

**LAWS RELEVANT TO
COUNTY AND MUNICIPAL INCENTIVE PAYMENTS**

**CHAPTER 39
HIGHWAYS AND BRIDGES
ARTICLE 21
FUNCTIONAL CLASSIFICATION
(Partial Listing)**

39-2114. Counties and municipalities; contract between themselves. In order to achieve the efficiencies and economics resulting from unified operations, the Legislature encourages the counties and municipalities to make use of the Interlocal Cooperation Act or the Joint Public Agency Act by contracting between and among themselves for cooperative programs of administering all phases of their road and street programs.

Source: Laws 1969, c. 312, § 14, p. 1124; Laws 1999, LB 87, § 72; Laws 2019, LB82, § 6.

Cross References: **Interlocal Cooperation Act**, see section 13-801.
Joint Public Agency Act, see section 13-2501.

**CHAPTER 39
HIGHWAYS AND BRIDGES
ARTICLE 23
COUNTY HIGHWAY AND CITY STREET SUPERINTENDENTS ACT
(Partial Listing)**

39-2302. Incentive payments; county highway or city street superintendents; requirements. No person shall be appointed by any county as a county highway superintendent or by any municipality as a city street superintendent to qualify for the incentive payments provided in sections 39-2501 to 39-2505 for counties and municipal counties or sections 39-2511 to 39-2515 for municipalities and municipal counties unless he or she has been licensed under the County Highway and City Street Superintendents Act or is exempt from such licensure requirement as provided in section 39-2504 or 39-2514.

Source: Laws 1969, c. 144, § 2, p. 665; Laws 2003, LB 500, § 3; Laws 2021, LB174, § 5.

**CHAPTER 39
HIGHWAYS AND BRIDGES
ARTICLE 25
DISTRIBUTION TO POLITICAL SUBDIVISIONS
(Partial Listing)**

(a) ROADS

39-2501. Incentive payments for road purposes; priority. Before distributing the February portion of funds under sections 39-2508 and 66-4,148, incentive payments shall first be made as provided in sections 39-2502 to 39-2505.

Source: Laws 1969, c. 315, § 1, p. 1133; Laws 2001, LB 142, § 39; Laws 2021, LB174, § 12.

39-2502. County highway superintendent, defined; incentive payment; requirements. An incentive payment shall be made to each county having appointed and employed a county highway superintendent licensed under the County Highway and City Street Superintendents Act,

during the calendar year preceding the year in which payment is made. For purposes of sections 39-2501 to 39-2505, county highway superintendent means a person who assists the county with the following:

- (1) Developing and annually updating a long-range plan or program based on needs and coordinated with adjacent local governmental units;
- (2) Developing an annual program for design, construction, and maintenance;
- (3) Developing an annual budget based on programmed projects and activities;
- (4) Submitting such plans, programs, and budgets to the local governing body for approval; and
- (5) Implementing the capital improvements and maintenance activities provided in the approved plans, programs, and budgets.

Source: Laws 1969, c. 315, § 2, p. 1133; Laws 1976, LB 724, § 7; Laws 2003, LB 500, § 15; Laws 2007, LB277, § 7; Laws 2019, LB82, § 13; Laws 2021, LB174, § 13.

Cross References: **County Highway and City Street Superintendents Act**, see section 39-2301.

39-2503. Incentive payment; amount. Except as provided in section 39-2504, the incentive payment to the various counties and municipal counties shall be based on the class of license of the county highway superintendent appointed and employed by the county and on the rural population of each county or municipal county, as determined by the most recent federal census, according to the following table:

Rural Population	Class B License Payment	Class A License Payment
Not more than 3,000	\$4,500.00	\$9,000.00
3,001 to 5,000	\$4,875.00	\$9,750.00
5,001 to 10,000	\$5,250.00	\$10,500.00
10,001 to 20,000	\$5,625.00	\$11,250.00
20,001 to 30,000	\$6,000.00	\$12,000.00
30,001 and more	\$6,375.00	\$12,750.00

Source: Laws 1969, c. 315, § 3, p. 1134; Laws 1981, LB 51, § 1; Laws 2001, LB 142, § 40; Laws 2003, LB 500, § 16; Laws 2021, LB174, § 14.

39-2504. Incentive payment; reduction; when. (1) A reduced incentive payment shall be made to any county or municipal county having appointed and employed either (a) a licensed county highway superintendent for only a portion of the calendar year preceding the year in which the payment is made or (b) two or more successive licensed county highway superintendents for the calendar year preceding the year in which the payment is made. Such reduced payment shall be in the proportion of the payment amounts listed in section 39-2503 as the number of full months each such licensed superintendent was appointed and employed is of twelve.

