

**NOTICE OF RULEMAKING HEARING  
NEBRASKA STATE  
BOARD OF EXAMINERS FOR LAND SURVEYORS**

NOTICE is hereby given that the State Board of Examiners for Land Surveyors will hold a rulemaking hearing on the 23rd day of September 2021, commencing at 10:00 am, 555 North Cotner Boulevard, Lower Level board room, Lincoln, Nebraska.

The PURPOSE of the hearing is to take testimony and evidence about adoption and amendments and additions to Title 234, Chapters 1 through 14 & Addendum A. This action is proposed to implement the Land Surveyors Regulation Act, Neb. Rev. Stat. §§ 81-8, 108 to 81-8, 127, consistent with the authority granted by the law and with constitutionality. The subject matter of the rulemaking action is as follows:

The Board of Examiners is reorganizing, amending for clarification, and adopting revised Minimum Standards for Surveying in Nebraska incorporated as Addendum A. The main topics to be considered through these proposals include, but are not limited to, the following:

- New rule for general provisions and adoption of the Attorney General's Model Rules;
- New rule utilizing a simplified fee schedule incorporated within the By-Laws adopted by the Examining Board under authorities granted by statute;
- New rule for allowing registrants to obtain Professional Development Hours through online resources;
- New rule requiring a minimum of 2 hours of continuing education in either ethics or the Minimum Standards for Surveys in Nebraska as requested by the state professional land surveying society;
- New rule covering the rights and privileges of the use of the land surveyor's official seal, including security over the seal, identification of the works of coordinating professionals, and provisions for determining direct supervision of work;
- New rule for obtaining a Certificate of Registration to provide the name of a licensed professional land surveyor associated with the service of professional land surveying by a partnership, limited liability company, corporation, or joint venture;
- Revision and adoption of new Minimum Standards for Surveys in Nebraska attached as Addendum A as requested by the state professional land surveying society;

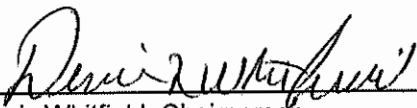
This hearing is being conducted under the provisions of Section 84-907 R.R.S., 1943, which provides that DRAFT COPIES OF THE PROPOSED RULES ARE AVAILABLE for public examination at the office of the Board of Examiners for Land Surveyors and the office of the Secretary of State, State Capitol Building, Lincoln, Nebraska. The draft copy of the proposed rules and a hearing notice are also available on the Examining Board's website at [nbels.nebraska.gov](http://nbels.nebraska.gov).

A complete statement on the fiscal impact for organizations and persons regulated by these regulations can be examined at the office of the Board of Examiners for Land Surveyors, 555 North Cotner Blvd., Lower Level, Lincoln, Nebraska 68505, (402) 471-2566, and at the office of the Secretary of State, Capitol Building, Lincoln, Nebraska.

ALL INTERESTED PERSONS are invited to ATTEND and TESTIFY orally or by written submission at the hearing. Interested persons may also submit written comments prior to the hearing that will be made part of the hearing record at the time of hearing if received by the Board of Examiners for Land Surveyors on or

before September 20, 2021. If auxiliary aids or reasonable accommodations are needed to participate at the hearing, please call (402) 471-2566 no later than ten days before the hearing. TDD users please call (800) 833-7352 and ask the relay operator to call us at (402) 471-2566.

DATED at Lincoln, Nebraska, this 19th day of August 2021.

  
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Dennis Whitfield, Chairperson  
Board of Examiners for Land Surveyors

**Title 234 – Board of Examiners for Land Surveyors**

**FISCAL IMPACT STATEMENT**

**September 2021**

Agency: Board of Examiners for Land Surveyors	
Title: 234	Prepared by: Casey Sherlock, ex-officio Secretary of the Examining Board
Chapters 1 through 14, Addendum A	Date Prepared: August 19, 2021
Subject: Adoption of Revised Rules and Regulations	Telephone: 402-471-2566

Type of Fiscal Impact:

	State Agency	Political Subdivision	Regulated Public
No Fiscal Impact	( X )	( X )	( X )
Increased Costs	( )	( )	( )
Decreased Costs	( )	( )	( )
Increased Revenue	( )	( )	( )
Decreased Revenue	( )	( )	( )
Indeterminable	( )	( )	( )

Provide an Estimated Cost & Description of Impact:

State Agency: There are no changes to fees or fee structure that results in a fiscal impact. There are no regulatory changes that cause a fiscal impact.

Political Subdivision: None

Regulated Public: None

## NEBRASKA ADMINISTRATIVE CODE

Title 234- Board of Examiners for Land Surveyors – Agency 62

### Chapter - 1 - General Provisions:

#### 001. Purpose.

001.01. The Nebraska Rules and Regulations are set forth for the purpose of interpreting and implementing the Land Surveyors Regulation Act, establishing the Examining Board, and conferring upon it responsibility for licensure of professional land surveyors and the regulation of the practice of land surveying. Sec. 81-8,110.08.

#### 002. Examining Board's Regulatory Authority.

002.01. The Board of Examiners for Land Surveyors rules and regulations are promulgated under authority of and in conformity with the Land Surveyors Regulation Act. Sec. 81-8,110.08.

#### 003. Severability.

003.01. If any provisions of these regulations or the application thereof to any person or circumstance is invalid, such invalidity will not affect other provisions or application of these regulations which can be given effect without the invalid provision or application, and to this end the provisions of these regulations are declared to be severable. Sec. 81-8,110.08.

004. All correspondence and filings shall be addressed or delivered to the Nebraska Board of Examiners for Land Surveyors. For the purpose of filing, the office of the Examining Board shall be the office of the Nebraska State Surveyor, who is by law ex officio Secretary of the Examining Board. Sec. 81-8,110.03. Office hours, for the purpose of filing papers, examining public records or transacting any business with the Examining Board or its staff, shall be in accordance with the hours of the State Surveyor's Office. When filing or doing any act is required before a certain date which falls on any Saturday, Sunday, or legal holiday the time for said filing or act shall be extended to the next succeeding working day. Sec. 81-8,110.08.

005. All records of the Examining Board are public records except files for individual applicants including applications and references, investigative files, litigation files and test papers. Files for individual applicants, investigative files and litigation files are considered confidential and shall not be open to any persons except members of the Examining Board, staff of the Examining Board, the Secretary of the Examining Board or staff of the Secretary of the Examining Board. Test papers are considered confidential and shall not be open to any persons except members of the Examining Board, staff of the Examining Board, the Secretary of the Examining Board or the staff of the Secretary of the Examining Board. The applicant may be given one opportunity to review his or her test papers in the company of the Secretary of the Examining Board or the staff of the Secretary of the Examining Board. Any review by an applicant shall be scheduled at the discretion of the Secretary of the Examining Board and in no case shall occur later than 6 months after the examination date. All public records of the Examining Board shall be open for inspection at any time during regular office hours. Sec. 81-8,110.08 and 81-8,110.14.

006. All meetings of the Examining Board, unless otherwise stated in the Rules or Statutes, shall be conducted in accordance with Roberts Rules of Order. Sec. 81-8,110.08.

007. Adoption of the Attorney General's Model Rules.

007.01. The Examining Board has adopted Title 53, Nebraska Administrative Code, Chapters 1 through 4 of the Nebraska Department of Justice, also known as the Attorney General's Model Rules, and has incorporated them into these regulations.

007.01.02. Procedures governing negotiated rulemaking will be in accordance with Title 53, Nebraska Administrative Code, Chapter 1.

007.02.02. Procedures governing petitioning for rulemaking will be in accordance with Title 53, Nebraska Administrative Code, Chapter 2.

007.03 Procedures governing Declaratory Rulings will be in accordance with Title 53, Nebraska Administrative Code, Chapter 3.

008. Record of Examining Board's Actions.

005.01. A quorum of three members of the Examining Board is required for Board actions. Sec. 81-8,110.08.

005.02. The Examining Board will keep record of actions enacted at its meetings. Sec. 81-8,110.14.

009. Examining Board Member Conflicts of Interest.

009.01 Board members cannot vote on any matter in which they have any interest, financial or otherwise, direct or indirect, or engage in any business transaction or professional activity or incur any obligation of any nature which is in conflict with the proper discharge of their duties as a board member. Sec. 81-8,110.08.

009.02. Board members cannot use or attempt to use their official position to secure unwarranted privileges or exemptions for themselves or others. Sec. 81-8,110.08.

009.03. Board members cannot give the impression that they may be improperly influenced in the performance of board member duties, or that they are improperly affected by the kinship, rank, position, or influence of any party or person. Sec. 81-8,110.08.

009.04. Board members cannot accept gifts of value or loans from persons having business before the Examining Board which are intended to or which might appear to influence the official relationship between the donor and recipient. Sec. 81-8,110.08.

010. Professional Assistance

010.01 The Examining Board may retain professional assistance in carrying out administrative matters and other general governance of the Examining Board. Such assistance may include financial, technological, legal, and administrative consultation. Sec. 81-8,110.08.

011. Licensee Lists

008.01 Lists of professional land surveyors licensed by the Examining Board, as well as those who have applied for licensure, will be issued upon written request in accordance with Nebraska law regarding the production of public records. Sec. 81-8,113.

012. Licensure of Examining Board Members

012.01. At all times during their term on the Examining Board, professional land surveyor members of the Examining Board must be licensed in Nebraska. Sec. 81-8,110.01.

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Chapter - ~~42~~ - Classes of Applicants:

001. Class 1 shall include all applicants applying for registration as a professional land surveyor under section 81-8,117 who may be eligible for examination on the basis of registration as a surveyor-in-training in Nebraska or another state which maintains standards equal to or greater than those of Nebraska, 6 years of practice, satisfactory to the Examining Board, and proof of educational and professional qualifications, 5 of such 6 years must be in land surveying as defined in section 81-8,109 and 3 of such 5 years must be in a responsible position as a subordinate to a licensed professional land surveyor. Responsible position shall mean a position that requires initiative, skill and independent judgment; this term excludes chainman, rodman, instrument person, ordinary drafter and others doing routine work. Class 1 shall also include applicants who may be eligible for examination on the basis of graduation, after a course of not less than 4 years in surveying, engineering or other approved curriculum, with proportionate credit for lesser time, from a school or college approved by the Examining Board as of satisfactory standing, an additional 2 years of practice in a responsible position and registration as a surveyor-in-training in Nebraska or another state which maintains standards equal to or greater than those of Nebraska. Sec. 81-8,117.

