

**LAWS RELEVANT TO
THE BOARD OF EXAMINERS FOR COUNTY HIGHWAY
AND CITY STREET SUPERINTENDENTS
CHAPTER 39
ARTICLE 23**

Section 39-2301. Act, how cited; legislative findings. (1) Sections 39-2301 to 39-2311 shall be known and may be cited as the County Highway and City Street Superintendents Act.

(2) The Legislature finds that in order to safeguard life, health, and property, and in order to further professional management of county road and municipal street programs, persons practicing or offering to practice street or highway superintending in this state are encouraged to become licensed as provided in the act.

Source: Laws 1969, c. 144, § 1, p. 665; Laws 2003, LB 500, § 1.

Section 39-2301.01. Terms, defined. For purposes of the County Highway and City Street Superintendents Act, unless the context otherwise requires: (1) Board of examiners means the Board of Examiners for County Highway and City Street Superintendents;

(2) City street superintendent means a person who engages in the practice of street superintending for an incorporated municipality;

(3) County highway superintendent means a person who engages in the practice of highway superintending for a county; and

(4) Street or highway superintending means:

(a) Developing and annually updating long-range plans based on needs and coordinated with adjacent local governmental units;

(b) Developing annual programs for design, construction, and maintenance;

(c) Developing annual budgets based on programmed projects and activities;

(d) Implementing the capital improvements and maintenance activities provided in the approved plans, programs, and budgets; and

(e) Managing personnel, contractors, and equipment in support of such planning, programming, budgeting, and implementation operations.

Source: Laws 2003, LB 500, § 2.

Section 39-2302. County highway or city street superintendents; license required; effect. No person shall be employed 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 39-2520 unless he or she has been licensed under the County Highway and City Street Superintendents Act.

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

Section 39-2304. Board of Examiners for County Highway and City Street Superintendents; created; members; qualifications; appointment; term; vacancy; expenses. The Board of Examiners for County Highway and City Street Superintendents is created. The board shall consist of seven members to be appointed by the Governor, four of whom shall be county representatives, and three of whom shall be municipal representatives.

Immediately preceding appointment to the board, each county and municipal representative shall hold a current license as a county highway or city street superintendent pursuant to the County Highway and City Street Superintendents Act. Of the county representatives, no more than one member shall be appointed from each class of county as defined in section 23-1114.01, and of the municipal representatives, no more than one shall be appointed from each congressional district, one of whom shall be a representative of a city of the metropolitan or primary class, one of whom shall be a representative of a city of the first class, and one of whom shall be a representative of a city of the second class or a village.

In making such appointments, the Governor may give consideration to a list of licensed county highway engineers, county highway superintendents, and county surveyors submitted by the Nebraska Association of County Officials and to a list of licensed city street superintendents or street commissioners, city engineers, and public works directors submitted by the League of Nebraska Municipalities. Two county representatives shall initially be appointed for terms of two years each, and two county representatives shall initially be appointed for terms of four years each. One municipal representative shall initially be appointed for a term of two years, and two municipal representatives shall initially be appointed for terms of four years each. Thereafter, all such appointments shall be for terms of four years each.

In the event a county or municipal representative loses his or her license as a county highway or city street superintendent, such person shall no longer be qualified to serve on the board and such seat shall be vacant. In the event of a vacancy occurring on the board for any reason, such vacancy shall be filled by appointment by the Governor for the remainder of the unexpired term. Such appointed person shall meet the same requirements and qualifications as the member whose vacancy he or she is filling.

Members of the board shall receive no compensation for their services as members of the board but shall be reimbursed for their actual and necessary expenses incurred while engaged in the performance of their official duties as provided in sections 81-1174 to 81-1177.

Source: Laws 1969, c. 144, § 4, p. 666; Laws 1981, LB 204, § 63; Laws 1992, LB 175, § 1; Laws 2003, LB 500, § 4.

Section 39-2305. Board of examiners; office space; equipment; meetings. The board of examiners shall be furnished necessary office space, furniture, equipment, stationery, and clerical assistance by the Department of Transportation. The board shall organize itself by selecting from among its members a chairperson and such other officers as it may find desirable. The board shall meet at such times at the headquarters of the department in Lincoln, Nebraska, as may be necessary for the administration of the County Highway and City Street Superintendents Act.

Source: Laws 1969, c. 144, § 5, p. 666; Laws 2003, LB 500, § 5; Laws 2017, LB339, § 161.

Section 39-2306. Class B license; application; fee; exceptions. (1) Any person desiring to be issued a Class B license under section 39-2308 shall make application therefor to the board of examiners upon forms prescribed and furnished by the board. The application shall include the applicant's social security number. Such application shall be accompanied by an application fee of twenty-five dollars.

(2) Any professional engineer shall be entitled to a Class B license under section 39-2308 without examination.

Source: Laws 1969, c. 144, § 6, p. 667; Laws 1997, LB 622, § 61; Laws 1997, LB 752, § 94; Laws 2003, LB 500, § 6.

