

THIRTY-SIXTH ANNUAL REPORT

of the

Board of Examiners for County Highway
and City Street Superintendents

For the Period

January 1, 2005

to

December 31, 2005



June, 2006

INTRODUCTION

The **Board of Examiners for County Highway and City Street Superintendents** is responsible for testing and licensing local officials, and their agents, who are in charge of building and maintaining municipal streets and county roads.

The seven-member appointed board meets seven times a year. Its activities include:

- administering and grading the April and October written examinations each year for the Class B license;
- conducting two pre-examination workshops;
- processing license applications and renewals for the Class B license and the Class A license;
- general supervision of licensees and consideration of professional standards and professional development issues.

The Liaison Services Section of the Government Affairs Division of the Nebraska Department of Roads provides administrative support.

This report is distributed to licensed superintendents, State officials, and other interested parties. For additional information, please contact:

**Nebraska Department of Roads
Government Affairs Division
Liaison Services Section
1500 Highway 2
PO Box 94759
Lincoln NE 68509-4759**

Telephone: (402) 479-4607

Fax: (402) 479-3636

Website: www.nebraskatransportation.org/localiaison/index.htm

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CHANGE OF ADDRESS

Licensees should notify the Board office promptly of any change in address and zip code number.

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OVERVIEW

Nebraska's Street and Highway Superintendent Licensing Program

Nebraska's Unique Licensing Program

- Part of 1969 Integrated Highway, Road and Street Legislation package. Other components: Highway Allocation funds; Functional Classification; Minimum Standards; One- and Six-Year Plan; Standardized Annual Report.
- Incentive-based program (*not mandatory*):
 "County Engineer Model" impracticable for most Nebraska counties.
 Not prescriptive as to superintendent's actual job title.
- Basic license (*Class B*): either by examination (*no prerequisites*), or by being a professional engineer (*P.E.*):
 Renewed annually, no requirements.
- Advanced License (*Class A*): based on experience;
 Renewed every 3 years, with evidence of professional development.

Program Components

- Board of Examiners for County Highway and City Street Superintendents administers license.
- Nebraska Department of Roads administers Incentive Funds.
- Individual becomes licensed:
 May advance from basic (*Class B*) to advanced (*Class A*),
 Professional development (*PDH*) required to maintain Class A.
- County or municipality appoints a licensee to manage or oversee the road or street program.
- Appointed superintendent may be:
 - a) employed by the jurisdiction, or
 - b) contracted as a consultant (*1/3 reduction to county incentive, full municipal incentive*), or
 - c) contracted through another county or municipality (*full county and municipal incentive*).
- Incentive accrues to the appointing jurisdiction (*not the licensee*):
 Based on population size, level of license, and scope of involvement,
 Incentive is doubled for Class A Superintendent,
 Municipal incentives range from \$300 to \$8,500 annually,
 County incentives range from \$4,500 to \$12,750 annually,
 Incentive is reduced for each month without an appointed licensee,
 Incentive is reduced 1/3 for county using consultant as superintendent,
 No incentive if superintendent is not involved in full road or street program.
- Each jurisdiction annually certifies to NDOR (*by December 31*):
 - a) superintendent's name, license level, and months of year served,
 - b) whether or not superintendent was involved in full road and street program.

Class B License

- Application and \$25 fee for one license (*County Highway Superintendent or City Street Superintendent*)
- Application to attend pre-exam workshop (*offered March and September*).

- Must pass written exam (6 hrs., offered April and October), unless a P.E. (no exam –P.E.’s licensed by equivalency).
- May apply anytime for 2nd Class B license (city of county); \$25 fee.
- Each Class B license is renewable annually upon application and \$10 fee.

Class A License

- Must hold Class B license at least 2 years.
- May apply at time of, and instead of, Class B license renewal.
- \$75 fee to upgrade 1 license (county or city).
- Experience – *either*:
 - a) Appointed as employed superintendent at least 2 years in last 6 years (“employed experience”), or
 - b) At least 4 years comparable experience in last 8 years;
- Consultant superintendents and employed superintendents’ assistants may qualify under comparable experience.
- May apply anytime for 2nd Class A license (city or county): \$75 fee.
- Each Class A license is renewable every 3 years;
 - A 2nd Class A license is placed on same cycle as original Class A license.

Professional Development Hours Requirement (Class A)

- Class A license holder keeps own record of date, name, description, and allowable category of each presentation, activity or agenda item.
- At time of Class A renewal, licensee completes renewal application and attaches 1-page sheet totaling hours by allowable category:
 - 20 hours over 3-year period
 - Actual contact hours, rounded to ½ hour,
 - Grouped by allowable category of professional development.
- Main allowable categories of PDH:
 - Workshop and association meeting sessions directly related to road or street superintending (*no limit*),
 - Workshop sessions on general management subjects (*limit: 5 hours*),
 - Workshop sessions indirectly related to road or street superintending (*limit: 5 hours*),
- Licensee’s PDH records are subject to random audit by Board of Examiners.
- A pre-certification process is in development:
 - Communication and record keeping tool,
 - Allows APWA and other organizations to publicize workshop components as “qualifying for Highway/Street Superintendent PDH hours”,
 - Simplifies licensee’s documentation of validity of PDH,
 - At this time, Board of Examiners and staff are using an informal pre-certification letter process.

**CURRENT MEMBERS OF THE BOARD OF EXAMINERS
FOR COUNTY HIGHWAY AND CITY
STREET SUPERINTENDENTS**

Kent H. Anderson..... Paxton
*Represents Class 1 County
Term expires October 27, 2006*

Orville R. Davidson, Chairman..... York
*Represents First Class City and Congressional District 3
Term expires October 27, 2006*

Thomas D. Doyle..... Omaha
*Represents Class 7 County
Term expires October 27, 2006*

Dale E. Frickey, Vice-Chairman..... Bridgeport
*Represents Class 2 County
Term expires October 27, 2007*

Thomas F. McDonald, Secretary..... Omaha
*Represents Metropolitan or Primary City and Congressional District 2
Term expires October 27, 2006*

Larry R. Merz..... Falls City
*Represents Second Class City/Village and Congressional District 1
Term expires October 27, 2007*

Rick A. Meter..... Gering
*Represents Class 5 County
Term expires October 27, 2007*

PAST MEMBERS OF THE BOARD OF EXAMINERS

**FOR COUNTY HIGHWAY AND
CITY STREET SUPERINTENDENTS**

Gene R. Acklie	1990-1993	Scottsbluff
Robert E. Arraj.....	1972-1990	Kimball
Art H. Britton.....	1969-1971	Gordon
Virgil S. Cook.....	1969-1971	Ogallala
Michael J. DeSelm	1993-1999	Omaha
Richard A. Erixson.....	1969-1982	Lincoln
Arthur A. Hellwig.....	1974-1982	Plattsmouth
LeRoy G. Gerrard	1980-1984	Osceola
Jimmie L. Graves.....	1984-1988	Central City
William H. Green.....	1969-1990	Omaha
Donald J. Jiracek.....	1969-1998	Center
Jimmy D. Jackman.....	1988-1992	Johnstown
Edwin L. Johnson.....	1978-1980	Kearney
Lary G. Kment.....	1975-1988	Hooper
	and	
	1992-2005	
Howard M. Kurth	1992-1999	Sidney
Louis E. Lamberty.....	1988-1993	Omaha
Edward H. Meyer	1969-1975	Fremont
Larry J. Miles.....	1972-1978	Lexington
Hilton R. Rogers.....	1988-1992	Alvo
Jacob Packer	1969-1974	Fremont
James A. Peschel.....	1998-2002	Schuyler
Burt D. Whedon	1982-1988	Omaha

SUMMARY OF ACTIVITIES

From January 1, 2005 to December 31, 2005, the Board of Examiners for County Highway and City Street Superintendents held seven meetings. The volume of business transacted by this board is reflected in the following tables pertaining to the April 1, 2005, and October 7, 2005, semi-annual Class B (*entry level*) license examinations. Applicants who had qualified were given a six-hour written examination and an ungraded oral interview by the Board.

Eight new Class B licensees (*individuals*) were added by examination and another eight were added by equivalency for Professional Engineers, for a total of sixteen new Class B licensees. At the close of the year, there were 411 licensed persons; together they held 665 licenses (*county highway superintendent and/or city street superintendent*). One hundred and fifty-one licensees held 210 Class A licenses and 260 licensees held 455 Class B licenses.

The Board assisted in three-day workshops on March 7-9, 2005 and on September 7-9, 2005 at Kearney, Nebraska, for Class B written examination candidates and newly licensed professional engineers. The instruction, which is provided by the Government Affairs Division of the Nebraska Department of Roads, is designed to assist candidates in preparing for the examination. The Nebraska Local Technical Assistance Program (*NE LTAP*) also assisted with the workshops. Eleven County Highway or City Street Superintendent candidates attended on March 7-9, 2005. Seven candidates attended on September 7-9, 2005.

The Board meets seven times a year in the Department of Roads' Central Headquarters, 1500 Highway 2, Lincoln, Nebraska. The schedule of meetings and the agenda for the next scheduled meeting are available upon request from the Government Affairs Division, Nebraska Department of Roads. The examinations are held in the Department of Roads' Auditorium, 1500 Highway 2, Lincoln, Nebraska.

**RESULTS OF EXAMINATIONS FOR COUNTY HIGHWAY
AND CITY STREET SUPERINTENDENTS CLASS B LICENSE**

April 1, 2005 Examination

Total Examinations Prepared.....	9
Total Original Examinations.....	5
Total Repeat Examinations.....	4
Total Passing Grades (<i>original examination</i>).....	2
Total Passing Grades (<i>repeat examination</i>).....	2
Total Failing Grades (<i>original examination</i>).....	3
Total Failing Grades (<i>repeat examination</i>).....	2

October 7, 2005 Examination

Total Examinations Prepared.....	5
Total Original Examinations.....	2
Total Repeat Examinations.....	3
Total Passing Grades (<i>original examination</i>).....	2
Total Passing Grades (<i>repeat examination</i>).....	2
Total Failing Grades (<i>original examination</i>).....	0
Total Failing Grades (<i>repeat examination</i>).....	1

Summary of All Examinations 1970-2005

Total Examinations Prepared.....	1,420
Total Original Examinations.....	850
Total Repeat Examinations.....	570
Total Passing Grades (<i>original examination</i>).....	372
Total Passing Grades (<i>repeat examination</i>).....	218
Total Failing Grades (<i>original examination</i>).....	478
Total Failing Grades (<i>repeat examination</i>).....	352

**TABULATION OF COUNTY HIGHWAY AND
CITY STREET SUPERINTENDENTS
SUBMITTED FOR INCENTIVE PAYMENT**

MUNICIPALITIES 2004		MUNICIPALITIES 2005	
Certified	530	Certified	530
No Payment	<u>1</u>	No Payment	<u>1</u>
	531		531
COUNTIES 2004		COUNTIES 2005	
Certified	92	Certified	92
No Payment	<u>1</u>	No Payment	<u>1</u>
	93		93

Notes:

1. Incentive payments were made in February 2005 under the pre-LB 500 (2003) Incentive levels. Incentive payments reflect the license level of a municipality's or county's superintendent during the previous calendar year (*in this instance, 2004*).
2. Incentive payments made in February 2006 reflect Class A or Class B license status and were contingent on the certified superintendent having been engaged in the full county road or city street program.
3. The Incentive program is administered by the Nebraska Department of Roads.

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CY 2005 RECEIPTS

Superintendent license renewal and exam fees:	\$7,280.00
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January, 2006
NDOR Controller Division

OPERATING PROCEDURES
BOARD OF EXAMINERS FOR COUNTY HIGHWAY
AND CITY STREET SUPERINTENDENTS

ARTICLE I

Purpose

These operating procedures shall complement the Rules and Regulations of the Board of Examiners for County Highway and City Street Superintendents (hereinafter "The Board"), Title 425, Nebraska Administrative Code (425 NAC).

ARTICLE II

Headquarters of the Board

The principal office and address of the Board shall be the Department of Roads Central Headquarters, PO Box 94759, 1500 Highway 2, Lincoln, Nebraska 68509.

ARTICLE III

Meetings and Public Hearings

Section 1. The regular meetings of the Board shall be held in the Central Headquarters Complex, Department of Roads of the State of Nebraska. The date and time of a regular meeting shall be scheduled at least 30 days in advance. Notice of regular meetings, including the tentative agenda, shall be publicized and shall be given in writing by the secretary or assistant, at least ten days before the date of the meeting. Meetings shall be governed by the Open Meetings Act and these operating procedures.

Section 2. Special meetings of the Board may be held at any time upon call of the chairperson or any three Board members. Notice containing the object, purpose, and agenda of special meetings shall be sent by certified mail to all Board members by the secretary or assistant at least ten days prior to the meeting date. All special meetings shall be limited to the published object and purpose.

Section 3. A quorum for the transaction of business shall be a majority of the duly appointed members of the Board. Each member of the Board shall have one vote; and proxies shall not be permitted. Unless specified otherwise in these operating procedures, a majority of the members present shall be required for passage of a duly made and seconded motion.

Section 4. No rule, regulation, standard or criterion shall be adopted by the Board, except by affirmative vote of at least four members.

Section 5. Rules and regulations public hearings shall be noticed and held in accordance with the Administrative Procedure Act and the Board's Rule, 425 NAC Chapter 1, Section 001.

Section 6. Contested case public hearings shall be noticed and held in accordance with the Administrative Procedure Act and the Board's Rule, 425 NAC Chapter 1, Section 002.

Section 7. The Board may hold special informational public hearings at such times and places as may be necessary and appropriate in the administration of its duties. Such hearings shall be scheduled at least 30 days in advance and shall be publicized appropriately. The chairperson may appoint members to conduct such hearings; and such hearings may be held only if at least two members are present. The hearing shall be held open for at least one hour and if no one appears, the presiding officer shall close the hearing. The presiding officer shall have the power to recess the hearing at any time and to close it when all relevant discussion has been heard.

Section 8. The rules contained in the current edition of *Robert's Rules of Order* newly revised shall govern the Board in all cases to which they are applicable and in which they are not inconsistent with these operating procedures and any special rules of order the Board may adopt.

ARTICLE IV

Business, Acts and Agreements

Section 1. The business of the Board may be carried on by mail, provided, however, official action of the Board may only be taken at a regular or special meeting duly convened in accordance with the provisions of the Open Meetings Act and these operating procedures.

Section 2. All official actions and judgments of the Board and all contracts and agreements of any kind or nature approved by the Board shall be duly executed by the chairperson and secretary for and on the behalf of the Board or by any Board member appointed by the chairperson to do so.

Section 3. All certified copies of acts and agreements shall be duly executed by the secretary for and on the behalf of the Board, or by any Board member appointed by the chairperson to do so.

ARTICLE V

Officers and Committees

Section 1. The officers of the Board shall be a chairperson, a vice-chairperson, and a secretary.

Section 2. The chairperson shall be the presiding officer of the Board, and shall have all the powers, duties, and authorities usually vested in the chairperson of a Board.

Section 3. The vice-chairperson shall act and perform all the duties, powers, and authorities herein before vested in the chairperson in the absence or inability of the chairperson to act.

Section 4. The secretary or assistant shall maintain a good and proper order of all records required. In addition, he or she shall maintain all financial and administrative records as may be required.

Section 5. At the first regular meeting held during odd numbered calendar years, the members shall elect a chairperson, vice-chairperson, and secretary, provided, however, that in the event of the failure for any reason to hold such biennial election, the said officers shall hold their respective office for their respective appointed term or until their successor has been elected.

Section 6. The chairperson of the Board may appoint committees consisting of members of the Board and such other persons as may be deemed necessary and appropriate, in order to administer the affairs of the Board, with the approval of a majority of the Board.

ARTICLE VI

Amendments

These operating procedures may be amended at any regular meeting of the Board by a regular vote, provided (a) that the intention to amend was announced at the previous meeting, and (b) that a copy of the proposed amendments shall have been given to each Board member at least ten days prior to the date of the meeting. An affirmative vote of at least four members of the Board shall be necessary to change these operating procedures.

ARTICLE VII

Licenses - General

Section 1. Issuance, renewal, reissuance, suspension and revocation of County Highway Superintendent licenses and City Street Superintendent licenses shall be governed by the Board's Rule, 425 NAC Chapter 2.

Section 2. The license issued for entry into the profession of highway or street superintending shall be the Class B license.

Section 3. The license issued for demonstrated experience as an employed superintendent or for comparable experience, and for commitment to professional development, shall be the Class A license.