002. Class 2 shall include all applicants, who are residents or nonresidents of the State of Nebraska applying for registration as a professional land surveyor under section 81-8,120 who are registered in another state, which maintains standards equal to or greater than those required by the State of Nebraska. Sec. 81-8,120.

003. Class 3 shall include all applicants applying for registration as a surveyor-in-training under section 81-8,109, (3), who may be eligible for examination on the basis of 4 years practice or training, satisfactory to the Examining Board, and proof of educational and professional qualifications. Class 3 shall also include applicants who may be eligible for examination on the basis of graduation,

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after a course of not less than 4 years in surveying, engineering or other approved curriculum, with proportionate credit for lesser time, from a school or college approved by the Examining Board as of satisfactory standing. Sec. 81-8,109.

004. Class 4 shall include all applicants applying for inactive registration under section 81-8,119.01 who may be eligible based upon holding an active registration to practice land surveying in the State of Nebraska. Sec. 81-8,119.01.

Chapter - ~~23~~ -- License Fees and Application for Registration:

001. License Fees.

001.01 The Examining Board shall adopt a fee schedule consistent with statutory authorization and establish allowable methods of payment. The fee schedule will be set forth by the Examining Board in the By-Laws. Sec. 81-8,110.08.

001.02 All fees are non-refundable. Sec. 81-8,110.08.

0042. Application forms.

~~002.01. Application forms for registration as a professional land surveyor and surveyor-in-training shall be on forms prescribed and furnished by the Examining Board and shall be filed with ~~may be obtained from the office of~~ the Secretary of the Examining Board ~~of Examiners for Land Surveyors~~. Sec. 81-8,114.~~

0023. Applications must be filed with the Secretary of the Examining Board and must be typed or neatly lettered in ink on forms prescribed and furnished by the Examining Board. Application forms may be available in paper, digital, or electronic internet-based form. To be acceptable they must be filled out completely and in the detail required. Sec. 81-8,114.

0034. No application for registration as a professional land surveyor will be accepted unless it is accompanied by ~~a check, draft or money order~~ the appropriate application fee in the amount of \$40.00 as set forth in the fee schedule and made payable to the Board of Examiners for Land Surveyors. The fee shall be considered an application fee and shall not be returned to applicants who are unsuccessful for any reason. Sec. 81-8,118.

0045. No application for registration as a surveyor-in-training will be accepted unless it is accompanied by ~~the a check, draft or money order~~ appropriate application fee in the amount of \$40.00 as set forth in the fee schedule and made payable to the Board of Examiners for Land Surveyors. The fee shall be considered an application fee and shall not be returned to applicants who are unsuccessful for any reason. Sec. 81-8,~~409~~118.

0056. All information received from references named by the applicant shall be held in confidence by the Examining Board. Sec. 81-8,110.14. No member of the Examining Board shall be named as a reference. Sec. 81-8,~~110.08,109 and 81-8,118~~

0067. An applicant shall not be admitted to the examination until satisfactory replies have been received from a minimum of 3 of his or her references. It is suggested that each applicant contact his or her references to avoid delay. Sec. 81-8,110.08.

0078. Application for inactive classification may be made by submitting a request in writing to the Secretary of the Examining Board. Sec. 81-8,119.01.

0089. No application for inactive classification will be accepted unless it is accompanied by the a check, draft or money order appropriate application fee in the amount of \$50.00 as set forth in the fee schedule and made payable to the Board of Examiners for Land Surveyors. The fee shall be considered an application fee and shall not be returned to applicants for any reason. Sec. 81-8,119.01.

Chapter - ~~34~~ - Examinations:

001. Examinations shall be conducted as prescribed ~~by the Land Surveyors Regulation Act in sections 81-8,108 to 81-8,127,~~ at such times and places as the Examining Board may designate. The Examining Board on its own motion and/or the Secretary of the Examining Board may conduct the examination in a manner which provides security, harmony, reduces the risk of plagiarism and is not in conflict with these rules. Sec. 81-8,110.08.

002. The application for registration is a part of the examination. Each applicant must show to the satisfaction of the Examining Board that he or she meets at least the minimum requirements set forth ~~is in the Land Surveyors Regulation Act sections 81-8,109 to 81-8,127~~ before he or she will be admitted to any examination. Failure to meet the minimum requirements of these sections of the act shall be interpreted as if it were a failure in the examination with retention of the application fee. However, the Examining Board may continue consideration of an application for 1 year wherein the applicant has an experience deficiency of less than 1 year, or other valid reason, and without causing forfeiture of the application fee. Any applicant which has been denied registration as a professional land surveyor in Nebraska due to failure of the examination ~~must~~may be required by the Examining Board to show proof of completion of 15 hours of professional development as defined in ~~Rule 10~~Chapter 12, paragraph 002, subparagraphs 002.06, ~~and~~ 002.08, 002.10, and/or 002.11 before any new application shall be approved. Sec. 81-8,109 through 81-8,123.

003. Upon receipt of an application and the application fee, the Secretary of the Examining Board shall acknowledge the application and advise the applicant that the routine of making the necessary investigations will be followed and that he or she will be notified ~~no later than 20 days before the examination by mail or electronic mail~~ whether he or she is approved by the Examining Board to take the examination~~will be admitted to it~~. Sec. 81-8,110.08.

004. A postponement of an examination or reexamination may be granted to any applicant once for each application. Any individual who has received a postponement for either an examination or reexamination shall not be eligible for postponement ~~a second time again until he or she has filed~~ and will be required to submit the Board has approved a new application for approval by the Examining Board. If an applicant wishes to postpone an examination he or she shall notify the Secretary of the Examining Board to that effect a minimum of one week prior to the date of

said examination. Failure to notify the Secretary of the Examining Board as prescribed and failure to appear for the scheduled examination will be counted as ~~an appearance at and a~~ failure of the examination. Sec. 81-8,110.08.

005. The examination s required for registration as a professional land surveyor shall be ~~on~~ the ~~professional Principles and p~~ Practice of ~~land-surveying exam (PS exam) administered by the National Council of Examiners for Engineering and Surveying (NCEES) and the Nebraska state specific examination administered by the Secretary of the Examining Board~~. Sec. 81-8,115.

006. The examination required for registration as a surveyor-in-training shall be ~~on~~ the ~~F~~undamentals of ~~land-s~~urveying exam (FS exam) administered by the National Council of Examiners for Engineering and Surveying (NCEES). Sec. 81-8,~~110.08~~115.

007. Each applicant shall submit with his or her application a digest of his or her training and experience. No ~~one~~applicant shall be eligible for examination until he or she has had the minimum experience required by the Land Surveyors Regulation Act in sections 81-8,108 to 81-8,127. Sec. ~~81-8,109; 81-8,114 and~~ 81-8,117.

008. Each applicant may be called before the ~~Board~~Examining Board and/or the Secretary of the Examining Board for a personal interview. Sec. 81-8,~~110.08~~115.

009. The applicant must pass the examination to qualify for registration. The examination grade must be certified by the National Council of Examiners for Engineers and Surveyors (NCEES) and/or the Secretary of the Examining Board. The Secretary of the Examining Board will report to the Examining Board the results of the examination. Upon receipt of the report the Examining Board will determine which applicants have passed the examination. Sec. 81-8,~~110.08~~115.

010. If an applicant fails to qualify for registration due to failure of the examination he or she may be re-examined once at the discretion of the Examining Board without submitting a new application. Sec. 81-8,118.

011. Upon notification by the Examining Board that a professional land surveyor applicant has passed the examination, he or she shall submit at the appropriate registration fee ~~not to exceed \$100.00 in the form of a check, draft or money order made as set forth in the fee schedule and~~

made payable to the Board of Examiners for Land Surveyors. Upon notification by the Examining Board that a surveyor-in-training applicant has passed the examination he or she shall submit at the appropriate registration fee ~~not to exceed \$20.00 in the form of a check, draft or money order made as set forth in the fee schedule and made~~ payable to the Board of Examiners for Land Surveyors. Sec. 81-8,118.

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012. The Secretary of the Examining Board shall submit to all applicants for registration by reciprocity a pre-exam take-home questionnaire relative to surveying laws in Nebraska and such applicants shall be required to submit the completed questionnaire prior to testing. ~~and~~ ¶The Secretary of the Examining Board shall administer the Nebraska state specific examination and interview ~~and examine~~ all applicants for registration by reciprocity. The interview and examination must be completed within 2 years after notification by the Examining Board. Sec. 81-8,120.

013. Applicants for inactive registration as prescribed in Chapter 42, paragraph 004. of these rules shall not be required to take an examination. Sec. 81-8,119.01.

014. Holders of an inactive registration applying for active registration shall be required to successfully complete the same examination as a surveyor-in-training applying for registration as a professional land surveyor. Provided, the Examining Board ~~shall may~~ waive the written portion of the examination if the applicant ~~elects requests~~ to demonstrate proficiency by providing proof of professional development. Proof of professional development shall mean completing Professional Development Hours (PDHs) as defined in Chapter 142 of these rules. The applicant shall be required to complete 45 PDHs. All PDHs required must be obtained during the time the applicant's registration has been inactive. The PDHs required shall be reported on the form provided by the Examining Board and the applicant shall provide supporting documentation. Any PDHs which are used to apply for active registration shall be used for that purpose exclusively and shall not count in any other requirements in these rules. Sec.81-8,119.01.

Chapter - 45 - Rejections:

001. When an applicant is rejected for any cause, the unsuccessful applicant shall be notified as promptly as practicable and informed of the reason for his or her rejection. Sec. 81-8,110.08.



Chapter - ~~56~~ - Duplicate Certificate of Registration:

001. When the Examining Board has determined that an applicant for licensure by examination has satisfied the licensure requirements set forth herein, the Examining Board will issue a certificate of licensure containing the professional land surveyor's full name and license number. Sec. 81-8,110.13.

