenwich~~
18 ~~and the parallel 39 degrees 50 minutes north latitude. This origin is~~
19 ~~given the coordinates. N = 0 meters and E = 500,000 meters.~~

20 Sec. 12. Section 76-2503, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 76-2503 The plane coordinate values for a point on the earth's
23 surface used to express the geographic position or location of such point
24 of the Nebraska Plane Coordinate System ~~this system~~ shall consist of two
25 distances expressed in feet and decimals of a foot or meters and decimals
26 of a meter when using the Nebraska Plane Coordinate System. When the
27 values are expressed in feet, a definition of one foot equals 0.3048
28 meters exactly must be used. One of the distances, to be known as the
29 "northing or y-coordinate" ~~or "N"~~, shall give the position in a north-
30 and-south direction. The other, to be known as the "easting or x-
31 coordinate" ~~or "E"~~, shall give the position in an east-and-west

1 ~~direction. These coordinates shall be made to depend upon and conform to~~
2 ~~plane rectangular coordinate values for the monumented horizontal control~~
3 ~~stations of the North American National Geodetic Horizontal Network as~~
4 ~~published by the National Ocean Service/National Geodetic Survey, or its~~
5 ~~successors, and whose plane coordinates have been computed based on the~~
6 ~~system described in the Nebraska Plane Coordinate System Act. Any such~~
7 ~~station may be used for establishing a survey connection to the Nebraska~~
8 ~~Plane Coordinate System.~~

9 Sec. 13. Section 76-2504, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 76-2504 No coordinate or coordinates based on the Nebraska Plane
12 Coordinate System purporting to define the position of a point on a land
13 boundary shall be presented to be recorded in any public land record,
14 plat, easement, exhibit, certified corner record, records or deed record
15 records unless such coordinate or coordinates are accompanied by a
16 description of the horizontal datum, realization, and methodology used
17 and published within the same document. ~~point is within one kilometer of~~
18 ~~a monumented horizontal control station established in conformity with~~
19 ~~the standards of accuracy and specifications for first-order or second-~~
20 ~~order geodetic surveying, as prepared and published by the Federal~~
21 ~~Geodetic Control Subcommittee of the United States Department of~~
22 ~~Commerce. Standards and specifications of the Federal Geodetic Control~~
23 ~~Subcommittee, or its successor, in force on the date of the survey shall~~
24 ~~apply. Publishing existing monumented horizontal control stations, or the~~
25 ~~acceptance with intent to publish the newly established monumented~~
26 ~~horizontal control stations, by the National Ocean Service/National~~
27 ~~Geodetic Survey shall constitute evidence of adherence to the Federal~~
28 ~~Geodetic Control Subcommittee specifications.~~ The State Surveyor may
29 grant a waiver of the requirements of this section upon submission of
30 evidence that the standards of accuracy and specifications used exceed
31 the requirements of this section.

1 Sec. 14. Section 76-2505, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 76-2505 (1) The use of the term "Nebraska Plane Coordinate System"
4 on any map, report, survey, or other document shall be limited to
5 coordinates based upon the Nebraska Plane Coordinate System.

6 (2) The provisions of the Nebraska Plane Coordinate System Act shall
7 not be construed to prohibit the appropriate use of other geodetic
8 reference networks.

9 Sec. 15. Section 76-2506, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 76-2506 (1) Descriptions of tracts of land by reference to
12 subdivisions, lines or corners of the United States Public Land Survey
13 System ~~public land survey,~~ or other original pertinent surveys, are
14 hereby recognized as the basic and prevailing method for describing
15 tracts of land. Whenever coordinates of the Nebraska Plane Coordinate
16 System are used in descriptions of tracts of land, they shall be
17 construed as being supplementary to such ~~descriptions of such~~
18 ~~subdivisions, lines or corners of the United States public land survey,~~
19 ~~or such other original pertinent surveys contained in official plats and~~
20 ~~field notes of record.~~ In the event of any conflict, coordinates of the
21 Nebraska Plane Coordinate System shall not determine the issue, but may
22 be used as collateral facts to show additional evidence.

23 (2) Descriptions of tracts of land shall not be described entirely
24 by coordinates of the Nebraska Plane Coordinate System or any other plane
25 coordinate system.

26 (3) Nothing in this section requires a purchaser, mortgagee, or
27 insurer of real property to rely on a land description, any part of which
28 depends exclusively upon the Nebraska Plane Coordinate System.

29 Sec. 16. Section 81-8,108, Revised Statutes Cumulative Supplement,
30 2022, is amended to read:

31 81-8,108 In order to safeguard life, health, and property, any

1 person practicing or offering to practice land surveying in this state
2 shall submit evidence that he or she is qualified to practice and shall
3 be licensed ~~registered~~ as provided in the Land Surveyors Regulation Act.
4 It shall be unlawful for any person to practice or to offer to practice
5 land surveying in this state unless such person has been duly licensed
6 ~~registered~~ under the act.

7 Sec. 17. Section 81-8,108.01, Revised Statutes Cumulative
8 Supplement, 2022, is amended to read:

9 81-8,108.01 Sections 81-8,108 to 81-8,127 and sections 19 and 31 of
10 this act shall be known and may be cited as the Land Surveyors Regulation
11 Act.

