

**LAWS RELEVANT TO  
THE NEBRASKA BOARD OF EXAMINERS FOR COUNTY HIGHWAY  
AND CITY STREET SUPERINTENDENTS**

**CHAPTER 39  
HIGHWAYS AND BRIDGES  
ARTICLE 23  
COUNTY HIGHWAY AND CITY STREET SUPERINTENDENTS ACT**

**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.

**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 assisting an incorporated municipality or a county in the following:

(a) Developing and annually updating long-range plans or programs 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; Laws 2021, LB174, § 4.

**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.

**39-2304. Board of Examiners for County Highway and City Street Superintendents; created; members; qualifications; appointment; term; vacancy; expenses.** (1) 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 such members shall be county representatives and three of such members shall be municipal representatives.

**LAWS RELEVANT TO  
THE NEBRASKA BOARD OF EXAMINERS FOR COUNTY HIGHWAY  
AND CITY STREET SUPERINTENDENTS**

(2) (a) Immediately preceding appointment to the board, each county and municipal representative shall hold a county highway and city street superintendent license pursuant to the County Highway and City Street Superintendents Act.

(b) Of the county representatives, no more than one member shall be appointed from each class of county as defined in section 23-1114.01.

(c) Of the municipal representatives:

(i) No more than one shall be appointed from each congressional district;

(ii) One shall be a representative of a city of the metropolitan class, primary class, or first class;

(iii) One shall be a representative of a city of the second class; and

(iv) One shall be a representative of a village.

(3) In making such appointments, the Governor may give consideration to the following lists of persons licensed pursuant to the County Highway and City Street Superintendents Act:

(a) A list of county engineers, county highway superintendents, and county surveyors submitted by the Nebraska Association of County Officials; and

(b) A list of city street superintendents, city managers, city administrators, street commissioners, city engineers, village engineers, and public works directors submitted by the League of Nebraska Municipalities.

(4) 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.

(5) In the event a county or municipal representative loses his or her county highway and city street superintendent license, 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.

(6) Members of the board shall receive no compensation for their services as members of the board but shall be reimbursed for 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; Laws 2020, LB381, § 29; Laws 2021, LB174, § 6.

**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.

**39-2306. Class B license; application; fee; exceptions.** (1) Any person desiring to be issued a Class B license under section 39-2308 shall apply to the board of examiners upon forms prescribed and furnished by the board. Such application shall be accompanied by an application fee of twenty-five dollars.

(2) Any professional engineer licensed pursuant to the Engineers and Architects Regulation Act shall be entitled to a Class B license under section 39-2308 without examination.

**LAWS RELEVANT TO  
THE NEBRASKA BOARD OF EXAMINERS FOR COUNTY HIGHWAY  
AND CITY STREET SUPERINTENDENTS**

**Source:** Laws 1969, c. 144, § 6, p. 667; Laws 1997, LB 622, § 61; Laws 1997, LB 752, § 94; Laws 2003, LB 500, § 6; Laws 2021, LB174, § 7.

**Cross References:** **Engineers and Architects Regulation Act**, see section 81-3401.

**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 assist in:

- (1) Developing and annually updating long-range plans or programs based on needs and coordinated with adjacent local governmental units;
- (2) Developing annual programs for design, construction, and maintenance;
- (3) Developing annual budgets based on programmed projects and activities; and
- (4) Implementing the capital improvements and maintenance activities provided in the approved plans, programs, and budgets.

**Source:** Laws 1969, c. 144, § 7, p. 667; Laws 2003, LB 500, § 7; Laws 2021, LB174, § 8.

**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 subsection (2) of section 39-2306 shall be issued a Class B license as a county highway and 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.

**Source:** Laws 1969, c. 144, § 8, p. 668; Laws 2003, LB 500, § 8; Laws 2018, LB733, § 1; Laws 2021, LB174, § 9.

**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 on at least a half-time basis 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; Laws 2021, LB174, § 10.

**39-2308.02. Class A license; renewal; professional development required.** (1) As a condition for renewal of a license issued pursuant to section 39-2308.02, 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

**LAWS RELEVANT TO  
THE NEBRASKA BOARD OF EXAMINERS FOR COUNTY HIGHWAY  
AND CITY STREET SUPERINTENDENTS**

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.

**39-2308.03. County highway and city street superintendent licenses; reissuance; renewal.**

(1) Beginning on August 28, 2021:

(a) A county highway superintendent license or city street superintendent license, whether of Class A or Class B, issued prior to August 28, 2021, is deemed to be a county highway and city street superintendent license;

(b) The holder of any Class A license or licenses shall have such license or licenses reissued as a single Class A county highway and city street superintendent license;

(c) The holder of any Class A license and any Class B license shall have such licenses reissued as a single Class A county highway and city street superintendent license; and

(d) The holder of any Class B license or licenses who does not hold any Class A license shall have such Class B license or licenses reissued as a single Class B county highway and city street superintendent license.

(2) A license reissued under subsection (1) of this section shall remain on the same triennial renewal cycle as the license or licenses replaced.

**Source:** Laws 2003, LB 500, § 11; Laws 2018, LB733, § 3; Laws 2021, LB174, § 11.

**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.

**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.

**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.