0024. Upon application, accompanied by a full statement of the circumstances of loss or destruction of the original, a duplicate registration certificate may be issued at the discretion of the Chairman and/or Secretary of the Examining Board. The appropriate fee for issuing a duplicate registration certificate shall be ~~as set forth in the fee schedule \$50.00 in the form of a check, draft or money order made~~ and made payable to the Board of Examiners for Land Surveyors. Sec. 81-8,110.13.

0023. The duplicate certificate, issued, shall bear the same number as the original. Sec. 81-8,110.13.

Chapter - ~~67~~ - Notice of Biennial Fee:

001. Prior to November 1<sup>st</sup> of each even numbered year, the Secretary of the Examining Board shall notify all persons currently registered under the Land Surveyors Regulation Act of the current renewal requirements. This notice shall include the current biennial fee as set forth in the fee schedule and the form for Professional Development as required in Chapter 142. Sec. 81-8,110.08; 81-8,118 and 81-8,119.02.

002. Any registrant applying for renewal must return the Application for Renewal, Professional Development Form and the appropriate fee as set forth in the fee schedule to be received by the Office of the Secretary of the Examining Board on or before January 21<sup>st</sup> of each odd numbered year. Sec. 81-8,118 and 81-8,119.02.

003. Any registration which has not been renewed for the next biennium will be canceled on April 1<sup>st</sup> immediately following. The Secretary of the Examining Board will immediately remove said registrations from the active roster and within 15 days, notify said registrant by ~~registered-certified~~ mail or electronic mail. Sec. 81-8,118 and 81-8,119.01.

004. Any registrant so canceled on April 1st may, prior to January ~~2nd~~ 1<sup>st</sup> following, reinstate the registration by submitting the required Application for Renewal, Professional Development Form and appropriate fee as set forth in the fee schedule. The fee for reinstatement shall be the same as the biennial fee but shall be increased 10% for each month or fraction of a month the payment is delinquent, beginning January 2<sup>nd</sup>. Any registrant so canceled may, on or after January 2<sup>nd</sup> following, reinstate the registration by submitting the required Application for Renewal, Professional Development Form and appropriate fee. The fee for reinstatement shall be the same as the biennial fee plus a ~~\$120~~ delinquent fee set forth in the fee schedule. Upon receipt of the appropriate fee and approval of the required Application for Renewal and the proof of Professional Development credits-Hours-(PDHs), the Examining Board shall reinstate said registration for the remainder of the biennium. Nothing in this rule shall be construed as reducing the required credits-hours for Professional Development as ~~shown-required~~ in Chapter 142. Any registrant being reinstated shall meet the same requirements for Professional Development as if his or her registration had been in full force and effect for the same period of time. Sec. 81-8,118 and 81-8,119.02.

005. Registrants applying for renewal of inactive registrations are ~~not~~ required to submit a renewal form for inactive registration, but are not required to submit proof of pProfessional dDevelopment Hours. Sec. 81-8,119.01.

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Chapter - ~~78~~ - Biennial Renewal:

001. Upon receipt of the appropriate renewal fee ~~in the amount of \$100.00 in the form of a check, draft or money order~~set forth in the fee schedule and made payable to the Board of Examiners for Land Surveyors, compliance with all applicable rules, and approval of the ~~Board~~Examining Board, the Secretary of the Examining Board shall issue a "Renewal of Registration" pocket card to each registrant whose registration is in full force. Such renewal shall be for the next biennium unless canceled, suspended or revoked by the Examining Board. The biennial fee shall be considered an application fee and shall not be returned to applicants who are unsuccessful for any reason. Sec. 81-8,110.08.

002. The biennial renewal requirement does not apply to the registration of each surveyor-in-training. Sec. 81-8,110.08.

003. Upon receipt of the appropriate renewal fee ~~in the amount of \$50.00 in the form of a check, draft or money order~~set forth in the fee schedule and made payable to the Board of Examiners for Land Surveyors, compliance with all applicable rules, and approval of the Examining Board, the Secretary of the Examining Board shall renew the registration of each inactive registrant. Such renewal shall be for the next biennium unless canceled or revoked by the Examining Board. The biennial fee shall be considered an application fee and shall not be returned to applicants who are unsuccessful for any reason. Sec. 81-8,119.01.

004. The registration biennium shall begin on April 1<sup>st</sup> of odd numbered years and continue until April 1<sup>st</sup> of odd numbered years. Sec. 81-8,118.

Chapter - ~~89~~ - Code of Practice:

In order to establish and maintain a high standard of integrity, skills and practice in the profession of land surveying and to safeguard life, health and property the following code of practice shall be binding upon every person registered as a professional land surveyor in this state. The use of this Code of Practice shall be the guideline for practice but, shall not prevent the Examining Board from using its collective experience and judgement to determine when negligence, incompetency or misconduct has occurred in any specific instance. Sec. 81-8,110.07.

001. Obligation to the Public

001.01. The registrant, in practicing land surveying, shall be cognizant that his or her first and foremost responsibility is to the public welfare and act with reasonable care and competence and apply technical knowledge and skill ordinarily applied by professional land surveyors of good standing to safeguard life, health and property of the public.

001.02. The registrant shall approve and seal only those surveys and related documents that conform to ~~accepted land surveying standards~~ the Minimum Standards for Surveys in Nebraska.

001.03. The registrant shall notify his or her employer or client and such other authority as may be appropriate when the registrant's professional judgment is overruled under circumstances where the life, health and property of the public is endangered.

001.04. The registrant shall not, in the conduct of his or her professional practice, knowingly violate any state or federal criminal law.

001.05. The registrant shall comply with the laws and rules governing their professional practice in any United States jurisdiction.

001.06. The registrant shall not engage in conduct involving fraud or wanton disregard of the rights of others.



001.07. The registrant shall not engage in grossly immoral or dishonorable conduct which would provide evidence of unfitness to perform the tasks required by clients or would provide evidence of a degree of proficiency which is not sufficient to safeguard life, health and property of the public.

001.08. The registrant making public statements on land surveying questions, shall disclose when he or she is being compensated for making such statements.

001.09. The registrant possessing knowledge of a violation of these rules and state statutes by another registrant shall report such knowledge to the Examining Board.

## 002. Obligation to Employers and Clients

002.01. The registrant shall undertake to perform professional services only when he or she, together with those whom the registrant may engage as consultants, is qualified by education, training, and experience in the specific technical areas involved.

002.02. The registrant shall accurately represent to a prospective or existing client or employer his or her qualifications and the scope of his or her responsibility in connection with work for which he or she is claiming credit.

002.03. The registrant shall make full prior disclosures to a prospective or existing client or employer of his or her conflicts of interest or other circumstances which could influence or appear to influence the registrant's judgment or quality of service.

002.04. The registrant shall not affix his or her signature or seal to any work pertaining to any technical discipline or specialty in which the registrant lacks education, experience or competence.

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002.05. The registrant shall not affix his or her signature or seal to any work not prepared by the registrant nor to any work not prepared under the registrant's direct supervision without thorough technical review by the registrant.

002.06. The registrant shall neither offer nor give any gift of significant value, or any monetary payment, to a government official, prospective or existing client or employer with the intent of influencing judgment in connection with a prospective or existing project in which the registrant is interested or has an interest.

### 003. Obligation to other Registrants

003.01. The registrant shall not falsify or permit misrepresentation of his or her, or their associates', academic or professional qualifications. He or she shall not misrepresent or exaggerate his or her degree of responsibility in prior assignments nor the complexity of said assignments. Presentations regarding solicitation of employment or business shall not misrepresent pertinent facts concerning employers, employees, associates, joint ventures, or past accomplishments.

003.02. The registrant shall not deliberately make a materially false statement or fail deliberately to disclose accurately and completely a material fact requested in connection with his or her application for licensure or renewal or otherwise requested by the Examining Board.

003.03. The registrant shall not assist the application for registration of a person known by the registrant to be unqualified in respect to education, training, experience, or character.

003.04. The registrant shall notify the Examining Board within 30 days if another state has disciplined him or her with a reprimand, censure, suspension, temporary suspension, probation, revocation, voluntary surrender or refusal to renew a license.

Chapter - ~~9~~10 - Complaints:

001. The Examining Board may upon its own motion, and shall upon ~~the sworn a~~ complaint in writing of any person, investigate the actions of any registered professional land surveyor or inactive registrant. It shall have the power to place any professional land surveyor on probation or to revoke or suspend any registration under the provisions of R.R.S. 81-8,108 to 81-8,125. Sec. 81-8,108 through 81-8,125.

002. The Examining Board may, in the performance of its investigation, request the surveyor or inactive registrant to appear before the Examining Board to aid in the investigation. Sec. 81-8,108 through 81-8,125.

003. The Examining Board may retain any persons it deems appropriate to aid in its investigation of any surveyor or inactive registrant. The Chairman may appoint a committee to investigate the surveyor or inactive registrant upon a motion of the Examining Board. Sec. 81-8,108 through 81-8,125.

004. Hearings on all complaints regarding professional land surveyors shall be in compliance with Chapter ~~12~~3. Sec. 81-8,110.08.

005. Hearings on all complaints regarding inactive registrants shall be in compliance with Chapter ~~12~~3, paragraph 006. Sec. 81-8,119.01 and 81-8,119.02.

006. The Examining Board shall have the power to revoke the registration of any inactive registrant found guilty of actively practicing land surveying. Sec. 81-8,119.01.

Chapter - 101 - Disciplinary Actions:

001. The Examining Board may revoke or suspend the registration of any professional land surveyor or place any professional land surveyor on probation when such professional land surveyor has been found guilty of: (1) fraud or deceit in obtaining a registration; (2) negligence or incompetency in the performance of his or her duties; (3) misconduct in the performance of his or her duties; or (4) failure to file a record of survey as provided in section 81-8,122.01.

Before the Examining Board shall take such disciplinary action, the applicant or registrant shall be given a hearing as provided in sections 81-8,124 to 81-8,125 conducted according to Chapter 123 and all other applicable rules and statutes. Sec. 81-8,122.01; 81-8,124 and 81-8,125.