ARTICLE VIII Forms

Section 1. Official application, renewal application and reissuance application forms and logs, and violations reporting forms, shall be adopted and amended by affirmative vote of at least four members of the Board, provided (a) that the matter of adoption or amendment was announced either at the previous meeting of the Board or by written notice to the membership at least 30 days in advance and (b) that a copy of the proposed form, log or amendment was provided to each Board member at least ten days in advance.

Section 2. The Board shall keep a list of all official forms and logs, including the effective dates of the current editions thereof, as well as a list of any such forms or logs which are in the process of adoption or pension.

ARTICLE IX License Examinations

Section 1. Class B license examinations shall be conducted twice each year during the months of April and October. Notice shall be given to all candidates to be examined at least 15 days prior to such examination.

Section 2. Each candidate for examination shall receive an ungraded oral interview by the Board in conjunction with his or her first examination. Repeat applicants may request an oral interview.

Section 3. The same examination shall test the qualifications of candidates for the County Highway Superintendent license and for the City Street Superintendent license.

Section 4. Examination Minimum Requirements.

A. Each examination question is assigned a point value. A candidate must achieve a minimum grade of 70 percent of the total point value of the examination.

B. Candidates shall not be permitted access to any examination booklet except during a scheduled examination.

C. The secretary may furnish grades to the applicant upon receipt of a written request. The secretary may also furnish a written summary of areas in which the applicant appeared to have difficulty, upon receipt of a written request.

Section 5. The Board shall select an impartial person who is not a member of the Board or a staff person to the Board to prepare and grade the examination according to prior specifications of the Board.

ARTICLE X License Certificates, Numbers, Cards, and Renewal Notification

Section 1. A separate and distinct certificate shall be issued for county highway superintendent and city street superintendent. Information contained upon the certificate shall include the superintendent's name as requested by the superintendent, the class of license, the license number assigned, and the date of issuance. The certificate shall be signed by the chairperson, vice-chairperson, and the secretary.

Section 2. The license number shall be the next available sequential number. Cancelled or revoked license numbers shall not be reissued. The license number shall be retained when a Class B license is converted to a Class A license.

Section 3. The licensure documentation card issued to the license holder card shall be signed by the secretary and shall provide a space for the signature of the license holder.

Section 4. Prior to October 21 of each year, the secretary or assistant shall notify all licensed superintendents who are up for renewal of the amount of the renewal fee which is due and payable prior to January 1. In the case of a Class B license holder, the notification shall include the procedure for obtaining a Class A license.

- Former Articles I, IV, IX, X, XII, XVII, XVIII, XIV, and XXII Repealed November 5, 2004.
- Revised Article II, renumbered Article VI, and revised and renumbered Articles III, IV, V, IX, and X adopted November 5, 2004.
- New Articles I, VII, and VIII adopted November 5, 2004.

Title 425 - BOARD OF EXAMINERS FOR COUNTY HIGHWAY AND CITY STREET SUPERINTENDENTS

Chapter 1 - Hearing Practice and Procedure of the Board of Examiners for County Highway and City Street Superintendents

001 HEARING PROCEDURE FOR THE PROMULGATION, AMENDMENT OR REPEAL OF THE RULES AND REGULATIONS OF THE BOARD OF EXAMINERS FOR COUNTY HIGHWAY AND CITY STREET SUPERINTENDENTS

001.01 An informal public hearing shall be held to consider promulgation, amendment or repeal of any Rule or Regulation of the Board unless waived by the Governor.

001.02 Notice as to time and place of the hearing shall be published in a newspaper of general circulation in the State at least twenty days in advance of the hearing.

001.03 Any party who desires a continuance shall, immediately upon receipt of notice of hearing, or as soon thereafter as facts requiring such continuance come to his/her knowledge, notify the Board's Office in writing, by letter or telegram of said desire, stating in detail the reasons why such continuance is necessary. Any such party may be required to submit affidavits in support of such request. For good cause shown, the Board may grant a continuance, and may at any time order a continuance on the Board's own motion. Only under exceptional circumstances will requests for continuance of a hearing be considered unless submitted on or before the seventh day prior to the date set for hearing.

001.04 The hearing shall be held at the Department of Roads Building, Central Complex, South Junction U.S. 77 and N-2, Lincoln, Nebraska, and/or at such other location as may be deemed advisable.

001.05 All hearings will be recorded and transcribed, in summary, for record.

001.06 A petition for the promulgation, amendment or repeal of any Board Rule or Regulation shall state the precise wording of the proposed Rule or addition, or the precise wording of the present Regulation to be deleted or repealed, shall state briefly the reasons for such promulgation, amendment or repeal and shall state the name and address of the petitioner. One original written request shall be required and shall be presented to the Board's Secretary who shall furnish a copy to each Board Member and all known interested persons. The Board shall consider the petition within sixty days of receipt. The Board may, at any time, set a date for a hearing for the promulgation, amendment or repeal of any Rule or Regulation.

001.07 Failure of any petitioner to appear at the time and place set for hearing unless otherwise allowed by the Board on good cause shown, will be deemed sufficient grounds for the Board to dismiss the petition.

001.08 The chairperson of the hearing shall be a member of the Board and shall have the power to adjust the procedure of the hearing to meet special circumstances.

001.09 Those members of the Board and staff present shall be available to answer questions concerning the changes in the Rules and Regulations.

001.10 The chairperson will make an opening statement which shall fulfill all necessary legal requirements by setting out the purpose and giving recorded notice of the hearing.

001.11 The presiding officer shall have the power to recess the hearing at any time and to close it when all relevant discussion has been heard.

001.12 Copies of the transcript shall be supplied to each Board Member in time to be reviewed before a decision is made. A copy of the transcript will be furnished without charge to any interested person upon request.

001.13 The findings shall consist of a concise statement of the conclusions upon each contested revision. Interested parties testifying at the hearing shall be notified of the decision and order in person or by mail. A copy of the decision and order and accompanying findings and conclusions shall be delivered or mailed upon request to each party or attorney of record.

001.14 The validity of the final order shall be subject to review in accordance with the laws of the State of Nebraska.

001.15 When any petition for the promulgation, amendment or repeal of any Rule or Regulation by the Board has been denied in whole or in part, a subsequent petition covering substantially the same subject matter will not be considered by the Board within one hundred eighty calendar days from the date of the final denial in whole or in part of the previous petition, except for good cause shown.

ANNOTATION

Title 425	Enabling Legislation
Chapter 1	39-2311 and 84-901
Section 001	through 84-920 Neb. Rev. Stat.

002 PRACTICE AND PROCEDURE FOR CONTESTED CASES

002.01 General

002.01A Scope. The following rules and procedures shall apply to any contested case hearings required by the rules of the Board of Examiners for County Highway and City Street Superintendents.

002.01B Definitions. The following definitions shall apply as used throughout Section 002 of these rules and regulations.

002.01B1 Board shall mean the Board of Examiners for County Highway and City Street Superintendents.

002.01B2 Contested case shall mean a proceeding before the board in which the legal rights, duties, or privileges of specific parties are required by law or constitutional right to be determined after a hearing by the board.

002.01B3 Ex parte communication shall mean an oral or written communication which is not on the record in a contested case with respect to which reasonable notice to all parties was not given. Ex parte communication shall not include:

002.01B3(a) Communications which do not pertain to the merits of a contested case;

002.01B3(b) Communications required for the disposition of ex parte matters as authorized by law;

002.01B3(c) Communications in a rulemaking proceeding; and

002.01B3(d) Communications to which all parties have given consent.

002.01B4 Hearing officer shall mean the person or persons conducting a hearing, contested case, or other proceeding pursuant to the Administrative Procedure Act, whether designated as the presiding officer, administrative law judge, or some other title designation.

002.01B5 Party means the person by or against whom a contested case is brought or a person allowed to intervene in a contested case.

002.01B6 Petition means the initial document filed by or with the board that sets forth a claim and request for board action.

002.02 Prohibitions Against Ex parte Communications

002.02A Prohibitions, when applicable. The prohibitions found in this section shall apply beginning at the time notice for hearing is given. The board may designate an earlier time, but such earlier time shall be required to be set forth in the board's rules of procedure.

002.02B Prohibitions, to whom applicable

002.02B1 Parties and public. No party in a contested case or other person outside the board having an interest in the contested case shall make or knowingly cause to be made an ex parte communication to the hearing officer or to a board member or a staff member who is or may reasonably be expected to be involved in the decision-making process of the contested case.

002.02B2 Persons in decision-making roles. A hearing officer, a board member or a staff member who is or may reasonably be expected to be involved in the decision-making process of the contested case shall not make or knowingly cause to be made an ex parte communication to any party in a contested case or other person outside the board having an interest in the contested case.

002.02B3 Investigators. A board member or a staff member engaged in the investigation or enforcement of a contested case shall not make or knowingly cause to be made an ex parte communication to a hearing officer or a board member or a staff member who is or may reasonably be expected to be involved in the decision-making process of the contested case.

002.02C Disclosure of contacts. The hearing officer or a board member or a staff member who is or may reasonably be expected to be involved in the decision-making process of the contested case who receives or who makes or knowingly causes to be made an ex parte communication set forth in subsections 002.02C1 through 002.02C3 shall file in the record of the contested case:

002.02C1 All such written communications;

002.02C2 Memoranda stating the substance of all such oral communications; and

002.02C3 All written responses and memoranda stating the substance of all oral responses to all the ex parte communications.

002.02C4 The filing shall be made within two working days of the receipt or making of the ex parte communication. Notice of the filing, with an opportunity to respond, shall be given to all parties of record.

002.02C5 Filing and notice of filing provided under subsection 002.02C4 shall not be considered on the record and reasonable notice for purposes of the definition of ex parte communication.

002.03 Intervention in a Contested Case

002.03A Intervention in a contested case shall be allowed when the following requirements are met:

002.03A1 A petition for intervention must be submitted in writing to the hearing officer or designee at least five days before the hearing. Copies must be mailed by the petitioner for intervention to all parties named in the hearing officer's notice of the hearing;

002.03A2 The petition must state facts demonstrating that the petitioner's legal rights, duties, privileges, immunities, or other legal interests may be substantially affected by the proceeding or that the petitioner qualifies as an intervener under any provision of law; and

002.03A3 The hearing officer or designee must determine that the interests of justice and the orderly and prompt conduct of the proceedings will not be impaired by allowing the intervention.

002.03B The hearing officer or designee may grant a petition for intervention at any time upon determining that the intervention sought is in the interests of justice and will not impair the orderly and prompt conduct of the proceedings.

002.03C If a petitioner qualifies for intervention, the hearing officer or designee may impose conditions upon the intervener's participation in the proceedings, either at the time that intervention is granted or at any subsequent time. Those conditions may include:

002.03C1 Limiting the intervener's participation to designated issues in which the intervener has a particular interest demonstrated by the petition;

002.03C2 Limiting the intervener's use of discovery, cross-examination, and other procedures so as to promote the orderly and prompt conduct of the proceedings; and

002.03C3 Requiring two or more interveners to combine their presentation of evidence and argument, cross-examination, discovery, and other participation in the proceedings.

002.03D The hearing officer or designee, at least 24 hours before the hearing, shall issue an order granting or denying each pending petition for intervention, specifying any conditions and briefly stating the reasons for the order.

002.03D1 The hearing officer or designee may modify the order at any time, stating the reasons for the modification.

002.03D2 The hearing officer or designee shall promptly give notice of an order granting, denying, or modifying intervention to the petitioner for intervention and to all parties.

002.04 Commencement of a Contested Case

002.04A The contested case begins with the filing of a petition and request for hearing, if applicable, with the board. The petition is the initial document filed by or with the board that sets forth a claim and request for board action.

002.04B The parties to a contested case shall be the petitioner or person by whom a contested case is brought and the respondent or person against whom a contested case is brought.

002.04C A party may appear on his or her own behalf in a contested case proceeding or may be represented by an attorney or other representative as permitted by law.

002.04D The pleadings in a contested case may include a petition, answer, reply, notice, motion, stipulation, objection or order or other formal written document filed in a proceeding before the board. Any pleading filed in a contested case shall meet the following requirements:

002.04D1 The pleading shall contain a heading specifying "Board of Examiners for County Highway and City Street Superintendents" and the title or nature of the pleading, shall state material factual allegations and state concisely the action the board is being requested to take, shall contain the name and address of the petitioner, and shall be signed by the party filing the pleading, or when represented by an attorney, the signature of that attorney.

002.04D1(a) Attorneys shall also include their address, telephone number and bar number.

002.04D1(b) The initial petition shall also contain the name and address of the respondent.

002.04D2 All pleadings shall be made on white, letter-sized (8½ x 11) paper and shall be legibly typewritten, photostatically reproduced, printed or handwritten. If handwritten, a pleading must be written in ink.

002.04E All pleadings shall be filed with the board at its official office, 1500 Highway 2, PO Box 94759, Lincoln, Nebraska 68509. Filing may be accomplished by personal delivery or mail and will be received during regular office hours of the board office.

002.04F The board shall serve a copy of the petition on each respondent listed in the petition personally or by first-class or certified mail. Written proof of such service shall be filed with the board. Each respondent who chooses to file a responsive pleading must do so within 20 days from the date of personal service or the date of board mailing of the petition.

002.04G All pleadings subsequent to the initial petition shall be served by the party filing such pleading upon all attorneys of record or other representatives of record and upon all unrepresented parties. Service shall be made personally or by first-class or certified mail. Written proof of such service shall be filed with the board.

002.04H Unless state law provides that a hearing is not required, a hearing date shall be set by the board in accordance with statutory requirements. A written notice of the time and place of hearing and the name of the hearing officer, if known, shall be served by the board upon all attorneys of record or other representatives of record and upon all unrepresented parties. The notice must include a proof of such service and will be filed with the board.

002.04I In computing time prescribed or allowed by any of the board's rules and regulations or by any applicable statute in which the method of computing time is not specifically provided, days will be computed by excluding the day of the act or event and including the last day of the period. If the last day of the period falls on a Saturday, Sunday, or state holiday, the period shall include the next working day.

002.05 Hearing Officer; Criteria

002.05A The chairperson of the board, the acting chairperson, or a duly authorized member of the board, may delegate to a hearing officer other than himself or herself the functions of conducting a prehearing conference and/or a hearing and submitting a recommended decision to the board.

002.05B A person who has served as investigator, prosecutor, or advocate in a contested case or in its prehearing stage may not serve as hearing officer or assist or advise a hearing officer in the same proceeding except as provided in subsection 002.05D.

002.05C A person who is subject to the authority, direction, or discretion of one who has served as investigator, prosecutor, or advocate in a contested case or in its prehearing stage may not serve as hearing officer or advise a hearing officer in the same proceeding except as provided in subsection 002.05D.

002.05D If all parties consent, a person who has served as, or who is subject to the authority, direction, or discretion of one who has served as investigator, prosecutor, or advocate in a contested case or in its prehearing stage may assist a hearing officer in the preparation of orders.

002.05E A person who has participated in a determination of probable cause or other equivalent preliminary determination in a contested case may serve as hearing officer or assist or advise a hearing officer in the same proceeding.

002.05F A person may serve as hearing officer at successive stages of the same contested case.

002.06 Prehearing Procedures

002.06A Prehearing conferences and orders. A hearing officer designated to conduct a hearing may determine, subject to the board's rules and regulations, whether a prehearing conference will be conducted. If a prehearing conference is not held, a hearing officer for the hearing may issue a prehearing order, based on the pleadings, to regulate the conduct of the proceedings.

002.06A1 If a prehearing conference is conducted:

002.06A1(a) The hearing officer shall promptly notify the board of the determination that a prehearing conference will be conducted. The board may assign another hearing officer for the prehearing conference; and

002.06A1(b) The hearing officer for the prehearing conference shall set the time and place of the conference and give reasonable written notice to all parties and to all persons who have filed written petitions to intervene in the matter. The board shall give notice to other persons entitled to notice.

002.06A1(c) The notice referred to in subsection 002.06A1(b) shall include the following:

002.06A1(c)1 The names and mailing addresses of all parties and other persons to whom notice is being given by the hearing officer;

002.06A1(c)2 The name, official title, mailing address, and telephone number of any counsel or employee who has been designated to appear for the board;

002.06A1(c)3 The official file or other reference number, the name of the proceeding, and a general description of the subject matter;

002.06A1(c)4 A statement of the time, place, and nature of the prehearing conference;

002.06A1(c)5 A statement of the legal authority and jurisdiction under which the prehearing conference and the hearing are to be held;

002.06A1(c)6 The name, official title, mailing address, and telephone number of the hearing officer for the prehearing conference;

002.06A1(c)7 A statement that a party who fails to attend or participate in a prehearing conference, hearing, or other stage of a contested case or who fails to make a good faith effort to comply with a prehearing order may be held in default under the Administrative Procedure Act; and

002.06A1(c)8 Any other matters that the hearing officer considers desirable to expedite the proceedings.

