

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 339

Introduced by Friesen, 34; at the request of the Governor.

Read first time January 12, 2017

Committee: Transportation and Telecommunications

1 A BILL FOR AN ACT relating to government; to amend sections 3-101, 3-102,
2 3-103, 3-104, 3-105, 3-107, 3-108, 3-109, 3-110, 3-111, 3-113,
3 3-114, 3-115, 3-116, 3-117, 3-118, 3-119, 3-120, 3-121, 3-123,
4 3-124, 3-125, 3-126, 3-127, 3-128, 3-131, 3-133, 3-134, 3-135,
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6 3-147, 3-148, 3-149, 3-152, 3-154, 3-155, 3-156, 3-157, 3-158,
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8 3-403, 3-404, 3-405, 3-407, 3-409, 12-1205, 13-912, 13-1203,
9 14-2113, 18-601, 18-613, 25-2501, 31-925, 39-102, 39-103, 39-202,
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23 60-631, 60-658.01, 60-680, 60-695, 60-699, 60-6,101, 60-6,102,

1 60-6,103, 60-6,106, 60-6,107, 60-6,115, 60-6,118, 60-6,120,
2 60-6,126.01, 60-6,129, 60-6,130, 60-6,137, 60-6,138, 60-6,139,
3 60-6,145, 60-6,159, 60-6,164, 60-6,166, 60-6,167, 60-6,171,
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10 75-713, 75-716, 76-1224, 79-604, 81-101, 81-102, 81-161.04,
11 81-188.01, 81-701.01, 81-701.02, 81-701.03, 81-701.04, 81-701.05,
12 81-710, 81-916, 81-917, 81-1108.22, 81-1114, 81-1711, 81-2801,
13 82-120, 82-505, 83-137, 85-1008, 86-707, 90-238, and 90-260, Reissue
14 Revised Statutes of Nebraska, and sections 3-106, 3-159, 3-303,
15 3-407.01, 3-408, 13-520, 13-1210, 13-1212, 49-617, 57-1407, 60-507,
16 60-6,144, 60-6,153, 60-6,154, 60-6,230, 60-6,267, 60-6,288,
17 60-6,294, 60-6,297, 60-6,298, 60-6,299, 60-6,378, 60-6,380, 60-3101,
18 66-489.02, 66-4,100, 66-4,144, 66-738, 73-507, 77-3442, 77-3443,
19 81-8,310, 81-1108.15, 81-1108.43, and 81-3711.01, Revised Statutes
20 Cumulative Supplement, 2016; to merge the Department of Aeronautics
21 into the Department of Roads; to create the Division of Aeronautics;
22 to rename the Department of Roads as the Department of
23 Transportation; to provide for transfer of powers, duties,
24 personnel, funds, rights, and property as prescribed; to rename a
25 fund; to eliminate the Department of Aeronautics; to harmonize
26 provisions; to provide an operative date; to repeal the original
27 sections; and to declare an emergency.

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

1 Section 1. Section 3-101, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 3-101 ~~(1)~~ For purposes of the State Aeronautics Act and the purpose
4 ~~of~~ the laws of this state relating to aeronautics, the following words,
5 terms, and phrases shall have the meanings given in this section, unless
6 otherwise specifically defined or unless another intention clearly
7 appears or the context otherwise requires: -

8 (1) ~~(2)~~ Aeronautics means transportation by aircraft; the operation,
9 construction, repair, or maintenance of aircraft, aircraft power plants,
10 and accessories, including the repair, packing, and maintenance of
11 parachutes; and the design, establishment, construction, extension,
12 operation, improvement, repair, or maintenance of airports, restricted
13 landing areas, or other air navigation facilities, and air instruction; -

14 (2) ~~(3)~~ Aircraft means any contrivance now known, hereafter
15 invented, used, or designed for navigation of or flight in the air; -

16 ~~(4)~~ Public aircraft means an aircraft used exclusively in the
17 service of any government or of any political subdivision thereof,
18 including the government of any state, territory, or possession of the
19 United States or the District of Columbia, but not including any
20 government-owned aircraft engaged in carrying persons or property for
21 commercial purposes.

22 ~~(5)~~ Civil aircraft means any aircraft other than a public aircraft.

23 (3) ~~(6)~~ Airport means (a) any area of land or water, except a
24 restricted landing area, which is designed for the landing and takeoff of
25 aircraft, whether or not facilities are provided for the sheltering,
26 servicing, or repairing of aircraft or for receiving or discharging
27 passengers or cargo, (b) all appurtenant areas used or suitable for
28 airport buildings or other airport facilities, and (c) all appurtenant
29 rights-of-way, whether heretofore or hereafter established; -

30 ~~(7)~~ Department means the Department of Aeronautics, commission means
31 the Nebraska Aeronautics Commission, commissioner means any member of the

1 ~~commission, director means the Director of Aeronautics, and state or this~~
2 ~~state means the State of Nebraska.~~

3 ~~(8) Restricted landing area means any area of land, water, or both,~~
4 ~~which is used or is made available for the landing and takeoff of~~
5 ~~aircraft, the use of which shall, except in case of emergency, be only as~~
6 ~~provided from time to time by the commission.~~

7 ~~(4) (9) Air navigation facility means any facility, other than one~~
8 ~~owned or controlled by the federal government, used in, available for use~~
9 ~~in, or designed for use in aid of air navigation, including airports,~~
10 ~~restricted landing areas, and any structures, mechanisms, lights,~~
11 ~~beacons, marks, communicating systems, or other instrumentalities or~~
12 ~~devices used or useful as an aid or constituting an advantage or~~
13 ~~convenience to the safe takeoff, navigation, and landing of aircraft, or~~
14 ~~the safe and efficient operation or maintenance of an airport or~~
15 ~~restricted landing area and any combination of any or all of such~~
16 ~~facilities; -~~

17 ~~(5) (10) Air navigation means the operation or navigation of~~
18 ~~aircraft in the air space over this state or upon any airport or~~
19 ~~restricted landing area within this state; -~~

20 ~~(11) Operation of aircraft or operate aircraft means the use of~~
21 ~~aircraft for the purpose of air navigation and includes the navigation or~~
22 ~~piloting of aircraft. Any person who causes or authorizes the operation~~
23 ~~of aircraft, whether with or without the right of legal control, in the~~
24 ~~capacity of owner, lessee, or otherwise, of the aircraft, shall be deemed~~
25 ~~to be engaged in the operation of aircraft within the meaning of the~~
26 ~~statutes of this state.~~

27 ~~(6) (12) Airman means any individual who engages, as the person in~~
28 ~~command, or as pilot, mechanic, or member of the crew, in the navigation~~
29 ~~of aircraft while under way and (excepting individuals employed outside~~
30 ~~the United States, any individual employed by a manufacturer of aircraft,~~
31 ~~aircraft engines, propellers, or appliances to perform duties as~~

1 inspector or mechanic in connection therewith, and any individual
2 performing inspection or mechanical duties in connection with aircraft
3 owned or operated by him or her) any individual who is directly in charge
4 of the inspection, maintenance, overhauling, or repair of aircraft
5 engines, propellers, or appliances and any individual who serves in the
6 capacity of aircraft dispatcher or air traffic control-tower operator; -

7 ~~(7)~~ (13) Air instruction means the imparting of aeronautical
8 information by any aeronautics instructor or in or by any air school or
9 flying club; -

10 (8) (14) Aeronautics instructor means any individual engaged in
11 giving instruction, or offering to give instruction, in aeronautics,
12 either in flying or ground subjects, or both, for hire or reward, without
13 advertising such occupation, without calling his or her facilities an air
14 school or anything equivalent thereto, and without employing or using
15 other instructors. It does not include any instructor in any public
16 school or university of this state or any institution of higher learning
17 duly accredited and approved for carrying on collegiate work while
18 engaged in his or her duties as such instructor; -

19 ~~(15) Flying club means any person, other than an individual, who,~~
20 ~~neither for profit nor reward, owns, leases, or uses one or more aircraft~~
21 ~~for the purpose of instruction or pleasure or both.~~

22 ~~(16) Person means any individual, firm, partnership, limited~~
23 ~~liability company, corporation, company, association, joint stock~~
24 ~~association, or body politic and includes any trustee, receiver,~~
25 ~~assignee, or other similar representative thereof.~~

26 ~~(17) State airway means a route in the navigable air space over and~~
27 ~~above the lands or waters of this state, designated by the department as~~
28 ~~a route suitable for air navigation.~~

29 ~~(18) Navigable air space means air space above the minimum altitudes~~
30 ~~of flight prescribed by the laws of this state or by the regulations of~~
31 ~~the department consistent therewith.~~

1 ~~(19) Municipality means any county, city, village, or town of this~~
2 ~~state and any other political subdivision, public corporation, authority,~~
3 ~~or district in this state which is or may be authorized by law to~~
4 ~~acquire, establish, construct, maintain, improve, and operate airports~~
5 ~~and other air navigation facilities.~~

6 (9) (20) Airport protection privileges means easements through or
7 other interests in air space over land or water, interests in airport
8 hazards outside the boundaries of airports or restricted landing areas,
9 and other protection privileges, the acquisition or control of which is
10 necessary to insure safe approaches to the landing areas of airports and
11 restricted landing areas and the safe and efficient operation thereof; -

12 (10) (21) Airport hazard means any structure, object of natural
13 growth, or use of land which obstructs the air space required for the
14 flight of aircraft in landing or taking off at any airport or restricted
15 landing area or is otherwise hazardous to such landing or taking off; -

16 (11) Civil aircraft means any aircraft other than a public aircraft;

17 (12) Commission means the Nebraska Aeronautics Commission;

18 (13) Director means the Director of Aeronautics;

19 (14) Division means the Division of Aeronautics of the Department of
20 Transportation;

21 (15) Flying club means any person, other than an individual, who,
22 neither for profit nor reward, owns, leases, or uses one or more aircraft
23 for the purpose of instruction or pleasure or both;

24 ~~(22) The singular includes the plural and the plural the singular.~~
25 ~~The masculine gender includes the feminine.~~

26 (16) (23) Location means the general vicinity to be served by a
27 specific airport; -

28 (17) Municipality means any county, city, village, or town of this
29 state and any other political subdivision, public corporation, authority,
30 or district in this state which is or may be authorized by law to
31 acquire, establish, construct, maintain, improve, and operate airports

1 and other air navigation facilities;

2 (18) Navigable air space means air space above the minimum altitudes
3 of flight prescribed by the laws of this state or by the rules and
4 regulations adopted and promulgated by the division consistent therewith;

5 (19) Operation of aircraft or operate aircraft means the use of
6 aircraft for the purpose of air navigation and includes the navigation or
7 piloting of aircraft. Any person who causes or authorizes the operation
8 of aircraft, whether with or without the right of legal control, in the
9 capacity of owner, lessee, or otherwise, of the aircraft, shall be deemed
10 to be engaged in the operation of aircraft within the meaning of the
11 statutes of this state;

12 ~~(24) Site means the specific land area to be used as an airport.~~

13 (20) (25) Privately owned public use airport means any airport owned
14 by a person which is primarily engaged in the business of providing
15 necessary services and facilities for the operation of civil aircraft and
16 which (a) has at least one paved runway, (b) is engaged in the retail
17 sale of aviation gasoline or aviation jet fuel, and (c) possesses
18 facilities for the sheltering, servicing, or repair of aircraft; -

19 (21) Public aircraft means an aircraft used exclusively in the
20 service of any government or of any political subdivision thereof,
21 including the government of any state, territory, or possession of the
22 United States or the District of Columbia, but not including any
23 government-owned aircraft engaged in carrying persons or property for
24 commercial purposes;

25 (22) Restricted landing area means any area of land, water, or both,
26 which is used or is made available for the landing and takeoff of
27 aircraft, the use of which shall, except in case of emergency, be only as
28 provided from time to time by the commission;

29 (23) Site means the specific land area to be used as an airport; and

30 (24) State airway means a route in the navigable air space over and
31 above the lands or waters of this state, designated by the division as a

1 route suitable for air navigation.

2 Sec. 2. Section 3-102, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 3-102 The purpose of the State Aeronautics Act ~~It is hereby~~
5 ~~declared that the purpose of sections 3-101 to 3-154~~ is to further the
6 public interest and aeronautical progress by (1) providing for the
7 protection and promotion of safety in aeronautics, (2) cooperating in
8 effecting a uniformity of the laws relating to the development and
9 regulation of aeronautics in the several states, (3) revising existing
10 statutes relative to the development and regulation of aeronautics so as
11 to grant such powers to and impose such duties upon the division ~~a state~~
12 ~~agency~~ in order that the state may properly perform its functions
13 relative to aeronautics and effectively exercise its jurisdiction over
14 persons and property within such jurisdiction, may assist in the
15 promotion of a statewide system of airports, may cooperate with and
16 assist the political subdivisions of this state and others engaged in
17 aeronautics, and may encourage and develop aeronautics, (4) establishing
18 uniform regulations, consistent with federal regulations and those of
19 other states, in order that those engaged in aeronautics of every
20 character may so engage with the least possible restriction, consistent
21 with the safety and the rights of others, and (5) providing for
22 cooperation with the federal authorities in the development of a national
23 system of civil aviation and for coordination of the aeronautical
24 activities of those authorities and the authorities of this state by
25 assisting in accomplishing the purposes of federal legislation and
26 eliminating costly and unnecessary duplication of functions properly in
27 the province of federal agencies.

28 Sec. 3. Section 3-103, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 3-103 (1) The Division ~~There is hereby created a department of~~
31 ~~government to be known as the Department of Aeronautics shall be a~~

1 division of the Department of Transportation.