12 Sec. 18. Section 81-8,109, Revised Statutes Cumulative Supplement,
13 2022, is amended to read:

14 81-8,109 For purposes of the Land Surveyors Regulation Act, unless
15 the context otherwise requires:

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

18 (2) Land surveying means the establishment or reestablishment of
19 corners and boundaries and the location of lots, parcels, tracts, or
20 divisions of land, which may include distance, direction, elevation, and
21 acreage, and the correct determination and description of lots, parcels,
22 tracts, or divisions of land for, but not limited to, any of the
23 following purposes:

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

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

31 (c) To determine the amount of acreage contained in any land

1 surveyed;

2 (d) To furnish a topographic plat of a lot, parcel, tract, or
3 division of land and locating natural and artificial features in the air,
4 on the surface or subsurface of the earth, and on the beds or surface of
5 bodies of water for the purpose of establishing the facts of size, area,
6 shape, topography, and orientation of improved or unimproved real
7 property and appurtenances to the real property;

8 (e) To conduct a control survey; or

9 (f) To provide improvement location reports;

10 (3) (2) Land surveyor means a person who engages in the practice of
11 land surveying;

12 (4) Professional land surveyor means a land surveyor who is licensed
13 by the board to engage in the professional practice of land surveying in
14 Nebraska; and

15 (5) (3) Surveyor-in-training means a person (a) who is a graduate in
16 an approved surveying or engineering curriculum of four years or more or
17 who has had four or more years of experience in surveying work of a
18 character satisfactory to the examining board and (b) who has
19 successfully passed the examination in the fundamental surveying subjects
20 and has received from the examining board a certificate stating that that
21 portion of the examination has been successfully passed. The fee for such
22 certificate and for the renewal of such certificate shall be set by the
23 examining board. ; and

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

30 ~~(a) To furnish a legal description of any tract of land to be used~~
31 ~~in the preparation of deeds of conveyance when the description is not the~~

1 ~~same as the one in the deed of conveyance to the current owner or when~~
2 ~~bearings, distances, or measurements are needed to properly describe the~~
3 ~~tract being conveyed;~~

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

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

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

14 Sec. 19. (1) A professional land surveyor, any person assisting a
15 professional land surveyor, 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 making a
23 land survey.

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

27 (3) Any professional land surveyor, person assisting a professional
28 land surveyor, or surveyor-in-training who enters onto private property
29 shall be liable for any actual damages done to such property by such
30 professional land surveyor, person assisting such professional land
31 surveyor, or surveyor-in-training, including damages done to crops. By

1 such entry he or she shall forfeit any and all claims against the owner
2 or tenant of the private property for damages or injury done to his or
3 her person or equipment while on the private property, unless such
4 damages or injuries are caused by the intentional conduct of such owner
5 or tenant.

6 Sec. 20. Section 81-8,110, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 81-8,110 (1) An examining board shall be established for the
9 purpose of administering the Land Surveyors Regulation Act ~~examining,~~
10 ~~testing and interviewing persons aspiring to become registered to~~
11 ~~practice land surveying.~~ The examining board shall be independent of all
12 other examining boards ~~and is established for the purpose of determining~~
13 ~~the ability of persons coming before it to practice land surveying.~~

14 (2) The board shall enforce the Land Surveyors Regulation Act and
15 the rules and regulations adopted and promulgated pursuant to the act. If
16 any person violates the act, any rule or regulation under the act, or any
17 decision or order of the board, upon the request of the board the
18 Attorney General or the appropriate county attorney shall file an action
19 for the enforcement of the act, rule or regulation, or decision or order
20 and for injunctive relief, if appropriate, in the district court.

21 Sec. 21. Section 81-8,110.01, Revised Statutes Cumulative
22 Supplement, 2022, is amended to read:

23 81-8,110.01 (1) The examining board shall consist of four members
24 appointed by the Governor who are duly licensed ~~registered~~ under the Land
25 Surveyors Regulation Act to practice land surveying and one lay member
26 appointed by the Governor who is of the age of legal majority and has
27 been a resident of Nebraska for at least one year immediately prior to
28 appointment to the examining board. Such lay member shall be a
29 representative of consumer viewpoints.

30 (2) The members of the examining board shall be appointed to five-
31 year terms. Each member shall serve until the appointment and

1 qualification of his or her successor. Each member appointed to the
2 examining board shall receive a certificate of appointment from the
3 Governor. Each member so appointed, prior to beginning his or her term,
4 shall file with the Secretary of State the constitutional oath of office.
5 The Governor may remove any member of the examining board for misconduct,
6 incompetency, incapacity, or neglect of duty or upon conviction of a
7 crime involving moral turpitude. Vacancies on the examining board,
8 however created, shall be filled for the unexpired term of the member by
9 appointment by the Governor.

10 Sec. 22. Section 81-8,110.02, Reissue Revised Statutes of Nebraska,
11 is amended to read:

12 81-8,110.02 Each member of the examining board who is a professional
13 ~~registered~~ land surveyor shall be a resident of the State of Nebraska for
14 at least one year immediately preceding his or her appointment to the
15 examining board, shall have been engaged in the active practice of the
16 discipline for at least ten years, and shall have been in responsible
17 charge of work for at least five years prior to his or her appointment to
18 the examining board.

19 Sec. 23. Section 81-8,110.04, Reissue Revised Statutes of Nebraska,
20 is amended to read:

21 81-8,110.04 The examining board shall hold as many meetings
22 throughout each year as may be necessary to conduct the business of the
23 examining board and to examine, within a reasonable time, the applicants
24 seeking licensure ~~registration~~. An annual meeting of the examining board
25 shall be held for the election of officers.