002.06A2 The hearing officer shall conduct a prehearing conference, as may be appropriate, to deal with such matter as exploration of settlement possibilities, preparation of stipulations, clarification of issues, rulings on identity and limitation of the number of witnesses, objections to proffers of evidence, determination of the extent to which direct evidence, rebuttal evidence, or cross-examination will be presented in written form and the extent to which telephone, television, or other electronic means will be used as a substitute for proceedings in person, order of presentation of evidence and cross-examination, rulings regarding issuance of subpoenas, discovery orders, and protective orders, and such other matters as will promote the orderly and prompt conduct of the hearing. The hearing officer shall issue a prehearing order incorporating the matters determined at the prehearing conference.

002.06A3 The hearing officer may conduct all or part of the prehearing conference by telephone, television, or other electronic means if each participant in the conference has an opportunity to participate in, to hear, and, if technically feasible, to see the entire proceeding while it is taking place.

002.06B Discovery in contested cases

002.06B1 The hearing officer or a designee, at the request of any party or upon the hearing officer's own motion, may issue subpoenas, discovery orders, and protective orders in accordance with the rules of civil procedure except as may otherwise be prescribed by law. Subpoenas and orders issued under this subsection may be enforced by the district court.

002.06B2 Any prehearing motion to compel discovery, motion to quash, motion for protective order or other discovery-related motion shall:

002.06B2(a) Quote the interrogatory, request, question, or subpoena at issue, or be accompanied by a copy of the interrogatory, request, subpoena or excerpt of a deposition;

002.06B2(b) State the reasons supporting the motion;

002.06B2(c) Be accompanied by a statement setting forth the steps or efforts made by the moving party or his or her counsel to resolve by agreement the issues raised and that agreement has not been achieved; and

002.06B2(d) Be filed with the board. The moving party must serve copies of all such motions to all parties to the contested case.

002.06B3 Other than as provided in subsection 002.06B2(d) above, discovery materials need not be filed with the board.

002.06C Continuances. The hearing officer may, in his or her discretion, grant extensions of time or continuances of hearings upon the hearing officer's own motion or at the timely request of any party for good cause shown. A party must file a written motion for continuance which states in detail the reasons why a continuance is necessary and serve a copy of the motion on all other parties.

002.06C1 Good cause. Good cause for an extension of time or continuance may include, but is not limited to, the following:

002.06C1(a) Illness of the party, legal counsel or witness;

002.06C1(b) A change in legal representation; or

002.06C1(c) Settlement negotiations are underway.

002.06D Amendments

002.06D1 A petition may be amended at any time before an answer is filed or is due if notice is given to the respondent or his or her attorney. In all other cases, a petitioner must request permission to amend from the hearing officer.

002.06D2 A hearing officer may also allow, in his or her discretion, the filing of supplemental pleadings alleging facts material to the case occurring after the original pleadings were filed. A hearing officer may also permit amendment of pleadings where a mistake appears or where amendment does not materially change a claim or defense.

002.06E Informal Disposition. Unless otherwise precluded by law, informal disposition may be made of any contested case by stipulation, agreed settlement, consent order, or default.

002.07 Conducting a Contested Case Hearing

002.07A Order. At the discretion of the hearing officer, the hearing may be conducted in the following order:

002.07A1 The hearing is called to order by the hearing officer. Any preliminary motions, stipulations or agreed orders are entertained.

002.07A2 Each party may be permitted to make an opening statement. Opening statements take place in the same order as the presentation of evidence.

002.07A3 Presentation of evidence

002.07A3(a) Evidence will be received in the following order:

002.07A3(a)1 Evidence is presented by the petitioner;

002.07A3(a)2 Evidence is presented by the respondent;

002.07A3(a)3 Rebuttal evidence is presented by the petitioner; and

002.07A3(a)4 Surrebuttal evidence is presented by the respondent.

002.07A3(b) With regard to each witness who testifies, the following examination may be conducted:

002.07A3(b)1 Direct examination conducted by the party who calls the witness;

002.07A3(b)2 Cross-examination by the opposing party;

002.07A3(b)3 Redirect examination by the party who called the witness; and

002.07A3(b)4 Recross-examination by the opposing party.

002.07A4 After the evidence is presented, each party may have opportunity to make a closing argument. Closing arguments shall be made in the same order as the presentation of evidence. The hearing officer may request that the parties submit briefs in lieu of closing arguments.

002.07B Evidence

002.07B1 In contested cases the board or the hearing officer may admit and give probative effect to evidence which possesses probative value commonly accepted by reasonably prudent persons in the conduct of their affairs and may exclude incompetent, irrelevant, immaterial and unduly repetitious evidence.

002.07B2 Any party to a formal hearing before the board, from which a decision may be appealed to the courts of this state, may request that the board be bound by the rules of evidence applicable in district court by delivering to the board at least three days prior to the holding of the hearing a written request therefore. Such request shall include the requesting party's agreement to be liable for the payment of costs incurred thereby and upon any appeal or review thereof, including the cost of court reporting services which the requesting party shall procure for the hearing.

002.07B3 Documentary evidence may be received in the form of copies or excerpts or incorporated by reference.

002.07B4 All evidence including records and documents in the possession of the board of which it desires to avail itself shall be offered and made a part of the record in the case. No factual information or evidence other than the record shall be considered in the determination of the case.

002.07B5 A hearing officer or designee may administer oaths and issue subpoenas in accordance with the rules of civil procedure except as may otherwise be prescribed by law. Subpoenas and orders issued under this subsection may be enforced by the district court.

002.07B6 The board shall give effect to the rules of privilege recognized by law.

002.07B7 The board may take official notice of cognizable facts and in addition may take official notice of general, technical, or scientific facts within its specialized knowledge and the rules and regulations adopted and promulgated by the board.

002.07B7(a) Parties shall be notified either before or during the hearing or by reference in preliminary reports or otherwise of materials so noticed.

002.07B7(b) Parties shall be afforded an opportunity to contest facts so noticed.

002.07B7(c) The record shall contain a written record of everything officially noticed.

002.07B8 The board may utilize its experience, technical competence and specialized knowledge in the evaluation of the evidence presented to it.

002.07C Conducting the hearing by electronic means. The hearing officer may conduct all or part of the hearing by telephone, television, or other electronic means if each participant in the hearing has an opportunity to participate in, to hear, and, if technically feasible, to see the entire proceeding while it is taking place.

002.07D Official record

002.07D1 The board shall prepare an official record, which shall include testimony and exhibits, in each contested case, but it shall not be necessary to transcribe the record of the proceedings unless requested for purpose of rehearing or appeal, in which event the transcript and record shall be furnished by the board upon request and tender of the cost of preparation.

002.07D2 The board shall maintain an official record of each contested case under the Administrative Procedure Act for at least four years following the date of the final order.

002.07D3 The board record shall consist only of the following:

002.07D3(a) Notices of all proceedings;

002.07D3(b) Any pleadings, motions, requests, preliminary or intermediate rulings and orders, and similar correspondence to or from the board pertaining to the contested case;

002.07D3(c) The record of the hearing before the board, including all exhibits and evidence introduced during such hearing, a statement of matters officially noticed by the board during the proceeding, and all proffers of proof and objections and rulings thereon; and

002.07D3(d) The final order.

002.07D4 As provided in Section 002.02C of these rules and regulations, the hearing officer or a board member, or a staff member who is or may reasonably be expected to be involved in the decision-making process of the contested case who receives or who makes or knowingly causes to be made an ex parte communication as set forth in that subsection shall make the appropriate filings which shall be included in the official record of the contested case.

002.07D5 Except to the extent that the Administrative Procedure Act or another statute provides otherwise, the board record shall constitute the exclusive basis for board action in contested cases under the act and for judicial review thereof.

002.07E Costs All costs of a formal hearing shall be paid by the party or parties against whom a final decision is rendered.

002.08 Decision and Order in a Contested Case

002.08A Every decision and order adverse to a party to the proceeding, rendered by the board in a contested case, shall be in writing or stated in the record and shall be accompanied by findings of fact and conclusions of law.

002.08B The decision and order should include:

002.08B1 "Board of Examiners for County Highway and City Street Superintendents" and the name of the proceeding;

002.08B2 The time and place of the hearing;

002.08B3 The names of all parties or their attorneys who entered an appearance at the hearing;

002.08B4 The findings of fact consisting of a concise statement of the conclusions upon each contested issue of fact;

002.08B5 The conclusions of law consisting of the applications of the controlling law to the facts found and the legal results arising therefrom; and

002.08B6 The order consisting of the action taken by the board as a result of the facts found and the legal conclusions arising therefrom.

002.08C Parties to the proceeding shall be notified of the decision and order in person or by mail. A copy of the decision and order and accompanying findings and conclusions shall be delivered or mailed upon request to each party or his or her attorney of record.

002.09 Appeals

002.09A Any person aggrieved by a final decision in a contested case is entitled to judicial review under the Administrative Procedure Act or to resort to such other means of review as may be provided by law.

002.09B Parties desiring to appeal a board decision must file a petition for review in the district court of the county where the board action is taken within thirty days after the service of the final decision by the board. The thirty day period for appeal commences to run from the date of mailing of the notice of order and decision to the parties or their attorneys of record. Service of the petition and summons must be made in accordance with Nebraska law.

002.09C Unless otherwise provided by statute, the procedures of Neb. Rev. Stat. § 84-917 govern the procedure for taking an appeal.

ANNOTATION

Title 425	Enabling Legislation
Chapter 1	39-2311 and 84-913
Section 002	through 84-919 Neb. Rev. Stat.

Title 425 - BOARD OF EXAMINERS FOR COUNTY HIGHWAY AND CITY STREET SUPERINTENDENTS

Chapter 2 - Licensing of County Highway Superintendents and City Street Superintendents

001 PURPOSE. This rule implements statutory authority for the Board of Examiners for County Highway and City Street Superintendents, hereafter referred to as the Board, to approve, disapprove, suspend and revoke the licenses of county highway and city street superintendents.

002 STATUTORY AUTHORITY. This rule is adopted pursuant to authority vested in the Board as provided in Chapter 39, Section 39-2311, Nebraska Revised Statutes.

003 DEFINITIONS. For purposes of this rule, the following definitions shall apply:

003.01 BOARD: The Board of Examiners for County Highway and City Street Superintendents, and, unless specified otherwise, Board shall also refer to administrative staff designated to carry out administrative functions on behalf of the Board.

003.02 CITY STREET SUPERINTENDENT: A person who engages in the practice of street superintending for an incorporated municipality.

003.03 COUNTY HIGHWAY SUPERINTENDENT: A person who engages in the practice of highway superintending for a county.

003.04 STREET OR HIGHWAY SUPERINTENDING shall mean all of the following functions and duties:

003.04A Developing and annually updating long-range plans for highways, roads and streets based on needs of the county or municipality and coordinated with adjacent governmental units.

003.04B Developing annual programs for design, construction, and maintenance of highways, roads and streets of the county or municipality.

003.04C Developing annual budgets based on programmed projects and activities.

003.04D Implementing the capital improvements and maintenance activities provided in the approved plans, programs and budgets.

003.04E Managing personnel, contractors, and equipment in support of such planning, programming, budgeting and implementation operations.

003.05 APPOINTED: Appointment by official action of the governing body of a county or municipality to hold the position and perform all the duties of a county highway superintendent or city street superintendent. Appointed shall include elected officials who have superintendent responsibilities by virtue of election.

003.06 EMPLOYED: An ongoing relationship as an employee fulfilling the functions of a county highway superintendent or city street superintendent for a county or incorporated municipality, either full-time or part-time, subject to the provisions of Subsection 006.02D1 of this rule, but shall not include service as an independent contractor.

004 PRE-2004 LICENSES. Effective January 1, 2004, all licenses issued previously by the Board and in effect are designated Class B licenses.

005 APPLICATION PROCEDURES

005.01 APPLICATION FORM. All applicants shall submit a written application for a Class B or Class A county highway superintendent or city street superintendent license or for renewal or reissuance of such license, on forms, including supporting logs, prescribed by the Board. Application forms and supporting logs may be obtained from the Board.

005.02 FEE. The appropriate fee as prescribed in Subsection 006.01A, Subsection 006.02B, Subsection 008.01B, or Subsection 008.02B1 shall be submitted with the application.

005.03 APPLICATION SUBMISSION

005.03A Application Period

005.03A1 Application for a Class B license (county or city) may be made at any time.

005.03A2 Application for an initial Class A license (county or city) shall be made at the time for, and in lieu of, annual renewal of a Class B license. Application for a second Class A license may be made at any time.

005.03A3 Application for a second license also may be made concurrently with the application for the initial license.

005.03B Application Deadlines

005.03B1 Class B License

005.03B1(a) For an initial Class B license subject to examination under Subsection 006.01B1 and except for exceptional circumstances as approved by the Board, the complete application and fee are due at the Board office at least ten (10) days prior to the regularly scheduled meeting of the Board immediately preceding the semi-annual examination.

005.03B1(b) For an initial Class B license subject to professional engineer status under Subsection 006.01B2 and except for exceptional circumstances as approved by the Board, the complete application and fee are due at the Board office at least ten (10) days prior to the next regularly scheduled meeting of the Board.

005.03B1(c) There is no due date for a second Class B license. Except for a concurrent application pursuant to Subsection 005.03A3, the complete application and fee for a second Class B license shall be processed within thirty (30) days of receipt at the Board office.

005.03B1(d) The complete Class B license renewal application and renewal fee are due at the Board office by December 31 of the year specified in Subsection 008.01A. The Board shall provide written notice of the renewal deadline.

005.03B1(d)(i) Except for exceptional circumstances as approved by the Board, automatic cancellation of the license will result if either the complete Class B renewal application and fee under Subsection 008.01, or the complete Class A application and fee under Subsection 006.02, are not received at the Board office by January 14 following the due date.

005.03B2 Class A License

005.03B2(a) The complete application and fee for an initial Class A license are due at the Board office by December 31 of the year specified in Subsection 008.01A for the Class B license which the Class A license will replace.

005.03B2(a)(i) Except for exceptional circumstances as approved by the Board, the prior Class B license will be automatically cancelled, and no Class A license will be issued, if either the complete Class A application and fee under Subsection 006.02, or the complete Class B renewal application and renewal fee under Subsection 008.01, are not received at the Board office by January 14 following the Class A application due date.

005.03B2(a)(ii) Except for exceptional circumstances as approved by the Board, the prior Class B license will be automatically renewed, and no Class A license will be issued, if the Class A fee is received but either the complete Class A application is not received by January 14 following the due date, or the Board determines that the candidate has not met the requirements for the Class A license.

005.03B2(b) There is no due date for a second Class A license. Except for a concurrent application pursuant to Subsection 005.03A3, the complete application and fee for a second Class A license shall be processed within thirty (30) days of receipt at the Board office.

005.03B2(c) The complete Class A license renewal application and fee are due at the Board office by December 31 of the third year for which the license was issued, or by December 31 of the renewal year for a second Class A license as provided in Subsection 008.02A. The Board shall provide written notice of the renewal deadline.

005.03B2(c)(i) Except for exceptional circumstances as determined by the Board, automatic cancellation of the license will result if either the complete renewal application and fee, or the complete reissuance application and fee under Subsection 009.02, are not received at the Board office by January 14 following the due date.

005.03C Time Computation. Where a date certain is not specified, the deadline shall be computed from the initial date of receipt of the application and fee, or any portion thereof, at the Board office.

005.03D Exceptional Circumstances. Exceptional circumstances shall be documented in a sworn statement in writing of the applicant or candidate. The Board may prescribe and provide a form for such sworn statements.

005.03E Reapplication. An unsuccessful applicant or candidate may reapply as provided in Subsection 005.05D1 or Subsection 005.05D2.

005.04 PROCESSING

005.04A Candidacy for Licensure. Upon proper completion and submission of the required application and payment of the required fee, and upon approval by the Board if required under Subsection 005.05A, the applicant shall be deemed a candidate for an initial license under Subsections 006.01 or 006.02, for an additional license under Subsections 007.01 or 007.02, for license renewal under Subsections 008.01 or 008.02, or for a reissued license under Subsections 009.01 or 009.02.

005.04B Suspended Processing. An application is not complete and will not be considered by the Board until the applicant provides all information requested by the Board. Partial fulfillment of requirements for licensure including renewal or reissuance shall suspend processing of the application until such time as all requirements are fulfilled, or until the Board determines that the applicant or candidate has failed to successfully complete such requirements.