2 (2)(a) Until December 31, 2017, the The chief administrative officer
3 of the division ~~department~~ shall be the director, to be known as the
4 Director of Aeronautics and . ~~The Director of Aeronautics~~ shall be
5 appointed by the Governor, subject to confirmation by the Legislature,
6 with due regard to his or her fitness through aeronautical education and
7 by knowledge of and recent practical experience in aeronautics. The
8 director shall devote full time to the performance of his or her official
9 duties and shall not have any pecuniary interest in, stock in, or bonds
10 of any civil aeronautics enterprise. The director shall, before assuming
11 the duties of the office, take and subscribe an oath, such as is required
12 by state officers. The director shall be bonded or insured as required by
13 section 11-201. The director shall receive such compensation as the
14 Governor, with the approval of the commission, shall determine, subject
15 to the provisions of the legislative appropriations bill.

16 (b) Beginning January 1, 2018, the chief administrative officer of
17 the division shall be the Director of Aeronautics who shall be appointed
18 by the Director-State Engineer. The director shall devote full time to
19 the performance of her or her official duties and shall not have any
20 pecuniary interest in, stock in, or bonds of any civil aeronautics
21 enterprise. The director shall, before assuming the duties of the office,
22 take and subscribe an oath, such as is required by state officers.

23 Sec. 4. Section 3-104, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 3-104 (1) There is hereby created the Nebraska Aeronautics
26 Commission which shall consist of five members, who shall be appointed by
27 the Governor. The terms of office of the members of the commission
28 initially appointed shall expire on March 1 of the years 1946, 1947,
29 1948, 1949, and 1950, as designated by the Governor in making the
30 respective appointments. As the terms of members expire, the Governor
31 shall, on or before March 1 of each year, appoint a member of the

1 commission for a term of five years to succeed the member whose term
2 expires. Each member shall serve until the appointment and qualification
3 of his or her successor. In case of a vacancy occurring prior to the
4 expiration of the term of a member, the appointment shall be made only
5 for the remainder of the term. All members of the commission shall be
6 citizens and bona fide residents of the state and, in making such an
7 appointment, the Governor shall take into consideration the interest or
8 training of the appointee in some one or all branches of aviation. The
9 commission shall, in December of each year, select a chairperson for the
10 ensuing year. The Director of Aeronautics shall serve as secretary as set
11 forth in section 3-127. Three members shall constitute a quorum, and no
12 action shall be taken by less than a majority of the commission.

13 (2) The commission shall meet upon the written call of the
14 chairperson, the director, or any two members of the commission. Regular
15 meetings shall be held at the office of the division ~~department~~ but,
16 whenever the convenience of the public or of the parties may be promoted
17 or delay or expense may be prevented, the commission ~~it~~ may hold meetings
18 or proceedings at any other place designated by it. All meetings of the
19 commission shall be open to the public. No member shall receive any
20 salary for his or her service, but each shall be reimbursed for actual
21 and necessary expenses incurred by him or her in the performance of his
22 or her duties as provided in sections 81-1174 to 81-1177.

23 (3)(a) Until December 31, 2017, it ~~It~~ shall be the duty of the
24 commission to advise the Governor relative to the appointment of the
25 Director of Aeronautics, and the commission a director and it shall
26 report to the Governor whenever it feels that the Director of Aeronautics
27 ~~director~~ is not properly fulfilling his or her duties.

28 (b) Beginning January 1, 2018, the commission shall advise the
29 Director-State Engineer relative to the appointment of the Director of
30 Aeronautics, and the commission shall report to the Director-State
31 Engineer whenever the commission feels that the Director of Aeronautics

1 is not properly fulfilling his or her duties.

2 (c) It shall further act in an advisory capacity to the Director of
3 Aeronautics and Director-State Engineer ~~director~~.

4 (4) The commission shall have, in addition, the following specific
5 duties: (a) ~~(1)~~ To allocate state funds and approve the use of federal
6 funds to be spent for the construction or maintenance of airports; (b)
7 ~~(2)~~ to designate the locations and approve sites of airports; (c) ~~(3)~~ to
8 arrange and authorize the purchase of aircraft upon behalf of the state;
9 (d) ~~(4)~~ to select and approve pilots to be employed by the state, if any;
10 and (e) ~~(5)~~ to assist the Director of Aeronautics ~~director~~ in formulating
11 the regulations and policies to be carried out by the division ~~department~~
12 under the terms of the State Aeronautics ~~Department~~ Act. The commission
13 may allocate state funds for the promotion of aviation as defined for the
14 purpose of this section by the division ~~department~~ by rule and
15 regulation. The director may designate one or more members of the
16 commission to represent the division ~~department~~ in conferences with
17 officials of the federal government, of other states, of other agencies
18 or municipalities of this state, or of persons owning privately owned
19 public use airports.

20 Sec. 5. Section 3-105, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 3-105 The division ~~department~~ shall, ~~within thirty days after its~~
23 ~~creation,~~ adopt a seal and adopt and promulgate ~~make such~~ rules and
24 regulations for its administration. All rules, regulations, and orders of
25 the Department of Aeronautics adopted prior to July 1, 2017, in
26 connection with the powers, duties, and functions transferred to the
27 Division of Aeronautics of the Department of Transportation pursuant to
28 this legislative bill, shall continue to be effective until revised,
29 amended, repealed, or nullified pursuant to law , not inconsistent
30 herewith, as it may deem expedient. It may, from time to time, amend such
31 rules and regulations. The fiscal year of the department shall conform to

1 ~~the fiscal year of the state.~~

2 Sec. 6. Section 3-106, Revised Statutes Cumulative Supplement, 2016,
3 is amended to read:

4 3-106 ~~(1) Suitable offices shall be provided for the department in~~
5 ~~the State Capitol. It may maintain offices at such other places in the~~
6 ~~state as it may designate and may incur the necessary expense for office~~
7 ~~furniture, stationery, printing, and other incidental or necessary~~
8 ~~expenses for the enforcement of the State Aeronautics Department Act and~~
9 ~~the general promotion of aeronautics within the state.~~

10 (1) ~~(2)~~ The division ~~department~~ may purchase aircraft for the use of
11 state government and may sell any state aircraft that is not needed or
12 suitable for state uses. State aircraft shall be subject at all times to
13 the written orders of the Governor for use and service in any branch of
14 the state government. The division ~~department~~ shall establish an hourly
15 rate for use of a state aircraft by a state official or agency. The
16 hourly rate shall not include an amount to recover the cost of
17 acquisition by purchase, but shall include amounts for items such as
18 variable fuel and oil costs, routine maintenance costs, landing fees, and
19 preventive maintenance reserves.

20 ~~(3) The department may employ such clerical and other employees and~~
21 ~~assistants as it may deem necessary for the proper transaction of its~~
22 ~~business.~~

23 (2) ~~(4)~~ It is the intent of the Legislature that the use of state-
24 owned, chartered, or rented aircraft by the division ~~department~~ shall be
25 for the sole purpose of state business. The division ~~department~~ shall
26 electronically file with the Clerk of the Legislature a quarterly report
27 on the ~~department's~~ use of all state-owned, chartered, or rented aircraft
28 by the division that includes the following information for each trip:
29 The name of the agency or other entity traveling; the name of each
30 individual passenger; all purposes of the trip; the destination and
31 intermediate stops; the miles flown; and the duration of the trip.

1 Sec. 7. Section 3-107, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 3-107 The division ~~department~~ shall have general supervision over
4 aeronautics within this state. It is empowered and directed to encourage,
5 foster, and assist in the development of aeronautics in this state and
6 encourage the establishment of airports and other air navigation
7 facilities. No state funds ~~herein appropriated or made available~~ for the
8 acquisition, engineering, construction, improvement, or maintenance of
9 airports shall be expended upon any project or for any work upon any such
10 project which is not done under the supervision of the division
11 ~~department~~. When any airport which has received state grant funds
12 pursuant to ~~the provisions of~~ the State Aeronautics ~~Department~~ Act ceases
13 to be an airport or a privately owned public use airport, the division
14 ~~department~~ shall, consistent with all other provisions of state and
15 federal law, seek to recover so much of the state funds provided to the
16 airport as it may and shall deposit any such funds so recovered into the
17 ~~Department of Aeronautics Cash Fund~~.

18 Sec. 8. Section 3-108, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 3-108 The division ~~It~~ shall cooperate with and assist the federal
21 government, the political subdivisions of this state, and others engaged
22 in aeronautics or the promotion of aeronautics, and seek to coordinate
23 the aeronautical activities of these bodies. To this end, the division
24 ~~department~~ is empowered to confer with or to hold joint hearings with any
25 federal aeronautical agency in connection with any matter arising under
26 the State Aeronautics Act sections 3-101 to 3-154, or relating to the
27 sound development of aeronautics, and to avail itself of the cooperation,
28 services, records, and facilities of such federal agencies, as fully as
29 may be practicable, in the administration and enforcement of the act
30 ~~sections 3-101 to 3-154~~. The division ~~It~~ shall reciprocate by furnishing
31 to the federal agencies its cooperation, services, records, and

1 facilities, insofar as may be practicable. The division ~~It~~ shall report
2 to the appropriate federal agency all accidents in aeronautics in this
3 state of which it is informed and preserve, protect, and prevent the
4 removal of the component parts of any aircraft involved in an accident
5 being investigated by it until a federal agency institutes an
6 investigation. The division ~~, and~~ shall report to the appropriate federal
7 agency all refusals to register federal licenses, certificates, or
8 permits and all revocations of certificates of registration, and the
9 reasons therefor, and all penalties, of which it has knowledge, imposed
10 upon airmen for violations of the laws of this state relating to
11 aeronautics or for violations of the rules, regulations, or orders of the
12 division ~~department~~.

13 Sec. 9. Section 3-109, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 3-109 The division ~~It~~ may (1) perform such acts, (2) issue and
16 amend such orders, (3) adopt and ~~make,~~ promulgate, ~~and amend~~ such
17 reasonable general or special rules, regulations, and procedure, and (4)
18 establish such minimum standards, consistent with the State Aeronautics
19 Act ~~provisions of sections 3-101 to 3-154~~, as it shall deem necessary to
20 carry out the act ~~provisions of sections 3-101 to 3-154~~ and to perform
21 its duties under the act as hereunder; ~~all~~ commensurate with and for the
22 purpose of protecting and insuring the general public interest and
23 safety, the safety of persons receiving instruction concerning, or
24 operating, using, or traveling in aircraft, and of persons and property
25 on land or water, and to develop and promote aeronautics in this state.
26 No rule or regulation of the division ~~department~~ shall apply to airports
27 or other air navigation facilities owned or controlled by the federal
28 government within this state.

29 Sec. 10. Section 3-110, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 3-110 All rules and regulations adopted and promulgated by the

1 ~~division~~, ~~prescribed by the department~~ under the authority of the State
2 Aeronautics Act ~~sections 3-101 to 3-154~~, shall be kept in conformity, as
3 nearly as may be, with the then current federal legislation governing
4 aeronautics, the regulations duly promulgated thereunder, and rules and
5 standards issued from time to time pursuant thereto.

6 Sec. 11. Section 3-111, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 3-111 The division ~~It~~ shall keep on file with the Secretary of
9 State and at the principal office of the division ~~department~~ a copy of
10 all its rules and regulations for public inspection.

11 Sec. 12. Section 3-113, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 3-113 The division ~~department~~ may, insofar as is reasonably
14 possible, offer its engineering or other technical services, without
15 charge, to any municipality or to any person owning a privately owned
16 public use airport desiring them in connection with the construction,
17 maintenance, or operation or the proposed construction, maintenance, or
18 operation of an airport or restricted landing area.

19 Sec. 13. Section 3-114, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 3-114 The division ~~It~~ may ~~draft and recommend necessary legislation~~
22 ~~to advance the interests of the state in aeronautics~~ and represent the
23 state in aeronautical matters before federal agencies and other state
24 agencies.

25 Sec. 14. Section 3-115, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 3-115 The division ~~It~~ may participate as party plaintiff or
28 defendant, or as intervenor on behalf of this ~~the~~ state, or any
29 municipality or citizen thereof, in any controversy having to do with any
30 claimed encroachment by the federal government or any foreign state upon
31 any state or individual rights pertaining to aeronautics.

1 Sec. 15. Section 3-116, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 3-116 The division, the director ~~It shall be the duty of the~~
4 ~~department, the Director of Aeronautics,~~ and every state, county, and
5 municipal officer, charged with the enforcement of state and municipal
6 laws, shall ~~to~~ enforce and assist in the enforcement of the State
7 Aeronautics ~~Department~~ Act, all rules and regulations adopted and
8 promulgated ~~issued~~ pursuant thereto, and all other laws of this state
9 relating to aeronautics. In the aid of such enforcement, general police
10 powers are hereby conferred upon the director ~~Director of Aeronautics,~~
11 and such of the officers and employees of the division ~~department~~ as may
12 be designated by it, to exercise such powers. The division ~~department~~ is
13 further authorized, in the name of this state, to enforce the act and the
14 rules and regulations adopted and promulgated ~~issued~~ pursuant thereto by
15 injunction in the courts of this state. Municipalities and persons owning
16 privately owned public use airports are authorized to cooperate with the
17 division ~~department~~ in the development of aeronautics and aeronautical
18 facilities in this state. The division ~~department~~ may use the facilities
19 and services of other agencies of the state to the utmost extent possible
20 and such agencies are authorized and directed to make available such
21 facilities and services. ~~The department may also, with the approval of~~
22 ~~the Governor, contract with or employ the Department of Roads to maintain~~
23 ~~airports or perform necessary engineering service in carrying out the~~
24 ~~act.~~

25 Sec. 16. Section 3-117, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 3-117 The director ~~Director of Aeronautics,~~ or any officer or
28 employee of the division ~~department~~ designated by it, shall have the
29 power to hold investigations, inquiries, and hearings concerning matters
30 covered by the State Aeronautics Act ~~provisions of sections 3-101 to~~
31 ~~3-154~~ and orders, rules, and regulations of the division ~~department~~ and

1 concerning accidents in aeronautics within this state. All hearings so
2 conducted shall be open to the public. The director ~~Director~~ of
3 ~~Aeronautics~~, and every officer or employee of the division ~~department~~
4 designated by it to hold any inquiry, investigation, or hearing, shall
5 have power to administer oaths and affirmations, certify to all official
6 acts, issue subpoenas, and compel the attendance and testimony of
7 witnesses, and the production of papers, books, and documents. In case of
8 a failure to comply with any subpoena or order issued under the authority
9 of the act ~~sections 3-101 to 3-154~~, the division ~~department~~ or its
10 authorized representative may invoke the aid of any court of this state
11 of general jurisdiction. The court may thereupon order the witness to
12 comply with the requirements of the subpoena or order or to give evidence
13 touching the matter in question. Any failure to obey the order of the
14 court may be punished by the court as a contempt thereof.