26 Sec. 24. Section 81-8,110.08, Reissue Revised Statutes of Nebraska,
27 is amended to read:

28 81-8,110.08 The examining board shall make and adopt all bylaws and
29 rules, not inconsistent with law, which are needed in performing its
30 duties. Such rules shall be published in the roster of professional land
31 surveyors ~~registrants~~ as provided for in section 81-8,113.

1 Sec. 25. Section 81-8,110.12, Reissue Revised Statutes of Nebraska,
2 is amended to read:

3 81-8,110.12 The examining board shall adopt and have an official
4 seal, which shall be affixed to all licenses ~~registration~~ and in-training
5 certificates that are granted by the examining board. The dimensions of
6 the seal shall be as provided in the bylaws.

7 Sec. 26. Section 81-8,110.13, Reissue Revised Statutes of Nebraska,
8 is amended to read:

9 81-8,110.13 The examining board may issue a license ~~registration~~
10 ~~certificate~~ or an in-training certificate to a qualified person. A new
11 license ~~certificate of registration of a duly registered person~~ may be
12 issued to replace a ~~certificate~~ lost, destroyed, stolen, or mutilated
13 license, subject to the rules and regulations adopted by the examining
14 board. A fee not to exceed fifty dollars shall be charged the applicant
15 for the issuance of a replacement license ~~new certificate to replace a~~
16 ~~previously issued certificate~~.

17 Sec. 27. Section 81-8,110.14, Reissue Revised Statutes of Nebraska,
18 is amended to read:

19 81-8,110.14 The examining board shall keep a record of its
20 proceedings and a record of all applications for licensure ~~registration~~.
21 The information and data retained by the examining board in its files for
22 individual applicants shall be considered ~~as~~ confidential. ~~The records~~
23 and shall not be disclosed ~~available~~ to any applicant or the public for
24 any reason.

25 Sec. 28. Section 81-8,111, Revised Statutes Cumulative Supplement,
26 2022, is amended to read:

27 81-8,111 (1) The Legislature hereby finds and declares that a code
28 of practice established by the board by which professional land surveyors
29 could govern their professional conduct would be beneficial to the state
30 and would safeguard the life, health, and property of the citizens of
31 this state. The code of practice shall include provisions on:

- 1 (a) Professional competence;
- 2 (b) Conflict of interest;
- 3 (c) Full disclosure of financial interest;
- 4 (d) Full disclosure of matters affecting public safety, health, and
- 5 welfare;
- 6 (e) Compliance with laws;
- 7 (f) Professional conduct and good character standards; and
- 8 (g) Practice of land surveying.

9 (2) The board may adopt and promulgate rules and regulations to
10 establish a code of practice.

11 (3) The board may publish commentaries regarding the code of
12 practice. The commentaries shall explain the meaning of interpretations
13 given to the code by the board.

14 Sec. 29. Section 81-8,113, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 81-8,113 The examining board shall keep a complete record of all its
17 proceedings which, together with all other records and files of the
18 examining board, shall be filed in the office of the State Surveyor. A
19 roster showing the names and places of business of all professional
20 ~~registered~~ land surveyors shall be prepared by the secretary of the
21 examining board each year. Copies of this roster shall be sent to all
22 professional land surveyors ~~persons so registered~~ and shall be furnished
23 to the public on request.

24 Sec. 30. Section 81-8,114, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 81-8,114 Applications for licensure ~~registration~~ shall be on forms
27 prescribed and furnished by the examining board and shall be filed with
28 the secretary of the examining board. Such applications shall contain a
29 statement, made under oath, showing the applicant's education and
30 detailed summary of his or her technical work, the applicant's social
31 security number, and such other information as the examining board shall

1 require.

2 Sec. 31. (1) An individual licensed under the Land Surveyors
3 Regulation Act may practice or offer to practice the profession of land
4 surveying through an organization if the criteria for organizational
5 practice established by the board are met and the organization has been
6 issued a certificate of authorization by the board.

7 (2) An organization applying for a certificate of authorization
8 shall designate at least one professional land surveyor as the person in
9 responsible charge of any practice of land surveying by the organization.
10 One who renders only occasional professional services for an organization
11 may not be designated as being in responsible charge of the professional
12 activities of an organization under this section.

13 (3) To obtain a certificate of authorization, an application shall
14 be filed with the board. The application shall contain the name and
15 license number of each individual designated as in responsible charge and
16 licensed to practice land surveying in Nebraska.

17 (4) Applications for a certificate of authorization shall be made on
18 a form prescribed and furnished by the board.

19 (5) The certificate of authorization fee for organizations shall be
20 established by the board and shall accompany the application. The fee
21 shall not exceed three hundred dollars for the initial application.

22 (6) An organization shall notify the board of any changes in the
23 status of any individual designated as in responsible charge within
24 thirty days after the effective date of the change.

25 (7) An organization is not relieved of responsibility for the
26 conduct or acts of its agents, employees, officers, or partners by reason
27 of its compliance with this section. An individual practicing land
28 surveying is not relieved of responsibility for services performed by
29 reason of employment or any other relationship with an organization
30 holding a certificate of authorization.

31 (8) The Secretary of State shall not issue a certificate of

1 authority to do business in the state to an applicant or issue a
2 registration of name in the state to an organization which intends to
3 engage in the practice of land surveying unless the board has issued the
4 applicant a certificate of authorization or a letter indicating the
5 eligibility of the applicant to receive a certificate or to register the
6 name.