005.04C Termination of Processing. Except as specified in Subsection 005.04C2, failure to complete requirements by the initial license deadline or by the renewal deadline shall terminate processing. Failure to complete requirements for an additional license or for a reissued license within sixty (60) days of initiating a request shall terminate processing.

005.04C1 Failure to complete requirements for the initial Class B license shall include exhausting the opportunities listed in Subsection 006.01B1(a) and Subsection 006.01B1(b).

005.04C2 For an application for the initial Class B license which remains incomplete, or which is submitted during the ten (10) day period specified in Subsection 005.03B1(a) or Subsection 005.03B1(b), processing shall continue until the next such deadline, which shall be final.

005.04C3 Fraud or deceit in making application or in completing requirements for issuance, renewal or reissuance shall constitute failure to complete such requirements. Such fraud or deceit includes, but is not limited to, acts listed in Subsection 012.02A. However, the provisions of Section 012 otherwise shall not apply to a candidate for an initial license.

005.05 BOARD ACTION

005.05A Official action of the Board shall be required for an applicant to become a candidate for the Class B license examination required under Subsection 006.01B1. The Board shall notify the applicant in writing that he or she is a candidate for the examination.

005.05B The Board shall notify the applicant or candidate in writing of issuance of a license, renewal of a license or reissuance of a license, or of failure to complete the requirements for issuance, renewal or reissuance of a license.

005.05C Official action of the Board shall be required for issuance of an initial Class B or Class A license. Official action of the Board shall be required for renewal of a Class A license. Official action of the Board shall be required for reissuance of a Class A license. Staff shall duly report all issuances of additional licenses, renewals of Class B licenses and reissuances of Class B licenses to the Board.

005.05D The Boards' action determining that an applicant or candidate has failed to complete requirements for issuance, renewal or reissuance of a license shall be final.

005.05D1 An applicant for a Class B license may reapply at any time.

005.05D2 An applicant for an initial Class A license shall be eligible to reapply annually as provided in Subsection 005.03A2.

005.05D3 An unsuccessful Class A candidate shall be renewed as a Class B license holder without payment of an additional fee.

006 REQUIREMENTS – INITIAL LICENSE

006.01 INITIAL CLASS B LICENSE REQUIREMENTS. An individual may be issued an initial Class B License as a county highway superintendent or a city street superintendent upon application and meeting the following requirements:

006.01A Fee. The applicant shall pay the Class B license application fee of twenty-five dollars (\$25.00) for each license as provided in Section 39-2306, Nebraska Revised Statutes.

006.01B Qualifications. The candidate shall qualify under either Section 006.01B1 or Section 006.01B2.

006.01B1 The candidate shall successfully complete a written examination approved by the Board and administered semiannually by the Board. The examination shall test the candidate's qualifications for the positions of county highway superintendent and city street superintendent as prescribed in Section 39-2307, Nebraska Revised Statutes. Prior to the first of the year, the Board shall schedule the dates of the examination for that year and shall determine the minimum score necessary for successful completion of the examination.

006.01B1(a) A candidate for a Class B license shall take and successfully complete one (1) of the next four (4) semi-annual examinations following his or her approval by the Board as a candidate for examination.

006.01B1(b) A candidate for a Class B license who does not successfully complete the examination may retake the examination once within the period prescribed in Subsection 006.01B1(a) without reapplying. The person shall remain a candidate until he or she again fails to complete the examination successfully or until the period expires.

006.01B2 The candidate shall demonstrate to the Board that he or she is a licensed registered professional engineer in Nebraska, in good standing, and therefore is exempt from examination.

006.02 INITIAL CLASS A LICENSE REQUIREMENTS. An individual holding a Class B license may be issued a Class A license as a county highway superintendent or a city street superintendent upon application and meeting the following requirements:

006.02A County or City License. The initial Class A license applied for (county or city) shall correspond to the type of the Class B license which it will replace. An applicant holding both Class B licenses shall specify which Class B license or licenses (county or city or both) he or she wishes to have replaced by a Class A license or licenses.

006.02B Fee. The applicant shall pay the Class A license application fee of seventy-five dollars (\$75.00) for each license as provided in Section 39-2308.01, Nebraska Revised Statutes.

006.02C Eligibility - Prior License. To be eligible, the applicant shall have held his or her current Class B county highway superintendent or city street superintendent license for at least two (2) calendar years dating back from January 1 following the December 31 application deadline prescribed in Subsection 005.03B2(a).

006.02D Qualifications - Prior Experience. The applicant either shall document sufficient experience as an employed superintendent or shall document comparable work experience.

006.02D1 Employed Superintendent. The applicant was appointed by the governing body of, and was employed by, one or more counties and/or one or more municipalities as a county highway superintendent or city street superintendent, at least half-time, for at least twenty-four (24) months within the preceding six years.

006.02D1(a) Such employment shall include responsibility for all aspects of street or highway superintending as defined in Subsection 003.04 of this rule, including managerial or supervisory responsibility over departments, sections or positions responsible for roads, streets or highways, except that such managerial or supervisory responsibility shall not extend to general executive, administrative or elected positions such as mayor, city manager, city administrator, or county board, city council or village board member.

006.02D1(b) The six (6) year period specified in Subsection 006.02D1 shall extend from October of the sixth year preceding the year the Class A application is due, through December of the year such application is due.

006.02D2 Comparable Work Experience. The applicant had at least forty-eight (48) months of work experience that is comparable to the work experience of appointed and employed county highway superintendents and city street superintendents, on at least a half-time basis, in the preceding eight (8) years.

006.02D2(a) Such experience shall include performing work substantially similar to all of the superintendent duties defined in Subsection 003.04 of this rule, including managerial or supervisory responsibility over departments, sections or positions engaged in such comparable work.

006.02D2(b) The following shall constitute comparable work experience:

006.02D2(b)(i) Responsibility for federal, state, municipal or private industry highway, road or street improvement or maintenance projects, including serving as lead consultant, project manager, principal designer, design supervisor, budget and resources manager, or overall manager or administrator, for such projects.

006.02D2(b)(ii) Serving as an appointed and contracted consulting county highway or city street superintendent or engineer, or in a comparable capacity, including concurrent service for two or more jurisdictions, if such service included oversight or active advisory responsibility for substantially all aspects of street or highway superintending as enumerated in Subsection 003.04.

006.02D2(b)(iii) Training county highway or city street superintendents or engineers, or persons in comparable capacities.

006.02D2(b)(iv) Other comparable work experience as may be presented to the Board for its consideration.

006.02D2(c) The eight (8) year period specified in Subsection 006.02D2 shall extend from October of the eighth year preceding the year the Class A application is due, through December of the year such application is due. Such eight (8) year requirement may be waived for exceptional circumstances as approved by the Board.

007 REQUIREMENTS - ADDITIONAL LICENSE

007.01 CLASS B LICENSE HOLDERS

007.01A The holder of a valid Class B county highway superintendent license may request a Class B city street superintendent license and shall be entitled to such upon application and payment of the Class B license application fee.

007.01B The holder of a valid Class B city street superintendent license may request a Class B county highway superintendent license and shall be entitled to such upon application and payment of the Class B license application fee.

007.01C An initial Class B applicant using the option provided in Subsection 005.03A3 may request a Class B county highway superintendent license and a Class B city street superintendent license and shall be entitled to such upon application, payment of the Class B license application fee for each license, and meeting requirements of Subsection 006.01B.

007.02 CLASS A LICENSE HOLDERS

007.02A The holder of a valid Class A county highway superintendent license may request a Class A or Class B city street superintendent license and shall be entitled to such license upon application and payment of the application fee for the license level requested.

007.02B The holder of a valid Class A city street superintendent license may request a Class A or Class B county highway superintendent license and shall be entitled to such license upon application and payment of the application fee for the license level requested.

007.02C An initial Class A applicant using the option provided in Subsection 005.03A3 may request a Class A county highway superintendent license and a Class A city street superintendent license and shall be entitled to such upon application, payment of the Class A license application fee for each license, and meeting requirements of Subsection 006.02C and Subsection 006.02D.

007.02D Upon issuance, a Class A license shall replace the corresponding prior Class B license.

008 RENEWAL PROCEDURES AND REQUIREMENTS

008.01 CLASS B LICENSE RENEWAL

008.01A Duration. An initial or additional Class B license issued before October 1, shall be valid through December 31 of the current calendar year. An initial or additional Class B license issued on or after October 1, shall be valid through December 31 of the next calendar year.

008.01B Fee. A Class B license is renewable for additional one-year periods upon timely application and payment of the renewal fee of ten dollars (\$10.00) as provided in Section 39-2308, Nebraska Revised Statutes.

008.02 CLASS A LICENSE RENEWAL

008.02A Duration. An initial Class A license is valid for a period of three (3) years. An additional Class A license shall be placed on the same renewal cycle as the licensee's initial Class A license.

008.02B Fee and Professional Development Requirement. A Class A license is renewable for additional three (3) year periods upon timely application and compliance with both of the following requirements:

008.02B1 The applicant shall pay the renewal fee of fifty dollars (\$50.00) provided in Section 39-2308.01, Nebraska Revised Statutes; and

008.02B2 The applicant shall certify that he or she has successfully completed at least twenty (20) hours of professional development during the three (3) year license period as required by Section 39-2308.02, Nebraska Revised Statutes. Such professional development shall include approved workshops, seminars, association meetings, and other activities, as determined by the Board to be reasonably related to the duties of street or highway superintending.

008.02B2(a) Any Class A license holder who completes in excess of twenty (20) hours of professional development within the preceding three (3) year period may have the excess, not to exceed ten (10) hours, applied to the requirement for the next triennial license period.

008.02B2(b) Professional development hours (PDH) shall be credited by the Board on the following basis:

008.02B2(b)(i) Attendance at workshops or seminars which are directly related to the duties of a county highway or city street superintendent, as defined in Subsection 003.04, and which the Board or its designee has pre-certified for professional development shall count as one (1) PDH per actual hour of attendance at pre-certified instructional portions of such workshop or seminar. Such PDH shall be rounded to the nearest one-half (1/2) hour.

008.02B2(b)(ii) Attendance at workshops and seminars which are directly related to the duties of a county highway or city street superintendent, as defined in Subsection 003.04, but which were not pre-certified for professional development by the Board or its designee, shall be counted as one (1) PDH per actual hour of attendance at instructional portions of such workshop or seminar, based on satisfactory documentation that the workshop or seminar was in fact related to the duties of a county highway or city street superintendent. Such PDH shall be rounded to the nearest one-half (1/2) hour.

008.02B2(b)(iii) National, state, regional or district meetings of associations of county highway or city street superintendents shall qualify as workshops and seminars under Subsections 008.02B2(b)(i) and 008.02B2(b)(ii).

008.02B2(b)(iv) Workshops and seminars on general management subjects, including, but not limited to, personnel management, budgeting and finance, and risk management, shall qualify as workshops and seminars under Subsections 008.02B2(b)(i) and 008.02B2(b)(ii) and may count for up to five (5) hours of the PDH requirement.

008.02B2(b)(v) Attendance at workshops and seminars which are indirectly related to the duties of a county highway or city street superintendent, including, but not limited to, surveying, zoning, weed control, utilities maintenance and operations, and emergency medical services, shall qualify under Subsections 008.02B2(b)(i) and 008.02B2(b)(ii) and may count for up to five (5) hours of the PDH requirement.

008.02B2(b)(vi) Serving on a Board or commission which has as its primary duty the examination and registration of county highway or city street superintendents, including the Board of Examiners for County Highway and City Street Superintendents in Nebraska, shall count as five (5) PDH per year.

008.02B2(b)(vii) Serving as a designee of the Board for the purpose of preparing and grading of written examinations shall count as five (5) PDH per year.

008.02B2(b)(viii) Serving as an officer of a local, state, regional or national professional organization which is directly related to the duties and functions of a county highway superintendent or city street superintendent, as defined in Subsection 003.04, and which the Board has certified for professional development, shall count as one (1) PDH per year with a maximum credit in this category of six (6) PDH over the triennial license period.

008.02B2(b)(ix) Teaching a workshop or seminar which is directly related to the duties of county highway or city street superintendent, as defined in Subsection 003.04, shall count as two (2) PDH per actual hour of teaching time, not counting preparation time, based on pre-certification by the Board or its designee, or on adequate documentation that the course was in fact related to the duties of a county highway or city street superintendent.

008.02B2(b)(x) Completing or teaching a college level course directly related to the duties of county highway or city street superintendent, as defined in Subsection 003.04, shall count as thirty (30) PDH for a three (3) semester hour credit hour course or a five (5) quarter credit hour credit course, based on pre-certification by the Board or its designee, or on adequate documentation that the course was in fact related to the duties of a county highway or city street superintendent.

008.02B2(b)(xi) Completing or teaching a non-college credit extension or continuing education course directly related to the duties of county highway or city street superintendent, as defined in Subsection 003.04, shall count as one (1) PDH for each contact hour of class time, based on pre-certification by the Board or its designee, or on adequate documentation that the course was in fact related to the duties of a county highway or city street superintendent.

008.02B2(b)(xii) Presentation of a paper or research publication at a state, regional or professional society directly related to the duties of a county highway or city street superintendent, as defined in Subsection 003.04, shall count as five (5) PDH for each paper or publication presented, with a maximum of fifteen (15) PDH counted in this category per triennial license period, based on pre-certification by the Board or its designee, or on adequate documentation that the course was in fact related to the duties of a county highway or city street superintendent.

008.02B2(b)(xiii) Participation in other professional development activities which may be presented to the Board for its consideration, including the number of PDH to be awarded.

008.02B2(c) Each Class A license holder shall maintain a detailed log of professional development hours, along with any additional documentation required by this subsection.

008.02B2(c)(i) For seminars and workshops the applicant shall retain documentation of the hours of his or her attendance. For seminars and workshops that have not been pre-certified by the Board the applicant also shall retain documentation of the validity of the activity under Subsections 008.02B2(b)(i) through 008.02B2(b)(v).

008.02B2(c)(ii) For a college level course or a non-college credit extension or continuing education course, the applicant shall retain the course description or syllabus documenting the validity of the activity under Subsection 008.02B2(b)(x) or Subsection 008.02B2(b)(xi). For non-credit continuing education courses, the applicant also shall retain certificates of completion. For college level courses, the applicant also shall retain a grade report or transcript showing successful completion of the course.

008.02B2(c)(iii) For other PDH, the applicant shall retain descriptive and justificative evidence of the activity and shall retain documentation of the duration of his or her participation.

008.02B2(d) All requests for certification or pre-certification shall be submitted no later than June 30 preceding the December 31 due date of the license renewal application. The Board office shall compile, keep current and make available a list of certified and pre-certified activities.

008.02B2(e) The Board or its designee shall conduct random audits of Class A renewal applications in order to verify completion of sufficient valid PDH. The Board's auditor shall be authorized to request and inspect the renewal applicant's documentation.

008.02B2(e)(i) Failure to submit such documentation, or submission of documentation which is incomplete, illegible, or which otherwise does not support the required PDH, shall constitute failure to complete renewal requirements.

008.02B2(e)(ii) Licensees who are not audited, or whose audits are completed after the license was renewed, are subject to provisions of Subsection 012.02 concerning fraudulent or deceitful renewal.

008.02C Exception for Good Cause. The Board shall not renew the Class A license of a license holder who fails to complete the professional development requirements of Subsection 008.02B of this rule, unless such license holder can show exceptional circumstances beyond the reasonable control of the license holder causing him or her to be unable to comply with such requirement.

008.02C1 If the Board determines that good cause has been shown, the Board shall extend the previous license for an additional one hundred and eighty (180) days to allow the renewal applicant to make up all outstanding PDH. Upon successful completion, the license shall be retroactively renewed. Licensees receiving such extension shall be subject to a non-random audit.

008.02C2 If the Board determines that good cause was not shown, the license shall be retroactively renewed as a Class B license.

009 REISSUANCE PROCEDURES AND REQUIREMENTS

009.01 CLASS A LICENSE. The holder of a valid Class B license who previously held a Class A license may be reissued a Class A license upon application by either:

009.01A Having completed thirty (30) hours of professional development within the preceding forty-eight (48) months, subject to audit, and paying the Class A license application fee; or

009.01B Reapplying under Subsection 006.02 of this rule, including paying the Class A license application fee.

009.02 CLASS B LICENSE. The holder of one or both valid Class A licenses may request that one or both licenses be reissued as a Class B license and shall be entitled to such license or licenses upon application and payment of the Class B license renewal fee.