15 Sec. 17. Section 3-118, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 3-118 In order to facilitate the making of investigations by the
18 division ~~department~~, in the interest of public safety and the promotion
19 of aeronautics, the public interest requires, and it is, therefor,
20 provided, that the reports of investigations or hearings, or any part
21 thereof, shall not be admitted in evidence or used for any purpose in any
22 suit, action, or proceeding, growing out of any matter referred to in the
23 ~~said~~ investigation, hearing, or report thereof, except in case of
24 criminal or other proceedings instituted on behalf of the division
25 ~~department~~ or this state under the State Aeronautics Act ~~provisions of~~
26 ~~sections 3-101 to 3-154~~ and other laws of this state relating to
27 aeronautics, nor shall any member of the commission, the director
28 ~~commissioner, the Director of Aeronautics~~, or any officer or employee of
29 the division ~~department~~ be required to testify to any facts ascertained
30 in, or information gained by reason of, his or her official capacity, or
31 be required to testify as an expert witness in any suit, action, or

1 proceeding involving any aircraft. Subject to the foregoing provisions,
2 the division ~~department~~ may, in its discretion, make available to
3 appropriate federal and state agencies information and material developed
4 in the course of its hearings and investigations.

5 Sec. 18. Section 3-119, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 3-119 The division ~~department~~ may render assistance in the
8 acquisition, development, operation, or maintenance of privately owned
9 public use airports or airports owned, controlled, or operated or to be
10 owned, controlled, or operated by municipalities in this state out of
11 appropriations made by the Legislature for that purpose.

12 Sec. 19. Section 3-120, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 3-120 The division ~~It~~ may enter into any contracts necessary to the
15 execution of the powers granted it by the State Aeronautics Act ~~sections~~
16 ~~3-101 to 3-154~~.

17 Sec. 20. Section 3-121, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 3-121 The division ~~It~~ shall grant no exclusive right for the use of
20 any airway, airport, restricted landing area, or other air navigation
21 facility under its jurisdiction. This section shall not prevent the
22 making of leases in accordance with other provisions of the State
23 Aeronautics Act ~~sections 3-101 to 3-154~~.

24 Sec. 21. Section 3-123, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 3-123 The division ~~department~~ is authorized to cooperate with the
27 government of the United States, and any agency or department thereof, in
28 the acquisition, construction, improvement, maintenance, and operation of
29 airports and other air navigation facilities in this state, and to comply
30 with the provisions of the laws of the United States and any regulations
31 made thereunder for the expenditure of federal money upon such airports

1 and other navigation facilities.

2 Sec. 22. Section 3-124, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 3-124 The division ~~department~~ is authorized to accept federal and
5 other money, either public or private, for and on behalf of this state,
6 any municipality, or any person owning a privately owned public use
7 airport, for the acquisition, construction, improvement, maintenance, and
8 operation of airports and other air navigation facilities, whether such
9 work is to be done by the state, by such municipalities, or by any person
10 owning a privately owned public use airport, or jointly, aided by grants
11 of aid from the United States, upon such terms and conditions as are or
12 may be prescribed by the laws of the United States and any ~~rules or~~
13 regulations ~~made~~ thereunder. The division ~~department~~ may act as agent of
14 any municipality of this state or any person owning a privately owned
15 public use airport, upon the request of such municipality or person, in
16 accepting such money in its behalf for airports or other air navigation
17 facility purposes, and in contracting for the acquisition, construction,
18 improvement, maintenance, or operation of airports or other air
19 navigation facilities, financed either in whole or in part by federal
20 money, and such person or the governing body of any such municipality is
21 authorized to designate the division ~~department~~ as its agent for such
22 purposes and to enter into an agreement with the division ~~it~~ prescribing
23 the terms and conditions of such agency in accordance with federal laws,
24 rules, and regulations and with the State Aeronautics ~~Department~~ Act.
25 Such money as is paid over by the United States Government shall be
26 retained by the state or paid over to the municipalities or persons under
27 such terms and conditions as may be imposed by the United States
28 Government in making such grants.

29 Sec. 23. Section 3-125, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 3-125 All contracts for the acquisition, construction, improvement,

1 maintenance, and operation of airports or other air navigation facilities
2 made by the division ~~department~~, either as the agent of this state, as
3 the agent of any municipality, or as the agent of any person owning a
4 privately owned public use airport, shall be made pursuant to the laws of
5 this state governing the making of like contracts. When the acquisition,
6 construction, improvement, maintenance, and operation of any airport,
7 landing strip, or other air navigation facility is financed wholly or
8 partially with federal money, the division ~~department~~, as agent of the
9 state, of any municipality, or of any person owning a privately owned
10 public use airport, may let contracts in the manner prescribed by the
11 federal authorities, acting under the laws of the United States, and any
12 rules or regulations made thereunder, notwithstanding any other state law
13 to the contrary.

14 Sec. 24. Section 3-126, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 3-126 The ~~Department~~ of Aeronautics Cash Fund is created. All money
17 received by the division ~~department~~ pursuant to the State Aeronautics
18 ~~Department~~ Act shall be remitted to the State Treasurer for credit to the
19 fund. The division ~~department~~ is authorized, whether acting for this
20 state, as the agent of any of its municipalities, or as the agent of any
21 person owning a privately owned public use airport, or when requested by
22 the United States Government or any agency or department thereof, to
23 disburse such money. ~~Transfers may be made from the fund to the General~~
24 ~~Fund at the direction of the Legislature through June 30, 2011.~~ Any money
25 in the ~~Department~~ of Aeronautics Cash Fund available for investment shall
26 be invested by the state investment officer pursuant to the Nebraska
27 Capital Expansion Act and the Nebraska State Funds Investment Act. The
28 State Treasurer shall transfer any money in the Department of Aeronautics
29 Cash Fund on the operative date of this act to the Aeronautics Cash Fund.

30 Sec. 25. Section 3-127, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 3-127 The director shall (1) ~~be the administrative officer of the~~
2 ~~department,~~ (2) administer the State Aeronautics Act, provisions of
3 ~~sections 3-101 to 3-154 and the rules and~~ regulations adopted and
4 promulgated under the act, and orders established under the act,
5 ~~thereunder~~ and all other laws of the state relative to aeronautics, (2)
6 ~~(3)~~ attend and serve as secretary, but not vote, at all meetings of the
7 commission, (3) ~~(4)~~ appoint, subject to the ~~provisions of~~ section 3-104,
8 such experts, field and office assistants, clerks, and other employees as
9 may be required and authorized for the proper discharge of the functions
10 of the division ~~department~~ and for whose services funds have been
11 appropriated, (4) ~~(5)~~ be in charge of the offices of the division
12 ~~department~~ and responsible for the preparation of reports and collection
13 and dissemination of data and other public information relating to
14 aeronautics, and (5) ~~(6)~~ execute all contracts entered into by the
15 division ~~department~~ which are legally authorized and for which funds are
16 appropriated ~~provided in any appropriation act.~~

17 Sec. 26. Section 3-128, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 3-128 In order to safeguard and promote the general public interest
20 and safety, the safety of persons using or traveling in aircraft and of
21 persons and property on the ground, and the interest of aeronautical
22 progress requiring that airports, restricted landing areas, and air
23 navigation facilities be suitable for the purposes for which they are
24 designed and to carry out the purposes of the State Aeronautics
25 ~~Department~~ Act, the division ~~department~~ may: Recommend airport and
26 restricted landing area sites; license airports, restricted landing
27 areas, or other air navigation facilities; and provide for the renewal
28 and revocation of such licenses in accordance with rules and regulations
29 adopted and promulgated by the division ~~department~~.

30 Sec. 27. Section 3-131, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 3-131 The federal license, certificate, or permit, and the evidence
2 of registration in this or another state, if any, required for an airman
3 shall be kept in the personal possession of the airman when the airman he
4 is operating within this state and must be presented for inspection upon
5 the demand of any passenger, peace officer of this state, authorized
6 official or employee of the division ~~department~~, or official, manager, or
7 person in charge of any airport in this state upon which the airman he
8 shall land or the reasonable request of any other person. The federal
9 aircraft license, certificate, or permit, required for aircraft must be
10 carried in every aircraft operating in this state at all times and must
11 be conspicuously posted therein where it may readily be seen by
12 passengers or inspectors and must be presented for inspection upon the
13 demand of any passenger, peace officer of this state, authorized official
14 or employee of the division ~~department~~, or official, manager, or person
15 in charge of any airport in this state upon which the airman ~~it~~ shall
16 land or the reasonable request of any person.

17 Sec. 28. Section 3-133, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 3-133 Any proposed airport or restricted landing area shall be first
20 licensed by the division ~~department~~ before such airport or area shall be
21 used or operated. Any municipality or person acquiring property for the
22 purpose of constructing or establishing an airport or restricted landing
23 area shall, prior to such acquisition, make application to the division
24 ~~department~~ for a certificate of approval of the site selected and the
25 general purpose or purposes for which the property is to be acquired, to
26 insure that the property and its use shall conform to minimum standards
27 of safety and shall serve the public interest. It shall be unlawful for
28 any municipality or officer or employee thereof, or for any person, to
29 operate an airport or restricted landing area for which a license has not
30 been issued by the division ~~department~~.

31 Sec. 29. Section 3-134, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 3-134 Whenever the division ~~Department of Aeronautics~~ makes an order
3 granting or denying a certificate of approval of an airport or a
4 restricted landing area, or an original license to use or operate an
5 airport, restricted landing area, or other air navigation facility, and
6 the applicant or any interested municipality, within fifteen days after
7 notice of such order has been sent the applicant by registered or
8 certified mail, demands a public hearing, or whenever the division
9 ~~department~~ desires to hold a public hearing, before making an order, such
10 a public hearing in relation thereto shall be held in the municipality
11 applying for the certificate of approval or license or, in case the
12 application was made by anyone other than a municipality, at the county
13 seat of the county in which the proposed airport, restricted landing
14 area, or other air navigation facility is proposed to be situated, or the
15 major portion thereof, if located in more than one county, at which
16 hearing all parties in interest and other persons shall have an
17 opportunity to be heard. Notice of the hearing shall be published by the
18 division ~~department~~ in a legal newspaper published in or of general
19 circulation in the county in which the hearing is to be held, at least
20 twice, the first publication to be at least fifteen days prior to the
21 date of hearing. After a proper and timely demand has been made, the
22 order shall be stayed until after the hearing, when the division
23 ~~department~~ may affirm, modify, or reverse it, or make a new order. If no
24 hearing is demanded, ~~as herein provided,~~ the order shall become effective
25 upon the expiration of the time permitted for making a demand. Where a
26 certificate of approval of an airport or restricted landing area has been
27 issued by the division ~~department~~, it may grant a license for its
28 operation and use, and no hearing may be demanded thereon.

29 Sec. 30. Section 3-135, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 3-135 In determining whether to ~~it shall~~ issue a certificate of

1 approval or license for the use or operation of any proposed airport or
2 restricted landing area, the division ~~department~~ shall take into
3 consideration (1) its proposed location, size, and layout, (2) the
4 relationship of the proposed airport or restricted landing area to a
5 comprehensive plan for statewide and nationwide development, (3) whether
6 there are safe areas available for expansion purposes, (4) whether the
7 adjoining area is free from obstructions based on a proper glide ratio,
8 (5) the nature of the terrain, (6) the nature of the uses to which the
9 proposed airport or restricted landing area will be put, and (7) the
10 possibilities for future development.

11 Sec. 31. Section 3-137, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 3-137 The division ~~department~~ is empowered to temporarily or
14 permanently revoke any certificate of approval or license issued by it
15 when it shall determine that an airport, restricted landing area, or
16 other navigation facility is not being maintained or used in accordance
17 with the State Aeronautics Act ~~provisions of sections 3-101 to 3-154~~ and
18 the rules and regulations lawfully adopted and promulgated pursuant
19 thereto.

20 Sec. 32. Section 3-139, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 3-139 If the division ~~In any case where the Department of~~
23 ~~Aeronautics~~ refuses to (1) issue a certificate of approval of a license
24 or the renewal of a license for an airport, restricted landing area, or
25 other air navigation facility, or (2) permit the registration of any
26 license, certificate, or permit, the division ~~it~~ shall set forth its
27 reasons therefor and shall state the requirements to be met before such
28 approval will be given, registration permitted, license granted, or order
29 modified or changed. Any order, made by the division ~~department~~ pursuant
30 to the State Aeronautics Act ~~provisions of sections 3-101 to 3-154~~, shall
31 be served upon the interested persons by either registered or certified

1 mail or in person. To carry out the act, ~~provisions of sections 3-101 to~~
2 ~~3-154~~ the director, officers, and employees of the division department
3 and any officers, state or municipal, charged with the duty of enforcing
4 the act ~~sections 3-101 to 3-154~~ may inspect and examine at reasonable
5 hours any premises, and the buildings and other structures thereon, where
6 airports, restricted landing areas, flying clubs, or other air navigation
7 facilities or aeronautical activities are operated or carried on.