002. The Examining Board may revoke the registration of any inactive registrant when such registrant has been found guilty of: (1) fraud or deceit in obtaining a registration; (2) negligence or incompetency in the performance of his or her duties while actively registered; (3) misconduct in the performance of his or her duties while actively registered; (4) failure to file a record of survey as provided in section 81-8,122.01 while actively registered; or (5) actively practicing land surveying while inactively registered. Before the Examining Board shall take such disciplinary action, the applicant or registrant shall be given a hearing as provided in sections 81-8,124 to 81-8,125 conducted according to Chapter 123 and all other applicable rules and statutes. Sec. 81-8,119.01; 81-8,122.01; 81-8,124 and 81-8,125.

003. The "Minimum Standards for Surveys in Nebraska" ~~published, approved and recommended by the Professional Surveyors Association of Nebraska at its annual meeting in February 1989 is are~~ hereby made part of these rules and regulations as Addendum A. The "Minimum Standards for Improvement Location Surveys" ~~is are~~ hereby made part of these rules and regulations as Addendum B. The Examining Board in consideration of any action based upon negligence, incompetency or misconduct of any professional land surveyor or inactive registrant shall use these above noted addendums and all publications to which they refer. The use of these standards shall be the guideline for practice but, shall not prevent the Examining Board from using its collective experience and judgement to determine when negligence, incompetency or misconduct has occurred in any specific instance. Sec. 81-8,110.08.

004. Any registered professional land surveyor or inactive professional land surveyor who

received his or her registration based upon registration in another state shall be subject to disciplinary action based entirely upon actions taken by that state. In the event that said state revokes such registration, the Examining Board shall revoke the Nebraska registration. In the event that said state suspends such registration, the Examining Board shall suspend the Nebraska registration for a similar period. Any revocation or suspension implemented under this paragraph shall become effective 30 days after the action of the Examining Board unless appealed by the registrant. In the event of an appeal the registrant shall be given a hearing conducted according to Chapter 123 and all other applicable rules and statutes. Sec. 81-8,124 and 81-8,125.

Chapter - 142 - Professional Development:

001. As a condition for renewal of a Certificate of Registration for the Practice of Land Surveying a surveyor shall be required to successfully complete 30 hours of professional development within the preceding 2 calendar years. Any certificate holder who completes in excess of 30 hours of professional development within the preceding 2 calendar years may have the excess, not to exceed 15 hours, applied to the requirement for the next biennium. All Professional Development Hours (PDHs) must be obtained during the time the surveyor's registration has been active. Professional ~~d~~Development ~~credits~~-Hours which apply to paragraph 008. of this Chapter and/or paragraph 013. of Chapter 34 shall be used for that purpose exclusively and shall not be used to comply with the requirements for this paragraph. Sec. 81-8,119.01.

002. Professional Development Hours (PDHs) shall be credited based on the following list:  
Sec.81-8,119.02.

002.01. The active full-time teaching of land surveying as defined in R.R.S., 81-8,109., at the college level within the immediately preceding 2 calendar years shall be counted as 3 PDHs per calendar year. In no case shall PDHs be issued for partial fulfillment of a calendar year in this rule and no more than 6 PDHs shall be issued for teaching at the college level in any renewal period.

002.02. Membership in a local, regional, state or national society which is directly related to the practice of land surveying shall be counted as 1 PDH per society per calendar year with a maximum credit of 4 PDHs in this category in any renewal period.

002.03. Serving as a member of a board or commission which has as its primary duty the registration and review of professional land surveyors, such as the state boards of registration, shall be counted as 1 PDH per calendar year.

002.04. Serving as a member of a committee of a board or commission which has as its primary duty the preparation and grading of written tests which are given for the purpose of determining the proficiency of an applicant for registration as a professional land surveyor shall be counted as 5 PDHs per calendar year.

002.05. Organizing a conference ~~and/or~~ seminar with a duration of a minimum of 4 hours which is directly related to land surveying shall be counted as 1.5 PDHs per conference or seminar.

002.06. Attendance at a workshop, conference, or seminars which ~~are~~is directly related to land surveying shall be counted as 1 PDH per actual hour of attendance. “Attendance at” includes participation on a live interactive video conference. Such sessions must be planned in advance, a record must be maintained describing the content and the sponsoring organization must certify attendance.

002.07. Teaching at a workshop, conference, or seminar which is directly related to land surveying shall be counted as 2 PDHs per actual hour of teaching time, not to include any preparation time.

002.08. College level courses directly related to land surveying shall be counted as 30 PDHs per credit hour and 15 PDHs per credit hour for extension or correspondence courses which are directly related to land surveying and are not college level.

002.09. ~~Publication of Presentation~~ and/or ~~presentation publication~~ at a technical meeting of a professional paper, authored by the writer or presenter, directly related to land surveying shall be counted as 5 PDHs per professional paper. The maximum allowable under this paragraph shall be 15 PDHs in any renewal period.

002.10. Completion of “on-line” correspondence, televised, videotaped, audiotaped and other non-interactive or pre-recorded short courses/tutorials shall be counted as 1 PDH per actual hour of attendance. An exam is required for completion unless attendance is documented. The maximum allowable under this paragraph shall be 15 PDHs in any renewal period.

002.11. Completion of a minimum of 2 hours of Professional Development in an ethics course or a course on the “Minimum Standards for Surveys in Nebraska” is required for each renewal period. This course may be “on-line” or in person and is counted toward any previously established maximum described above.

003. Each registrant applying for renewal shall be required to submit a statement of his or her PDHs obtained in the period defined in paragraph 001. of this Chapter. Should the registrant desire to have any excess PDHs applied to the requirement for the next biennium it shall be so stated in the space provided on said form. If the Examining Board should, for any reason, deny or modify the registrant's request for carry-over the Secretary of the Examining Board shall notify the registrant of such action on or before the immediately following April 15<sup>th</sup>. The registrant's submittal shall be on a form provided

by the Examining Board and shall contain a statement, signed by the registrant, which certifies the correctness thereof. Such statement shall accompany and be filed with the registrant's request for renewal. Sec. 81-8,119.02.

004. The Secretary of the Examining Board shall select from the list of potential renewal registrants each biennium a percentage, determined by the Examining Board, which shall be audited for compliance with paragraph 001. This list shall be selected by random method using the registrant's registration number. All applicants who have received extensions to complete PDHs in the prior renewal period shall be added to the audit list. The Examining Board may select for audit any biennial renewal not received on or before January 1st of each odd-numbered year. Sec. 81-8,119.02.

005. Any registrant who has submitted a correctly completed statement as required in paragraph 003., has met all other requirements, and whose name does not appear on the audit list defined in paragraph 004. shall be granted registration by the Secretary of the Examining Board. Sec. 81-8,119.02.

006. When a registrant whose number appears on the audit list applies for renewal the Secretary of the Examining Board shall obtain documentation from the registrant showing detailed accounting of the various PDHs claimed by the registrant. The Secretary of the Examining Board shall attempt to verify the PDHs shown on the documentation provided by the registrant. The Secretary of the Examining Board shall then review the documentation and verification. Upon completion of the review, the Secretary of the Examining Board shall prepare a recommendation to the Examining Board stating whether the registrant's PDHs meet the requirements of paragraph 001. and 002. Sec. 81-8,119.02.

007. The Examining Board shall review all documentation and the Secretary of the Examining Board's recommendations of all registrants shown on the audit list. If the Examining Board determines the registrant has met the requirements, the registrant shall be granted registration. If the Examining Board determines the registrant has not met the requirements, the registrant shall not be registered. Any registrant denied registration by renewal shall be notified by the Secretary of the Examining Board by ~~registered-certified~~ mail or electronic mail within 15 days of said denial. Sec. 81-8,119.02.





008. A registrant applying for renewal may be given an additional year to make up all outstanding required PDHs providing he or she can show good cause why he or she was unable to comply with such requirements. In order to be eligible for such extension the request must be filed at the same time he or she applies for renewal. Any requests for extension filed after the filing of the renewal shall be automatically denied by the Secretary of the Examining Board. The registrant must state the reason for such extension along with whatever documentation he or she feels is relevant. The Examining Board shall rule on all requests for extensions. The Examining Board shall consider requests which are based upon extensive travel outside of the United States, extended illness of the registrant or their immediate family or a death in the immediate family of the registrant. The Examining Board shall issue an extension when it determines that one or more of these criteria have been met and that the situation has rendered it impossible for the registrant to obtain the required PDHs. The Examining Board shall determine the number of hours of Professional Development for which the extension applies at the time it is granted. A registrant who has successfully applied for an extension under this paragraph shall make up all outstanding required hours of Professional Development as determined by the Examining Board within the next calendar year. Any registrant applying for extension shall have all PDHs for the biennium and the extension, if granted, audited as provided in paragraphs 006. and 007. of this Chapter. Any PDHs which are used to satisfy the requirement of an extension shall be used for that purpose exclusively and shall not count in any other requirements in these rules. Sec. 81-8,119.01.

009. Any registrant denied renewal pursuant to this Chapter may contest said ruling by filing an appeal pursuant to Chapter 123 of these rules. Such appeal must be filed within 30 days of notification of denial by the Examining Board. All appellants shall be entitled to a hearing as prescribed in Chapter 123, paragraph 006. of these rules. Such hearing shall be held within 90 days of filing of appeal. The decision of the Examining Board on all such appeals shall be final. The current registration of the appellant shall be extended during the appeal process. The extension of registration shall run from the date of filing of the appeal until the Examining Board reaches a final decision. Sec. 81-8,119.01.

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Chapter - 123 - Hearings:

001. Location:

001.01. Hearings shall be held in Nebraska at a location designated by the Secretary of the Examining Board. Sec. 81-8,110.08.

002. Appearance Before the Examining Board:

002.01. Practice of law before the Examining Board shall be governed by the statutes of the State of Nebraska and the decisions of the Supreme Court. Nothing herein contained shall prevent anyone from transacting his or her own business before the Examining Board. In the event of an appearance by some person on the behalf of some other party, that person appearing must fulfill one of the two following conditions: Sec. 81-8,110.08.

002.01.01. Be admitted to practice law before the Nebraska Supreme Court.

002.01.02.2 Be admitted to practice law before the supreme court of any other state and be associated with a person admitted to practice law before the Nebraska Supreme Court.

003. ~~Parties:~~ Parties appearing before the Examining Board shall be designated as one of the following: Sec. 81-8,110.08.

003.01 Applicants: In all proceedings involving applications for registration or renewal under sections 81-8,108 to 81-8,127 the party or parties on whose behalf the application is made are termed applicants.

