

**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 18th day of November 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. 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 Chapter 13. The main topics to be considered through these proposals include, but are not limited to, the following:

- Reorganization of general provisions chapter 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;
- Revision of Professional Development chapter 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 Professional Land Surveyors Association of Nebraska;
- New rule describing the rights and privileges for 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; Nebraska Supreme Court Bixenman v. Dickinson
- Revision and adoption of new Minimum Standards for Surveys in Nebraska reorganized into Chapter 13 as requested by the Professional Land Surveyors Association of Nebraska;
- Revision of all rules to reduce the total number of words identified as restrictive, equaling a total of a 44% reduction.
- Revision of all rules for consolidation of chapters, reorganization of chapters; elimination of unnecessary repetitive statutory language and citations.
- The total words of these rules was increased 23%; however, total words of the minimum standards as recommended by the Professional Surveyors Association of Nebraska was increased 120%; therefore, the Board rule changes resulted in a reduction of 9% net.
- Revision of the Minimum Standards for Improvement Location Reports.
- Deletion of Complaints Chapter and addition of clearer, more concise Enforcement Chapter.
- Deletion of Hearings Chapter as formal hearing process is covered by the Attorney General's model rules, Chapter 4.

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.

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 November 15, 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 12th day of October, 2021.

Dennis Whitfield, Chairperson
Board of Examiners for Land Surveyors