8 Sec. 33. Section 3-140, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 3-140 Any person aggrieved by an order of the division department or
11 by the granting or denial of any license, certificate, or registration
12 may appeal the order or such granting or denial, and the appeal shall be
13 in accordance with the Administrative Procedure Act.

14 Sec. 34. Section 3-141, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 3-141 The division department is authorized and empowered, on behalf
17 of and in the name of this state, within the limitation of available
18 appropriations, to (1) acquire, by purchase, gift, devise, lease,
19 condemnation proceedings, or otherwise, real or personal property for the
20 purpose of establishing and constructing airports, restricted landing
21 areas, and other air navigation facilities, (2) acquire in like manner,
22 own, control, establish, construct, enlarge, improve, maintain, equip,
23 operate, regulate, and police such airports, restricted landing areas,
24 and other air navigation facilities either within or without this state,
25 (3) make, prior to any such acquisition, investigations, surveys, and
26 plans, (4) erect, install, construct, and maintain at such airports
27 facilities for the servicing of aircraft and for the comfort and
28 accommodation of air travelers, and (5) dispose of any such property,
29 airport, or restricted landing area or any other air navigation facility
30 by sale, lease, or otherwise, in accordance with the laws of this state
31 governing the disposition of other like property of the state. The

1 division It may not, however, acquire or take over any airport,
2 restricted landing area, or other air navigation facility owned or
3 controlled by a municipality of this state without the consent of such
4 municipality. The division It may erect, equip, operate, and maintain on
5 any airport such buildings and equipment as are necessary and proper to
6 establish, maintain, and conduct such airport and air navigation
7 facilities connected therewith.

8 Sec. 35. Section 3-142, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 3-142 Where necessary, in order to provide unobstructed air space
11 for the landing and taking off of aircraft utilizing airports and
12 restricted landing areas acquired or operated under the State Aeronautics
13 Act, ~~the division may provisions of sections 3-101 to 3-154, it is hereby~~
14 ~~granted authority to~~ acquire, in the same manner as is provided for the
15 acquisition of property for airport purposes, easements through or other
16 interests in air space over land or water, interest in airport hazards
17 outside the boundaries of the airports or restricted landing areas, and
18 such other airport protection privileges as are necessary to insure safe
19 approaches to the landing areas of the said airports and restricted
20 landing areas and the safe and efficient operation thereof. The division
21 may ~~It is also hereby authorized to~~ acquire, in the same manner, the
22 right or easement, for a term of years or perpetually, to place or
23 maintain suitable marks for the daytime marking and suitable lights for
24 the nighttime marking of airport hazards, including the right of ingress
25 and egress to or from such airport hazards for the purpose of maintaining
26 and repairing such lights and marks. This authority shall not be so
27 construed as to limit the right, power, or authority of the state or any
28 municipality to zone property adjacent to any airport or restricted
29 landing area pursuant to any law of this state.

30 Sec. 36. Section 3-143, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 3-143 The division ~~department~~ may engage in all activities jointly
2 with the United States, with other states, with municipalities or other
3 agencies of this state, and with persons owning privately owned, public-
4 use ~~public use~~ airports.

5 Sec. 37. Section 3-144, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 3-144 The division ~~department~~ may exercise the right of eminent
8 domain, in the name of the state, for the purpose of acquiring any
9 property which it is ~~herein~~ authorized to acquire by condemnation. The
10 procedure to condemn property shall be exercised in the manner set forth
11 in sections 76-704 to 76-724. The fact that the property so needed has
12 been acquired by the owner under power of eminent domain shall not
13 prevent its acquisition by the division ~~such department~~ by the exercise
14 of the right of eminent domain ~~herein~~ conferred in the State Aeronautics
15 Act. The division ~~It~~ shall not be precluded from abandoning the
16 condemnation of any such property in any case where possession thereof
17 has not been taken. Nothing in the State Aeronautics ~~Department~~ Act shall
18 be construed as granting to privately owned public use airports the
19 authority to exercise the power of eminent domain nor shall anything in
20 the State Aeronautics ~~Department~~ Act be construed as granting to the
21 division ~~department~~ or any municipality the authority to exercise the
22 right of eminent domain for the purpose of acquiring lands or easements
23 for the sole use or benefit of privately owned public use airports.

24 Sec. 38. Section 3-145, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 3-145 The division ~~It~~ may (1) lease, for a term not exceeding ten
27 years, such airports, other air navigation facilities, or real property
28 acquired or set apart for airport purposes, to private parties, any
29 municipal or state government, the national government, or any department
30 of any such government for operation, (2) lease or assign, for a term not
31 exceeding ten years, to private parties, any municipal or state

1 government, the national government, or any department of any such
2 government for operation or other use consistent with the purposes of the
3 State Aeronautics Act sections 3-101 to 3-154, space, area, improvements,
4 or equipment on such airports, (3) sell any part of such airports, other
5 air navigation facilities, or real property to any municipal or state
6 government, or to the United States or any department or instrumentality
7 thereof, for aeronautical purposes or purposes incidental thereto, and
8 (4) confer the privilege or concession of supplying, upon the airports,
9 goods, commodities, things, services, and facilities, so long as ;
10 ~~Provided, that~~ in each case in so doing the public is not deprived of its
11 rightful, equal, and uniform use thereof.

12 Sec. 39. Section 3-146, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 3-146 The division may ~~It shall have the authority to~~ determine the
15 charges or rental for the use of any properties and the charges for any
16 service or accommodations under its control and the terms and conditions
17 under which such properties may be used, so long as ; ~~Provided, that~~ in
18 all cases the public shall not be deprived of its rightful, equal, and
19 uniform use of such property. Charges shall be reasonable and uniform for
20 the same class of service and established with due regard to the property
21 and improvements used and the expenses of operation to the state. To
22 enforce the payment of charges, the state shall have a lien which the
23 division ~~department~~ may enforce, substantially as is provided by law for
24 liens and the enforcement thereof, for repairs to or the improvement,
25 storage, or care of any personal property.

26 Sec. 40. Section 3-147, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 3-147 The acquisition of any lands for the purpose of establishing
29 airports or other air navigation facilities; the acquisition of any
30 airport protection privileges; the acquisition, establishment,
31 construction, enlargement, improvement, maintenance, equipment, and

1 operation of airports and other air navigation facilities, whether by the
2 state separately or jointly with any municipality, municipalities, or any
3 person owning a privately owned public use airport; the assistance of
4 this state in any such acquisition, establishment, construction,
5 enlargement, improvement, maintenance, equipment, and operation; and the
6 exercise of any other powers ~~herein~~ granted to the division ~~department~~
7 are hereby declared to be public and governmental functions exercised for
8 a public purpose and matters of public necessity. Such lands and other
9 property and privileges acquired are declared to be public property.

10 Sec. 41. Section 3-148, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 3-148 There is hereby imposed a tax of five cents per gallon upon
13 aviation gasoline and a tax of three cents per gallon upon aviation jet
14 fuel purchased for and used in aircraft within the State of Nebraska.
15 Such aircraft tax shall be levied, collected, and refunded in the manner
16 provided in Chapter 66, article 4, with reference to other motor fuel.
17 The State Treasurer shall credit the aircraft tax and fees so collected
18 and remitted to a special fund to be known as the Aircraft Fuel Tax Fund,
19 which fund shall be distributed as provided in this section. The State
20 Treasurer shall make all refunds as provided in sections 3-150 and 3-151
21 from the fund, and the balance of the aircraft tax shall be credited to
22 the ~~Department~~ of Aeronautics Cash Fund.

23 For purposes of this section, aviation gasoline means ~~shall mean~~
24 fuel used in aircraft meeting the criteria established for motor vehicle
25 fuel in section 66-482. The terms aviation fuel and aircraft fuel as used
26 in the statutes ~~shall~~ include both aviation gasoline and aviation jet
27 fuel.

28 Sec. 42. Section 3-149, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 3-149 The suppliers, distributors, wholesalers, and importers
31 defined in Chapter 66, article 4, shall collect the tax as prescribed in

1 section 3-148, keep an account thereof separately from other fuel tax,
2 and remit the tax collected accordingly to the Tax Commissioner. The Tax
3 Commissioner shall remit the tax to the State Treasurer in the same
4 manner as is provided by law for the collection and remittance of motor
5 vehicle fuel tax. No other or different tax shall be imposed for fuel
6 bought for and used in aircraft. Such tax shall be used for the purposes
7 set forth in the State Aeronautics ~~Department~~ Act. The penalty for
8 violation of the provisions of this section relating to the collection
9 and remittance of the tax shall be the same as set forth for the
10 violation of the law with reference to the motor fuel tax contained in
11 Chapter 66, article 7, and the right of enforcement and the penalties
12 shall be likewise applicable as set forth therein.

13 Sec. 43. Section 3-152, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 3-152 Any person violating any of the provisions of the State
16 Aeronautics Act ~~sections 3-101 to 3-154~~, or any of the rules,
17 regulations, or orders adopted, promulgated, or issued pursuant thereto,
18 shall be guilty of a Class II misdemeanor.

19 Sec. 44. Section 3-154, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 3-154 Sections 3-101 to 3-159 and sections 50 to 54 of this act
22 shall be known and ~~3-154~~ may be cited as the State Aeronautics ~~Department~~
23 Act.

24 Sec. 45. Section 3-155, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 3-155 (1) The division ~~Department~~ ~~of Aeronautics~~ is hereby
27 authorized and directed to dispose of all real property held by the
28 division ~~department~~ and formerly used by the United States as army
29 airfields, and which is not required for airport operational use
30 purposes. The division ~~department~~ shall seek approval from the Federal
31 Aviation Administration to dispose of such property. The property may be

1 platted and subdivided into lots or parcels to be sold separately so as
2 to obtain the greatest total sale price.

3 (2) The division ~~department~~ shall dedicate the necessary roads for
4 airport access and shall reserve such easements for access, utilities,
5 drainage, and other purposes as may be necessary or convenient to
6 maintain the airports as operational. The sales may be made subject to
7 such terms, conditions, and restrictions as may be required by the deeds
8 by which such property was conveyed to the State of Nebraska by the
9 Federal Aviation Administration. When approval is received, the division
10 ~~department~~ shall have such property appraised by noninterested appraisers
11 qualified to make appraisals based on experience and who have
12 professional status as appraisers of real property. The appraisers shall
13 be selected by the division ~~department~~ based on competitive bids received
14 after three weeks' notice of invitation for bids has been published in at
15 least two newspapers of general circulation throughout the state. The
16 notice shall state that the selection shall be made of the lowest and
17 best qualified bidders, and that the division ~~department~~ reserves the
18 right to reject any and all bids and to readvertise for further bids.

19 (3) Each appraiser's report shall contain (a) ~~(1)~~ an opinion as to
20 the fair market value of the lands appraised, showing a segregation of
21 actual land value, elements and basis of damage, and depreciated in place
22 value of buildings and improvements, if any, (b) ~~(2)~~ a report of income
23 derived from the land in recent years, (c) ~~(3)~~ the adaptability of the
24 land, including the most profitable or highest and best use, (d) ~~(4)~~ a
25 report of a personal inspection of the lands appraised, including a
26 detailed description of their physical characteristics and conditions,
27 (e) ~~(5)~~ the general history of the property and its environs, and a
28 statement of the character of the area surrounding the land being
29 appraised, indicating any of the favorable and unfavorable influences,
30 (f) ~~(6)~~ a listing of recent sales of similar property in the area,
31 showing seller, purchaser, date of sale, selling price, acreage involved,

1 buildings and improvements involved, if any, and an estimate of the value
2 of such improvements, and if there is a difference in value between
3 comparable sales and the property appraised, a discussion of the
4 difference in value to be included, (g) ~~(7)~~ a listing of recent offerings
5 for sale of property in the same general area, including the property
6 being appraised, if recently offered, and the prices quoted, if any, (h)
7 ~~(8)~~ a trend of land values in the area and current land or real estate
8 market conditions, (i) ~~(9)~~ the actual valuation of real property in the
9 community, (j) ~~(10)~~ the effective date of valuation, (k) ~~(11)~~ a statement
10 of the qualifications of the appraiser including a statement by the
11 appraiser that he or she has no personal interest, present or
12 prospective, in the land being appraised, and (l) ~~(12)~~ the signature of
13 the appraiser and date of report.

14 (4) Such property shall be sold to the highest bidder, but in no
15 case shall such property be sold at less than the appraised value. Notice
16 of such sale and time and place where the same will be held shall be
17 given as provided in section 72-258. When the highest bid is less than
18 the appraised value, the sale shall be canceled and except for property
19 leased pursuant to section 3-157 the property shall be offered for sale
20 again within one year after the date of the previous offering.