003.02 Respondents: Party or parties ordered by the Examining Board to appear in a proceeding, including complaint proceedings, shall be termed respondents.

003.03 Complainants: Any party filing a complaint under the provisions of sections 81-8,108 to 81-8,127 or subsequent amendments thereto, shall be termed complainants.

003.04 Intervenor: Any person or party having an interest in any proceedings before the Examining Board and who does not fall within the classification of the foregoing subsections may intervene and shall be termed as intervenors.

004. Pleadings: For the purposes of definition, pleadings shall mean any written application or protest thereto; any petition of intervention; any complaint or reply thereto; or any motion. Sec. 81-8,110.08.

005. Complaints: A complaint, where applicable, may be filed by a person, organization, corporation or the Examining Board on its own motion. The complaint shall set forth the names of the party complainant, the name of the parties against whom the complaint is made, a concise description of the problem or alleged violation, and any other facts necessary. Complaints must be in writing ~~and sworn to~~ and signed by the complainant except in the case of complaints by the Examining Board on its own motion. Sec. 81-8,110.08.

006. Procedure for Hearing not Associated with Complaints: All hearings which do not pertain directly to a complaint filed pursuant to sections 81-8,123 to 81-8,125 shall be conducted by the Examining Board with the Secretary of the Examining Board acting as hearing examiner. The hearing examiner will, among other things, open the proceedings, enter into the record the notice of hearing, take appearances, hear the evidence, rule on motions and objections, interrogate, if deemed necessary, any witness and close the proceedings. Hearings conducted by the Examining Board will be incorporated with regular meetings and require a quorum present. Sec. 81-8,110.08.

007. Procedure for Hearing on Complaint: All hearings which directly pertain to a complaint filed pursuant to sections 81-8,123 to 81-8,125 shall be conducted by a hearing examiner appointed by the Examining Board. The hearing examiner can be any person except a voting member of the Examining Board. The hearing examiner shall have the power to compel the attendance of witnesses and to administer oaths. The hearing examiner will among other things, open the proceedings, enter into the record the notice of hearing, take appearances, hear the evidence, rule on motions and

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objections, interrogate, if deemed necessary, any witness and close the proceedings. The hearing examiner shall make in writing complete findings and recommendations to the Examining Board. Sec. 81-8,110.08 and 81-8,123 through 81-8,125.

008. Opening Statements; Oral Arguments; Briefs. Opening statements and oral argument following the close of presentation of evidence will not be permitted unless specifically requested by the Examining Board or its hearing examiner. Any party wishing to submit a brief of the matter presented at any hearing may do so within the time allotted by the hearing examiner. Sec.81-8,110.08.

009. Motions for Continuance. Any party who desires a continuance shall file a motion with the Secretary of the Examining Board. Such motion shall be in writing and it shall state the reasons why such continuance is necessary. All motions for continuance shall be filed at least 5 calendar days prior to the date set for the hearing unless the party requesting the continuance can show good cause for the delay in filing. For good cause shown, the Secretary of the Examining Board may grant a continuance. In the event the Secretary of the Examining Board shall grant a continuance which was requested less than 5 calendar days prior to the date of the hearing the party requesting such continuance shall reimburse the Examining Board and all parties involved for actual and demonstrable costs associated with such continuance. The Examining Board at any time may order a continuance on its own motion. Sec.81-8,110.08.

010. Mailing of Orders of The Examining Board: All orders of the Examining Board, following the close of any hearing, shall be transmitted to the parties of record by certified mail. The orders of the Examining Board shall contain findings, determinations and orders in the matter and shall be signed by all members concurring therein. Sec. 81-8,110.08.

011. Evidence: The Examining Board is not bound to follow the technical rules of evidence. Evidence shall be admissible which possesses probative value commonly accepted by a reasonable ~~man~~person in the conduct of their affairs. Evidence which is cumulative or repetitious may be excluded by the Examining Board or hearing examiner. Provided, however, the Examining Board shall be governed by the statutes governing the administrative agencies of the State of Nebraska, Chapter 84, Article 9 of the Revised Statutes of the State of Nebraska. Sec. 81-8,110.08.

012. Exhibits: Sec. 81-8,110.08.

012.01 When any exhibit consists of 3 or more pages, each page shall be consecutively numbered. Any detailed or complex exhibits consisting of more than 3 pages or with several distinct parts shall be prefaced with an index.

012.02 Each exhibit shall be consecutively marked and numbered.

012.03 Any party desiring to introduce into evidence any part or parts of the official files shall obtain copies thereof in advance of hearing.

012.04 Any party proposing to introduce exhibits into evidence in any proceeding before the Examining Board shall furnish copies of exhibits to the opposing party and all Examining Board Members. Failure to supply the said required copies of an exhibit will cause it to be excluded from the hearing unless good and sufficient reason be shown by the party offering the same for the failure to furnish required copies of said exhibit.

012.05 Relevant portions of books, papers, or documents, shall be plainly designated and distinguished from all irrelevant portions before the relevant material may be offered into evidence.

013. Subpoenas: Subpoenas requiring the attendance of witnesses will be issued by the Examiner, through the Secretary of the Examining Board or such person designated in writing by the Secretary of the Examining Board, upon written application of any party. Written applications for subpoenas shall be addressed to the Examiner in care of the Secretary of the Examining Board and shall be delivered to the Secretary of the Examining Board no later than 14 days prior to the scheduled hearing. Sec. 81-8,110.08.

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014. Depositions: Depositions used in proceedings before the Examining Board are governed by the following rules: Sec. 81-8,110.08.

014.01 All depositions within this state shall be taken at least 10 days prior to the date of the hearing, and all depositions outside of this state shall be taken at least 15 days prior to the hearing date except for good cause shown in writing.

014.02 Depositions shall be taken in accordance with the rules of civil procedure.

014.03 The official taking the deposition shall promptly seal the same along with all exhibits in an envelope, endorsed with the title of the proceeding, and send the same by ~~registered-certified~~ mail to the Secretary of the Examining Board. The deposition shall reach the Examining Board, except for good cause shown, at least 3 days prior to the date of hearing at which it is to be offered as evidence. The party taking the deposition shall give prompt notice of its filing to all parties of record.

015. Notice: In any hearing before the Examining Board or before a Hearing Examiner duly appointed by the Examining Board the Secretary of the Examining Board shall notify the registrant, applicant or respondent, at least 20 days prior to the date set for the hearing. Such notice shall be in writing and contain an exact statement of the charges against him or her and the date and place of hearing. Such notice may be served by delivering it personally to the registrant, applicant or respondent or by sending it by ~~either registered or~~ certified mail addressed to his or her last known business address as shown on the registration or application for registration. Sec. 81-8,124 and 81-8,110.08.

16. Records: In any hearing before the Examining Board or before a Hearing Examiner duly appointed by the Examining Board the Secretary of the Examining Board shall cause a verbatim record of the testimony to be made. The respondent or applicant shall receive one copy of the record at no charge to him or her. Additional copies of the record shall be available to the respondent, applicant or any other person at a fee which shall equal the cost of reproduction and handling as determined by the Secretary of the Examining Board. Sec. 81-8,110.08.

017. Administrative Rules: Whenever the rules or regulations as prescribed by the Examining Board or the statutes governing the Examining Board, do not cover a question or given situation



in regard to a procedural question, the Examining Board shall be governed by the Rules governing administrative agencies of the State of Nebraska, Chapter 84, Article 9 of the Revised Statutes of the State of Nebraska. Sec. 81-8,110.08.

~~Chapter 13 General:~~

~~001. All correspondence and filings shall be addressed or delivered to the Nebraska Board of Examiners for Land Surveyors. For the purpose of filing the office of the Board shall be the office of the Nebraska State Surveyor, who is by law the Secretary of the Board. Office hours, for the purpose of filing papers, examining public records or transacting any business with the Board or its staff, shall be in accord with the hours of the State Surveyor's Office. When filing or doing any act is required before a certain date which falls on any Saturday, Sunday, or legal holiday the time for said filing or act shall be extended to the next succeeding working day. Sec. 81-8,110.08~~

~~002. All records of the Board are public records except files for individual applicants including applications and references, investigative files, litigation files and test papers. Files for individual applicants, investigative files and litigation files are considered confidential and shall not be open to any persons except Members of the Board, the Secretary of the Board and staff of the Secretary or Board. Test papers are considered confidential and shall not be open to any persons except Members of the Board, the Secretary of the Board and the staff of the Secretary or Board. The applicant may be given one opportunity to review his or her test papers in the company of the Secretary or the staff of the Secretary. Any review by an applicant shall be scheduled at the discretion of the Secretary and in no case shall occur later than 6 months after the examination date. All public records of the Board shall be open for inspection at any time during regular office hours. Sec. 81-8,110.08 and 81-8,110.14~~

~~003. All meetings of the Board unless otherwise stated in the Rules or Statutes shall be conducted in accordance with Roberts Rules of Order. Sec. 81-8,110.08~~

## Chapter - 13 - The Licensee Seal:

### 001. Use of the Seal.

001.01. Each person licensed as a professional land surveyor shall be issued a rubber stamp seal and a digital seal that bears the licensee's name, their license number, and the words "Nebraska Registered Land Surveyor". Sec. 81-8,121.

001.02. The purpose of the seal is to assist in identification of the professional land surveyor responsible for work performed under the requirements of the Land Surveyors Regulation Act. Sec. 81-8,110.08.

001.03. The seal used by a professional surveyor shall be the seal issued by the Examining Board and shall be legible, whether an embossing, computer generated, or other type of seal. In the absence of legibility, the seal is invalid. Sec. 81-8,121.

001.04. The responsible professional land surveyor shall identify all work that they have prepared, as well as all work that has been prepared under their direct supervision.- Sec. 81-8,121.

001.05. All specifications, reports, studies, and other documents prepared by a professional land surveyor, shall be sealed on the title page or the first page of the document by the individual professional land surveyor responsible for the work. Two or more professional land surveyors may affix their signatures and seals to the document provided it is designated by a statement, surveyor's certificate, or note the specific subject matter for which each is responsible. Sec. 81-8,121.

001.06. No seal shall be valid unless accompanied by a signature next to or signed across the face of the seal with the professional land surveyor's name and the date on which the document was signed. Sec. 81-8,110.08.