7 (9) The Secretary of State shall not register any trade name or
8 service mark which includes the words land surveyor or land surveying, or
9 any modification or derivative of such words, in an applicant's firm name
10 or logotype unless the board has issued the applicant a certificate of
11 authorization or a letter indicating the eligibility of the applicant to
12 register the trade name or service mark.

13 (10) An organization may engage in the practice of land surveying
14 for itself without obtaining a certificate of authorization.

15 (11) A certificate of authorization shall expire on a date
16 established by the board and become invalid after that date unless
17 renewed. The board shall notify every organization holding a certificate
18 of authorization under the act of the date of the expiration of the
19 certificate of authorization and the amount of the fee required for
20 renewal. The notice shall be provided at least one month in advance of
21 the date of the expiration to the organization at the last-known address
22 on file with the board. Only valid certificates may be renewed prior to
23 expiration. Renewal fees shall not exceed two hundred dollars per year.

24 (12) The board may issue a new certificate of authorization to
25 replace any lost, destroyed, or mutilated certificate.

26 Sec. 32. Section 81-8,115, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 81-8,115 The applicant for licensure ~~registration~~ must pass an
29 examination administered by the examining board which covers generally
30 the matters confronting land surveyors as provided in the rules and
31 bylaws.

1 Sec. 33. Section 81-8,117, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 81-8,117 (1) No person shall be eligible for a license ~~registration~~
4 unless:

5 (a) He or she has successfully passed an examination, designed to
6 determine his or her proficiency and qualification to engage in the
7 professional practice of land surveying. No applicant shall be entitled
8 to take such examination until he or she shows the necessary practical
9 experience in land surveying work; and

10 (b) He or she (i) has not less than six years of surveying
11 experience of which five years must be as defined in subdivision (2) ~~(4)~~
12 of section 81-8,109, and three of such five years must have been in a
13 responsible position as a subordinate to a professional ~~licensed~~ land
14 surveyor, or (ii) has graduated, after a course of not less than four
15 years in surveying, engineering, or other approved curriculum, with
16 proportionate credit for lesser time, from a school or college approved
17 by the examining board as of satisfactory standing and has an additional
18 two years of practice in a responsible position.

19 (2) For purposes of this section, responsible position means a
20 position that requires initiative, skill, and independent judgment and
21 does not include the position of chainman, rodman, instrument person,
22 ordinary drafter, or other position performing routine work.

23 Sec. 34. Section 81-8,118, Revised Statutes Cumulative Supplement,
24 2022, is amended to read:

25 81-8,118 (1) To pay the expense of the operation and enforcement of
26 the Land Surveyors Regulation Act, the examining board shall establish
27 application and license ~~registration~~ fees. Total application and license
28 ~~registration~~ fees shall not exceed two hundred dollars and shall be in
29 addition to the examination fee which shall be set to recover the costs
30 of the examination and its administration. The board may direct
31 applicants to pay the examination fee directly to a third party who has

1 contracted to administer the examination. At the time the application for
2 a license registration is submitted the board shall collect from the
3 applicant a nonrefundable application fee. If the applicant successfully
4 qualifies by examination, he or she shall be licensed ~~registered~~ until
5 April 1 of the immediately following odd-numbered year upon payment of a
6 license registration fee as set forth in the rules or regulations. After
7 the issuance of a license certificate of registration, a biennial fee of
8 not less than five nor more than one hundred fifty dollars, as the
9 examining board shall direct, shall be due and payable on or before
10 January 1 of each odd-numbered year. Failure to remit biennial fees when
11 due shall automatically cancel the license registration effective the
12 immediately following April 1, but otherwise the license registration
13 shall remain in full force and effect continuously from the date of
14 issuance, unless suspended or revoked by the examining board for just
15 cause. A license registration which has been canceled for failure to pay
16 the biennial fee when due may be reinstated within one year, but the
17 biennial fee shall be increased ten percent for each month or fraction of
18 a month that payment is delayed. Nothing in this section shall prevent
19 the examining board from suspending or revoking any license registration
20 for just cause.

21 (2) Any person holding a certificate of registration under the Land
22 Surveyors Regulation Act as of the operative date of this act shall be
23 deemed to be duly licensed under the act until the expiration of such
24 certificate.

25 Sec. 35. Section 81-8,119.01, Revised Statutes Cumulative
26 Supplement, 2022, is amended to read:

27 81-8,119.01 (1) As a condition for renewal of a license certificate
28 ~~of registration~~ issued pursuant to the Land Surveyors Regulation Act, a
29 licensee certificate holder who has previously renewed his or her license
30 ~~registration~~ shall be required to successfully complete thirty hours of
31 professional development within the preceding two calendar years. Any

1 ~~licensee certificate holder~~ who completes in excess of thirty hours of
2 professional development within the preceding two calendar years may have
3 the excess, not to exceed fifteen hours, applied to the requirement for
4 the next biennium.

5 (2) The examining board shall not renew the ~~license certificate of~~
6 ~~registration~~ of any ~~licensee certificate holder~~ who has failed to
7 complete the professional development requirements pursuant to subsection
8 (1) of this section, unless he or she can show good cause why he or she
9 was unable to comply with such requirements. If the examining board
10 determines that good cause was shown, the examining board shall permit
11 the professional land ~~registered~~ surveyor to make up all outstanding
12 required hours of professional development.