21 Sec. 46. Section 3-156, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 3-156 The ~~Department of~~ Aeronautics Trust Fund is created. The
24 necessary expenses incurred in the sale of property under section 3-155
25 shall be paid from the ~~Department of~~ Aeronautics Cash Fund, and the
26 proceeds from the sale of such property shall be credited to the
27 ~~Department of~~ Aeronautics Trust Fund after reimbursement of costs of sale
28 have been made to the ~~Department of~~ Aeronautics Cash Fund. The net
29 proceeds from the disposal of such property shall be used by the division
30 ~~Department of Aeronautics~~ in conformance with any agreements upon which
31 the Federal Aviation Administration conditions its consent to the sale of

1 the aforementioned land and the quit claim deeds (1) filed in the office
2 of the register of deeds of Dodge County on November 17, 1947, and
3 recorded in Deeds Record 89 on page 342 and September 16, 1948, and
4 recorded in Deeds Record 89 on page 578, (2) filed in the office of the
5 register of deeds of Red Willow County on September 16, 1948, in Deeds
6 Record 71 on page 17, September 14, 1966, in Deeds Record 91 on page 281,
7 and December 17, 1968, in Deeds Record 93 on page 549, (3) filed in the
8 office of the register of deeds of Clay County on November 17, 1947, in
9 Deeds Record 86 on page 561, September 16, 1948, in Deeds Record 87 on
10 page 148, and March 14, 1968, in Deeds Record 95 on page 321, (4) filed
11 in the office of the register of deeds of Fillmore County on September
12 16, 1948, in Deeds Record 39 on page 229, February 21, 1968, in Deeds
13 Record 25 on page 90, January 26, 1948, in Deeds Record 39 on page 189,
14 September 21, 1948, in Deeds Record 39 on page 236, and February 13,
15 1968, in Deeds Record 25 on page 83, and (5) filed in the office of the
16 register of deeds of Thayer County on January 31, 1948, in Deeds Record
17 48 on page 493, September 16, 1948, in Deeds Record 48 on page 581, and
18 December 29, 1967, in Deeds Record 58 on page 531, and the rules and
19 regulations of the Federal Aviation Administration, part 155, adopted
20 December 7, 1962. Any money in the ~~Department of Aeronautics Trust Fund~~
21 available for investment shall be invested by the state investment
22 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska
23 State Funds Investment Act. The State Treasurer shall transfer any money
24 in the Department of Aeronautics Trust Fund on the operative date of this
25 act to the Aeronautics Trust Fund.

26 Sec. 47. Section 3-157, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 3-157 The division ~~Department of Aeronautics~~ may lease for a period
29 not exceeding twelve years real property held by the division ~~department~~
30 that has been offered for sale for two consecutive years and has not been
31 sold. The lease shall provide for annual rental payments based on fair

1 rental value. The rental payments shall be deposited in the ~~Department of~~
2 Aeronautics Cash Fund. The division ~~department~~ shall cause reappraisals
3 to be made of the land under lease when it deems it necessary due to
4 changes in buildings or improvements, changes in the land, or for other
5 reasons. The division ~~department~~ may, after the expiration of any lease,
6 offer such land for sale by public auction as set forth in section 3-155
7 or may enter into another lease.

8 Sec. 48. Section 3-158, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 3-158 Any person who in the ordinary course of his or her business
11 rents an aircraft to another person shall deliver to the renter a written
12 notice stating the nature and extent of insurance coverage provided, if
13 any, for the renter against loss of or damage to the hull of the aircraft
14 or liability arising out of the ownership, maintenance, or use of the
15 aircraft. The notice shall contain the name of the person giving the
16 notice and shall be in the form prescribed by rule or regulation which
17 the division ~~Department of Aeronautics~~ shall adopt and promulgate.

18 Sec. 49. Section 3-159, Revised Statutes Cumulative Supplement,
19 2016, is amended to read:

20 3-159 The Executive Board of the Legislative Council pursuant to the
21 authority granted in Laws 2013, LB194, section 9, commissioned an
22 independent study to enable the Legislature to determine whether the
23 state should purchase or otherwise acquire an aircraft for state purposes
24 and what type of aircraft should be acquired, if any. After completion
25 and review of the study, the Legislature authorized ~~authorizes~~ the
26 Department of Aeronautics to purchase a new aircraft in 2014. It is the
27 intent of the Legislature to fund the purchase with General Funds and
28 other funds. The Legislature also directed ~~directs~~ the department, upon
29 taking possession of a new aircraft, to sell the state's 1982 Piper
30 Cheyenne aircraft, with the proceeds retained ~~by the department~~ for use
31 for preventive maintenance funding for the new aircraft.

1 Sec. 50. On and after July 1, 2017, positions of employment in the
2 Department of Aeronautics related to the powers, duties, and functions
3 transferred pursuant to this legislative bill are transferred to the
4 Division of Aeronautics of the Department of Transportation. For purposes
5 of the transition, employees of the Department of Transportation shall be
6 considered employees of the division and shall retain their rights under
7 the state personnel system or pertinent bargaining agreement, and their
8 service shall be deemed continuous. This section does not grant employees
9 any new rights or benefits not otherwise provided by law or bargaining
10 agreement or preclude the division or the director from exercising any of
11 the prerogatives of management set forth in section 81-1311 or as
12 otherwise provided by law. This section is not an amendment to or
13 substitute for the provisions of any existing bargaining agreements.

14 Sec. 51. On and after July 1, 2017, whenever the Department of
15 Aeronautics is referred to or designated by any contract or other
16 document in connection with the duties and functions transferred to the
17 Division of Aeronautics of the Department of Transportation pursuant to
18 this legislative bill, such reference or designation shall apply to such
19 division. All contracts entered into by the Department of Aeronautics
20 prior to July 1, 2017, in connection with the duties and functions
21 transferred to the division are hereby recognized, with the division
22 succeeding to all rights and obligations under such contracts. Any cash
23 funds, custodial funds, gifts, trusts, grants, and any appropriations of
24 funds from prior fiscal years available to satisfy obligations incurred
25 under such contracts shall be transferred and appropriated to the
26 division for the payments of such obligations. All documents and records
27 transferred, or copies of the same, may be authenticated or certified by
28 the division for all legal purposes.

29 Sec. 52. No suit, action, or other proceeding, judicial or
30 administrative, lawfully commenced prior to July 1, 2017, or which could
31 have been commenced prior to that date, by or against the Department of

1 Aeronautics, or the director or any employee thereof in such director's
2 or employee's official capacity or in relation to the discharge of his or
3 her official duties, shall abate by reason of the transfer of duties and
4 functions from the Department of Aeronautics to the Division of
5 Aeronautics of the Department of Transportation.

6 Sec. 53. On and after July 1, 2017, unless otherwise specified,
7 whenever any provision of law refers to the Department of Aeronautics in
8 connection with duties and functions transferred to the Division of
9 Aeronautics of the Department of Transportation, such law shall be
10 construed as referring to such division.

11 Sec. 54. On July 1, 2017, all items of property, real and personal,
12 including office furniture and fixtures, books, documents, and records of
13 the Department of Aeronautics pertaining to the duties and functions
14 transferred to the Division of Aeronautics of the Department of
15 Transportation pursuant to this legislative bill shall become the
16 property of such division.

17 On July 1, 2017, any funds remaining in the following program
18 classifications shall be transferred from Agency No. 17, the Department
19 of Aeronautics to Agency No. 27, the Department of Transportation:
20 Program No. 26, Administration and Services; Program No. 301, Public
21 Airports; and Program No. 596, State-Owned Aircraft.

22 Sec. 55. Section 3-201, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 3-201 For the purpose of the Revised Airports Act, unless in the act
25 herein specifically otherwise provided, the definitions of words, terms,
26 and phrases appearing in the State Aeronautics Department Act ~~of this~~
27 ~~state~~ are hereby adopted. The following words, terms, and phrases shall
28 in the Revised Airports Act ~~act~~ have the meanings ~~herein~~ given in this
29 section, unless otherwise specifically defined, or unless another
30 intention clearly appears, or the context otherwise requires: (1)
31 Municipality means any county, city, or village of this state or any city

1 airport authority established pursuant to the Cities Airport Authorities
2 Act and (2) airport purposes means and includes airport, restricted
3 landing area, and other air navigation facility purposes.

4 Sec. 56. Section 3-201.01, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 3-201.01 Any proposed airport, restricted landing area, or other air
7 navigation facility which will be in existence for less than thirty
8 consecutive days shall first be approved by the Division ~~Department~~ of
9 Aeronautics of the Department of Transportation before any such airport,
10 landing area, or other facility shall be used or operated. Any
11 municipality or person proposing the use of property for such purpose
12 shall first make application for a temporary permit for the site selected
13 and the general purpose or purposes for which the property will be used,
14 to insure that the property and its use shall conform to minimum
15 standards of safety and shall serve the public interest. Designation of
16 the location and approval of sites for the proposed temporary airports,
17 restricted landing areas, and other air navigation facilities as provided
18 in section 3-104 may be delegated to the division ~~department~~ by the
19 Nebraska Aeronautics Commission. The provisions of this section shall not
20 apply to restricted landing areas designated for personal use pursuant to
21 section 3-136.

22 Sec. 57. Section 3-215, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 3-215 In addition to the general power conferred in the Revised
25 Airports Act sections 3-201 to 3-238 and section 18-1502 ~~conferred~~, and
26 without limitation thereof, a municipality which has established or may
27 hereafter establish airports, restricted landing areas, or other air
28 navigation facilities, or which has acquired or set apart or may
29 hereafter acquire or set apart real property for such purpose or
30 purposes, is hereby authorized:

31 (1) To vest authority for the construction, enlargement,

1 improvement, maintenance, equipment, operation, and regulation thereof in
2 an officer, a board, or a body of such municipality by ordinance or
3 resolution which shall prescribe the powers and duties of such officer,
4 board, or body. The expense of such construction, enlargement,
5 improvement, maintenance, equipment, operation, and regulation shall be a
6 responsibility of the municipality;

7 (2) To adopt and amend all needful rules, regulations, and
8 ordinances for the management, government, and use of any properties
9 under its control, whether within or without the territorial limits of
10 the municipality; to appoint airport guards or police, with full police
11 powers; to fix by ordinance or resolution, as may be appropriate,
12 penalties for the violation of the said rules, regulations, and
13 ordinances, and enforce the said penalties in the same manner in which
14 penalties prescribed by other rules, regulations, and ordinances of the
15 municipality are enforced. For the purposes of such management,
16 government, and direction of public use, such part of all highways,
17 roads, streets, avenues, boulevards, and territory as adjoins, or lies
18 within five hundred feet of the limits of any airport or restricted
19 landing area acquired or maintained under the Revised Airports Act
20 ~~provisions of sections 3-201 to 3-238 and section 18-1502~~ shall be under
21 like control and management of the municipality. It may also adopt and
22 enact rules, regulations, and ordinances designed to safeguard the public
23 upon or beyond the limits of private airports or landing strips within
24 such municipality or its police jurisdiction against the perils and
25 hazards of instrumentalities used in aerial navigation. Rules,
26 regulations, and ordinances shall be published as provided by general law
27 or the charter of the municipality for the publication of similar rules,
28 regulations, and ordinances. They must conform to and be consistent with
29 the laws of this state and the rules and regulations of the Division
30 ~~Department~~ of Aeronautics of the Department of Transportation state and
31 shall be kept in conformity, as nearly as may be, with the then current

1 federal legislation governing aeronautics and the regulations duly
2 promulgated thereunder and rules and standards issued from time to time
3 pursuant thereto;

4 (3) To lease for a term not exceeding ten years such airports, other
5 air navigation facilities, or real property acquired or set apart for
6 airport purposes to private parties, any municipal or state government,
7 the national government, or any department of any such government for
8 operation; to lease or assign space, area, improvements, or equipment on
9 such airports for a term not exceeding ten years to private parties, any
10 municipal or state government, the national government, or any department
11 of any such government for operation or use consistent with the purposes
12 of the Revised Airports Act sections 3-201 to 3-238 and section 18-1502;
13 to sell any part of such airports, other air navigation facilities, or
14 real property to any municipal or state government, or to the United
15 States or any department or instrumentality thereof, for aeronautical
16 purposes or purposes incidental thereto, and to confer the privileges or
17 concessions of supplying upon its airports goods, commodities, things,
18 services, and facilities, so long as, ; ~~Provided, that~~ in each case, the
19 public is not thereby deprived of its rightful, equal, and uniform use
20 thereof;

21 (4) To sell or lease any real or personal property, acquired for
22 airport purposes and belonging to the municipality, which, in the
23 judgment of its governing body, may not be required for aeronautic
24 purposes, in accordance with the laws of this state, or the provisions of
25 the charter of the municipality, governing the sale or leasing of similar
26 municipally owned property. The proceeds of the sale of any property the
27 purchase price of which was obtained by the sale of bonds shall be
28 deposited in the sinking fund from which funds have been authorized to be
29 taken to finance such bonds. In the event all the proceeds of such sale
30 are not needed to pay the principal of the said bonds remaining unpaid,
31 the remainder shall be paid into the general fund of the municipality.

1 The proceeds of sales of property the purchase price of which was paid
2 from appropriations shall be paid into the general fund of the
3 municipality;

4 (5) To determine the charges or rental for the use of any properties
5 under its control and the charges for any services or accommodations, and
6 the terms and conditions under which such properties may be used, so long
7 as ; ~~Provided, that~~ in all cases the public shall not be deprived of its
8 rightful, equal, and uniform use of such property. Charges shall be
9 reasonable and uniform for the same class of service and established with
10 due regard to the property and improvements used and the expense of
11 operation to the municipality. To enforce the payment of charges, the
12 municipality shall have a lien and may enforce it, substantially as is
13 provided by law for liens and the enforcement thereof, for repairs to or
14 the improvement, storage, or care of any personal property; and

15 (6) To exercise all powers necessarily incidental to the exercise of
16 the general and special powers ~~herein~~ granted in the Revised Airports
17 Act.

