

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SEVENTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 791**

FINAL READING

Introduced by Lowe, 37; Aguilar, 35; Briese, 41; Friesen, 34.

Read first time January 05, 2022

Committee: Government, Military and Veterans Affairs

- 1 A BILL FOR AN ACT relating to county government and officers; to amend
- 2 sections 23-1901, 23-1901.02, 33-116, and 39-1506, Revised Statutes
- 3 Cumulative Supplement, 2020; to change provisions relating to county
- 4 surveyors, engineers, and highway superintendents; to change a
- 5 county population requirement; to harmonize provisions; and to
- 6 repeal the original sections.
- 7 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 23-1901, Revised Statutes Cumulative Supplement,  
2 2020, is amended to read:

3 23-1901 (1) It shall be the duty of the county surveyor to make or  
4 cause to be made all surveys within his or her county that the county  
5 surveyor may be called upon to make and record the same.

6 (2) In all counties having a population of at least one hundred  
7 ~~sixty~~ thousand inhabitants but less than one hundred fifty thousand  
8 inhabitants, the county surveyor shall be ex officio county engineer and  
9 shall be either a professional engineer as provided in the Engineers and  
10 Architects Regulation Act or a registered land surveyor as provided in  
11 the Land Surveyors Regulation Act or both. In such counties, the office  
12 of surveyor shall be full time.

13 In counties having a population of one hundred fifty thousand  
14 inhabitants or more, a county engineer shall be a professional engineer  
15 as provided in the act and shall be elected as provided in section  
16 32-526.

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

18 (a) Prepare all plans, specifications, and detail drawings for the  
19 use of the county in advertising and letting all contracts for the  
20 building and repair of bridges, culverts, and all public improvements  
21 upon the roads;

22 (b) Make estimates of the cost of all such contemplated public  
23 improvements, make estimates of all material required for such public  
24 improvements, inspect the material and have the same measured and  
25 ascertained, and report to the county board whether the same is in  
26 accordance with its requirements;

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

29 (d) Make estimates of the cost of all labor and material which shall  
30 be necessary for the construction of all bridges and improvements upon  
31 public highways, inspect all of the work and materials placed in any such

1 public improvements, and make a report in writing to the county board  
2 with a statement in regard to whether the same comply with the plans,  
3 specifications, and detail drawings of the county board prepared for such  
4 work or improvements and under which the contract was let; and

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

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

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

13 (5) In counties having a population of one hundred fifty thousand  
14 inhabitants or more, the county engineer shall appoint a full-time county  
15 surveyor. The county surveyor shall perform all the duties prescribed in  
16 sections 23-1901 to 23-1913 and any other duties assigned to him or her  
17 by the county engineer. The county surveyor shall be a registered land  
18 surveyor as provided in the Land Surveyors Regulation Act.

19 Sec. 2. Section 23-1901.02, Revised Statutes Cumulative Supplement,  
20 2020, is amended to read:

21 23-1901.02 The county surveyor may appoint a deputy for whose acts  
22 he or she will be responsible. The surveyor may not appoint the county  
23 treasurer, sheriff, register of deeds, or clerk as deputy.

24 In counties having a population of one hundred ~~sixty~~ thousand but  
25 less than one hundred fifty thousand, if the county surveyor is a  
26 professional engineer, he or she shall appoint as deputy a registered  
27 land surveyor or, if the county surveyor is a registered land surveyor,  
28 he or she shall appoint as deputy a professional engineer. This  
29 requirement shall not apply if the county surveyor is both a professional  
30 engineer and a registered land surveyor.

31 The appointment shall be in writing and revocable in writing by the

1 surveyor. Both the appointment and revocation shall be filed and kept in  
2 the office of the county clerk.

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

6 In the absence or disability of the surveyor, the deputy shall  
7 perform the duties of the surveyor pertaining to the office, but when the  
8 surveyor is required to act in conjunction with or in place of another  
9 officer, the deputy cannot act in the surveyor's place.

10 Sec. 3. Section 33-116, Revised Statutes Cumulative Supplement,  
11 2020, is amended to read:

12 33-116 Each county surveyor shall be entitled to receive the  
13 following fees: (1) For all services rendered to the county or state, a  
14 daily rate as determined by the county board; and (2) for each mile  
15 actually and necessarily traveled in going to and from work, the rate  
16 allowed by the provisions of section 81-1176. All expense of necessary  
17 assistants in the performance of the above work, the fees of witnesses,  
18 and material used for perpetuation and reestablishing lost exterior  
19 section and quarter corners necessary for the survey shall be paid for by  
20 the county and the remainder of the cost of the survey shall be paid for  
21 by the parties for whom the work may be done. All necessary equipment,  
22 conveyance, and repairs to such equipment, required in the performance of  
23 the duties of the office, shall be furnished such surveyor at the expense  
24 of the county, except that in any county with a population of less than  
25 one hundred sixty thousand the county board may, in its discretion, allow  
26 the county surveyor a salary fixed pursuant to section 23-1114, payable  
27 monthly, by warrant drawn on the general fund of the county. All fees  
28 received by surveyors so receiving a salary may, with the authorization  
29 of the county board, be retained by the surveyor, but in the absence of  
30 such authorization all such fees shall be turned over to the county  
31 treasurer monthly for credit to the county general fund.

1           Sec. 4. Section 39-1506, Revised Statutes Cumulative Supplement,  
2 2020, is amended to read:

3           39-1506 Any person, whether or not a resident of the county, who is  
4 a duly licensed engineer in this state, any firm of consulting engineers  
5 duly licensed in this state, or any other person who is a competent,  
6 experienced, practical road builder shall be qualified to serve as county  
7 highway superintendent, except that no member of the county board shall  
8 be eligible for appointment. In counties having a population of one  
9 hundred ~~sixty~~ thousand but less than one hundred fifty thousand  
10 inhabitants according to the most recent official United States census,  
11 the county surveyor shall perform all the duties and possess all the  
12 powers and functions of the county highway superintendent. In counties  
13 having a population of one hundred fifty thousand or more inhabitants,  
14 the county engineer shall serve as county highway superintendent.

15           Sec. 5. Original sections 23-1901, 23-1901.02, 33-116, and 39-1506,  
16 Revised Statutes Cumulative Supplement, 2020, are repealed.