010 LICENSE CERTIFICATES AND CARDS

010.01 Each person who is issued an initial, additional or reissued Class B or Class A license shall receive a certificate and card from the Board as documentation of a valid license.

010.02 When a license is renewed the licensee shall receive a card from the Board as documentation of a valid license.

011 ANNUAL ROSTER AND REPORT

011.01 First-time holders of any county highway or city street superintendent license, persons who have renewed their license or licenses, and persons who have been reissued a license shall be placed on the annual roster of licensed county highway and city street superintendents for the calendar year.

011.02 At the first meeting every calendar year, the Board shall direct preparation and authorize dissemination of a calendar year report. The report shall detail the activities of the Board for the prior calendar year and shall include the annual roster of licensed county highway superintendents and city street superintendents.

012 LICENSE SUSPENSION AND REVOCATION

012.01 GENERAL. The Board may suspend or revoke a license for offenses listed in Section 012 upon completing the sequence of actions prescribed in Sections 013 through 016.

012.02 FRAUD AND DECEIT. The Board may suspend or revoke the license of any licensee for fraud or deceit in obtaining his or her license.

012.02A A licensee will be considered to have obtained a license by fraud or deceit in the following instances:

012.02A1 If the licensee provides to the Board during the application, examination, renewal or reissuance process, any false, incomplete or misleading information, including but not limited to information regarding:

012.02A1(a) The licensee's qualifications for the license;

012.02A1(b) The licensee's completion of professional development hours; or

012.02A1(c) The licensee's work experience.

012.02A2 Applying for a license, taking the examination, or completing professional development hours in someone else's name.

012.02A3 Collusion with another individual to make application, take the examination, or complete professional development hours on behalf of the applicant or holder of a license.

012.02A4 Knowingly misrepresenting one's license status to one's employer or one's appointing jurisdiction. This shall include claiming to have a Class A license when holding only a Class B license.

012.02B Penalty

012.02B1 For three (3) or more of violations or for a second offense under Subsection 012.02A1, or for two (2) violations under Subsections 012.02A2 through 012.02A4, the license shall be revoked.

012.02B2 For two (2) violations under Subsection 012.02A1, or for one (1) violation under Subsections 012.02A2 through 012.02A4, the license shall be suspended for five (5) years.

012.02B3 For one (1) violation under Subsection 012.02A1, the license shall be suspended for six (6) months to two (2) years.

012.02B4 Notwithstanding other provisions of Subsection 012.02B, a Class B license shall be revoked when, in the opinion of the Board, a truthful application or bona fide attempt to complete requirements by the licensee would have precluded the licensee from successfully completing the requirements for obtaining an initial license.

012.02B5 Notwithstanding provisions of Subsection 012.02B3, a Class A license shall be suspended for five (5) years when, in the opinion of the Board, truthful documentation of successful completion of license renewal requirements would have precluded such renewal.

012.03 NEGLECT OF DUTY. The Board may suspend or revoke the license of any license holder for neglect of duty.

012.03A Neglect of duty means any failure to act, improper action, or misconduct related to carrying out the duties of a county highway superintendent or city street superintendent. Neglect of duty includes, but is not limited to, the following:

012.03A1 Failure to comply with any of the statutory duties of a county highway superintendent or city street superintendent, as listed in Subsection 003.04 of this rule.

012.03A2 Failure to comply with, or failure to notify officials of, requirements set forth by the Board of Public Roads Classifications and Standards in Title 428 of the Nebraska Administrative Code, including compliance by counties and municipalities with:

012.03A2(a) Design standards;

012.03A2(b) Construction standards;

012.03A2(c) Maintenance standards;

012.03A2(d) One- and Six-year Plan requirements;

012.03A2(e) Annual report requirements (Standardized System of Annual Reports); and

012.03A2(f) Annual certification requirements (Standardized System of Annual Reports).

012.03A3 Conviction of a felony criminal offense, or final administrative sanction by a county or municipality, or by the licensee's employer, for misappropriating public funds or public property.

012.03A4 Conviction of a criminal offense or final administrative sanction by a county or municipality, or by the licensee's employer, for assaulting, harassing or issuing unlawful instructions to one's subordinates or co-workers;

012.03A5 Conviction of a felony criminal offense related to the truthfulness, trustworthiness or honesty of the licensee; or to the licensee's capacity to comply with the duties and responsibilities of a county highway superintendent or city street superintendent.

012.03B Penalty

012.03B1 For three (3) or more violations or for a second offense under Subsection 012.03A1, Subsections 012.03A2(c) through 012.03A2(e) or Subsection 012.03A4, or for two (2) violations under Subsection 012.03A2(a), Subsection 012.03A2(b), Subsection 012.03A2(f), Subsection 012.03A3 or Subsection 012.03A5, the license shall be revoked.

012.03B2 For two (2) violations under Subsection 012.03A1, Subsections 012.03A2(c) through 012.03A2(e) or Subsection 012.03A4, or for one (1) violation under Subsection 012.03A2(a), Subsection 012.03A2(b), Subsection 012.03A2(f), Subsection 012.03A3 or Subsection 012.03A5, the license shall be suspended for five (5) years.

012.03B3 For one (1) violation under Subsection 012.03A1, Subsections 012.03A2(c) through 012.03A2(e) or Subsection 012.03A4, the license shall be suspended for six (6) months to two (2) years.

012.04 INCOMPETENCE. The Board may suspend or revoke the license of any license holder for incompetence in the performance of duty.

012.04A Incompetence in the performance of duty shall have its commonly understood meaning and includes acts, omission and misconduct showing that the licensee lacks the ability, knowledge, training, experience, or mental or physical fitness to perform the functions and duties of a city street superintendent or a county highway superintendent.

012.04B A Class A licensee shall be held to a higher standard of competence than a Class B licensee.

012.04C Penalty

012.04C1 For three (3) or more violations or for a second offense under this subsection, the license shall be revoked.

012.04C2 For two (2) violations under this subsection, the license shall be suspended for five (5) years.

012.04C3 For one (1) violation under this subsection, the license shall be suspended for six (6) months to two (2) years.

012.04C4 The penalty for a Class B licensee may be reduced up to one (1) year for a suspended license, down to a minimum of a one (1) month suspended license, or from a revoked license to a five (5) years suspended license. The provisions of this subsection shall not apply to a Class B license held as a second license by a Class A licensee.

012.05 APPLICATION OF PENALTY

012.05A Cumulation of Violations. Violations shall count cumulatively for penalty purposes, whether adjudicated together or separately.

012.05B Mitigating Circumstances

012.05B1 In the event that the Board determines that the offender cooperated with the investigation, demonstrated remorse and presented a plan to correct behavior or improve performance, the penalty may be reduced up to one (1) year for a suspended license, down to a minimum of a one (1) month suspended license, or from a revoked license to a five (5) years suspended license.

012.05B2 A ten (10) years suspended license may result when extenuating circumstances, other than those listed in Subsection 012.05B1, compel a sanction lesser than a revoked license but greater than a five (5) years suspended license.

012.05C Aggravating Circumstances

012.05C1 In the event that the Board determines that the violation posed a grave danger to the public, the penalty may be increased up to two (2) years for a suspended license, up to a maximum seven (7) years suspended license.

012.05C2 In the case of a Class B license, the Board may consider evidence that the violation posed a grave danger to the public, and thereby may increase the penalty for a revoked license by imposing a ten (10) year reapplication waiting period instead of the five (5) year period provided in Subsection 012.07E.

012.05C3 In the case of a Class A license, the Board may consider evidence that the violation posed a grave danger to the public, and thereby may increase the penalty for a revoked license by foreclosing the option of applying for a Class B license under Subsection 012.07E.

012.06 EFFECT OF PENALTY

012.06A Suspension and revocation shall not be retroactive.

012.06B Suspension or revocation shall extend to both superintendent licenses (county and city) held by the licensee.

012.06C No person with a suspended license may be appointed as a licensed county highway or city street superintendent, as such licensed practice and appointment are defined and prescribed in Section 003, during such suspension.

012.06D No person with a revoked license may be appointed as a licensed county highway or city street superintendent, as such licensed practice and appointment are defined and prescribed in Section 003, unless such person receives a new Class B license following the waiting period prescribed in Subsection 012.05C2 or Subsection 012.07E.

012.07 REINSTATEMENT AND REAPPLICATION

012.07A Except for an investigative suspension under Subsection 013.02, the Board may impose conditions for reinstatement of a suspended license. Such conditions shall be related to correction of behavior or improvement of performance.

012.07B Upon expiration of the suspension period and upon satisfying all conditions for reinstatement, including providing such documentation as may be required by the Board, the suspension shall cease and the license shall be reinstated. Staff shall duly report all reinstatements to the Board.

012.07B1 Upon reinstatement, the licensee shall be liable for cumulative license renewal fees dating from the time of suspension, up to a maximum of one hundred dollars (\$100.00) per suspended Class B license or five hundred dollars (\$500.00) per suspended Class A license. The amount owed shall be paid within thirty (30) days of the date of reinstatement.

012.07B2 Upon reinstatement, a Class A licensee shall document completion of cumulative required professional development hours dating from the time of suspension, up to a maximum of sixty (60) hours. Such documentation shall be subject to audit and shall be submitted within thirty (30) days of reinstatement.

012.07C A revoked license may not be reinstated.

012.07D A revoked Class A licensee may never apply for a new Class A license.

012.07E Except as provided in Subsection 012.05C2 or Subsection 012.05C3, a revoked Class A or Class B licensee may apply for a new Class B license no sooner than five (5) years after revocation.

013 COMPLAINTS – INITIATION OF ACTION

013.01 GENERAL. The Board may, upon its own motion, and shall upon the sworn statement in writing of any person, investigate any allegations of fraud or deceit in obtaining a license, neglect of duty or incompetence made against any licensed county highway superintendent or licensed city street superintendent. The Board may prescribe and provide a form for such sworn statement.

013.02 INVESTIGATIVE SUSPENSION. The Board shall have the power to suspend the license of any county highway superintendent or city street superintendent pending the outcome of the investigation of any complaint under Section 014 when it is determined by the Board that suspension is necessary to protect the public or is reasonably necessary for a full and complete investigation.

013.03 TIMING. Within ten (10) working days of receiving a complaint or initiating an investigation pursuant to Subsection 013.01, the Board shall initiate the investigation process set out in Section 014.

014 COMPLAINTS – INVESTIGATION AND DISPOSITION

014.01 AUTHORITY. The Board has authority to consider complaints against a licensee only to the extent that the allegations involve:

014.01A Fraud or deceit of a licensee in obtaining his or her license,

014.01B Neglect of duty by a licensee, or

014.01C Incompetence by a licensee in the performance of duty.

014.02 STAFF REVIEW

014.02A Staff for the Board shall review all complaints, except for complaints initiated by the Board, to determine whether the Board has authority to review the allegations of the complaint.

014.02B At a regularly scheduled or special meeting of the Board, staff shall present to the Board the complaint and the staff's recommendation as to the authority of the Board to review any or all of the allegations of the complaint.

014.02C The Board shall review the staff recommendations and vote to accept, modify or reject such recommendations.

014.02D The Board shall dismiss any allegation of the complaint that the Board determines it does not have authority to review.

014.02E The procedure set out in Subsection 014.03 shall govern any allegation not dismissed by the Board.

014.02F The licensee and the complainant shall be notified in writing of the Board's actions under Subsection 014.02.

014.03 PREPARATION FOR PRELIMINARY INVESTIGATION

014.03A The chairperson of the Board, the acting chairperson, or a duly authorized member of the Board, shall appoint in writing one member of the Board to serve as investigator to complete a preliminary investigation of any allegations against a licensee, not previously dismissed under Subsection 014.02.

014.03B The letter appointing the investigator shall include the following information:

014.03B1 The complaint and any documentation showing action of the Board under Subsection 014.02;

014.03B2 The timeline for the investigation;

014.03B3 Any record of the Board determined by staff or the Board to be related to the allegations of the complaint.

014.03C The Board shall mail to the licensee who is the subject of the complaint and to the complainant a copy of the letter appointing the investigator. The licensee shall have the right to be represented by an attorney during the investigation.

014.03D The Board may by majority vote waive the preliminary investigation process.

014.04 CONDUCT OF PRELIMINARY INVESTIGATION

014.04A The purpose of the preliminary investigation is to gather information about the complaint and to allow for the summary dismissal of any allegations either for which there is no reasonable basis in fact or law, or that even if true would not result in a suspension or revocation of the licensee's license.

014.04B The investigator shall interview the complainant, the licensee and anyone else the investigator determines to have information relevant to the allegations of the complaint. The investigator may use any lawful means to compel the production of documents and the attendance of witnesses to assist in the investigation.

014.04C After completing the investigation, the investigator shall prepare a written report setting forth the facts related to each allegation and the investigator's findings as to whether any or all of the allegations should be summarily dismissed either for lack of a reasonable basis in fact or law for the allegation, or because the licensee's license would not be suspended or revoked even if the allegation were true. The written report shall specifically list each allegation against the licensee that the investigator believes should not be summarily dismissed.

014.04D The investigator's recommendation to the Board shall be limited only to the following statements and recommendations:

014.04D1 A statement that, in the investigator's opinion, one or more of the allegations lacks a reasonable basis in fact or law, and a recommendation that the complaint be summarily dismissed as to such allegation or allegations;

014.04D2 A statement that, in the investigator's opinion, one or more of the allegations, even if true, is not cause for suspension or revocation, and a recommendation that the complaint be summarily dismissed as to such allegation or allegations;

014.04D3 A statement that, in the investigator's opinion, one or more of the allegations may have merit, and a recommendation that the Board hold a hearing pursuant to Section 015 for any and all such allegation or allegations.

014.04E In making statements and recommendations to the Board, the investigator shall not discuss the merits of any allegation with the Board, or any member thereof, and the Board shall not review the investigator's written report pursuant to Subsection 014.04C unless and until either the report is presented at a hearing in accordance with Section 015, or the licensee forgoes such hearing in accordance with Subsection 014.05B.

014.04F The investigating Board member shall abstain from all discussions, debates or votes regarding the allegations investigated.

014.05 DISPOSITION OF COMPLAINT

014.05A Within sixty (60) days of receiving the investigator's statements and recommendations pursuant to Subsection 014.04D, or of a decision to waive a preliminary investigation pursuant to Subsection 014.03D, the Board shall either schedule a hearing pursuant to Section 015 or dismiss the complaint entirely.

014.05B A hearing pursuant to Section 015 must be held, unless waived in writing by the licensee, before the licensee's license can be suspended or revoked.

015 HEARINGS FOR CONTESTED CASES. The procedure for all hearings under this chapter shall be as provided in Title 425, Chapter 1, Section 002 of the Nebraska Administrative Code.

016 DECISIONS IN CONTESTED CASES

016.01 REVIEW. The record of the hearing pursuant to Section 015 shall be provided to each member of the Board in a timely fashion, including all findings of fact, conclusions of law and recommendations submitted by the hearing officer.

016.02 ACTION. The Board shall render a decision within sixty (60) days of receiving the record of the hearing, or within sixty (60) days of receiving the licensee's written request that the hearing be waived. The decision may include an order.

016.02A Decisions and orders shall be rendered in accordance with Title 425, Chapter 1, Section 002 of the Nebraska Administrative Code.

016.02B A decision to suspend a license shall specify the period of suspension and may specify conditions for reinstatement.

016.03 APPEAL. The procedure for all appeals of decisions rendered under this chapter shall be as provided in Title 425, Chapter 1, Section 002 of the Nebraska Administrative Code.

ANNOTATION

Title 425
Chapter 2

Enabling Legislation
39-2301 through 39-2311, 84-901
and 84-914 through 84-9119
Neb. Rev. Stat.

**LAWS REGULATING
THE BOARD OF EXAMINERS FOR COUNTY HIGHWAY
AND CITY STREET SUPERINTENDENTS**

Article 21 (Part)

39-2101. State highways; functional classification; declaration (*emphasis added*). Recognizing that safe and efficient transportation over public roads is a matter of major importance to all of the people in the state, the Legislature hereby determines and declares that an integrated system of public roads is essential to the general welfare of the State of Nebraska.

Adequate public roads provide for the free flow of traffic, protect the health and safety of the citizens of the state, result in lower cost of motor vehicle operation, increase property values, and generally promote the economic and social progress of the state.

Providing such a system of facilities and the efficient management, operation, and control thereof are recognized as urgent problems and proper objectives of legislation pertaining to all public roads.