18 Sec. 58. Section 3-218, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 3-218 All contracts for the acquisition, construction, enlargement,
21 improvement, maintenance, equipment, or operation of airports or other
22 air navigation facilities, made by the municipality itself or through the
23 agency of the Division Department of Aeronautics of the Department of
24 Transportation, shall be made pursuant to the laws of this state
25 governing the making of like contracts, except ; ~~Provided, however,~~ that
26 where such acquisition, construction, improvement, enlargement,
27 maintenance, equipment, or operation is financed wholly or partly with
28 federal money, the municipality, or the division Department of
29 Aeronautics as its agent, may let contracts in the manner prescribed by
30 the federal authorities, acting under the laws of the United States, and
31 any rules or regulations made thereunder.

1 Sec. 59. Section 3-222, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 3-222 For ~~the~~ purposes of sections 3-221 to 3-232 only, unless
4 another intention clearly appears or the context otherwise requires, this
5 state shall be included in the term municipality, and all the powers
6 conferred upon municipalities in the Revised Airports Act ~~sections 3-201~~
7 ~~to 3-238~~ and section 18-1502, if not otherwise conferred by law, are
8 hereby conferred upon this state when acting jointly with any
9 municipality or municipalities. Where reference is made to the governing
10 body of a municipality, that term shall mean, as to the state, the
11 Division ~~its Department~~ of Aeronautics of the Department of
12 Transportation.

13 Sec. 60. Section 3-227, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 3-227 Such board may exercise, on behalf of the municipalities
16 acting jointly by which it is appointed, all the powers of each of such
17 municipalities granted by the Revised Airports Act, except as otherwise
18 ~~herein~~ provided in the act. Real property, airports, restricted landing
19 areas, air protection privileges, or personal property costing in excess
20 of a sum to be fixed by the joint agreement, may be acquired, and
21 condemnation proceedings may be instituted, only by authority of the
22 governing bodies of each of the municipalities involved. The total amount
23 of expenditures to be made by the board for any purpose in any calendar
24 year shall be determined by the municipalities involved by the approval
25 by each on or before the preceding May first, of a budget for the ensuing
26 fiscal year. Rules and regulations provided for by subdivision (2) of
27 section 3-215 shall become effective only upon approval of each of the
28 appointing governing bodies and the Division ~~Department~~ of Aeronautics of
29 the Department of Transportation. No real property and no airport, other
30 air navigation facility, or air protection privilege, owned jointly,
31 shall be disposed of by the board, by sale, lease, or otherwise, except

1 by authority of all the appointing governing bodies, but the board may
2 lease space, area, or improvements and grant concessions on airports for
3 aeronautical purposes or purposes incidental thereto, subject to ~~the~~
4 ~~provisions of~~ subdivision (3) of section 3-215. This section shall not be
5 construed to affect the obligation of a lessee to pay taxes if taxes are
6 due under sections 77-202, 77-202.11, and 77-202.12.

7 Sec. 61. Section 3-228, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 3-228 Each municipality, acting jointly with another, pursuant to
10 the Revised Airports Act ~~provisions of sections 3-221 to 3-232~~, is
11 authorized and empowered to enact, concurrently with the other
12 municipalities involved, such ordinances as are provided for by
13 subdivision (2) of section 3-215, and to fix by such ordinances penalties
14 for the violation thereof. Such ordinances, when so concurrently adopted,
15 shall have the same force and effect within the municipalities and on any
16 property jointly controlled by them or adjacent thereto, whether within
17 or without the territorial limits of either or any of them, as ordinances
18 of each municipality involved, and may be enforced in any one of the said
19 municipalities in like manner as are its individual ordinances. The
20 consent of the Division ~~Department~~ of Aeronautics of the Department of
21 Transportation to any such ordinance, where the state is a party to the
22 joint venture, shall be equivalent to the enactment of the ordinance by a
23 municipality. The publication provided for in subdivision (2) of section
24 3-215, ~~aforesaid~~, shall be made in each municipality involved in the
25 manner provided by law or charter for publication of its individual
26 ordinances.

27 Sec. 62. Section 3-239, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 3-239 (1) No city airport authority, county airport authority, joint
30 airport authority, or municipality in this state, whether acting alone or
31 jointly with another city airport authority, county airport authority,

1 joint airport authority, or municipality, or with the state, shall submit
2 to any federal agency or department any project application under the
3 provisions of any act of Congress which provides airport planning or
4 airport construction and development funds for the expansion and
5 improvement of the airport system, unless the project and the project
6 application have been first approved by the Division ~~Department~~ of
7 Aeronautics of the Department of Transportation.

8 (2) Except as provided in subsection (3) of this section, no city
9 airport authority, county airport authority, joint airport authority, or
10 municipality shall directly accept, receive, receipt for, or disburse any
11 funds granted by the United States under any act of Congress pursuant to
12 subsection (1) of this section, but it shall designate the division
13 ~~Department of Aeronautics~~ as its agent and in its behalf to accept,
14 receive, receipt for, and disburse such funds. Such authorities and
15 municipalities shall enter into an agreement with the division ~~department~~
16 prescribing the terms and conditions of such agency in accordance with
17 federal laws, rules, and regulations, and applicable laws of this state.
18 Such money as is paid by the United States shall be retained by the state
19 or paid over to the city airport authority, county airport authority,
20 joint airport authority, or municipality under such terms and conditions
21 as may be imposed by the United States in making such grant.

22 (3) Any city airport authority, county airport authority, joint
23 airport authority, or municipality operating a primary airport may
24 directly accept, receive, receipt for, and disburse any funds granted by
25 the United States for the primary airport under the provisions of any act
26 of Congress pursuant to subsection (1) of this section by informing the
27 division ~~department~~, in writing, of its intent to do so. If an airport
28 loses its status as a primary airport before signing a grant agreement
29 with the United States, the airport shall be subject to ~~the provisions of~~
30 subsection (2) of this section.

31 (4) For purposes of this section:

1 (a) City airport authority means an authority established pursuant
2 to the Cities Airport Authorities Act;

3 (b) County airport authority means an authority established under
4 sections 3-601 to 3-622;

5 (c) Joint airport authority means an authority established under the
6 Joint Airport Authorities Act;

7 (d) Municipality means any county, city, or village, ~~or town~~ of this
8 state and any other political subdivision, public corporation, authority,
9 or district in this state which is or may be authorized by law to
10 acquire, establish, construct, maintain, improve, and operate airports
11 and other air navigation facilities; and

12 (e) Primary airport means any airport which:

13 (i) Receives scheduled passenger air service;

14 (ii) Has at least ten thousand revenue passenger enplanements or
15 boardings, as officially recorded by the United States, in at least one
16 of the most recent five calendar years for which official numbers are
17 available; and

18 (iii) Does not receive any funds apportioned by the United States
19 for nonprimary airports.

20 Sec. 63. Section 3-303, Revised Statutes Cumulative Supplement,
21 2016, is amended to read:

22 3-303 In order to prevent the creation or establishment of airport
23 hazards, every political subdivision that has an airport hazard area
24 within the area of its zoning jurisdiction shall adopt, administer, and
25 enforce, under the police power and in the manner and upon the conditions
26 prescribed in the Airport Zoning Act, airport zoning regulations for such
27 airport hazard area. The regulations shall meet the minimum regulations
28 as prescribed by the Division ~~Department~~ of Aeronautics of the Department
29 of Transportation and may divide such area into zones and, within such
30 zones, specify the land uses permitted and regulate and restrict the
31 height to which structures may be erected and trees allowed to grow,

1 except that a political subdivision or a joint airport zoning board
2 provided for in section 3-304 may include modifications or exceptions to
3 the airport zoning regulations adopted under the Airport Zoning Act that
4 the political subdivision or joint airport zoning board deems
5 appropriate. Such modifications and exceptions shall not be considered a
6 conflict for the purposes of section 3-306. The authority of a political
7 subdivision to adopt airport zoning regulations shall not be conditional
8 upon prior adoption of a comprehensive development plan or a
9 comprehensive zoning ordinance.

10 Sec. 64. Section 3-332, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 3-332 The Division ~~Department~~ of Aeronautics of the Department of
13 Transportation ~~may State of Nebraska is authorized to~~ aid and assist
14 municipalities and other political subdivisions of the state in planning,
15 developing, and carrying out programs for airport zoning in order to
16 secure uniformity therein as far as possible.

17 Sec. 65. Section 3-403, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 3-403 It shall be unlawful for any person, firm, or corporation,
20 without having first applied for and obtained a permit in writing from
21 the Division ~~Department~~ of Aeronautics of the Department of
22 Transportation ~~State of Nebraska,~~ to build, erect, or maintain any
23 structure within the State of Nebraska, the height of which exceeds one
24 hundred fifty feet above the surface of the ground at point of
25 installation.

26 Sec. 66. Section 3-404, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 3-404 The application for the permit, required by section 3-403,
29 shall be made in writing on forms prescribed by the Division ~~Department~~
30 of Aeronautics of the Department of Transportation and shall contain or
31 be accompanied by details as to the location, construction, height, and

1 dimensions of the proposed structure, the nature of its intended use, and
2 such other information as the Director of Aeronautics may require. Upon
3 the filing of such application, the director shall make an investigation
4 and an aeronautical study of such proposed construction and its effect,
5 if any, upon air navigation, and the health, welfare, and safety of the
6 public. If the director, upon such investigation, shall determine that
7 such proposed structure will not constitute a hazard to air navigation
8 and will not interfere unduly with the public right of freedom of transit
9 in commerce through the air space affected thereby, the director ~~he~~ shall
10 issue to the applicant a permit, required by section 3-403, authorizing
11 the erection and construction of such structure, subject to such
12 conditions as to marking and lighting as the division ~~department~~ may
13 prescribe by its rules and regulations, authorized by section 3-407. If
14 the director ~~he~~ does not so determine, the director ~~he~~ shall deny the
15 application. In making such investigation, aeronautical study, and
16 determination, the director shall consider (1) the character of flying
17 operations expected to be conducted in the area concerned, (2) the nature
18 of the terrain, (3) the character of the neighborhood, (4) the uses to
19 which the property concerned is devoted or adaptable, (5) the proximity
20 to existing airports, airways, control areas, and control zones, (6) the
21 height of existing, adjacent structures, and (7) all the facts and
22 circumstances existing. The director ~~He~~ shall impose only such
23 restrictions or requirements as may be reasonably necessary to effectuate
24 the purposes ~~purpose~~ of sections 3-401 to 3-409.

25 Sec. 67. Section 3-405, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 3-405 Any person aggrieved by any action of the Division ~~Department~~
28 of Aeronautics of the Department of Transportation in granting or denying
29 a permit under the terms of sections 3-401 to 3-409 may appeal the
30 action, and the appeal shall be in accordance with the Administrative
31 Procedure Act.

1 Sec. 68. Section 3-407, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 3-407 All structures outside the corporate limits of cities and
4 villages, exceeding a height of two hundred feet above the surface of the
5 ground, and all structures within the corporate limits of cities and
6 villages exceeding a height of five hundred feet shall be marked and
7 lighted in accordance with rules and regulations adopted and promulgated
8 by the Division of Aeronautics of the Department of Transportation. The
9 division may established by the Department of Aeronautics. The department
10 ~~is authorized to~~ adopt and promulgate rules and regulations for the
11 marking and lighting of such structures in a manner calculated to prevent
12 collisions with such structures by aircraft. It shall be the duty of the
13 persons, firms, and corporations owning, maintaining, or using such
14 structures to provide and maintain such marking and lighting.

15 Sec. 69. Section 3-407.01, Revised Statutes Cumulative Supplement,
16 2016, is amended to read:

17 3-407.01 (1) A meteorological evaluation tower, the height of which
18 is at least fifty feet above the surface of the ground at point of
19 installation, shall be marked according to subsection (2) of this
20 section. This section applies to a meteorological evaluation tower that
21 is located outside the corporate limits of a city or village.

22 (2) A meteorological evaluation tower described in subsection (1) of
23 this section shall: (a) Be painted in seven equal-width and alternating
24 bands of aviation orange and white beginning with orange at the top of
25 the tower and ending with orange at the base; (b) have two or more
26 spherical marker balls at least twenty-one inches in diameter that are
27 aviation orange in color and attached to each outer guy wire connected to
28 the tower with the top ball no further than twenty feet from the top wire
29 connection and the remaining ball or balls at or below the midpoint of
30 the tower on the outer guy wires; and (c) have yellow safety sleeves
31 installed on each outer guy wire extending at least fourteen feet above

1 the anchor point of the guy wire.

2 (3) The owner of a meteorological evaluation tower subject to this
3 section shall, not less than ten business days prior to erecting the
4 tower, register with the Division ~~Department~~ of Aeronautics of the
5 Department of Transportation the name and address of the owner, the
6 height and location of the tower, and any other information that the
7 division ~~department~~ deems necessary for aviation safety. The owner of a
8 tower subject to this section shall also report the removal of the tower
9 to the division ~~department~~ not more than thirty business days after its
10 removal. The division ~~department~~ shall make the information received
11 pursuant to this subsection available to the public within five business
12 days.

13 (4) The owner of a meteorological evaluation tower described in
14 subsection (1) of this section that was erected prior to May 28, 2015,
15 and which is either lighted, marked with balls at least twenty-one inches
16 in diameter, painted, or modified in some other manner so it is
17 recognizable in clear air during daylight hours from a distance of not
18 less than two thousand feet, shall mark the tower as required by
19 subsection (2) of this section within two years after May 28, 2015, or at
20 such time the tower is taken down for maintenance or other purposes,
21 whichever comes first, except that the owner of a tower erected prior to
22 May 28, 2015, which is not lighted, marked, painted, or modified as
23 described in this subsection shall mark such tower as required by
24 subsection (2) of this section within ninety days after May 28, 2015. The
25 registration requirements of subsection (3) of this section shall be
26 performed by the owner of a tower erected prior to May 28, 2015, within
27 fifteen business days after May 28, 2015.