13 (3) A ~~licensee certificate holder~~ may at any time prior to the
14 termination of his or her license ~~registration~~ request to be classified
15 as inactive. Such inactive licenses ~~registrations~~ may be maintained by
16 payment of a biennial fee of not less than five nor more than fifty
17 dollars as determined by the examining board. Holders of inactive
18 licenses ~~certificates of registration~~ shall not be required to complete
19 professional development as required in subsection (1) of this section.
20 Holders of inactive licenses ~~certificates~~ shall not practice land
21 surveying. If the examining board determines that an inactive licensee
22 ~~registrant~~ has actively practiced land surveying, the examining board may
23 immediately revoke his or her license ~~certificate of registration~~.

24 (4) A holder of an inactive license ~~certificate of registration~~ may
25 return his or her license ~~certificate~~ to an active license ~~registration~~
26 to practice land surveying by the applicant electing to either:

27 (a) Complete one and one-half the biennial requirement for
28 professional development. Such requirement shall be satisfied as set
29 forth in the rules or bylaws; or

30 (b) Take such examination as the examining board deems necessary to
31 determine his or her qualifications. Such examination shall cover areas

1 designed to demonstrate the applicant's proficiency in current methods of
2 land surveying practice.

3 Additionally he or she shall pay the biennial fee as required in
4 section 81-8,118.

5 Sec. 36. Section 81-8,120, Revised Statutes Cumulative Supplement,
6 2022, is amended to read:

7 81-8,120 A nonresident of this state who is licensed ~~registered~~ as a
8 professional land surveyor in another state may be licensed ~~registered~~
9 under the Land Surveyors Regulation Act by filing an application with the
10 secretary of the examining board and making payment to the examining
11 board of a fee in the sum of not less than twenty-five dollars and not
12 more than one hundred fifty dollars as set forth in the rules or bylaws.
13 The applicant shall be required to take such examinations as the
14 examining board deems necessary to determine his or her qualifications,
15 but in any event he or she shall be required to pass an examination of
16 not less than four hours' duration which shall include questions on laws,
17 procedures, and practices pertaining to the practice of land surveying in
18 this state. Before a nonresident of this state is licensed ~~registered~~
19 under the Land Surveyors Regulation Act, he or she shall first file a
20 written consent that actions and suits at law may be commenced against
21 him or her in any county of this state in which any cause of action may
22 arise because of any survey commenced or conducted by such nonresident
23 surveyor or his or her agent or employees in such county.

24 Sec. 37. Section 81-8,121, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 81-8,121 The issuance of a license ~~certificate of registration~~ by
27 the examining board shall be evidence that the person named therein is
28 entitled to all rights and privileges of a professional ~~registered~~ land
29 surveyor and that the recipient thereof is admitted to the practice of
30 land surveying in this state while the license ~~certificate~~ remains
31 unsuspending, unrevoked, or unexpired. The examining board shall provide

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

10 Sec. 38. Section 81-8,122, Reissue Revised Statutes of Nebraska, is
11 amended to read:

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

19 Sec. 39. Section 81-8,122.01, Revised Statutes Cumulative
20 Supplement, 2022, is amended to read:

21 81-8,122.01 (1) Whenever a survey has been executed by a
22 professional land surveyor who is licensed ~~registered~~ under the Land
23 Surveyors Regulation Act, a record of such survey bearing the signature
24 and seal of the professional land surveyor shall become an official
25 record of survey and shall be presumptive evidence of the facts stated
26 therein, unless the professional land surveyor executing the survey has a
27 personal interest in such survey.

28 (2) Surveys performed in accordance with the definition of land
29 surveying described in subdivisions (2)(a), (b), and (c) of section
30 81-8,109 including, but not limited to, a new subdivision, subdivision
31 replat, administrative subdivision, lot split, American Land Title

1 Association and National Society of Professional Surveyors land title
2 survey, irregular tract survey, or any survey which references the United
3 States Public Land Survey System shall be filed in the survey record
4 repository established pursuant to section 84-412 ~~if such survey meets~~
5 ~~applicable regulations.~~

6 (3) Surveys of an existing lot or lots of an existing subdivision
7 created pursuant to section 19-921 which are within the corporate limits
8 of a city with a population in excess of fifteen thousand inhabitants as
9 determined by the most recent federal decennial census or the most recent
10 revised certified count by the United States Bureau of the Census and
11 which do not create a new legal description shall and do not reference,
12 recover, retrace, or reestablish the original government corners or lines
13 or do not create a new subdivision are not required to be filed in either
14 the survey record repository or but shall be filed in the county survey
15 records surveyor's office in the county where the land is located
16 pursuant to section 23-1911 if they meet applicable regulations. If no
17 regular office is maintained in the county courthouse for the county
18 surveyor, it shall be filed in the survey record repository.

19 (4) The record of survey shall be filed within ninety days after the
20 completion of the survey, or within any extension of time granted by the
21 office in which it is required to be filed for reasonable cause, and
22 shall consist of the following minimum data: (a) A graphic representation
23 of the survey (1) Plat of the tract surveyed; (b) a (2) legal description
24 of the tract surveyed; (c) a (3) description of all corners found; (d) a
25 (4) description of all corners set; (e) (5) ties to any section corners,
26 quarter corners, or quarter-quarter corners found or set; (f) (6) plat or
27 record distances as well as field measurements; and (g) the (7) date of
28 completion of the survey.