As a result of the comprehensive three-year study of all public roads in Nebraska conducted by a committee of the Legislative Council as authorized by the Legislature in 1965 and 1967, a study through which determination has been made of the engineering, financial, and management needs of all public roads, **a program has been developed to provide an integrated system of public roads for the state, its counties, and its municipalities.**

Recognizing that cooperation among these governmental entities is essential in bringing to fruition the development of a truly integrated system of public roads, it is the intent of the Legislature to provide by law the structure upon which the state, its counties, and its municipalities can work as equal partners in the development, operation, and management of such a system.

Fundamental to the development of an integrated system of public roads is a determination of the function each road segment serves. Through adoption by law of a functional classification system, it is the intent of the Legislature that each segment of public road shall be identified according to the function it serves. Identification of roads according to function, then will permit the establishment of uniform standards of design, construction, operation, and maintenance for each classification of road. Such standards will promote the general safety of the traveling public, enhance the free flow of traffic, and provide improved utilization of highway financing.

Responsibility for the various functional classifications of public roads shall be assigned by law to the state, the counties, and the municipalities, as appropriate, such assignments reflecting the general responsibilities of each entity.

Through establishment of a Board of Public Roads Classifications and Standards composed of representation from the state, counties, municipalities, and general public, it is the intent of the Legislature to give each governmental entity and the public an equal voice in developing reasonable standards for each classification of road which shall be adequate to meet the needs of an increasingly mobile society.

Both long-range planning and annual programming are essential to the orderly development of an integrated system of public roads. It is the intent of the Legislature to provide by law a structure which will enable each governmental entity to program its individual needs on a priority basis, yet to establish an intergovernmental relationship which will permit their working in cooperation with each other to attain the desired objective of an integrated system. The structure will have the flexibility necessary to recognize that annual programs cannot always be met as planned because of unforeseen problems which may arise.

To assure realization of the maximum benefits possible from the substantial investment Nebraska citizens make toward their public roads, it is the intent of the Legislature to provide by law a system of planning, programming, budgeting, reporting, and accounting for each governmental entity which will bring improved management methods.

Such management will provide citizens the opportunity to know how each governmental entity intends to spend its highway money, and to determine its performance when measured against its plans.

Nebraska's public roads system is one of the largest in the nation; yet its population is relatively small and ranges from high concentrations of people in urban centers to vast rural areas in which the population is sparsely located. The citizens in these diverse areas have the same need, however, for a transportation system which will meet their respective needs. It is not economically feasible to develop all public roads

throughout the state to the same high standards, and thus, it becomes incumbent upon the Legislature to devise a program under which the roads most important to these diverse areas are developed to modern standards. Adoption of a functional classification system and implementation of modern management methods will combine to bring such a program into being and result in improved utilization of highway financing.

Recognizing that highway financing heretofore has been inadequate to meet the needs of a modern transportation system, and that the distribution of revenue has resulted in disparities of treatment, it is the intent of the Legislature to provide reasonable financing and more equitable distribution of revenue. The objectives of this total program are to bring the state highway system up to adequate standards in a twenty-year period, and to bring the road systems of its counties, and the street systems of its municipalities, up to adequate standards over a twenty-year period.

Source: Laws 1969, c. 312, § 1, p. 1116.

Article 23

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:

(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.

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.

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.

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 Roads. 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 Department of Roads headquarters in Lincoln 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.

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 therefore 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.

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.

39-2308. Class B license; term; renewal. 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 one year and shall be renewable upon the payment of an annual fee of ten dollars. 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.

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. 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.

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 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. 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.

Source: Laws 2003, LB 500, § 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.

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 Roads 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.

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.

Article 25 (Part)

39-2501. Incentive payments for road purposes; priority.

Before making distribution of funds allocated to the counties or municipal counties for road purposes, 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.

39-2502. County highway superintendent, defined; duties; incentive payment. An incentive payment shall be made to each county having in its employ 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 39-2510, county highway superintendent means a person who actually performs the following duties:

- (1) Developing and annually updating a long-range plan 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;
- (5) Implementing the capital improvements and maintenance activities provided in the approved plans, programs, and budgets; and

(6) Preparing and submitting annually to the Board of Public Roads Classifications and Standards the county's one-year and six-year plans for highway, road, and street improvements as set forth in sections 39-2115 to 39-2117 and 39-2119 and a report showing the actual receipts, expenditures, and accomplishments compared with those budgeted and programmed in the county's annual plans as set forth in section 39-2120.

Source: Laws 1969, c. 315, § 2, p. 1133; Laws 1976, LB 724, § 7; Laws 2003, LB 500, § 15.

39-2503. Incentive payment; amount. The incentive payment to the various counties and municipal counties shall be based on the level of license of the county highway superintendent 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.

39-2504. Incentive payment; reduction; when; consulting engineer; when; contracting with another political subdivision; payment. (1) A reduced incentive payment shall be made to any county or municipal county having in its employ 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 employed is of twelve.

(2) Any county or municipal county that contracts for the services of 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 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 Roads 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 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.

Source: Laws 1969, c. 315, § 4, p. 1134; Laws 1981, LB 51, § 2; Laws 2001, LB 142, § 41; Laws 2003, LB 500, § 17.

39-2505. Incentive payments; Department of Roads; certify amount; State Treasurer; payment. The Department of Roads 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 the provisions of 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.

39-2511. Incentive payments for street purposes; priority.

Before making distribution of funds allocated to the municipalities or municipal counties for street purposes, 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.

39-2512. City street superintendent, defined; duties; incentive payment. An incentive payment shall be made to each municipality or municipal county having in its employ 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 39-2520, city street superintendent means a person who actually performs the following duties:

- (1) Developing and annually updating a long-range plan 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;
- (5) Implementing the capital improvements and maintenance activities provided in the approved plans, programs, and budgets; and
- (6) Preparing and submitting annually to the Board of Public Roads Classifications and Standards the one-year and six-year plans of the municipality or municipal county for highway, road, and street improvements as set forth in sections 39-2115 to 39-2117 and 39-2119 and a report showing the actual receipts, expenditures, and accomplishments compared with those budgeted and programmed in the annual plans of the municipality or municipal county as set forth in section 39-2120.

Source: Laws 1969, c. 316, § 2, p. 1139; Laws 1976, LB 724, § 8; Laws 2001, LB 142, § 46; Laws 2003, LB 500, § 18.

39-2513. Incentive payment; amount. The incentive payment to the various municipalities or municipal counties shall be based on the level of license of the city street superintendent 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.

39-2514. Incentive payment; reduction; when; consulting engineer; when; contracting with another political subdivision.

(1) A reduced incentive payment shall be made to any municipality or municipal county having in its employ 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 employed is of twelve.

(2) Any municipality or municipal county that contracts for the services of 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 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 Roads pursuant to section 39-2515.

(3) Any municipality or municipal county that contracts with another municipality, county, or municipal county for the services of 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.

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

39-2515. Incentive payments; Department of Roads, certify amount; State Treasurer; payment.
The Department of Roads 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 the provisions of sections 39-2511 to 39-2520. 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.

**PERSONS LICENSED BY BOARD OF EXAMINERS FOR
COUNTY HIGHWAY AND CITY STREET SUPERINTENDENTS
AS OF JUNE 1, 2006**

Name/Address	License Number/Class City	County
Acklie, Gene R..... 2730 LaVerna St, Fremont, NE 68025	518A	69B
Allen, Dennis L..... 19324 Rd 64, Oshkosh, NE 69154		1209A
Allen, Jason O. PO Box 687, Gering, NE 69341	1358B	1369B
Andersen, Jack W..... PO Box 5, Lakeside, NE 69351		681B
Anderson, Kent H. 595 Rd East T S, Paxton, NE 69155	1013A	987A
Anderson, Darwin B..... 3520 35th St, Columbus, NE 68601		154B
Anderson, Gregory J..... 311 W 7th, Juniata, NE 68955	1273B	1274A
Andrews, Jean C. 1940 County Rd Q, Fremont, NE 68025	543B	538A
Austin, Louis L. 1145 N Linden, Wahoo, NE 68066	378B	362B
Bach, Wayne T. 313 29 Rd, Franklin, NE 68939	838A	585A
Baker, John T. 120 E 16th St Ste A, Scottsbluff, NE 69361	784A	464A
Barta, Kevin R..... 88785 528 Ave, Niobrara, NE 68760	1102A	1109A
Bauman, Jeffrey L..... 315 Tilden St, Richland, NE 68601	631B	640B
Baxter, Timothy A. 222 W 15th Ave, Holdrege, NE 68949	798A	811A
Beguin, Ronald Kirk..... PO Box 224, Rushville, NE 69360	887A	
Behrends, Rex A..... 400 Ella St, PO Box 279, Beatrice, NE 68310	825A	
Beil, Kim D. 4710 Claire Ave, Lincoln, NE 68516	799B	812B
Benson, Ronald E..... 803 W Norfolk Ave, PO Box 1424, Norfolk, NE 68702	785B	786B
Berggren, Dennis D. 721 D St, Central City, NE 68826	878B	883B
Berry, John V. 1721 Timber Ridge Rd, Lincoln, NE 68522	1180B	1190B
Birnbaum, Terry L. 433 N Morehead St, Chadron, NE 69337	1060A	

Name/Address	License Number/Class	
	City	County
Bishop, Dan 6379 210th Ln, Gordon, NE 69343	1366B	
Blankenship, Robert E. 1001 Cottonwood Springs Dr, Dewey, AZ 86327	800B	813B
Blum, John 12175 718 Rd, Alma, NE 68920	1321B	1324B
Bohl, Philip Mark 1840 21st St, Gering, NE 69341	1103A	1110B
Bohling, Keith L. 73083 627 Ave, Johnson, NE 68378	971B	926B
Boring, Walter L. 210 S Chestnut St, PO Box 62, Johnson, NE 68378		1003B
Boschult, Clark A. PO Box 1266, Fremont, NE 68025	1339B	1340B
Bottorff, Ronnie D. 650 "J" St Ste 215, Lincoln, NE 68508	997B	
Brungardt, Jr., Paul B. PO Box 2052, Kearney, NE 68848	1237B	1238B
Bryant, Allan Wayne 3321 N Lincoln Ave, York, NE 68467	1322B	1325B
Burklund, Brent R. PO Box 832, North Platte, NE 69103	1271B	1272B
Burroughs, James 1111 Lincoln Mall, PO Box 85608, Lincoln, NE 68501	1356B	
Buss, Paul R. 1311 19th St, Auburn, NE 68305	1093A	1098A
Byrn, Georgia L. 5355 Cottonmill Ave, Kearney, NE 68845	1061B	1077B
Cady, Daniel R. 1357 N Orange St, Wahoo, NE 68066	973B	980B
Callan, Steven E. 1258 N Linden, Wahoo, NE 68066		721B
Campbell, Victor W. 305 W 1st St, PO Box 166, Oshkosh, NE 69154	1179A	
Canning, Bruce J. 20390 Hwy 92, Lewellen, NE 69147		1341B
Carlson, C. DeLee 3075 Rd 171, Chappell, NE 69129		469B
Carlson, Elizabeth J. 85617 Hwy 35, Wakefield, NE 68784	1254B	1261B
Carman, Gerald E. 18 LaPlatte Rd, Kearney, NE 68845	32B	31B
Carman, Richard E. PO Box 66, Clarks, NE 68628	555B	564B

Name/Address	License Number/Class	
	City	County
Casey, Mark E. RR1 Box 2059, 1303 Nebraska St, Emerson, NE 68733	1119A	1125A
Catlett, Thomas B. 4827 Pioneer Blvd Ste A, Lincoln, NE 68506	855B	861B
Cayer, Richard C. PO Box 4, Alliance, NE 69301	974A	
Christiansen, Mark D. PO Box 507, York, NE 68467	1342B	
Coatman, Edgar..... PO Box 554, Fairbury, NE 68352	230A	
Cobb, Elwin Dean..... 2315 18th St, Central City, NE 68826	1242B	
Coffey, Roger L..... 10421 Monroe St, Omaha, NE 68127	1221B	1222B
Condon, James L..... 1111 Lincoln Mall, PO Box 84608, Lincoln, NE 68501	747B	
Connealy, Patricia S. 409 Deer Ridge Dr, Richmond, MO 64085	753B	
Connelly, Norman A..... 609 W Angus St, Gretna, NE 68028	384B	
Connot, Gary P. 49420 US Hwy 20, O'Neill, NE 68763	1153B	1159A
Cook, Richard L..... 1964 Singing Hills Ct, Lawrence, KS 66047	363B	
Cooper, Robert H..... 7059 Rd 151, Lisco, NE 69148		119B
Cordes, Kent E. 1111 Central Ave, Kearney, NE 68847	1329B	1330B
Cowles, Scott A. PO Box 207, Wahoo, NE 68066	1148A	1151A
Crawford, Rodney L..... 5701 N Fort Grant Rd, Willcox, AZ 85644	988B	993B
Crombie, Randall A..... #6 Hwy 35 Box 95, Hubbard, NE 68741	1181B	1191B
Curry, Robert K..... PO Box 476, Ogallala, NE 69153		956B
Daehling, Bridget 442 N 4th, Seward, NE 68434	1310B	1314B
Daehling, Russell L..... PO Box 152, Staplehurst, NE 68439	722A	728A
Daily, Kevin B. 712 N Main St, PO Box 342, Elkhorn, NE 68022	1154A	1160A
Dangberg, Dennis..... 85197 571st Ave, Winside, NE 68790		1161B

Name/Address	License Number/Class	
	City	County
Daniels, Dana G. 8745 Hackamore Dr, Kearney, NE 68845	841B	
Davidson, Orville R. PO Box 507, York, NE 68467	182A	174B
Dearmont, Virgil R. 444 Cherrycreek Rd Bldg C, Lincoln, NE 68528	1318B	1319B
dela Cruz, Benjamin G..... 2230 Cypress Pearl, San Antonio, TX 78232	498B	499B
DeSelm, Michael J..... 15505 W Maple Rd, Omaha, NE 68116	951B	1177B
Dicenta, Gerhard H..... 109 E 2nd St, McCook, NE 69001	879A	884A
Dier, Jack C. 378 Wildflower Rd, Yankton, SD 57078	902B	909B
Dietz, Dennis E..... 426 W Main, Albion, NE 68620		801B
Dietz, Wayne M. PO Box 473, Orleans, NE 68966	277B	175B
Dixon, Phillip W..... 31085 – 280th Rd, Pleasanton, NE 68866	787B	793A
Dodd, Stephen W. PO Box 1855, Fremont, NE 68026	823A	
Dolezal, Michael D..... PO Box 56, Venango, NE 69168	1017B	1026A
Doll, Alan D..... 435 N Park Rm 204, Fremont, NE 68025	827A	833A
Dorsch, Dale D. 2921 O Rd, Bern, KS 66408	936B	946B
Douglas, Richard J. 1515 N Webster Ave, Hastings, NE 68901	1037A	1050A
Doyle, Thomas D..... 15505 W Maple Rd, Omaha, NE 68116	690B	580A
Dreessen, Robert E. 5801 Highland Dr, Papillion, NE 68046	662B	
Dreifurst, Neal James 8662 36th Ave, Columbus, NE 68601	1291B	1295B
Drummond, George L..... 2100 S 16th St, Columbus, NE 68601	764B	773B
Dubs, Jay L..... 5910 Keith Rd, Alliance, NE 69301	828B	834B
Duryea, Edward H. RR 1 Box 117, Merna, NE 68856	683B	687B
Duval, Larry G..... 503 Maberly St, Holdrege, NE 68949	521A	

Name/Address	License Number/Class	
	City	County
Dykema, Peter A..... 201 W Division St, Clay Center, NE 68933	1203B	1210B
Eberhardt, Michael E. 905 A St, Aurora, NE 68818	1094A	1099B
Edwards, Bonita M..... 158 N Ridge Cir Dr, North Platte, NE 69101	873B	765B
Eggert, Gerald L. 305 Pheasant Dr, Grand Island, NE 68801	587B	
Ekart, Dale B..... 504 Redwood Cir, Berthoud, CO 80513		856B
Engel, Galen D. 1719 Washington St, Beatrice, NE 68310		932A
Engelken, Gene..... 603 3rd St, Steinauer, NE 68441	1285B	1288B
Englert, Dwight H..... 72 S Allen St, North Platte, NE 69101	1062A	1078A
Erixson, Richard A..... 1111 Hospital Dr, Crawford, NE 69339	7B	
Eskew, Marlon G. 73572 331 Ave, PO Box 872, Imperial, NE 69033	1224B	1230A
Essman, Kara D..... 482 6th St, Chappell, NE 69129	1104B	1111A
Evans, Daniel L..... 1102 William Ave, North Platte, NE 69101	903B	910B
Evert, Gordon R..... 7405 Rokeby Rd, Lincoln, NE 68516	915B	919B
Farmer, Timothy W..... 3534 S 48th St Ste 4, Lincoln, NE 68506		1354B
Figard, Roger A. 5411 Glade St, Lincoln, NE 68506	1178A	
Filipi, Bruce H. 1392 County Rd 200, Milligan, NE 68406		975A
Fleming, Robert D..... 914 1st Ave, Nebraska City, NE 68410		540A
Flick, Terry..... 2453 Rd 23, Harrisburg, NE 69345	1309B	1313B
Forman, Gary J..... 10928 Y St, Omaha, NE 68137	858B	863B
Frank, Terry L. RR1 Box 226, Humboldt, NE 68376	1063B	1079A
Fredrick, Sarah M. 131 W Carleton St, PO Box 86, Ashton, NE 68817		1064A
Fredrickson, William D..... RR 2 Box 310, Ainsworth, NE 69210	904B	