28 (5) A material failure to comply with the marking and registration
29 requirements of this section shall be admissible as evidence of
30 negligence on the part of an owner of a meteorological evaluation tower
31 in an action in tort for property damage, bodily injury, or death

1 resulting from an aerial collision with such unmarked or unregistered
2 tower.

3 (6) The division ~~department~~ may adopt and promulgate rules and
4 regulations for carrying out the purposes of this section.

5 Sec. 70. Section 3-408, Revised Statutes Cumulative Supplement,
6 2016, is amended to read:

7 3-408 Any person, firm, or corporation (1) violating any of the
8 provisions of sections 3-401 to 3-409, (2) submitting false information
9 in the application for a permit, (3) violating any rule or regulation
10 adopted and promulgated by the Division ~~Department~~ of Aeronautics of the
11 Department of Transportation pursuant to sections 3-401 to 3-409, (4)
12 failing to do and perform any act required by sections 3-401 to 3-409, or
13 (5) violating the terms of any permit issued pursuant to sections 3-401
14 to 3-409, shall be guilty of a Class III misdemeanor. Each day any
15 violation continues or any structure erected in violation of sections
16 3-401 to 3-409 shall continue in existence shall constitute a separate
17 offense.

18 Sec. 71. Section 3-409, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 3-409 In addition to the penalties provided for by section 3-408,
21 the erection and maintenance of any structure in violation of ~~the~~
22 ~~provisions~~ of sections 3-401 to 3-409 may be enjoined by any court of
23 competent jurisdiction in an action for that purpose commenced by the
24 Division ~~Department~~ of Aeronautics of the Department of Transportation or
25 any other interested person. The erection of such structure and
26 permitting the same to stand or remain, in violation of ~~the provisions~~ of
27 sections 3-401 to 3-409, is hereby declared to be a nuisance and the
28 division ~~department~~, or its authorized agent, is authorized to go upon
29 the premises and abate such nuisance by removing such structure after
30 five days' notice to the interested parties, to be served by mail
31 addressed to them at their last-known place of business or residence. The

1 expense incident to the removal of such structure shall be paid by the
2 owners thereof, and if the division ~~department~~ removes such structures as
3 provided in this section, the expense incurred by the division ~~department~~
4 may be recovered from the sale of the structure or its salvage material.

5 Sec. 72. Section 12-1205, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 12-1205 (1) Any person who encounters or discovers human skeletal
8 remains or burial goods associated with an unmarked human burial in or on
9 the ground shall immediately cease any activity which may cause further
10 disturbance of the unmarked human burial and shall within forty-eight
11 hours report the presence and location of such remains or goods to a
12 local law enforcement officer in the county in which the remains or goods
13 are found. Any person who knowingly fails to make such a report shall be
14 guilty of a Class III misdemeanor.

15 (2) If human skeletal remains or burial goods associated with an
16 unmarked human burial in or on the ground are discovered by any employee,
17 contractor, or agent of the Department of Transportation ~~Roads~~ in
18 conjunction with highway construction, any construction in the area
19 immediately adjacent to such remains or goods shall cease. The department
20 or any of its employees, contractors, or agents shall within forty-eight
21 hours of the discovery of the remains or goods report the presence and
22 location of the remains or goods to a local law enforcement officer in
23 the county in which the remains or goods are found. Any remains or goods
24 may then be removed from the site following an examination by the
25 appropriate agency in accordance with section 39-1363 and any applicable
26 federal requirements. Following removal, the remains or goods shall be
27 disposed of in accordance with the Unmarked Human Burial Sites and
28 Skeletal Remains Protection Act. The construction project may continue
29 once the remains or goods have been removed.

30 Sec. 73. Section 13-520, Revised Statutes Cumulative Supplement,
31 2016, is amended to read:

1 13-520 The limitations in section 13-519 shall not apply to (1)
2 restricted funds budgeted for capital improvements, (2) restricted funds
3 expended from a qualified sinking fund for acquisition or replacement of
4 tangible personal property with a useful life of five years or more, (3)
5 restricted funds pledged to retire bonded indebtedness, used by a public
6 airport to retire interest-free loans from the Division Department of
7 Aeronautics of the Department of Transportation in lieu of bonded
8 indebtedness at a lower cost to the public airport, or used to pay other
9 financial instruments that are approved and agreed to before July 1,
10 1999, in the same manner as bonds by a governing body created under
11 section 35-501, (4) restricted funds budgeted in support of a service
12 which is the subject of an agreement or a modification of an existing
13 agreement whether operated by one of the parties to the agreement or by
14 an independent joint entity or joint public agency, (5) restricted funds
15 budgeted to pay for repairs to infrastructure damaged by a natural
16 disaster which is declared a disaster emergency pursuant to the Emergency
17 Management Act, (6) restricted funds budgeted to pay for judgments,
18 except judgments or orders from the Commission of Industrial Relations,
19 obtained against a governmental unit which require or obligate a
20 governmental unit to pay such judgment, to the extent such judgment is
21 not paid by liability insurance coverage of a governmental unit, or (7)
22 the dollar amount by which restricted funds budgeted by a natural
23 resources district to administer and implement ground water management
24 activities and integrated management activities under the Nebraska Ground
25 Water Management and Protection Act exceed its restricted funds budgeted
26 to administer and implement ground water management activities and
27 integrated management activities for FY2003-04.

28 Sec. 74. Section 13-912, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 13-912 If any person suffers personal injury or loss of life, or
31 damage to his or her property by means of insufficiency or want of repair

1 of a highway or bridge or other public thoroughfare, which a political
2 subdivision is liable to keep in repair, the person sustaining the loss
3 or damage, or his or her personal representative, may recover in an
4 action against the political subdivision, and if damages accrue in
5 consequence of the insufficiency or want of repair of a road or bridge or
6 other public thoroughfare, erected and maintained by two or more
7 political subdivisions, the action can be brought against all of the
8 political subdivisions liable for the repairs of the same; and damages
9 and costs shall be paid by the political subdivisions in proportion as
10 they are liable for the repairs. The procedure for filing such claims and
11 bringing suit shall be the same for claims under this section as for
12 other claims under the Political Subdivisions Tort Claims Act and
13 sections 16-727, 16-728, 23-175, 39-809, and 79-610. No political
14 subdivision shall be liable for damages occasioned by defects in state
15 highways and bridges thereon which the Department of Transportation Roads
16 is required to maintain, but the political subdivision shall not be
17 relieved of liability until the state has actually undertaken
18 construction or maintenance of such highways. It is the intent of the
19 Legislature that minimum maintenance highways and roads shall not be
20 deemed to be insufficient or in want of repair when they meet the minimum
21 standards for such highways and roads pursuant to section 39-2109.

22 Sec. 75. Section 13-1203, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 13-1203 For purposes of the Nebraska Public Transportation Act,
25 unless the context otherwise requires:

26 (1) Public transportation shall mean the transport of passengers on
27 a regular and continuing basis by motor carrier for hire, whether over
28 regular or irregular routes, over any public road in this state,
29 including city bus systems, intercity bus systems, special public
30 transportation systems to include portal-to-portal escorted service for
31 the elderly or handicapped, taxi, subscription, dial-a-ride, or other

1 demand-responsive systems, and those motor carriers for hire which may
2 carry elderly or handicapped individuals for a set fare, a donation, or
3 at no cost to such individuals. Public transportation shall not include
4 motor carriers for hire when engaged in the transportation of school
5 children and teachers to and from school and school-related activities
6 and shall not include private car pools;

7 (2) Department shall mean the Department of Transportation Roads;

8 (3) Director shall mean the Director-State Engineer;

9 (4) Elderly shall mean any person sixty-two years of age or older
10 who is drawing social security and every person sixty-five years of age
11 and older;

12 (5) Handicapped shall mean any individual who is unable without
13 special facilities or special planning or design to utilize public
14 transportation facilities and services;

15 (6) Municipality shall mean any village or incorporated city, except
16 cities of the metropolitan class operating under home rule charter;

17 (7) Qualified public-purpose organization shall mean an incorporated
18 private not-for-profit group or agency which:

19 (a) Has operated or proposes to operate only motor vehicles having a
20 seating capacity of twenty or less for the transportation of passengers
21 in the state;

22 (b) Has been approved as capable of providing public transportation
23 services by the appropriate city or county governing body; and

24 (c) Operates or proposes to operate a public transportation service
25 in an area which the department has identified as not being adequately
26 served by existing public or private transportation services pursuant to
27 section 13-1205; and

28 (8) Intercity bus system shall mean a system of regularly scheduled
29 bus service for the general public which operates with limited stops over
30 fixed routes connecting two or more communities or areas not in close
31 proximity which support public transportation service. At least one

1 terminus of the intercity bus system shall be in an area that makes
2 meaningful connections with intercity service to more distant points.

3 Sec. 76. Section 13-1210, Revised Statutes Cumulative Supplement,
4 2016, is amended to read:

5 13-1210 (1) The department ~~Department of Roads~~ shall annually
6 certify the amount of capital acquisition and operating costs eligible
7 for funding under the public transportation assistance program
8 established under section 13-1209.

9 (2) The department shall submit an annual report to the chairperson
10 of the Appropriations Committee of the Legislature on or before December
11 1 of each year regarding funds requested by each applicant for eligible
12 capital acquisition and operating costs in the current fiscal year
13 pursuant to subsection (2) of section 13-1209 and the total amount of
14 state grants projected to be awarded in the current fiscal year pursuant
15 to the public transportation assistance program. The report submitted to
16 the committee shall be submitted electronically. The report shall
17 separate into two categories the requests and grants awarded for
18 handicapped vans, otherwise known as paratransit vehicles, and requests
19 and grants awarded for handicapped-accessible fixed-route bus systems.

20 Sec. 77. Section 13-1212, Revised Statutes Cumulative Supplement,
21 2016, is amended to read:

22 13-1212 (1) The department ~~Department of Roads~~ shall administer
23 sections 13-1209 to 13-1212, and shall adopt and promulgate such rules
24 and regulations pursuant to the Administrative Procedure Act as are
25 necessary, including but not limited to defining eligible capital
26 acquisition and operating costs, establishing contractual and other
27 requirements including standardized accounting and reporting
28 requirements, which shall include the applicant's proposed service area,
29 the type of service proposed, all routes and schedules, and any further
30 information needed for recipients to ensure the maximum feasible
31 coordination and use of state funds, establishing application procedures,

1 and developing a policy for apportioning funds made available for this
2 program should they be insufficient to cover all eligible projects.
3 Priority on the allocation of all funds shall be given to those proposed
4 projects best suited to serve the needs of the elderly and handicapped
5 and to proposed projects with federal funding participation.

6 (2) Any public-purpose organization proposing to provide public
7 transportation denied financial assistance as a result of a determination
8 by the department ~~Department of Roads~~ that an area is adequately served
9 by existing transportation services may submit a petition to the
10 department requesting the department to reclassify the proposed service
11 area as not being adequately served by existing public transportation
12 services. The petition submitted to the department by the public-purpose
13 organization shall bear the signatures of at least fifty registered
14 voters residing in the proposed service area. Upon receipt of the
15 petition the department shall hold a public hearing in the proposed
16 service area and after such hearing shall determine whether the proposed
17 service area is already adequately served. In carrying out its duties
18 under this section the department shall comply with the provisions of the
19 Administrative Procedure Act. The department shall not be required to
20 conduct a reevaluation hearing for an area more frequently than once a
21 year.

22 Sec. 78. Section 14-2113, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 14-2113 The board of directors of the metropolitan utilities
25 district shall have general charge, supervision, and control of all
26 matters pertaining to the natural gas supply and the water supply of the
27 district for domestic, mechanical, public, and fire purposes. This shall
28 include the general charge, supervision, and control of the design,
29 construction, operation, maintenance, and extension or improvement of the
30 necessary plant to supply natural gas, to develop power, and to pump
31 water. It shall have the authority to enter upon and utilize streets,

1 alleys, and public grounds therefor upon due notice to the proper
2 authorities controlling same, subject to the provisions of sections
3 39-1361 and 39-1362, except that while any permit hereafter granted by
4 the Department of Transportation ~~Roads~~ under such provisions shall not be
5 construed to be a contract as referred to within the provisions of
6 section 39-1304.02, such parties may separately contract in relation to
7 relocation of facilities and reimbursement therefor. The board shall also
8 have the power to appropriate private property required by the district
9 for natural gas and water service, to purchase and contract for necessary
10 materials, labor, and supplies, and to supply water and natural gas
11 without the district upon such terms and conditions as it may deem
12 proper. The authority and power conferred in this section upon the board
13 of directors shall extend as far beyond the corporate limits of the
14 metropolitan utilities district as the board may deem necessary.

15 Sec. 79. Section 18-601, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 18-601 Any city or village shall have power by ordinance to avail
18 itself of federal funds for the construction within the city or village
19 limits of subways, viaducts, and approaches thereto, over or under
20 railroad tracks, and may authorize agreements with the Department of
21 Transportation ~~Roads~~ to construct such viaducts or subways, which shall
22 be paid for out of funds furnished by the federal government. The
23 ordinance shall approve detailed plans and specifications for such
24 construction, including a map showing the exact location that such
25 viaduct or subway is to occupy, which shall then and thereafter be kept
26 on file with the city or village clerk and be open to public inspection.
27 The ordinance shall make provision for the assumption of liability and
28 payment of consequential damages to property owners resulting from such
29 proposed construction and payment of damages for property taken therefor.
30 The procedure to condemn property shall be exercised in the manner set
31 forth in sections 76-704 to 76-724.