29 (5) Control surveys, improvement location reports, topographic
30 plats, The record of survey so filed shall become an official record of
31 survey, and shall be presumptive evidence of the facts stated therein,

1 ~~unless the land surveyor filing the survey shall be interested in the~~
2 ~~same. Plats or maps prepared pursuant to subdivision (2)(d) or (e) of~~
3 ~~section 81-8,109 which are prepared only for the purpose of showing the~~
4 ~~location of improvements on existing lots, which are not represented as~~
5 ~~boundary surveys or land surveys that include a statement of reference to~~
6 ~~a boundary survey filed of record, and in which and no corners are found,~~
7 ~~established, or reestablished, shall be specifically exempt from all~~
8 ~~requirements of this section.~~

9 Sec. 40. Section 81-8,122.02, Reissue Revised Statutes of Nebraska,
10 is amended to read:

11 81-8,122.02 Any professional registered land surveyor who fails to
12 file a record of survey as provided in section 81-8,122.01 shall be
13 reported to the examining board which shall take whatever action, as
14 provided in section 81-8,123, that the board ~~it~~ deems appropriate.

15 Sec. 41. Section 81-8,123, Revised Statutes Cumulative Supplement,
16 2022, is amended to read:

17 81-8,123 (1) The examining board may, upon its own motion, and
18 shall, upon the sworn complaint in writing of any person, investigate the
19 actions of any professional land surveyor. ~~It shall have the power to~~
20 ~~place any land surveyor on probation or to revoke or suspend any~~
21 ~~registration under the Land Surveyors Regulation Act when the land~~
22 ~~surveyor has been found guilty of any of the following practices: (1)~~
23 ~~Fraud or deceit in obtaining a registration; (2) negligence or~~
24 ~~incompetency in the performance of his or her duties; or (3) misconduct~~
25 ~~in the performance of his or her duties.~~

26 (2) The board, after a hearing as provided in section 81-8,124, and
27 upon proof satisfactory to the board, may determine by a majority vote
28 that any person or organization has violated the Land Surveyors
29 Regulation Act or any rules and regulations adopted and promulgated under
30 the act.

31 (3) Upon a finding that a person or organization has committed a

1 violation, one or more of the following actions may be taken against such
2 person or organization upon a majority vote of the board:

3 (a) Issuance of censure or reprimand;

4 (b) Suspension of judgment;

5 (c) Placement of the offender on probation;

6 (d) Placement of a limitation or limitations on a licensee and upon
7 the right of the licensee to practice the profession to such extent,
8 scope, or type of practice for such time and under such conditions as are
9 found necessary and proper;

10 (e) Imposition of a civil penalty not to exceed ten thousand dollars
11 for each offense. The amount of the penalty shall be based on the
12 severity of the violation;

13 (f) Entry of an order of revocation, suspension, or cancellation of
14 the license;

15 (g) Issuance of a cease and desist order;

16 (h) Imposition of costs as in an ordinary civil action in the
17 district court, which may include reasonable attorney's fees and hearing
18 officer fees incurred by the board and the expenses of any investigation
19 undertaken by the board; or

20 (i) Dismissal of the action.

21 (4) The board may take into account suitable evidence of reform when
22 determining appropriate action.

23 (5) Civil penalties collected under subdivision (3)(e) of this
24 section shall be remitted to the State Treasurer for distribution in
25 accordance with Article VII, section 5, of the Constitution of Nebraska.
26 All costs collected under subdivision (3)(h) of this section shall be
27 remitted to the State Treasurer for credit to the Land Surveyor
28 Examiner's Fund.

29 Sec. 42. Section 81-8,124, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 81-8,124 Before the examining board takes any disciplinary action

1 ~~against~~ ~~revokes or suspends the registration of~~ any professional land
2 surveyor, it shall give the licensee registrant a hearing on the matter
3 and shall, at least twenty days prior to the date set for the hearing,
4 notify such licensee registrant in writing. Such notice shall contain an
5 exact statement of the charges against the professional land surveyor and
6 the date and place of hearing. ~~The licensee~~ Such ~~registrant~~ shall be
7 heard in person or by counsel before an examiner appointed by the
8 examining board in reference to such charges. Such notice may be served
9 by delivering it personally to the licensee registrant or by sending it
10 by either registered or certified mail addressed to the licensee's his or
11 her last-known business address as shown by the professional land
12 surveyor's license his or her registration.

13 Sec. 43. Section 81-8,125, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 81-8,125 The examiner shall have power to compel the attendance of
16 witnesses and to administer oaths and shall take testimony and proof
17 concerning the charges stated in the complaint. A complete record shall
18 be made of all testimony taken and evidence received at such hearing,
19 which record shall be filed with the secretary of the examining board.
20 The examiner conducting such hearing shall make in writing complete
21 findings and recommendations to the examining board. Thereafter, the
22 examining board shall, in writing officially signed by all members
23 concurring therein, make its findings, determination, and order in the
24 matter. If the examining board finds that the professional land surveyor
25 ~~registrant~~ has violated the Land Surveyors Regulation Act or any rules
26 and regulations adopted and promulgated under the act been guilty of any
27 of the practices set forth in section 81-8,123, he or she the land
28 surveyor shall be placed on probation or his or her license registration
29 shall be revoked or suspended. As a condition of probation the examining
30 board may restrict the professional land surveyor's scope of practice or
31 require supervision of the professional land surveyor's practice.