Name/Address	License Number/Class	
	City	County
Freese, Mark S. 122 E Third St, Papillion, NE 68046	1292B	
Freshman, Daniel C. 5500 S 77th, Ralston, NE 68127	1136B	1141B
Frickey, Dale E. PO Box 37, Bridgeport, NE 69336	748B	232A
Frye, Barry L. PO Box 57, Hyannis, NE 69350	1204B	1211A
Fuentez, Timothy J. 1200 2nd St, Fairbury, NE 68352	1255B	
Garett, David L. 15810 W DLD Rd, Kenesaw, NE 68956	1065B	
Gerdes, George 522 Rd 6400, Hubbell, NE 68375	1225B	1231B
Gerrard, LeRoy G. 224 E 6th St, York, NE 68467	250A	36A
Gilmore, Keith L. PO Box 565, Columbus, NE 68602	697A	698A
Gilmore, David B. PO Box 565, Columbus, NE 68602	1117B	1118B
Gilmore, Bruce L. PO Box 565, Columbus, NE 68602	97A	96A
Goedeken, David A. 14504 S 24th St, Bellevue, NE 68123	1251B	1250B
Goldman, John G. 8605 S 45th Ave, Bellevue, NE 68157	1137A	
Grabowski, Paul F. PO Box 273, Aurora, NE 68818	1066B	1080B
Graham, George H. 1107 Somerset, Bellevue, NE 68005	576A	
Graham, Dennis C. 715 Garfield St, Holdrege, NE 68949	1120A	1126B
Graves, Jimmie L. 2720 18th Ave, Central City, NE 68826		283A
Griffith, Lawrence E. 5801 Enterprise Dr Apt A8, Lincoln, NE 68521	260B	338B
Hadenfeldt, N. Richard 171 Naper Rd, Dannebrog, NE 68831	306B	
Hagan, Everett W. 1308 S Adams St, Lexington, NE 68850	327B	261B
Hain, Jerry G. PO Box 207, Wahoo, NE 68066	234B	233B
Hamilton, Bobby R. PO Box 526, Orleans, NE 68966	1067B	1081A

Name/Address	License Number/Class	
	City	County
Hansel, William J. 1017 5th, PO Box 156, Fairbury, NE 68352	958B	967A
Hansen, Joel J. 57337 861st Rd, Wayne, NE 68787	1155B	
Hart, Douglas A. 1368 County Club Dr, Sidney, NE 69162	1353B	1349B
Hauser, Albert D. 11805 N 14th St, Raymond, NE 68428		458B
Hawks, James W. 3121 W Philip Ave, North Platte, NE 69101	803A	814A
Hazard, Ronald A. 2412 Crook St, Falls City, NE 68355	43B	42B
Heermann, Dennis D. 106 Asteroid Court, Alda, NE 68810	467B	468B
Hegeholz, Timothy J. 3810 Davey Rd, Staplehurst, NE 68439		387B
Hehnke IV, Otto John 1115 13th Ave, PO Box 79, Sidney, NE 69162	1205B	1212B
Heiden, Rex F. 402 Strickler St, Waco, NE 68460		557B
Heinrichs, Richard E. 1309 Rd 6100, Hebron, NE 68370	1306A	1038A
Helgenberger, Stephen A. 1142 County Rd "H", Scribner, NE 68057	1068B	1082B
Hendricks, Dennis E. 12378 D Rd, Polk, NE 68654		734B
Henke, David C. PO Box 207, Wahoo, NE 68066	1167B	1170B
Hergott, Gary D. 210 N D St, Washington, KS 66968	914B	735B
Herr, William J. 16265 Polk St, Omaha, NE 68135	1019B	1028B
Hessheimer, Elmer W. 950 N 1st St, Geneva, NE 68361	1121A	1127A
Hetrick, Jacqueline S. PO Box 1048, Grand Island, NE 68802	1367B	1360B
Hevlin, Tyler L. PO Box 207, Wahoo, NE 68066	1282B	
Hilfiker, Dennis D. 204 Bellevue Blvd S, Bellevue, NE 68005	80B	
Hirschbrunner, Dennis C. 1950 W Camino Real St, Columbus, NE 68601	701B	702B
Hitchcock, Jerry L. 3625 S Willow St, North Platte, NE 69101	1027A	1020A

Name/Address	License Number/Class	
	City	County
Hoerler, Bryan L..... RR 2 Box 26, Broadwater, NE 69125		1361B
Holle, Douglas G..... 1919 S 40th St Ste 302, Lincoln, NE 68506	1335B	1336B
Hostler, Daniel J. 2202 Pioneer Blvd, Grand Island, NE 68801	61B	60A
Hottovy, Alois A. 1526 S 189th Ct, Omaha, NE 68130	1145B	
Hottovy, Arnold L. 2311 S 52nd St, Lincoln, NE 68506	588B	
Hovey, Bruce S..... 566 Golf Rd, PO Box 252, South Sioux City, NE 68776	632B	641B
Hueser, Kyle R..... 426 Huntington Dr, Sargent Bluff, IA 51054	1039B	1057B
Hunt, Willis D. PO Box 41, Hastings, NE 68902	142B	141B
Hutton, Vernon Dean..... PO Box 4, Dix, NE 69133		616B
Hyberger, Robert F..... 816 N 9th, Beatrice, NE 68310		1171B
Jackson, Brian L. 111 County Rd U, Tobias, NE 68453		1362B
Jacobs, Robert E. PO Box 205, Raymond, NE 68428	589B	595B
Jacobsen, Chris P..... 43700 Ryno Rd, Broken Bow, NE 68822	1357B	937A
Jacobson, Pat L. PO Box 309, Cozad, NE 69130	1005A	1304B
Jaeger, Dean A..... 2315 N 76th St, Lincoln, NE 68507	452B	453B
Jansa, Evelyn M. PO Box 207, Wahoo, NE 68066	1069B	1083B
Jelinek, Anton E..... 2920 West E St, North Platte, NE 69101	1156B	
Jeppson, Dennis E..... 212 S Broadway, Wahoo, NE 68066	804A	815A
Jiracek, Donald J. PO Box 218, Verdigre, NE 68783	246B	6A
Johnson, Calvin E..... 616 N 9th Ave, Broken Bow, NE 68822		689B
Johnson, Ted T..... 2636 SE 33rd St, Topeka, KS 66605	751B	755B
Johnson, Stanley V..... 1111 Central Ave, Kearney, NE 68847	584A	694A

Name/Address	License Number/Class	
	City	County
Johnson, Scott M. PO Box 1968, Grand Island, NE 68802	1105A	
Johnson, Richard C. 701 Michigan Ave, Norfolk, NE 68701	545B	541A
Johnson, Robert L. 41871 Rd 768, Cozad, NE 69130		736B
Johnston, Troy M. PO Box 207, Wahoo, NE 68066	1239A	1240A
Jordan, Charles P. 1501 James St, Plattsmouth, NE 68048	379B	366B
Keegan, Barbara J. PO Box 224, Hemingford, NE 69348	895A	898A
Kehrt, Chad P. PO Box 801, Sergeant Bluff, IA 51054	1276B	1277B
Keim, Franklin H. 48 Pony Park, Chadron, NE 69337		1232B
Keller, Robert J. 211 W Third St, North Platte, NE 69101	1293B	1296B
Keller, Charles E. 1774 County Rd Q, Wilber, NE 68465	746B	723B
Kinney, Gary D. 197 N 12th Ave, PO Box 121, Burwell, NE 68823		1350B
Kirkland, Rodney A. 1947 196th St, Garland, NE 68360	1176B	
Klein, Kurt K. 6495 440th Ln, Hay Springs, NE 69347	853B	
Kliewer, Marlin G. 220 Mulberry Ave, Beatrice, NE 68310		1112A
Koch, James D. 908 S 10th St Apt D, Norfolk, NE 68701	284A	295A
Krajewski, Anthony J. 1211 Rd East J N, Paxton, NE 69155	1021A	1327A
Krueger, Thomas L. 2837 W Hwy 6, Hastings, NE 68901	724A	729A
Kurth, Howard M. 730 Linden St, Sidney, NE 69162	766B	774B
Land, Edwin W. PO Box 182, Bushnell, NE 69128	939B	948B
Lane, David A. 87804 Hwy 12, Ponca, NE 68770	737B	
Lane, Christopher 3534 S 48th St Ste 4, Lincoln, NE 68506		1355B
Langenberg, Brian L. 328 Miller Ave, Bertrand, NE 68927	1182A	1192A

Name/Address	License Number/Class	
	City	County
Lawler, Janet E. 423 N Ray St, Valentine, NE 69201	406B	390B
Leming, Marty J. 105 Concord Cir, Papillion, NE 68046	870A	
Leth, Maxon E. PO Box 63, North Loup, NE 68859	779B	524A
Lewis, Brenton B. 325 N Tower Ave, Minden, NE 68959	940B	
Lewis, Larry A. 3534 S 48th Ste 4, Lincoln, NE 68506	337A	550A
Lieb, Jr., Leland E. 1111 Central Ave, Kearney, NE 68847	725B	
Lighthart, David W. 9505 W Wesley Ave, Lakewood, CO 80227	590B	596B
Lindahl, Merlin E. PO Box 1677, Columbus, NE 68602	760A	
Linder, Delfs L. 722 S Saranac Ave, Mesa, AZ 85208	280B	
Liss, Frederick M. 5054 Navajo Ave, Columbus, NE 68601	767B	775A
Litchfield, James A. PO Box 178, Wakefield, NE 68784	906A	
Lukes, Gerald J. 918 H St, Geneva, NE 68361		1262B
Lux, Dean P. Lot #25 Pioneer Lake, PO Box 333, North Bend, NE 68649	752B	756B
Lux, Dean T. 741 Locust, PO Box 393, North Bend, NE 68649	315B	342B
Magner, Daniel W. 7080 W 26th St, Juniata, NE 68955	1040B	1051B
Mainelli, Mark W. 6920 Van Dorn St Ste A, Lincoln, NE 68506	1001B	923A
Maresh, Floyd T. PO Box 38, Valparaiso, NE 68065	961B	
May, Arthur T. PO Box 449, Winnebago, NE 68071	262B	
Mayer, Oren E. RR 3 Box 90, Humboldt, NE 68376		1351B
McClellen, James D. 2020 N Sherman Blvd, Grand Island, NE 68803	1070B	1084B
McCracken, Alan R. 2210 Washington, Lincoln, NE 68502	685B	
McCuiston, Robert L. 1421 Park Ave, PO Box 866, Kremmling, CO 80459	959B	968B

Name/Address	License Number/Class	
	City	County
McDonald, James K..... 1212 11th St, David City, NE 68632	738A	743A
McDonald, Thomas F. 12828 Marcy St, Omaha, NE 68154	1168B	1172B
McDonald, Brian E..... 803 W Norfolk Ave, PO Box 1424, Norfolk, NE 68702	1131A	1132A
McKenney, Richard G..... 1903 Canyon Dr, Ord, NE 68862	1071A	
McLaughlin, Lanae J..... PO Box 42, Hebron, NE 68370		960B
Mead, Terry J..... 1308 Hayes Ave, Norfolk, NE 68701	1138A	1142A
Mead, David B. 3117 1/2 Ave B, Kearney, NE 68847	824B	
Measner, Paige M..... HC 81 Box 61, Burwell, NE 68823	1256B	1263B
Medbery, Marsha L..... 1817 W John, Grand Island, NE 68803	889B	891B
Meedel, Virgil G. PO Box 427, Waverly, NE 68462	1174B	
Meier, Gregory A. 512 9th St, Aurora, NE 68818	844B	
Meier, Leona C. 200 S Lincoln Rm 202, West Point, NE 68788		1214A
Mell, Michael S. 2217 Westridge Dr, Ogallala, NE 69153	1122A	
Mellick, Arnold James..... 1491 E Sarpy Rd, Jackson, NE 68743		1315B
Merz, Larry R. 2505 Hiland Ave, Falls City, NE 68355	571A	
Meter, Rickey A. PO Box 690, Gering, NE 69341	454B	369A
Meyer, Wesley A..... 2016 Anna Ave, North Platte, NE 69101	610A	
Meyer, Michael L. 2312 27th St, Central City, NE 68826	1183B	1193B
Meyer, Jay T..... 602 Cleveland St, PO Box 191, Scotia, NE 68875	1275B	1162A
Meyer, Gregory C. 705 Douglas St Ste 636, Sioux City, IA 51101	1337B	
Michaelson, Bruce E..... 2315 Winding Way, Lincoln, NE 68506	1175B	
Mignery, Judy K..... 2837 W Hwy 6, Hastings, NE 68901	1087B	1016B

Name/Address	License Number/Class	
	City	County
Mika, Steve L. 1405 N Linden, Wahoo, NE 68066		1194A
Miller, Dawn R. 1208 W 4th St, Hastings, NE 68901	768B	776A
Miller, Christopher A. 1111 Central Ave, Kearney, NE 68847	1091A	1092B
Miller, Reed A. 1111 Central Ave, Kearney, NE 68847	514A	547A
Minarick, Ann M. 1361 Co Rd 4, North Bend, NE 68649	700B	837B
Mitchell, Billy Joe PO Box 161, Chappell, NE 69129	790A	795B
Moeller, Cory Lee 1016 W 2nd Ave, Wayne, NE 68787	1257B	1264B
Moravec, Allen J. 1311 28th Rd, David City, NE 68632	645B	
Mossman, Elaine J. 4710 11th St, Columbus, NE 68601		769A
Mullady III, Francis E. 7422 S 44th St, Bellevue, NE 68147		542B
Musil, Alan G. 424 Milan Ave, Ravenna, NE 68869	726B	730B
Nagorski, Cyril R. 705 Sheridan St, St. Paul, NE 68873	301B	
Nass, William L. PO Box 314, Cortland, NE 68331	962B	969B
Neary, Donald M. PO Box 211, Tekamah, NE 68061	686A	
Nelsen, Debra D. 1304 Rd K, York, NE 68467	1301B	1297B
New, Robert J. 4831 Homestead St Apt 106, Rapid City, SD 57703	479B	472B
Newlun, Jr., Jack E. 301 E 7th St, Hastings, NE 68901	1022B	1029B
Newton, Donald L. RR 1 Box 42, Walthill, NE 68067	1348B	1343B
Nisotis, Gregg S. 841 S Polk St, Papillion, NE 68046	1227B	1234B
Nissen, Robert L. 85813 572nd Ave, Wayne, NE 68787		293B
Noel, Thomas L. 1703 Forrest, Sidney, NE 69162	1107A	1202A
Nohr, Ronald W. 410 W Harold St, Crofton, NE 68730	1333B	1334B

