

LEGISLATIVE BILL 43

Approved by the Governor February 14, 2007

Introduced by Heidemann, 1; Christensen, 44; Erdman, 47; Fischer, 43; Flood, 19; Langemeier, 23; Pahls, 31; Stuthman, 22

FOR AN ACT relating to highways; to provide for mowing and hay harvesting permits for right-of-ways; to provide fees; and to provide duties for the Department of Roads.

Be it enacted by the people of the State of Nebraska,

Section 1. For purposes of this section, the definitions in section 39-1302 apply.

The Department of Roads shall issue permits which authorize and regulate the mowing and harvesting of hay on the right-of-way of highways of the state highway system. The applicant for a permit shall be informed in writing and shall sign a release acknowledging (1) that he or she will assume all risk and liability for hay quality and for any accidents and damages that may occur as a result of the work and (2) that the State of Nebraska assumes no liability for the hay quality or for work done by the permittee. The applicant shall show proof of liability insurance of at least one million dollars. The owner or the owner's assignee of land abutting the right-of-way shall have priority to receive a permit for such land under this section until July 30 of each year. Applicants who are not owners of abutting land shall be limited to a permit for five miles of right-of-way per year. The department shall allow mowing and hay harvesting on or after July 15 of every other year unless haying was completed the year prior due to drought or other declaration. The department shall charge a permit fee in an amount calculated to defray the costs of administering this section. All fees received under this section shall be remitted to the State Treasurer for credit to the Highway Cash Fund. The department shall adopt and promulgate rules and regulations to carry out this section.