1 Sec. 44. Section 81-8,126, Revised Statutes Cumulative Supplement,
2 2022, is amended to read:

3 81-8,126 The Land Surveyors Regulation Act shall not apply to (1)
4 any land surveyor working for the United States Government while
5 performing his or her duties as an employee of the government, (2) any
6 person employed as an assistant to a professional land surveyor licensed
7 ~~registered~~ under the act, or (3) any professional engineer or person
8 working under the direct supervision of a professional engineer licensed
9 under the Engineers and Architects Regulation Act doing work which does
10 not involve the location, description, establishment, or reestablishment
11 of property corners or property lines or work which does not create
12 descriptions, definitions, or areas for transfer of an estate in real
13 property.

14 Sec. 45. Section 81-8,127, Revised Statutes Cumulative Supplement,
15 2022, is amended to read:

16 81-8,127 (1) Except as provided in section 81-8,126 and section 19
17 of this act, an individual shall not directly or indirectly engage in the
18 practice of land surveying in the state or use the title professional
19 land surveyor or display or use any words, letters, figures, titles,
20 sign, card, advertisement, or other symbol or device indicating or
21 tending to indicate that he or she is a professional land surveyor or is
22 practicing land surveying unless he or she is licensed under the Land
23 Surveyors Regulation Act. A licensee shall not aid or abet any person not
24 licensed under the act in the practice of land surveying.

25 (2) Any person, firm, partnership, limited liability company,
26 corporation, or joint-stock association who or which practices or offers
27 to practice land surveying or uses the title of professional land
28 surveyor or land surveyor, or any modification or derivative of such
29 words, in its name or form of business activity in this state except as
30 authorized in without being registered or any person not registered under
31 the Land Surveyors Regulation Act who fails to file a copy of the plat

1 ~~and field notes as provided in section 81-8,122~~ shall be deemed guilty of
2 a Class I ~~III~~ misdemeanor for the first offense and a Class IV felony for
3 the second or any subsequent offense.

4 Sec. 46. Section 81-8,184, Revised Statutes Cumulative Supplement,
5 2022, is amended to read:

6 81-8,184 For purposes of the Professional Landscape Architects Act:

7 (1) Board means the State Board of Landscape Architects;

8 (2) Coordinating professional means a design professional who
9 coordinates, as appropriate, the work of all design professionals
10 involved in a project;

11 (3) Design professional means a professional landscape architect, a
12 licensed architect, or a professional engineer;

13 (4) License means an authorization granted by the board to practice
14 landscape architecture;

15 (5) Practice of landscape architecture means the application of the
16 principles of mathematical, physical, biological, and social sciences in
17 consultation, evaluation, planning, design, including, but not limited
18 to, the preparation, review and filing of plans, drawings,
19 specifications, and other contract documents, and administration of
20 contracts relative to projects principally directed at the functional and
21 aesthetic use and preservation of land in the performance of professional
22 services. These professional services include, but are not limited to:

23 (a) Investigation, selection, and allocation of land and natural
24 resources for appropriate uses;

25 (b) Development of feasibility and site selection studies to govern
26 the planning, design, and management of the land;

27 (c) Preparation, review, and analysis of land-use master, site, and
28 comprehensive development plans and preliminary subdivision plans;

29 (d) Determining the location and siting of improvements, including
30 buildings, site features, access, and environs for the improvements;

31 (e) Collaboration with architects, professional engineers, and

1 professional ~~registered~~ land surveyors in the design of streets,
2 highways, bridges, buildings, and structures with respect to the
3 functional and aesthetic requirements of the area in which such
4 facilities are to be placed;

5 (f) Preservation and management of natural, cultural, historic, and
6 aesthetic resources;

7 (g) Design of: Sites, landforms, water features, and water bodies;
8 site grading; surface and subsurface drainage and management; sediment
9 and erosion control; noninhabitable structures; park and recreation
10 areas; site vehicular circulation systems, greenways, and streetscapes;
11 equestrian, bicycle, and pedestrian circulation systems; and site
12 lighting, irrigation, plantings, and related construction details and
13 specifications; and

14 (h) Location and arrangement of such tangible objects and features
15 as are incidental and necessary to the purposes outlined in this section.
16 Practice of landscape architecture does not include the design of
17 structures or facilities with separate and self-contained purposes for
18 habitation or industry, or the design of streets and highways, utilities,
19 storm and sanitary sewers, and water and sewage treatment facilities,
20 such as are exclusive to the practice of engineering, architecture, or
21 land surveying; and

22 (6) Professional landscape architect or licensee means a person who
23 is licensed by the board to practice landscape architecture.

24 Sec. 47. Section 81-1704, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 81-1704 Professional services shall mean those services within the
27 scope of the practice of architecture, professional engineering,
28 landscape architecture, or professional ~~registered~~ land surveying as
29 defined by the laws of the state, or those performed by any architect,
30 professional engineer, landscape architect, or professional ~~registered~~
31 land surveyor in connection with his or her professional employment

1 practice.

2 Sec. 48. Section 81-1716, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 81-1716 (1) Each contract for professional services entered into by
5 the agency shall contain a prohibition against contingent fees as
6 follows: The architect, or professional ~~registered~~ land surveyor,
7 professional engineer, or landscape architect, as applicable, warrants
8 that he or she has not employed or retained any company or person, other
9 than a bona fide employee working solely for him or her, to solicit or
10 secure this agreement and that he or she has not paid or agreed to pay
11 any person, company, corporation, individual, or firm, other than a bona
12 fide employee working solely for him or her, any fee, commission,
13 percentage, gift, or any other consideration contingent upon or resulting
14 from the award or the making of this agreement.