Name/Address	License Number/Class	
	City	County
Nordmeyer, Calvin A..... 534 N 10th St Apt 4, Seward, NE 68434	492A	761B
Obert, Eric C. PO Box 207, Wahoo, NE 68066	1284B	
O'Dell, Carla J..... 32040 E Island Rd, Brady, NE 69123	1041A	1052A
O'Donnell, Les 1010 Reid Ave, North Platte, NE 69101	1346B	1347B
Ogden, Julie A. PO Box 207, Wahoo, NE 68066		1320B
Olmsted, James J..... 10730 Pacific St Ste 232, Omaha, NE 68114	408B	393B
Owen, Harry R. 14614 Walnut Grove Dr, Omaha, NE 68137	1033B	
Palik, Jeff R..... PO Box 1072, Grand Island, NE 68802	1269A	1270A
Parr, Steven A. PO Box 207, Wahoo, NE 68066	859A	864B
Parrott, Howard C..... 265 E Lyon St, Garner, IA 50438	285B	300B
Parsons, Cheryl K..... PO Box 23, Fort Calhoun, NE 68023		949A
Parsons, Kim D..... 1319 Arthur St, Holdrege, NE 68949	1243A	1244B
Payne, Kimberly B. 1843 420th Rd, Utica, NE 68456	1258B	1265B
Perry, James A. 2914 Cedarberry Rd, North Platte, NE 69101	440B	
Peterson, Jeffrey S. 1111 Central Ave, Kearney, NE 68847	1331B	1332B
Petska, Emanuel..... PO Box 52, Elyria, NE 68837	819B	
Pettigrew, Donald L. 724 Candice St, Valentine, NE 69201	289A	296A
Piontkowski, Robert J. 244 N 6th St, PO Box 11, Loup City, NE 68853	1095A	1223B
Prior, Kevin L. 1520 Windsor Rd, Grand Island, NE 68801	731A	
Raddatz, Bruce G. 1003 E Ave, Holdrege, NE 68949	179A	709A
Radtke, Clay H..... 2441 Parkview Dr, Sidney, NE 69162	1072A	
Rager, Randy L..... 915 S 14th Ave, Tekamah, NE 68061	953B	846B

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	City	County
Ragoss, Stephen A..... 900 Foxcroft Ct Apt 113, Lincoln, NE 68510	1287B	1289B
Rasmussen, Thomas D..... 12001 Q St Ste A, Omaha, NE 68137	591B	597B
Rathjen, Scott D..... #3 Edison Ave, York, NE 68467	1006A	1009A
Reynolds, Harold D..... 57593 853rd Rd, Wayne, NE 68787	990B	
Riggs, Bobby..... 5008 S 48th Ave, Omaha, NE 68147	1359B	
Riley, Shawn W..... 850 Rd West "E" N, Brule, NE 69127	1036B	1023B
Ripley, Rodney R..... 705 Logan Ave, Bellevue, NE 68005	1311B	1316B
Rix, Steven J..... 84750 513th Ave, Clearwater, NE 68726	770B	777A
Roach, Carl E..... 222 E 4th, Bridgeport, NE 69336	771B	
Robb, Don L..... 650 E 13th St, Superior, NE 68978	1042B	1053A
Robbins, Gerald L..... 704 S Maple St, Kimball, NE 69145	620B	612B
Robinson, Richard L..... 521 Danville Dr, Lincoln, NE 68510	653A	
Rodene, Thomas L..... 12458 J Rd, Stromsburg, NE 68666		1000A
Roemmich, Thomas D..... 211 S Fryar St, Clay Center, NE 68933		991B
Rohren, Kenton W..... 3411 Daniel Rd, Lincoln, NE 68506	1043B	
Ronkar, Richard L..... Rt 1 Box 166, David City, NE 68632	592B	598B
Rosso, Marc E..... 2239 Grainger Pky, Lincoln, NE 68512	1307B	
Rundell, Jay L..... PO Box 255, Potter, NE 69156	896B	899B
Runyan, Don A..... RR 2 Box 191, Falls City, NE 68355	394B	
Russell, Kathryn M..... 1124 E 9th, Minden, NE 68959	1074A	1086A
Rust, Milo J..... 426 N Morehead St, Chadron, NE 69337	711A	
Rutledge, Timothy C..... 827 10th St, Humboldt, NE 68376	481B	474B

Name/Address	License Number/Class	
	City	County
Ryan, Timothy W. #1 Lincoln St, PO Box 187, Keystone, NE 69144		1266A
Ryan, Jr., James M. 410 E Emmet, Greeley, NE 68842	633A	1129A
Ryschon, James E. 606 S Washington St, Kimball, NE 69145	1007A	1010A
Sall, Dale W. 1002 Tilden, Holdrege, NE 68949	605B	606B
Sandrock, Dennis E. 412 W 29th St, Kearney, NE 68845	860B	
Sandvik, Stephen O. 9527 W Vandeventor Dr, Littleton, CO 80128	759B	
Saunders, Sidney A. 1022 2nd Ave, Wayne, NE 68787	462B	460A
Schafer, Larry W. Rt 1 Box 16A, DuBois, NE 68345	995B	963B
Schaff, M. C. 818 S Beltline Hwy E, Scottsbluff, NE 69361	19A	18A
Schamp, Benny J. 3630 DuPont St, Sioux City, IA 51104	1186B	1196B
Schamp, Gary S. 202 12th Ave, Franklin, NE 68939	1187B	1197B
Schlautman, Paul J. 809 Centennial Rd, West Point, NE 68788		634B
Schmidt, Robert H. PO Box 246, Platte Center, NE 68653		526B
Schoemaker, Allen R. 17931 Pine St, Omaha, NE 68130	1073A	1085A
Schram, James P. 22902 W Angus Rd, Gretna, NE 68028		978B
Schriner, John F. 718 34 Rd, Franklin, NE 68939	1114B	929B
Seybold, Erle Lloyd 10550 S Crystal Lake Ave, Ayr, NE 68925	1259B	1267B
Sharpe, Joseph L. 502 Grand St, Table Rock, NE 68447	964B	970B
Sherlock, Casey C. PO Box 1048, Grand Island, NE 68802	1368B	1363B
Siel, Linda RR 1 Box 172, Guide Rock, NE 68942	942A	950A
Sklenar, Ronald G. 708 Pavia Ave, Ravenna, NE 68869	443B	447A
Slezak, William A. 1406 Rd 22, Milligan, NE 68406		1124B

Name/Address	License Number/Class	
	City	County
Slezak, Gerald D..... 2111 Rd L, Milligan, NE 68406		881B
Smith, Lloyd C. PO Box 50, Valentine, NE 69201	409A	395A
Smith, Randall 2010 G Rd, Minden, NE 68959	1345B	1344B
Smith, Peggy L. PO Box 58, Decatur, NE 68020		1044A
Smith, David A. 809 "O" St, PO Box 394, Bridgeport, NE 69336	1188B	1198B
Smith, Dale M. 601 Old Cheney Rd Ste A, Lincoln, NE 68512	1149B	1152B
Smith, Timothy L..... 102 Railroad Ave, PO Box 427, Benkelman, NE 69021	1169A	1173B
Snyder, Richard A..... 1361 26th Ave, Columbus, NE 68601	548B	
Snyder, Michael J. 72851 Rd 432, Edison, NE 68936		920A
Soucie, Jr., Joseph H..... 704 Magnolia Ave, Papillion, NE 68046	1046A	
Speck, Richard E. 504 Crockett, Farnam, NE 69029	410B	396A
Sprague, Scott E..... 1023 E Plainsman Dr, Ainsworth, NE 69210	809B	
Staben, Clifford E..... 3317 Merrick Pl, Missouri Valley, IA 51555		1163B
Stahla, Linda M..... 222 S Chestnut, Kimball, NE 69145	558B	565B
Stange, Marty A. 503 N Blue River Rd, Juniata, NE 68955	757B	
Stark, John T. 211 West 3rd St, North Platte, NE 69101	1157B	
Steffen, Tim 6920 Van Dorn St Ste A, Lincoln, NE 68506	1302B	1303B
Steffens, Gary R. 2060 Manning Way, Colorado Springs, CO 80919		1015B
Steffensmeier, Glen P..... 82686 571 Ave, Clarkson, NE 68629	1228A	1235A
Stocker, Kirk W..... 3916 11th Ave, Kearney, NE 68845	529B	527B
Stoeger, Mark A..... PO Box 50, Valentine, NE 69201	1229B	1236B
Story, Gary W. 4742 Ave G, Kearney, NE 68847	654A	658B

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	City	County
Sullivan, Dennis P..... 4307 W Stolley Park Rd, Alda, NE 68810	1048B	1056B
Sutton, Matthew J..... 1044 N 115th St Ste 300, Omaha, NE 68154	1305B	
Svatora, Diann F..... 1109 Rd G, Schuyler, NE 68661	1189B	1199B
Svoboda, Darla J..... PO Box 21, Aurora, NE 68818	783A	635A
Sweeney, Brian R..... 90340 Dakota Rd, Scottsbluff, NE 69361	463A	
Swinney, Stacy L..... 636 Deadhorse Rd, Chadron, NE 69337	830B	835B
Tagge, Darold E..... 515 West Ave, Holdrege, NE 68949	411A	397A
Taladay, David R..... 2631 O St, Lincoln, NE 68510	563B	
Talkington, C. Ardell..... 856 Rd J, Red Cloud, NE 68970	331A	91A
Thares, Timothy J..... 1165 Co Rd 17, Wahoo, NE 68066	1008B	1011B
Thayer, Gary E..... 520 W Hat Creek Rd, Harrison, NE 69346	696B	674B
Theis, Dan J..... 13676 O Rd, Osceola, NE 68651	1364B	1365B
Thole, Fredrick H..... 13905 Walnut Cir, Omaha, NE 68144	1245B	1246B
Thomas, Don R..... 444 Cherrycreek Rd Bldg C, Lincoln, NE 68528		581A
Thompson, Donald E..... 1025 E Hwy 92, Sutherland, NE 69165	305A	180A
Thompson, Kelly G..... 7618 E Hwy 30, Fremont, NE 68025	1014B	
Thomsen, Gene A..... 4600 S 52nd St, Lincoln, NE 68516		425B
Thorin, Darrel D..... PO Box 65, Bartlett, NE 68622		1298A
Thorne, Jr., Leonard R..... 145 N 4th, Plattsmouth, NE 68048	1312B	1317B
Tienken, Gary L..... 117 S 9th Ave, Scribner, NE 68057	907B	912B
Tophoj, Brenda G..... 6025 RD 187, Oshkosh, NE 69154	1323B	1326B
Tracy, Ralph L..... PO Box 255, Chambers, NE 68725	534B	400B

Name/Address	License Number/Class	
	City	County
Truksa, Jim J. 3761 IJ Rd, David City, NE 68632	917A	921A
Trumble, Thomas W. PO Box 207, Wahoo, NE 68066	1150B	
Tyler, Robert C. 1092 1/2 Center Ave, Mitchell, NE 69357	918B	922A
Uglow, Hugh D. 102 Terrace Dr, Kimball, NE 69145		637A
Uher, Randy G. 312 N Pine St, Dodge, NE 68633	1260B	1268B
Uhl, Kathryn K. 88198 566 Ave, Hartington, NE 68739		935A
Valentine, Paul A. 810 N 15th St, Beatrice, NE 68310	1024B	1030B
Van Maanen, Todd W. 215 S Walnut St, Yankton, SD 57078	1089A	
Vazzano, Mike J. 177444 Martha St, Omaha, NE 68130	445B	448B
Vieregger, Henry T. 10628 Decatur St, Omaha, NE 68114	952A	
Vincent, Kenneth R. 4134 Rd 38, Kimball, NE 69145	241B	1032B
Vollmer, Julie C. Rt 1 Box 63, Verdon, NE 68457	992B	994B
Vyhlidal, Mark A. 2684 Crestwood Dr, Fremont, NE 68025	1208B	
Wacker, David L. 220 N Hastings Ave, Hastings, NE 68901	476A	482A
Wagner, Jeffrey J. 5812 S 45th St, Lincoln, NE 68516	1216B	1217B
Wahlgren, Wesley W. 1723 W Koenig St, Grand Island, NE 68803	772B	778B
Walker, Glen E. PO Box 246, Kimball, NE 69145	461B	504B
Wawers, Brett J. 14710 W Dodge Rd Ste 100, Omaha, NE 68154	892A	
Way, Ronald L. 15505 W Maple Rd, Omaha, NE 68116	831B	836B
Weber, Keith G. RR 1 Box 40, Cook, NE 68329		1100A
Weber, Richard W. 11720 S 37th St, Bellevue, NE 68123	740A	745A
Weber, Kenneth J. 16756 V St, Omaha, NE 68135		1049B

Name/Address	License Number/Class	
	City	County
Wehling, William L PO Box 689, Beatrice, NE 68310	243A	242A
Werblow, Thomas C. PO Box 832, North Platte, NE 69103	402A	854B
Wernsman, Jeffrey R. 2385 Linden St, Sidney, NE 69162	1075A	
West, Wanda Kay 818 S Beltline Hwy E, Scottsbluff, NE 69361	1206B	1215B
Whedon, Burt D. 666 N 63rd St, Omaha, NE 68132	103B	
Whyman, Tracey C. 1635 S 56th St, Lincoln, NE 68506	1352B	
Wichman, John J. 1815 Evergreen Ln, Shakopee, MN 55379	1097B	1101B
Wicht, Gary RR 1 Box 31, Rockville, NE 68871	1328B	1299A
Wickersham, Evan B. 905 N 52nd Rd, Nebraska City, NE 68410	1139A	1143A
Wilcox, Gilbert R. 701 4th Ave Ste 2C, PO Box 885, Holdrege, NE 68949	713A	
Wilkins, Randy M. 13860 12th St, Plattsmouth, NE 68048	1108A	1113A
Winter, Michael D. 306 E 9th, Gordon, NE 69343	446A	451B
Wolf, Robert G. 2672 S 13th St, Lincoln, NE 68502	570B	
Wolfe, Michael 202 Broad St, Tarkio, MO 64491	1294B	1300B
Wolfe, Jeff 1005 Pioneer Dr, Gering, NE 69341	1025A	1031A
Wolford, Greg A. 702 Airport Rd, McCook, NE 69001	875A	876A
Wolford, Steve W. 2626 W 2nd St, Hastings, NE 68901	1249A	
Wood, Gregory D. 7900 Amber Hill Rd, Lincoln, NE 68516	1252A	1253A
Wood, Wayne A. 1225 Highland Dr, Ogallala, NE 69153	897B	
Wootton, Sr., Edward R. 804 W Mission Ave, Bellevue, NE 68005	350B	348B
Woracek, Ronald J. 1044 N 115th St Ste 300, Omaha, NE 68154	489A	
Worrell, Larry V. 444 Cherrycreek Rd Bldg C, Lincoln, NE 68528	478B	484B

Name/Address	License Number/Class	
	City	County
Wortmann, Christopher J..... 215 Walnut St, Yankton, SD 57078	1308B	
Wurdeman, Roger A..... 2259 36th Ave, Columbus, NE 68601	1158B	1164B
Yardley, Jerry Blaine..... PO Box 429, Rushville, NE 69360		943A
Zech, Steven W. 256 N Linden, Wahoo, NE 68066	639B	643B
Ziska, David D. 201 E 2nd St, PO Box 1072, Grand Island, NE 68802	1144B	

IN MEMORIAM

Name/Address		License Number	
		City	County
Lary G. Kment.....	Hooper	253	235



RESOLUTION

Board of Examiners for County Highway and City Street Superintendents

WHEREAS, Lary G. Kment was a member of the Board of Examiners for County Highway and City Street Superintendents since his appointment in 1975 by Governor Exon, with subsequent reappointments by Governors Thone, Kerrey, Nelson and Johanns, ably representing county highway superintendents and perspectives of Class 5 Counties (20,000-59,999 inhabitants);

WHEREAS, Lary G. Kment was first licensed in 1972 and was Dodge County's Highway Superintendent for 33 years, earning accolades for the county's fine roads, also serving as City Street Superintendent for the City of Hooper;

WHEREAS, Lary G. Kment was elected Secretary by his fellow members of the Board of Examiners in 1999 and reelected every two years since, attending with great care to the Board's correspondence, conducting examinations, and representing the Board twice yearly at pre-licensing workshops where he mentored scores of future license holders;

WHEREAS, Lary G. Kment diligently promoted safe, effective and efficient transportation locally and statewide, earning the respect and admiration of officials, his peers, and the public; and

WHEREAS, Lary G. Kment passed from this life on September 19, 2005.

NOW, THE MEMBERS OF THE BOARD OF EXAMINERS FOR COUNTY HIGHWAY AND CITY STREET SUPERINTENDENTS DO HEREBY:

1. Memorialize Lary G. Kment for his distinguished service to the People of Nebraska;
2. Posthumously award Lary G. Kment the Board's Distinguished Service Award; and

3. Direct that copies of this resolution be provided to the Kment family, Governor Heineman, Nebraska Department of Roads' Director Craig, the Nebraska Association of County Officials, the League of Nebraska Municipalities, the Dodge County Board of Supervisors, and Robert Reynolds, Mayor of Hooper.

DONE this 7th day of October, 2005 at Lincoln, Nebraska.

VOTING AYE: Anderson, Davidson, Fricke, McDonald, and Merz.

VOTING NAY: None.

ABSENT: Doyle.

FOR THE BOARD: Phillip Davidson, Chairman

Thomas McDonald, Secretary