001.07. Documents clearly marked as "Draft" prepared for preliminary submission and review do not require the professional's seal, signature, and date, including documents prepared for a client or governmental agency, unless otherwise required by that entity. Sec. 81-8,110.08.

001.08. Professional land surveyors are responsible for providing adequate security over their seal and signature wherever it appears, regardless of whether the seal and signature is produced electronically or by other means. Sec. 81-8,121.

### 002. Direct Supervision of Work

In order to exercise full professional knowledge of and control over work, a licensee in direct supervision of land surveying work must:

002.01. Have and exercise the authority to review and to change, reject, or approve both the work in progress and the final work product, through a continuous process of examination, evaluation, communication, and direction throughout the development of

the work;

002.02. Be personally aware of the project's scope, needs, parameters, limitations, and special requirements;

002.03. Be capable of answering questions relevant to the land surveying decisions made as part of the services provided, in sufficient detail to demonstrate knowledge of and proficiency in the work; and

002.04. Be reasonably satisfied with the product of the services rendered and accept full responsibility for the work.

002.05. The Examining Board has final authority regarding the determination of whether technical documents were actually prepared under the direct supervision of a licensee.

### 003. Preliminary and Final Plats

003.01. Preliminary plats must be prepared by a professional land surveyor, but are not required to be signed, sealed, or certified.

003.02. Final plats must be prepared, signed, sealed, and certified by a professional land surveyor. If, however, the final plat contains public works features such as paving, sewers, water lines, or other engineering works, such works will need to be prepared and certified by both a professional land surveyor and a professional engineer. The location, description, establishment, or reestablishment of property corners or property lines or work which creates descriptions, definitions, or areas for transfer of an estate in real property defined as land surveying by the Land Surveyors Regulation Act shown upon the final plat are the responsibility of the professional land surveyor. Physical details defined as engineering works by the Engineers and Architects Regulation Act, are the responsibility of the professional engineerprofessional ls.

## Chapter - 14 - Professional Service Certificate of Registration Required:

Organizations practicing or offering to practice Land Surveying in Nebraska must apply to the Examining Board for a Certificate of Registration. The Examining Board will review the organization's application and issue a Certificate of Registration if the minimum requirements are satisfied. Organization means a business entity created by law, including, but not limited to, a partnership, limited liability company, corporation, or joint venture. Sec. 81-8,127.

The certificate is for use only by the organization to indicate that it has satisfied the minimum requirements of the Examining Board for a period of one year to practice or offer to practice the profession of land surveying in the State of Nebraska. The certificate of registration may be used to file any applications with the Nebraska Secretary of State to fulfill the appropriate statutes or requirements for practicing in Nebraska as a limited liability company or other such organizational designations appropriate under Nebraska law. Sec. 81-8,110.08.

### 001. Minimum Organizational Requirements

001.01. The minimum requirement for an organization to practice land surveying in Nebraska is to have at least one professional land surveyor for land surveying practice for the duration of the Certificate of Registration. Sec. 81-8,110.08.

001.02. The professional land surveyor must be licensed to practice in the State of Nebraska and must regularly perform professional services for the organization. Sec. 81-8,110.08.

### 002. Criteria for Issuing a Certificate of Registration

002.01. For certification to practice the profession of land surveying, the signature of one or more professional land surveyors licensed in the State of Nebraska must appear on the organization application. Sec. 81-8,110.08.

002.02. A licensed professional whose signature appears on the application may or may not have ownership interest in the organization. Sec. 81-8,110.08.

002.03. Should any licensed professional who has signed the application leave the organization, die, or lose their signatory authority, the organization within 30 days must notify the Examining Board and file an amendment to its application identifying the new licensed professional with signatory authority. Sec. 81-8,110.08.

## Addendum A

### ~~Professional Surveyors Association of Nebraska~~

#### Minimum Standards for Surveys in Nebraska

#### ~~Section I Land Surveys~~

##### (A) Preface

These ~~standards~~Minimum Standards were duly adopted by the ~~Professional~~Nebraska Board of Examiners for Land Surveyors and have been incorporated into the Rules and Regulations-~~Association of Nebraska at the Annual Meeting in February 1989.~~ It is the intent of these ~~standards~~Minimum Standards to provide the ~~surveyor~~Land Surveyors and the ~~recipient of surveys~~Public with a realistic and prudent ~~yardstick of adequate surveying standard necessary~~ in the performance of a land survey.

These written standards are established to define the ~~least~~minimum level of performance which is acceptable for land surveys in the State of Nebraska.

##### (B) Scope

The ~~minimum standards~~Minimum Standards of this section are the guidelines which shall apply to every land survey performed in the State of Nebraska, except where higher standards for land surveys are prescribed by statute, administrative rule or ordinance, then such standards shall govern. Also, when a land survey involves certain corners or lines that are covered under the "Manual of Instructions for the Survey of the Public Lands of the United States", or under "Instructions to County Surveyors" as issued by the State Surveyor, or, by client written request higher standards shall govern.

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1. When a land survey involves certain corners or lines of the Public Land Survey System (PLSS) that are covered under the "ACSM/ALTA Classifications and Specifications most recent edition of the "Manual of Surveying Instructions for Surveys", then the Survey of the Public Lands of the United States" prepared by the United States Department of the Interior, Bureau of Land Management, Cadastral Survey, then the most recent rules or instructions for these particular surveys shall apply.
2. 1. These standards When a land survey involves certain corners or lines covered by instructions issued by the State Surveyor, then the rules or instructions for these particular surveys shall apply.
3. When a land surveyor is engaged by client contract under the current "Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys", then the rules or instructions for these particular surveys shall apply.

~~1.—A land surveyor may also be made more restrictive~~required to perform land survey work at a higher standard by their client when agreed upon by a written ~~surveyor/~~client~~contract~~ agreement.

### (C) Definitions

~~Land Survey~~Any term not specifically defined herein shall mean those~~be~~ as defined in the most current publication of the “Definitions of Surveying and Associated Terms” as published by the American Congress on Surveying and Mapping (ACSM) now merged with the National Society of Professional Surveyors. For the purpose of this section, all the definitions listed that differ from any other source are to be interpreted as written herein.

1. “Land Survey” - Those surveys as defined in The Land Surveyors Regulation Act, Nebraska Revised Statutes ~~(Reissue of 1987)~~, Sections §81-8,108 through §81-8,127, inclusive, as amended. Under this definition are included two general types of surveys. ~~One is a resurvey or retracement, where an existing recorded description is retraced; the other is an original survey,~~

a. An “Original Survey” is where a survey is made and a new description is generated~~created~~ from such survey. The Original Survey establishes boundary lines within a tract of land which has previously existed as one unit or parcel, and a line or lines of a parcel or tract is described and monumented for the first time.

b. “Resurvey” or “Retracement Survey” is where an existing recorded description is retraced. A Retracement Survey follows the footsteps of the original surveyor, locating the boundary lines and corners which have been established by the Original Survey.

Appropriate procedures must be used in each case.

~~1.—“Land Surveyor shall mean anyone authorized to” - A person who engages in the practice of land surveying, as defined by the Land Surveyor’s Regulation Act; under~~  
~~— Nebraska Revised Statutes~~ ~~(Reissue of 1987)~~, Sections §81-8,108 through

2. §81-8,127 inclusive, as amended.

3. “Responsible Charge” - A position that requires initiative skill and independent judgment of the observations, measurements, and descriptions involved in land surveying work. This term excludes chainman, rodman, instrument person, ordinary drafter and others doing routine work. Responsible Charge does not include the obligation of financial liability.

4. “Direct Supervision” - The ordinary and direct oversight and guidance of a subordinate performing land surveying work including client survey requirements at the time the work occurs, and the supervisor/licensee’s acceptance of responsibility for the work. Direct Supervision requires at a minimum that the supervisor and the subordinate be employed by the same entity/employer.

5. “Subordinate” - Any person directly supervised or managed by a licensed land surveyor and employed by the same entity/employer who assists the licensed land surveyor in the practice of land surveying without assuming the legal responsibility for such work.
6. “Plat ~~shall mean any~~” or “Survey Map” - Any graphic representation of the survey.
7. “Minimum Standard ~~shall mean the least~~” - The minimum level of performance that is acceptable.
8. “Public Land Survey System shall be the patented lands as surveyed(PLSS)” - The surveying method developed and used in Nebraska to subdivide land in the public domain into section, township, and range, platted and approved by the General Land Office of the United States of America.
- ~~2. Bench Mark is an identified stable point for which there is a known elevation referenced to an assumed, local, state or national datum plane.~~
9. “Linear Error of Closure ~~is computed~~” - Computed as the square root of the sum of the squares of the error in the north ~~coordinates~~ and ~~the error in the~~ east coordinates.
10. “Relative Error of Closure ~~is computed~~” - Computed as the value of the total length of the perimeter of the survey divided by the linear error of closure and expressed as a ratio of one (1) part in ‘N’ parts.
11. “Client” - The person with whom the contract for work is made. This may or may not be the title owner of the property.
12. “Legal Description” - A written description usually contained in an act of conveyance, judgment of possession, or recognized by law as to the definite location of a property by metes and bounds or by reference to government surveys, aliquot parts, government lots, coordinate systems or recorded maps; a description which is sufficient to locate the property without oral testimony.
13. “Metes and Bounds Description” - A description of a parcel of land by reference to course and distances around the tract, and/or by reference to natural and/or artificial monuments.
14. “Encroachment” - Any structure or obstruction which intrudes upon, invades into the space of, or trespasses upon the property of another.
15. “Shall” - The subject is imperative or mandatory and must be done by the professional land surveyor.
16. “Should” - Used to express that it is necessary, desirable, or important under ordinary circumstances to be done by the professional land surveyor.
17. “May” - A choice on the part of the professional land surveyor is allowed.