15 (2) Upon violation of this section, the agency shall have the right
16 to terminate the agreement without liability and, at its discretion, to
17 deduct from the contract price, or otherwise recover, the full amount of
18 such fee, commission, percentage, or consideration.

19 Sec. 49. Section 81-1717, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 81-1717 Any firm, other than a bona fide employee working solely for
22 an architect, professional engineer, professional ~~registered~~ land
23 surveyor, or landscape architect, who offers, agrees, or contracts to
24 solicit or secure agency contracts for professional services for any
25 other company or firm for or who is paid any fee, commission, percentage,
26 gift, or any other consideration contingent upon, or resulting from, the
27 award or the making of a contract for professional services shall, upon
28 conviction, be guilty of a Class I misdemeanor.

29 Sec. 50. Section 81-1718, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 81-1718 Any architect, professional engineer, professional

1 ~~registered~~ land surveyor, or landscape architect, or any group, company,
2 or firm who shall offer to pay, or pay, any fee, commission, percentage,
3 gift, or other consideration contingent upon, or resulting from, the
4 award or making of any agency contract for professional services shall,
5 upon conviction, be guilty of a Class I misdemeanor.

6 Sec. 51. Section 84-407, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 84-407 (1) The Board of Educational Lands and Funds shall appoint a
9 competent and experienced professional land surveyor to be known and
10 designated as the State Surveyor. He or she shall take charge under the
11 supervision of the board of the field notes, maps, charts, and records of
12 the United States surveys and perform such other duties as may be
13 prescribed by the board. He or she shall also provide technical
14 assistance, support, and advice to the various counties, cities, and
15 other governmental bodies in Nebraska in their endeavors to produce and
16 maintain cadastral or other geo-referenced maps.

17 (2) The board may, when in its judgment there is need of expediting
18 the execution of surveys applied or petitioned for and of expediting the
19 settlement of the disputes referred to in section 84-410, appoint one or
20 more competent experienced deputy professional land surveyors.

21 (3) Each of the deputy professional land surveyors shall make such
22 surveys as may be assigned him or her and report his or her work together
23 with all necessary notes and maps to the board. Upon approval of his or
24 her report and accompanying documents by the board, the same shall be
25 used in all respects as though made by the chief State Surveyor. Each
26 deputy appointed under the provisions of this section, except as
27 otherwise provided in section 84-407.01, shall be entitled to
28 compensation as determined by the board and necessary expenses for the
29 time actually engaged in service, to be paid to the State Treasurer by
30 the parties applying for or petitioning for a survey or resurvey, and
31 parties interested in any dispute over surveys or boundaries.

1 Sec. 52. Section 84-413, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 84-413 The survey record repository shall:

4 (1) Microfilm, index, and file the surveying records of all surveys
5 completed after July 17, 1982, which are filed pursuant to sections
6 81-8,121 to 81-8,122.01;

7 (2) Provide a copy of survey records to the county in which the
8 survey was conducted. Such copy shall be transmitted to the county within
9 thirty days of its receipt by the repository and at no cost to the
10 county;

11 (3) As funds become available from the fees collected pursuant to
12 this section, and at no cost to the counties, request records of all
13 surveys completed prior to July 17, 1982, from the counties and
14 incorporate such records into the repository's files;

15 (4) Collect a fee not to exceed five dollars for each survey ~~of a~~
16 ~~subdivision or a survey which makes reference to an original government~~
17 ~~corner and collect a fee not to exceed two dollars and fifty cents for~~
18 ~~all other surveys~~ filed with the repository by a professional land
19 surveyor, except that no fee shall be charged for filing surveys pursuant
20 to section 23-1911 when the work is requested by the county and when no
21 fees for the survey are received by the county surveyor or the county
22 from any other persons;

23 (5) Collect a fee not to exceed five ~~ten~~ dollars for each search of
24 the repository's files required by any person;

25 (6) Charge a fee for the reproduction of material equal to the cost
26 of such reproduction; and

27 (7) Provide information to any person upon request and payment of
28 the appropriate fee.

29 Sec. 53. This act becomes operative on September 1, 2024.

30 Sec. 54. Original sections 15-106, 23-1901, 23-1901.01, 23-1901.02,
31 23-1908, 23-1911, 39-1311.02, 39-1410, 76-846, 76-1902, 76-2502, 76-2503,

1 76-2504, 76-2505, 76-2506, 81-8,110, 81-8,110.02, 81-8,110.04,
2 81-8,110.08, 81-8,110.12, 81-8,110.13, 81-8,110.14, 81-8,113, 81-8,114,
3 81-8,115, 81-8,117, 81-8,121, 81-8,122, 81-8,122.02, 81-8,124, 81-8,125,
4 81-1704, 81-1716, 81-1717, 81-1718, 84-407, and 84-413, Reissue Revised
5 Statutes of Nebraska, and sections 81-8,108, 81-8,108.01, 81-8,109,
6 81-8,110.01, 81-8,111, 81-8,118, 81-8,119.01, 81-8,120, 81-8,122.01,
7 81-8,123, 81-8,126, 81-8,127, and 81-8,184, Revised Statutes Cumulative
8 Supplement, 2022, are repealed.