(2) Any county or municipal county that contracts for the services of and appoints a consulting engineer licensed under the County Highway and City Street Superintendents Act or any other person licensed under the act to perform the duties outlined in section 39-2502 rather than appointing and employing a licensed county highway superintendent shall be entitled to an incentive payment equal to two-thirds the payment amount provided in section 39-2503 or two-thirds of the reduced incentive payment provided in subsection (1) of this section, as determined by the Department of Transportation pursuant to section 39-2505.

(3) Any county or municipal county that contracts with another county or municipal county or with any city or village for the services of and appoints a licensed county highway superintendent as provided in section 39-2114 shall be entitled to the incentive payment provided in section 39-2503 or the reduced incentive payment provided in subsection (1) of this section.

(4) Beginning in calendar year 2022, any county or municipal county having a total population of sixty thousand or more inhabitants, as determined by the most recent official United States census, shall receive the full twelve-month Class A incentive payment amount provided in section 39-2503 applicable to such county's or municipal county's rural population as determined by the most recent federal census.

(5) Beginning in calendar year 2022, a county or municipal county having a total population of less than sixty thousand inhabitants, as determined by the most recent official United States census, may appoint and employ a professional engineer, who is licensed pursuant to the Engineers and Architects Regulation Act but is not licensed under the County Highway and City Street Superintendents Act, to perform the duties of county highway superintendent outlined in section 39-2502. In such case, the professional engineer's license under the Engineers and Architects Regulation Act shall serve as a Class A license for purposes of incentive payments under sections 39-2502 to 39-2505. This subsection only applies to a professional engineer in the direct employ of a county or municipal county and does not apply to an engineer serving as a contractor or consultant.

Source: Laws 1969, c. 315, § 4, p. 1134; Laws 1981, LB 51, § 2; Laws 2001, LB 142, § 41; Laws 2003, LB 500, § 17; Laws 2017, LB339, § 163; Laws 2021, LB174, § 15.

Cross References: **County Highway and City Street Superintendents Act**, see section 39-2301.

Engineers and Architects Regulation Act, see section 81-3401.

39-2505. County or municipal county; certify information; incentive payments; Department of Transportation; certify amount; State Treasurer; payment. (1) By December 31 of each year, each county or municipal county shall certify to the Department of Transportation, using the certification process developed by the department:

- (a) The name of any appointed county highway superintendent;
- (b) Such superintendent's class of license, if applicable; and
- (c) The type of appointment:
 - (i) Employed;
 - (ii) Contract consultant; or
 - (iii) Contract interlocal agreement with another municipality, county, or municipal county.

(2) The Department of Transportation shall, in January of each year commencing in 1970, determine and certify to the State Treasurer the amount of each incentive payment to be made under sections 39-2501 to 39-2505. The State Treasurer shall, on or before February 15, make the incentive payments in accordance with such certification.

Source: Laws 1969, c. 315, § 5, p. 1134; Laws 2017, LB339, § 164; Laws 2021, LB174, § 16.

39-2511. Incentive payments for street purposes; priority. Before distributing the February portion of funds under sections 39-2518 and 66-4,148, incentive payments shall first be made as provided in sections 39-2512 to 39-2515.

Source: Laws 1969, c. 316, § 1, p. 1139; Laws 2001, LB 142, § 45; Laws 2021, LB174, § 17.

(b) STREETS

39-2512. City street superintendent, defined; incentive payment. An incentive payment shall be made to each municipality or municipal county having appointed and employed a city street superintendent licensed under the County Highway and City Street Superintendents Act, during the calendar year preceding the year in which payment is made. For purposes of sections 39-2511 to 39-2515, city street superintendent means a person who assists the municipality or municipal county with the following:

- (1) Developing and annually updating a long-range plan or program based on needs and coordinated with adjacent local governmental units;
 - (2) Developing an annual program for design, construction, and maintenance;
 - (3) Developing an annual budget based on programmed projects and activities;
 - (4) Submitting such plans, programs, and budgets to the local governing body for approval;
- and
- (5) Implementing the capital improvements and maintenance activities provided in the approved plans, programs, and budgets.

Source: Laws 1969, c. 316, § 2, p. 1139; Laws 1976, LB 724, § 8; Laws 2001, LB 142, § 46; Laws 2003, LB 500, § 18; Laws 2007, LB277, § 8; Laws 2019, LB82, § 15; Laws 2021, LB174, § 18.