18. “Corner” - A point on a land boundary at which two or more boundary lines meet or at the end of a single line. It is not the same as a monument, which refers to the physical evidence at the corner's location on the ground.
19. “Monument” - A physical object or structure which marks the location of a corner or other survey point. In public land surveys, the term corner is employed to denote a point determined by the surveying process, whereas the monument is the physical object installed, or structure erected, to mark the corner point upon the earth's surface. Monument and corner are not synonymous, although the two terms have often been used in the same sense.
20. “Natural Monuments” - Objects which are the work of nature, such as streams, rivers, ponds, lakes, bays, trees, rock outcroppings, and other definitive topographic features.
21. “Artificial Monuments” - Relatively permanent objects used to identify the location of a corner. These monuments shall retain a stable and distinctive location and shall be of sufficient size and composition to resist the deteriorating forces of nature, such as, roads, ditches, fences, buildings, power poles, or any other man-made features.
22. “Bench Mark” - An identified stable point, natural or artificial, for which there is a known elevation referenced to an assumed, local, state or national datum plane.
23. “Positional Accuracy” - The difference between the actual position of a monument on the ground and the position as reported by measurements on the plat or map.
24. “Positional Tolerance” - The distance that any monument may be mislocated in relation to any other monument cited in the survey.
25. “Parol Evidence” - Evidence gathered by testimony of witnesses. A witness who gives written or verbal testimony concerning positive knowledge of the location of an original monument prior to its destruction is said to give “parol evidence”.

#### (D) Legal Description

~~Descriptions defining land boundaries written for conveyance or other purposes shall be complete, and provide definite and unequivocal identification of the lines and boundaries thereof. The description shall contain information sufficient to enable the description to be plotted and to be retraced.~~

4.—A written description usually contained in an act of conveyance, judgment of possession, or recognized by law as to the definite location of a property by metes and bounds or by reference to government surveys, aliquot parts, government lots, coordinate systems or recorded maps; a description which is sufficient to locate the property without oral testimony.

1. Public Land ~~Survey~~ System ~~Descriptions~~(PLSS) descriptions shall contain government lot or quarter ~~quarter section, and/or quarter section,~~ along with section, township, range, principal meridian, city, ~~(where applicable;),~~ county, and state.

~~2.—~~

1. Tax lots, irregular tracts, etcetera, with a record description shall be referenced to the Public Land

Survey System (PLSS) as listed in “1” above.

~~3.—~~

2. Subdivisions ~~or Additions~~ shall be referenced as in “1” or “2” above and shall contain such further identifiers as Lots~~lots~~ and/or Blocks~~blocks, where applicable~~. A resurvey within a recorded ~~Subdivision or Addition shall contain Lot and/or Block number where applicable;~~ subdivision shall contain the lot and/or addition and block number (where ~~recorded, applicable~~), subdivision name (as titled on original recorded plat), city, county, and state, and where recorded (if necessary) and the term replat (where applicable). The common term “Addition” is often a part of the name of a subdivision and is often confused with the legal term “Subdivision”.

~~4.—~~

3. Metes and Bounds surveys shall contain sufficient identifiers and dimensions to enable the description to be plotted and retraced and be referenced to corners of record as in “1”, “2” or “3” above.

~~plotted and retraced and be referenced to corners of record as in “1”, “2” or “3” above.~~

~~5.—~~

4. Three ~~Dimensional Descriptions~~dimensional descriptions shall contain the items called for in “4” above and also contain elevations referenced to a bench mark of a defined datum and bench mark. When practical the. The vertical datum shall reference either the National Geodetic Vertical Datum of 1929, NAVD 88a defined national, state, or local datum and shall be clearly identified on the plat.

~~6.—~~

5. Condominium ~~Descriptions~~descriptions shall be as defined in the “Condominium Property Act”, set forth in Nebraska State Revised Statutes, (Reissue of 1986)-Sections 76-802801 through 76-894., as amended.

## (E) Research and Investigation

Research of background data shall be conducted prior to beginning the survey. The surveyor shall analyze the data and determine the most logical procedure to follow in conducting the survey. Background data shall consist of, but is not limited to, existing field notes, plats, deeds and ownership records. The surveyor shall list upon the plat the background data used in determining the results of the survey when the facts are questionable, debatable, complex, require additional explanation or not easily understood.

## (F) Conduct of Survey

The surveyor shall, personally or under his or her direct supervision, ~~cause perform~~ a survey ~~to be performed~~ consisting of, but not limited to, the following items:

- ~~1.~~ 1.—Search thoroughly for necessary controlling monuments and other physical evidence. If recorded or unrecorded monuments are not used, the surveyor must indicate the reason they were not used during the course of the survey.
- ~~2.~~ 2.—Evaluate the evidence.
- ~~3.~~ 3. Investigate possible parol evidence supporting that could support the positions of obliterated ~~control~~ monuments and record the necessary statements (~~dated and~~ signed and dated if possible).
- ~~3.~~ 4. Cooperate with appropriate public officials, such as officials of the state, county, city, natural resources district, public power, etc.
- ~~4.~~ 5. Take the necessary measurements to ~~correlate~~ verify found evidence.
- ~~5.~~ 6. Make sufficient check measurements and computations to satisfactorily verify that the work is correct as shown upon the plat.
- ~~6.~~ 7.—~~Evaluate the evidence.~~ In the event of the discovery of a material relevant disagreement with the work of another surveyor, the present surveyor ~~should~~ shall contact the previous surveyor, if possible, and attempt to resolve the disagreement. In the event of a dispute or disagreement which is unable to be resolved and only after an attempt to resolve it has been made, the same disagreement shall be referred to the State Surveyor for settlement. Nebraska Revised Statute Section 84-410.
- ~~7.~~ 8. Apply the proper theory of reestablishment of corners in accordance with the Nebraska State Statutes, the Manual of Survey Instructions most recent edition of the “Manual of Surveying Instructions for the Survey of the Public Lands of the United States”, instructions issued by the State Surveyor under authority of the Board of Educational Lands and Funds, and legal precedent.
- ~~8.~~ 9.—~~Set monuments required.~~

~~10.—Record~~

~~9. Set all monuments as required to complete the survey. The surveyor must make a thorough search for existing monuments, both recorded and unrecorded, before establishing a new position for a corner. The surveyor shall accurately show all the data such as angles, bearings, and distances to calculated points that are needed to show how the positions for the established monuments were determined. These may include, but are not limited to, PLSS corners, block corners, right-of-way lines, and meander lines. In situations where construction activities make it impractical to set corners on a Plat or Certificate of Survey at the time of recording said document, the surveyor shall set the monuments within 60 days from the end of construction and/or in accordance with rules defined by local jurisdictions.~~

~~10. Retain~~ all pertinent information, measurements and observations made in the field during the course of the survey in an appropriate and retrievable form, and in a manner that is intelligible to another surveyor.

(G) Plat or Certificate of Survey

The client shall be furnished a record of the survey ~~and other such information to which shall~~ show and identify the following information:

- ~~1. 4.—~~Those items required by the Land Surveyors Regulation Act, Nebraska Revised Statutes-  
(~~Reissue 1987~~), Section, Sections 81-8,108 through 81-8,127, inclusive, as amended.
- ~~2.—~~
2. A description and physical characteristics of all found and/or set monuments shall be described accurately.
3. North arrow and scale.
4. Basis of bearing or assumed bearing. When the direction of a line is used to establish any course on the boundary of a survey or used to compute the area, the direction of the line shall be made a part of the plat of survey and shown by angle or bearing or azimuth with a reference given for the bearing or azimuth system. ~~Curved lines shall include data necessary to compute and plot the curve.~~
- ~~3.—~~
5. Curved lines shall include sufficient data necessary to compute and plot the curve.
6. When pertinent coordinates are shown on the drawing, such as those relating to the Nebraska State Plane Grid Coordinates, Universal Transverse Mercator, or any modified or local coordinate system, then the following information shall be included:
  - a. The datum on which the coordinates are based.
  - b. The zone(s) if applicable.
  - c. Modifications or adjustment factors, such as scale factor, shift or transformation.

d. The source data of the coordinates.

7. When necessary, adjoining parcels may be identified by description or their permanent filing record reference and any gaps or overlaps shall be identified and dimensioned, when descriptions of adjoining parcels are provided by a registered abstractor.

~~4.—~~

8. Easements of record when provided shall be accurately shown upon the plat and survey (where applicable) and referenced by book and page, when requested by the client shall be shown by book and page.

~~5.— Sufficient data—~~

9. Data sufficient to indicate the theory that was applied in finalizing the location of the corners and any data at variance with this theory. Such data should be of such a nature that sufficient so a competent surveyor can make a facile straightforward retracement.

~~6.—~~

10. The date of the completion of the survey.

a. Nebraska Revised Statute 81-8,122.01 requires that “The record of survey shall be filed within ninety days after the completion of the survey”, therefore; the date of the completion of the survey shall be defined as such in the following situations:

i. New Subdivision – The date of the completion of the survey shall be defined as being the date the final plat is filed with the Register of Deeds of the county.

ii. ALTA Land Title Survey – The date of the completion of the survey shall be defined as being the date the final survey plat is printed, signed and delivered to the client.

iii. For all other surveys including but not limited to, easements, platted lot retracements, metes and bounds, section subdivision, or any other survey of land or property, the date of the completion of the survey shall be the date signed and sealed by the registered land surveyor.

11. Surveyor’s Certificate. A certification by the land surveyor shall contain:

~~a. His or her~~

a. A statement of the land surveyor’s authority to perform the survey;

~~b. The date of the survey;~~

~~c.—~~

b. That he or she the surveyor personally or under his or her the surveyor’s direct supervision caused the survey to be performed the survey.

c. A statement that the survey was made in accordance with the “Minimum Standards for Surveys in Nebraska” in effect at the time of the survey.

A sample of a Surveyor’s Certificate is located in Appendix II.

12. The Land Surveyor’s signature, official seal issued by the Nebraska Board of Examiners for Land Surveyors, and the date signed.

