

LEGISLATIVE BILL 512

Approved by the Governor March 18, 1986

Introduced by Chizek, 31; Labedz, 5

AN ACT relating to county government and officers; to amend sections 23-1901, 32-308, and 39-1506, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to county engineers and surveyors as prescribed; to eliminate an obsolete provision; and to repeal the original sections.

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

Section 1. That section 23-1901, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

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

(2) In all counties having a population of fifty thousand inhabitants, but less than one hundred fifty thousand inhabitants, or more, the county surveyor shall be ex officio county engineer, and shall be either a registered professional engineer as provided in sections 81-839 to 81-856 or a registered land surveyor as provided in sections 81-8108 to 81-8127 or both.

In counties having a population of one hundred fifty thousand inhabitants or more, a county engineer shall be elected who shall be a registered professional engineer as provided in sections 81-839 to 81-856.

(3) The county engineer or ex officio county engineer shall: , and it shall be his or her duty to prepare

(a) Prepare all plans, specifications, and detail drawings for the use of the county in advertising and letting all contracts for the building and repair of bridges, culverts, and all public improvements upon the roads; it shall be his or her duty to make

(b) Make estimates of the cost of all such contemplated public improvements, and to make estimates of all material required for such public improvements, and to inspect the material and to have the same measured and ascertained, and report to the county board whether the same is in accordance with their

requirements. -

(c) Superintend ~~it shall be his or her duty to superintend~~ the construction of all such public improvements, and inspect and require that the same shall be done according to contract; -

(d) Make ~~it shall be his or her duty to make~~ estimates of the cost of all labor and material which shall be necessary for the construction of all bridges and improvements upon public highways, ~~to~~ inspect all of the work and materials placed in any such public improvements, and ~~to~~ make a report in writing to the county board with his or her statement in regard to whether the same comply with the plans, specifications, and detail drawings of the county board prepared for such work or improvements and under which the contract was let; ~~and - Where the county board proceeds to purchase materials and hire the labor to construct or repair bridges and culverts and approaches thereto or to make improvements upon the public roads, he or she shall have~~

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

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

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

(5) In counties having a population of fifty thousand or more, but less than one hundred fifty thousand, if the county surveyor is a professional engineer, he or she shall appoint as his or her deputy a registered land surveyor, or, if he or she is a registered land surveyor, he or she shall appoint as his or her deputy a professional engineer. ; PROVIDED, this This requirement shall not apply if the county surveyor is both a professional engineer and a registered land surveyor.

(6) In counties having a population of one hundred fifty thousand inhabitants or more, the county engineer shall appoint a full-time county surveyor. The county surveyor shall perform all the duties prescribed in sections 23-1901 to 23-1913 and any other duties assigned to him or her by the county engineer. The county surveyor shall be a registered land surveyor as

provided in sections 81-8.108 to 81-8.127.

Sec. 2. That section 32-308, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-308. (1) One or more county judges shall be elected in each county judge district at the general election in 1972 and every fourth year thereafter.

(1) (2) A county sheriff, county treasurer, and a county attorney shall be elected in each county at the general election in 1962 and every fourth year thereafter.

(2) (3) When there is a qualified surveyor within a county who will accept the office of county surveyor if elected, a county surveyor on either a full-time or part-time basis, as determined by the county board, shall be elected in each county with a population of less than one hundred fifty thousand inhabitants at the general election in 1982 and every fourth year thereafter. ~~PROVIDED, that in~~ In counties where the county surveyor is an ex officio county engineer as provided in section 23-1901, the office of surveyor shall be full time.

(3) (4) Except as provided in section 79-311, a county superintendent of public instruction shall be elected in each county at the general election in 1962 and every fourth year thereafter.

(4) (5) A county clerk shall be elected in each county having a population of two hundred thousand inhabitants or less, at the general election in 1962 and every fourth year thereafter, and in counties having a population in excess of two hundred thousand inhabitants, at the general election in 1964 and every fourth year thereafter.

(5) (6) A register of deeds shall be elected in each county having a population of more than sixteen thousand five hundred and not more than two hundred thousand inhabitants, at the general election in 1962 and every fourth year thereafter, and in counties having a population in excess of two hundred thousand inhabitants, at the general election in 1964 and every fourth year thereafter.

(6) A county engineer shall be elected in each county having a population of one hundred fifty thousand inhabitants or more at the general election in 1986 and every fourth year thereafter.

Sec. 3. That section 39-1506, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-1506. Any person, whether or not a

resident of the county, who is a duly licensed engineer in this state, any firm of consulting engineers duly licensed in this state, or any other person who is a competent, experienced, practical road builder shall be qualified to serve as county highway superintendent, except ; PROVIDED, that no member of the county board shall be eligible for appointment. ; AND PROVIDED FURTHER, that in In counties having a population of fifty thousand but less than one hundred fifty thousand or more inhabitants according to the most recent official United States census, the county surveyor shall perform all the duties and possess all the powers and functions of the county highway superintendent. In counties having a population of one hundred fifty thousand or more inhabitants, the county engineer shall serve as county highway superintendent.

Sec. 4. That original sections 23-1901, 32-308, and 39-1506, Reissue Revised Statutes of Nebraska, 1943, are repealed.