Cross References: **County Highway and City Street Superintendents Act**, see section 39-2301.

39-2513. Incentive payment; amount. Except as provided in section 39-2514, the incentive payment to the various municipalities or municipal counties shall be based on the class of license of the city street superintendent appointed and employed by the municipality or municipal counties and on the population of each municipality or urbanized area of each municipal county, as determined by the most recent federal census figures certified by the Tax Commissioner as provided in section 77-3,119, according to the following table:

Population	Class B License Payment	Class A License Payment
Not more than 500	\$300.00	\$600.00
501 to 1,000	\$500.00	\$1,000.00
1,001 to 2,500	\$1,500.00	\$3,000.00
2,501 to 5,000	\$2,000.00	\$4,000.00
5,001 to 10,000	\$3,000.00	\$6,000.00
10,001 to 20,000	\$3,500.00	\$7,000.00
20,001 to 40,000	\$3,750.00	\$7,500.00
40,001 to 200,000	\$4,000.00	\$8,000.00
200,001 and more	\$4,250.00	\$8,500.00

Source: Laws 1969, c. 316, § 3, p. 1139; Laws 1993, LB 726, § 9; Laws 1994, LB 1127, § 5; Laws 2001, LB 142, § 47; Laws 2003, LB 500, § 19; Laws 2021, LB174, § 19.

39-2514. Incentive payment; reduction; when. (1) A reduced incentive payment shall be made to any municipality or municipal county having appointed and employed either (a) a licensed city street superintendent for only a portion of the calendar year preceding the year in which the payment is made or (b) two or more successive licensed city street superintendents for the

calendar year preceding the year in which the payment is made. Such reduced payment shall be in the proportion of the payment amounts listed in section 39-2513 as the number of full months each such licensed superintendent was appointed and employed is of twelve.

(2) Any municipality or municipal county that contracts for the services of and appoints a consulting engineer licensed under the County Highway and City Street Superintendents Act or any other person licensed under the act to perform the duties outlined in section 39-2512 rather than appointing and employing a licensed city street superintendent shall be entitled to an incentive payment as provided in section 39-2513 or to the reduced incentive payment provided in subsection (1) of this section, as determined by the Department of Transportation pursuant to section 39-2515.

(3) Any municipality or municipal county that contracts with another municipality, county, or municipal county for the services of and appoints a licensed city street superintendent as provided in section 39-2114 shall be entitled to the incentive payment provided in section 39-2513 or the reduced incentive payment provided in subsection (1) of this section.

(4) Beginning in calendar year 2022, a municipality or municipal county may appoint and employ a professional engineer who is licensed pursuant to the Engineers and Architects Regulation Act but is not licensed under the County Highway and City Street Superintendents Act and who is serving as city engineer, village engineer, public works director, city manager, city administrator, or street commissioner to perform the duties of city street superintendent outlined in section 39-2512. In such case, the professional engineer's license under the Engineers and Architects Regulation Act shall serve as a Class A license for purposes of incentive payments under sections 39-2512 to 39-2515. This subsection only applies to a professional engineer in the direct employ of a municipality or municipal county and does not apply to an engineer serving as a contractor or consultant.

Source: Laws 1969, c. 316, § 4, p. 1140; Laws 2001, LB 142, § 48; Laws 2003, LB 500, § 20; Laws 2017, LB339, § 167; Laws 2021, LB174, § 20.

Cross References: **County Highway and City Street Superintendents Act**, see section 39-2301.

Engineers and Architects Regulation Act, see section 81-3401.

39-2515. Municipality or municipal county; certify information; incentive payments; Department of Transportation, certify amount; State Treasurer; payment. (1) By December 31 of each year, each municipality or municipal county shall certify to the Department of Transportation, using the certification process developed by the department:

- (a) The name of any appointed city street superintendent;
- (b) Such superintendent's class of license, if applicable; and
- (c) The type of appointment:
 - (i) Employed;
 - (ii) Contract consultant; or
 - (iii) Contract interlocal agreement with another municipality, county, or municipal county.

(2) The Department of Transportation shall, in January of each year commencing in 1970, determine and certify to the State Treasurer the amount of each incentive payment to be made under sections 39-2511 to 39-2515. The State Treasurer shall, on or before February 15, make the incentive payments in accordance with such certification.

Source: Laws 1969, c. 316, § 5, p. 1140; Laws 2017, LB339, § 168; Laws 2021, LB174, § 21.