(H) Monumentation

1. The surveyor shall establish, reestablish, or confirm the ~~prior establishment~~location of found permanent monuments at each corner or end point on the boundary lines of the parcel or line(s) being surveyed.
  2. The surveyor should avoid placing another monument near the same location of a previously established existing monument marking the same corner if the previous monument is believed to be in its original location. The present surveyor must use good judgment to analyze the procedure of the previous surveyor and consider the era and methods in which the previous monument was placed. The distance and direction between corner locations should be considered when attempting to establish another monument at the same location. If the present surveyor places another monument near the location of an existing monument, the surveyor must clearly identify and reference on the plat the discrepancy by angle and/or distance and indicate the reason for not accepting a previously placed monument.
  3. Monuments shall be ~~solid~~solidly placed and substantially free from movement. In such cases where the placement of a permanent monument at the true corner is impractical because of circumstances such as instability or ~~is likely~~likelihood to be destroyed, the surveyor shall set a corner accessory monument and show its relationship by dimension to the true corner, on the plat.
    - a. ~~The monuments~~Witness Corner (WC): Is a monument used where the boundary corner position cannot be permanently established. This monumented survey point is set on the surveyed boundary line, or a prolongation thereof, and it may be stamped and shall be identified as "WC" on the plat.
    - b. Reference Monument (RM): Is a monument used where a corner position is impractical to monument directly, or a witness corner cannot be set as described above. The surveyor shall set at least two Reference Monuments. These monuments are not set on the boundary lines or prolongation thereof, and they may be stamped and shall be identified as "RM" on the plat.
1. ~~Any monument~~ set shall be constructed of material capable of being detected
4. by commonly used magnetic locators.
    - a. These monuments shall consist of ~~an iron~~ a minimum:
      - i. Iron pipe ~~or steel rod~~ with a minimal inside diameter of one-half (1/2) inch, and ~~minimal~~minimum length of twenty-four (24) inches. ~~A durable~~
      - ii. Steel rod or steel reinforcing rod with a minimal outside diameter of one-half (1/2) inch and minimum length of twenty-four (24) inches.

b. An identification accessory, such as a cap, tag, washer, etc., bearing the registration number of the professional land surveyor responsible for the establishment of the monument, shall be affixed securely to the top of each monument. The surveyor shall not place an identification accessory upon a found monument or remove the identification accessory of another surveyor.

c. When extenuating circumstances dictate, the surveyor may use such monuments as an embossed nail or a nail with an embossed washer or tag which has a probability of permanence. ~~With the exception of star drill holes and cross-cuts,~~ ~~all~~All monuments shall bear the registration number of the professional land surveyor responsible for the establishment or ~~re-establishment~~perpetuation of the monument~~-, including perpetuated government corners.~~

d. Where a corner or a line falls on or within a wall, column line or other physical feature and the placement of a monument is not feasible, the wall, column line or other physical feature shall become the monument by reference thereto. ~~In lieu of the above standards, monuments, or a Witness Corner may be set by County Surveyors, as mandated described in the instructions from the State Surveyor, shall adhere to the higher standards as stated therein~~Section H.3(a)hereof.

~~2.—~~

5. ~~(All corners of the Public Land Survey System (PLSS) shall be monumented and perpetuated in accordance with Nebraska Revised Statutes 23-1907 and 23-1908.~~

6. All Section, Quarter, and Quarter-Quarter corners of the Public Land Survey System (PLSS), established and perpetuated as necessary for the completion of the survey, shall have a minimum of three (3) reference ties, with a horizontally measured distance, recorded to 0.01 foot and accurate to 0.10 foot. If using the minimum three (3) reference ties, each shall be in different 90° quadrants. The purpose of reference ties is to reestablish the corner if lost or obliterated. In situations where physical objects are not readily available upon which to place ties, the land surveyor should establish reference monument ties of a suitable, stable, and identifiable material of a different physical characteristic from the monument at the corner point. The surveyor should refer to the instructions issued by the State Surveyor under the authority of the Board of Educational Lands and Funds. Additional references to any substantial natural or man-made features within the vicinity of the perpetuated corner should be called for in addition to the three (3) reference ties required.

7. The maximum allowable reference tie distances should be 200 feet. Measurements taken by EDM total station or GPS may also include the interior angle measured between all the recorded reference ties. GPS measurements should only be used when both the corner monument and the reference tie can be physically occupied.

#### (l) Priority of Calls

The "Priority of Calls" is a standard set of guidelines to be followed by land surveyors. When considered or applied they can assist the surveyor in creating new parcels of land or in retracing previously created parcels of land. They can assist the attorney in litigating disputes as to the

title and boundaries of land.

1. Lines actually run on the ground by the creating surveyor.

- a. Includes corners established, monuments set and lines marked at the time of the survey. This assumes the surveyor placed the original line where the parties intended it.

2. Calls for Natural Monuments.

- a. These monuments are the least likely to be moved. Regardless of distance or angle called for in the deed, when the deed calls to this monument it is interpreted that the intent of the parties was to go to this monument and it is controlling.

3. Calls for Artificial Monuments.

- a. These are calls to monuments that have been set by someone or created by man-made means. Artificial monuments may be concrete, rebar, iron pipes, fence corners, etc. For example, iron pins found are controlling, not the distance.

4. Calls for adjoining parcels that are senior in title.

- a. These are calls that identify adjoining in the survey and called for in the descriptions. These are bounds descriptions. These lines were previously established and control, regardless of the bearings and distances.

5. Calls for Bearings and Distances.

- a. If no monuments are called for or found and if there are no calls for adjoining owners, the bearings and distances will control. In Nebraska, distances control before bearings.

6. Calls for Area.

- a. This has historically been the last priority for a call in a deed. Typically, the area is a calculation based upon the measured lines and therefore it is a derivative of a higher priority feature within the legal description.

(J) Perpetuation of the Land Survey Plat

- ~~1.~~ ~~1.~~ The surveyor shall file a record of all land surveys in accordance with ~~the Land Surveyors Regulation Act, Nebraska Revised Statutes (Reissue 1987),~~<sup>1</sup> Sections 81-8,108 through ~~1.~~ ~~81-8,127, inclusive, as amended.~~  
~~2.~~



2. Copies of the records of the survey and other plats provided to the client along with field notes and pertinent data ~~should~~ shall be retained and maintained in a retrievable manner by the surveyor and/or their employer/entity for a period of not less than 10 years.

(JK) Technical Minimums

- ~~1. 1. Measurement Specifications: Based upon consultation with the client and knowledge of local regulations, requirements and conditions, the Surveyor shall determine the appropriate precision required for the subject survey. The precision requirement will be used to determine the appropriate equipment, procedures and personnel to be assigned to the survey. Upon completion of the survey, an analysis of the field data will be made to determine that procedural requirements have been met, the angles adjusted for closure and the linear error of closure computed, using one of the normal procedures. The unadjusted relative error of closure shall not be less than one part in seven thousand five hundred (1/7,500)~~
- ~~2. Positional Tolerance: The relative position of any two points shown on the survey boundary which are connected by a dimension shall not differ, with a sixty-eight percent (68%) confidence level, either by angle or distance~~
  - ~~1. or a combination thereof, from the reported relative position by more than one part in seven thousand five hundred (1/7500) plus 0.10 feet. The land surveyor shall determine the appropriate accuracy and make the required measurements necessary to adequately relate the positions of all apparent evidence pertinent to the boundary of the property. In no case shall the accuracy standard have a relative positional tolerance of more than 0.25 feet, plus 100 parts per million (PPM) with the accuracy given at the 95 percent confidence level. The closure and accuracy chart is located in Appendix I.~~
2. Positional Accuracy Specification and Positional Tolerances.

If radial survey methods, global positioning systems (GPS) or other acceptable technologies or procedures are used to locate or establish points on the boundary survey, the professional land surveyor shall apply acceptable surveying procedures in order to assure that the allowable positional accuracy and/or positional tolerance of such points are not exceeded.

## Appendix I

		<u>Remarks and Formula</u>
<u>Unadjusted Closure</u> (maximum allowable)	<u>1:10,000</u>	<u>Traverse Loop or between Control Monuments</u> (closed traverse)
<u>Angular Closure</u> (maximum allowable)	<u>25"√N</u>	<u>N = Number of Angles in Traverse</u> (closed traverse)
<u>Accuracy of Bearing</u>	<u>± 20 Sec.</u>	<u>In Relation to Source</u> (closed traverse, radial or GPS)
<u>Linear Distances</u> <u>Accurate to: (maximum allowable)</u>	<u>0.05 ft +</u> <u>± 0.1 ft</u> <u>per 1,000 ft</u>	<u>Applies when the distance is not part of a Closed</u> <u>Traverse (radial or GPS)</u>
<u>Positional Tolerance and</u> <u>Positional Accuracy of any Monument</u> (maximum)	<u>0.1' + 100 PPM</u>	<u>PPM = Parts Per Million</u> (closed traverse, radial or GPS)
<u>Calculation of area - accurate</u> <u>and carried to nearest</u> <u>(decimal place) of an acre</u> (closed traverse, radial or GPS)	<u>0.01</u>	<u>To 1 acre</u>
	<u>0.01</u>	<u>To 10 acres</u>
	<u>0.10</u>	<u>To 100 acres</u>
	<u>0.10</u>	<u>To 1,000 acres</u>
<u>Elevations for Boundaries</u> <u>Controlled by Lakes, Contours,</u> <u>Rivers, etc.</u> <u>Accurate to:</u>	<u>0.4 ft.</u>	<u>Based on Accepted Local Datum</u> (closed traverse, radial or GPS)
<u>Location of Improvements,</u> <u>Structures, Paving, etc.</u>	<u>± 0.5 ft.</u>	(closed traverse, radial or GPS)
<u>Adjusted Mathematical</u> <u>Closure to Survey (Minimum)</u>	<u>1:50,000</u>	(closed traverse, radial or GPS)

**Appendix II**

Sample Surveyor's Certificate:

Surveyor's Certificate

I, \_\_\_\_\_ (Your Name) \_\_\_\_\_, Nebraska Registered Land Surveyor No. \_\_\_\_\_, duly registered under the Land Surveyor's Regulation Act, do hereby state that I have performed a survey of the land depicted on the accompanying plat; that said plat is a true delineation of said survey performed personally or under my direct supervision; that said survey was made with reference to known and recorded monuments marked as shown, and to the best of my knowledge and belief is true, correct and in accordance with the Minimum Standards for Surveys in Nebraska in effect at the time of this survey.

(Your Signature) \_\_\_\_\_

Date: \_\_\_\_\_

(Your Name-Printed)

Nebr. Reg. L.S. No. XXX

The Surveyor's Certificate may contain other such information as the surveyor deems necessary, including but not limited to, client name, client address, property owner name, property address, date of the completion of the fieldwork, or party chief.