Section 39-2307. Board of examiners; examinations; conduct; test qualifications of applicants for Class B licenses. The board of examiners shall, twice each year, conduct examinations of applicants for Class B licenses under section 39-2308. Such examinations shall be designed to test the qualifications of applicants for the position of county highway superintendent or city street superintendent and shall cover the ability to:

- (1) Develop and annually update long-range plans based on needs and coordinated with adjacent local governmental units;
- (2) Develop annual programs for design, construction, and maintenance;
- (3) Develop annual budgets based on programmed projects and activities;
- (4) Implement the capital improvements and maintenance activities provided in the approved plans, programs, and budgets; and
- (5) Understand principles pertaining to highway, road, and street operations and to management of personnel, contractors, and equipment.

Source: Laws 1969, c. 144, § 7, p. 667; Laws 2003, LB 500, § 7.

Section 39-2308. Class B license; term; renewal; fee. Any person satisfactorily completing the examination required by section 39-2307 or exempt from such examination under the provisions of subsection (2) of section 39-2306 shall be issued a Class B license as a county highway or city street superintendent. Such license shall be valid for a period of three years and shall be renewable upon the payment of a fee of thirty dollars. If the holder of a Class B license that is up for renewal also holds a Class A license that is not then up for renewal, the renewal of the Class B license shall be extended to coincide with the three-year renewal cycle of the Class A license. Any person holding a license on January 1, 2004, shall be deemed to be holding a Class B license under this section.

Source: Laws 1969, c. 144, § 8, p. 668; Laws 2003, LB 500, § 8; Laws 2018, LB733, § 1.

Section 39-2308.01. Class A license; application; qualifications; fees; term; renewal. Any person holding a Class B license issued pursuant to section 39-2308 may apply to the board of examiners for a Class A license upon forms prescribed and furnished by the board upon submitting evidence that (1) he or she has been employed and appointed by one or more county or counties or municipality or municipalities as a county highway or city street superintendent at least half-time for at least two years within the past six years or (2) he or she has at least four years' experience in work comparable to street or highway superintending, on at least a half-time basis, within the past eight years. Such application shall be accompanied by a fee of seventy-five dollars. A Class A license shall be valid for a period of three years and shall be renewable for three years as provided in section 39-2308.02 upon payment of a fee of fifty dollars.

Source: Laws 2003, LB 500, § 9; Laws 2018, LB733, § 2.

Section 39-2308.02. Class A license; renewal; professional development required. (1) As a condition for renewal of a license issued pursuant to section 39-2308.01, the holder of a Class A license shall be required to have successfully completed twenty hours of professional development within the preceding three years. Any license holder who completes in excess of

twenty hours of professional development within the preceding three years may have the excess, not to exceed ten hours, applied to the requirement for the next triennium.

(2) The board of examiners shall not renew the Class A license of a license holder who has failed to complete the professional development requirements pursuant to subsection (1) of this section unless he or she can show good cause why he or she was unable to comply with such requirements. If the board determines that good cause was shown, the board shall permit such license holder to make up all outstanding required hours of professional development. If the board determines that good cause was not shown or if the license holder requests renewal as a Class B licensee, the board shall issue a Class B license. Renewal of such Class B license shall be governed by section 39-2308.

(3) A holder of a Class B license who previously held a Class A license may be reissued a Class A license by:

(a) Electing to either:

(i) Complete one and one-half of the triennial requirements for professional development as set forth in the rules and regulations of the board; or

(ii) Reapply under section 39-2308.01; and

(b) Paying the seventy-five-dollar Class A application fee.

Source; Laws 2003, LB 500, § 10.

Section 39-2308.03. Licensees; additional licensure; requirements. The holder of a county highway superintendent's license shall be entitled to hold a city street superintendent's license of the same or a lower level upon payment of the application fee for that additional license. The holder of a city street superintendent's license shall be entitled to hold a county highway superintendent's license of the same or a lower level upon payment of the application fee for that additional license. A second license shall be placed on the same three-year renewal cycle as the license holder's initial license.

Source: Laws 2003, LB 500, § 11; Laws 2018, LB733, § 3.

Section 39-2309. License; suspension; revocation; grounds; hearing; notice. The board of examiners may suspend or revoke any license issued under the County Highway and City Street Superintendents Act for fraud or deceit in obtaining it, neglect of duty, or incompetence in the performance of duty. Such action shall only be taken after notice and hearing under the provisions of the Administrative Procedure Act.

Source: Laws 1969, c. 144, § 9, p. 668; Laws 2003, LB 500, § 12.

Cross References: Administrative Procedure Act, see section 84-920.

Section 39-2310. Funds received under act; use. All funds received under the County Highway and City Street Superintendents Act shall be remitted to the State Treasurer for credit to the Highway Cash Fund. Expenses of the members of the board of examiners as provided in section 39-2304 shall be paid by the Department of Transportation from the Highway Cash Fund.

Source: Laws 1969, c. 144, § 10, p. 668; Laws 1971, LB 53, § 4; Laws 1972, LB 1496, § 1; Laws 2003, LB 500, § 13; Laws 2017, LB339, § 162.

Section 39-2311. Rules and regulations. The board of examiners may adopt and promulgate rules and regulations for the administration of the County Highway and City Street Superintendents Act.

Source: Laws 1969, c. 144, § 11, p. 668; Laws 2003, LB 500, § 14.