1 Sec. 80. Section 18-613, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 18-613 The Department of Transportation Roads shall be authorized to
4 enter into contracts for the construction of such viaduct or subway, in
5 accordance with such plans and specifications, immediately upon the
6 approval by the voters of such issuing of bonds.

7 Sec. 81. Section 25-2501, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 25-2501 It is the intent and purpose of sections 25-2501 to 25-2506
10 to establish a uniform procedure to be used in acquiring private property
11 for a public purpose by the State of Nebraska and its political
12 subdivisions and by all privately owned public utility corporations and
13 common carriers which have been granted the power of eminent domain. Such
14 sections shall not apply to:

15 (1) Water transmission and distribution pipelines and their
16 appurtenances and common carrier pipelines and their appurtenances;

17 (2) Public utilities and cities of all classes and villages when
18 acquiring property for a proposed project involving the acquisition of
19 rights or interests in ten or fewer separately owned tracts or when the
20 acquisition is within the corporate limits of any city or village;

21 (3) Sanitary and improvement districts organized under sections
22 31-727 to 31-762 when acquiring easements for a proposed project
23 involving the acquisition of rights or interests in ten or fewer
24 separately owned tracts;

25 (4) Counties and municipalities which acquire property through the
26 process of platting or subdivision or for street or highway construction
27 or improvements;

28 (5) Common carriers subject to regulation by the Federal Railroad
29 Administration of the United States Department of Transportation; or

30 (6) The Nebraska Department of Transportation Roads when acquiring
31 property for highway construction or improvements.

1 Sec. 82. Section 31-925, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 31-925 Where the cleaning of a ditch or watercourse involves a state
4 highway, the county board is authorized to make any contract with the
5 Department of Transportation Roads with reference to bridges or culverts
6 or, if unable to agree therein, to bring any action necessary to force
7 the state to participate in such ~~said~~ improvement.

8 Sec. 83. Section 39-102, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 39-102 In order to promote public safety, to preserve and protect
11 state highways, and to prevent immoderate and destructive use of state
12 highways, the Department of Transportation Roads may formulate, adopt,
13 and promulgate rules and regulations in regard to the use of and travel
14 upon the state highways consistent with Chapter 39 and the Nebraska Rules
15 of the Road. Such rules and regulations may include specifications,
16 standards, limitations, conditions, requirements, definitions,
17 enumerations, descriptions, procedures, prohibitions, restrictions,
18 instructions, controls, guidelines, and classifications relative to the
19 following:

20 (1) The issuance or denial of special permits for the travel of
21 vehicles or objects exceeding statutory size and weight capacities upon
22 the highways as authorized by section 60-6,298;

23 (2) Qualification and prequalification of contractors, including,
24 but not limited to, maximum and minimum qualifications, ratings,
25 classifications, classes of contractors or classes of work, or both, and
26 procedures to be followed;

27 (3) The setting of special load restrictions as provided in Chapter
28 39 and the Nebraska Rules of the Road;

29 (4) The placing, location, occupancy, erection, construction, or
30 maintenance, upon any highway or area within the right-of-way, of any
31 pole line, pipeline, or other utility located above, on, or under the

1 level of the ground in such area;

2 (5) Protection and preservation of trees, shrubbery, plantings,
3 buildings, structures, and all other things located upon any highway or
4 any portion of the right-of-way of any highway by the department;

5 (6) Applications for the location of, and location of, private
6 driveways, commercial approach roads, facilities, things, or
7 appurtenances upon the right-of-way of state highways, including, but not
8 limited to, procedures for applications for permits therefor and
9 standards for the issuance or denial of such permits, based on highway
10 traffic safety, and the foregoing may include reapplication for permits
11 and applications for permits for existing facilities, and in any event,
12 issuance of permits may also be conditioned upon approval of the design
13 of such facilities;

14 (7) Outdoor advertising signs, displays, and devices in areas where
15 the department is authorized by law to exercise such controls; and

16 (8) The Grade Crossing Protection Fund provided for in section
17 74-1317, including, but not limited to, authority for application,
18 procedures on application, effect of application, procedures for and
19 effect of granting such applications, and standards and specifications
20 governing the type of control thereunder.

21 This section shall not amend or derogate any other grant of power or
22 authority to the department to make or promulgate rules and regulations
23 but shall be additional and supplementary thereto.

24 Sec. 84. Section 39-103, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 39-103 Any person who operates a vehicle upon any highway in
27 violation of the rules and regulations of the Department of
28 Transportation ~~Roads~~ governing the use of state highways shall be guilty
29 of a Class III misdemeanor.

30 Sec. 85. Section 39-202, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 39-202 (1) Except as provided in sections 39-202 to 39-205, 39-215,
2 39-216, and 39-220, the erection or maintenance of any advertising sign,
3 display, or device beyond six hundred sixty feet of the right-of-way of
4 the National System of Interstate and Defense Highways and visible from
5 the main-traveled way of such highway system is prohibited.

6 (2) The following signs shall be permitted:

7 (a) Directional and official signs to include, but not be limited
8 to, signs and notices pertaining to natural wonders, scenic attractions,
9 and historical attractions. Such signs shall comply with standards and
10 criteria established by regulations of the Department of Transportation
11 ~~Roads~~ as promulgated from time to time;

12 (b) Signs, displays, and devices advertising the sale or lease of
13 property upon which such media are located;

14 (c) Signs, displays, and devices advertising activities conducted on
15 the property on which such media are located; and

16 (d) Signs in existence in accordance with sections 39-212 to 39-222,
17 to include landmark signs, signs on farm structures, markers, and plaques
18 of historical or artistic significance.

19 (3) For purposes of this section, visible shall mean the message or
20 advertising content of an advertising sign, display, or device is capable
21 of being seen without visual aid by a person of normal visual acuity. A
22 sign shall be considered visible even though the message or advertising
23 content may be seen but not read.

24 Sec. 86. Section 39-203, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 39-203 Just compensation shall be paid upon the removal of any
27 advertising sign, display, or device lawfully erected or in existence
28 prior to May 27, 1975, and not conforming to the provisions of sections
29 39-202 to 39-205, 39-215, 39-216, and 39-220 except as otherwise
30 authorized by such sections. The Department of Transportation ~~Roads~~ shall
31 not be required to expend any funds under the provisions of such sections

1 unless and until federal-aid matching funds are made available for this
2 purpose.

3 Sec. 87. Section 39-204, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 39-204 (1) Signs, displays, and devices giving specific information
6 of interest to the traveling public shall be erected by or at the
7 direction of the Department of Transportation ~~Roads~~ and maintained within
8 the right-of-way at appropriate distances from interchanges on the
9 National System of Interstate and Defense Highways and from roads of the
10 state primary system as shall conform with the rules and regulations
11 adopted and promulgated by the department to carry out this section and
12 section 39-205. Such rules and regulations shall be consistent with
13 national standards promulgated from time to time by the appropriate
14 authority of the federal government pursuant to 23 U.S.C. 131(f).

15 (2) For purposes of this section, specific information of interest
16 to the traveling public shall mean only information about camping,
17 lodging, food, attractions, and motor fuel and associated services,
18 including trade names.

19 (3) The minimum service that is required to be available for each
20 type of service shall include:

21 (a) Motor fuel services including:

22 (i) Vehicle services, which shall include fuel, oil, and water;

23 (ii) Restroom facilities and drinking water;

24 (iii) Continuous operation of such services for at least sixteen
25 hours per day, seven days per week, for freeways and expressways and
26 continuous operation of such services for at least twelve hours per day,
27 seven days per week, for conventional roads; and

28 (iv) Telephone services;

29 (b) Attraction services including:

30 (i) An attraction of regional significance with the primary purpose
31 of providing amusement, historical, cultural, or leisure activity to the

1 public;

2 (ii) Restroom facilities and drinking water; and

3 (iii) Adequate parking accommodations;

4 (c) Food services including:

5 (i) Licensing or approval of such services, when required;

6 (ii) Continuous operation of such services to serve at least two
7 meals per day, six days per week;

8 (iii) Modern sanitary facilities; and

9 (iv) Telephone services;

10 (d) Lodging services including:

11 (i) Licensing or approval of such services, when required;

12 (ii) Adequate sleeping accommodations; and

13 (iii) Telephone services; and

14 (e) Camping services including:

15 (i) Licensing or approval of such services, when required;

16 (ii) Adequate parking accommodations; and

17 (iii) Modern sanitary facilities and drinking water.

18 Sec. 88. Section 39-205, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 39-205 (1) Applicants for business signs shall furnish business
21 signs to the Department of Transportation ~~Roads~~ and shall pay to the
22 department an annual fee for posting each business sign and the actual
23 cost of material for, fabrication of, and erecting the specific
24 information sign panels where specific information sign panels have not
25 been installed.

26 (2) Upon receipt of the business signs and the annual fee, the
27 department shall post or cause to be posted the business signs where
28 specific information sign panels have been installed. The applicant shall
29 not be required to remove any advertising device to qualify for a
30 business sign except any advertising device which was unlawfully erected
31 or in violation of section 39-202, 39-203, 39-204, 39-205, 39-206,

1 39-215, 39-216, or 39-220, any rule or regulation of the department, or
2 any federal rule or regulation relating to informational signs. The
3 specific information sign panels and business signs shall conform to the
4 requirements of the Federal Beautification Act and the Manual on Uniform
5 Traffic Control Devices adopted pursuant to section 60-6,118.

6 (3) All revenue received for the posting or erecting of business
7 signs or specific information sign panels pursuant to this section shall
8 be deposited in the Highway Cash Fund, except that any revenue received
9 from the annual fee and for posting or erecting such signs in excess of
10 the state's costs shall be deposited in the General Fund.

11 (4) For purposes of this section, unless the context otherwise
12 requires:

13 (a) Business sign means a sign displaying a commercial brand,
14 symbol, trademark, or name, or combination thereof, designating a
15 motorist service. Business signs shall be mounted on a rectangular
16 information panel; and

17 (b) Specific information sign panel means a rectangular sign panel
18 with:

19 (i) The word gas, food, attraction, lodging, or camping;

20 (ii) Directional information; and

21 (iii) One or more business signs.

22 (5) The department shall provide notice of space available for
23 business signs on any specific information sign panel at least ninety
24 days prior to accepting or approving the posting of any business sign.

25 Sec. 89. Section 39-206, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 39-206 It is the intent of sections 39-204 and 39-205 to allow the
28 erection of specific information sign panels on the right-of-way of the
29 state highways under the following conditions:

30 (1) No state funds shall be used for the erection, maintenance, or
31 servicing of such signs;

1 (2) Such signs shall be erected in accordance with federal standards
2 and the rules and regulations adopted and promulgated by the Department
3 of Transportation Roads;

4 (3) Such signs may be erected by the department or by a contractor
5 selected through the competitive bidding process; and

6 (4) The department shall charge an annual fee in an amount equal to
7 the fair market rental value of the sign site and any other cost to the
8 state associated with the erection, maintenance, or servicing of specific
9 information sign panels. If such sign is erected by a contractor, the
10 annual fee shall be limited to the fair market rental value of the sign
11 site.

12 Sec. 90. Section 39-207, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 39-207 Tourist-oriented directional sign panels shall be erected and
15 maintained by or at the direction of the Department of Transportation
16 Roads within the right-of-way of rural highways which are part of the
17 state highway system to provide tourist-oriented information to the
18 traveling public in accordance with sections 39-207 to 39-211.

19 For purposes of such sections:

20 (1) Rural highways means (a) all public highways and roads outside
21 the limits of an incorporated municipality exclusive of freeways and
22 interchanges on expressways and (b) all public highways and roads within
23 incorporated municipalities having a population of forty thousand people
24 or less exclusive of freeways and interchanges on expressways.
25 Expressway, freeway, and interchange are used in this subdivision as they
26 are defined in section 39-1302; and

27 (2) Sign panel means one or more individual signs mounted as an
28 assembly on the same supports.

29 Sec. 91. Section 39-208, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 39-208 (1) The Department of Transportation Roads shall erect

1 tourist-oriented directional sign panels on the right-of-way of the rural
2 highways pursuant to section 39-207 under the following conditions:

3 (a) No state funds shall be used for the erection, maintenance, or
4 servicing of the sign panels;

5 (b) The sign panels shall be erected in accordance with federal
6 standards and the rules and regulations adopted and promulgated by the
7 department;

8 (c) The sign panels may be erected by the department or by a
9 contractor selected by the department through the competitive negotiation
10 process;

11 (d) No more than three sign panels shall be installed on the
12 approach to an intersection; and

13 (e) The department shall charge an annual fee in an amount equal to
14 the fair market rental value of the sign panel site and any other cost to
15 the state associated with the erection, maintenance, or servicing of
16 tourist-oriented directional sign panels. If the sign panel is erected by
17 a contractor, the annual fee to the department shall be limited to the
18 fair market rental value of the sign panel site.

19 (2) All revenue received for the posting or erecting of tourist-
20 oriented directional sign panels pursuant to this section shall be
21 deposited in the Highway Cash Fund, except that any revenue received from
22 the annual fee and for posting or erecting such sign panels in excess of
23 the state's costs shall be deposited in the General Fund.

24 Sec. 92. Section 39-210, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 39-210 To qualify to appear on a tourist-oriented directional sign
27 panel, an activity shall be licensed and approved by the state and local
28 agencies if required by law and be open to the public at least eight
29 hours per day, five days per week, including Saturdays or Sundays, during
30 the normal season of the activity, except that if the activity is a
31 winery, the winery shall be open at least twenty hours per week. The

1 activity, before qualifying to appear on a sign panel, shall provide to
2 the Department of Transportation ~~Roads~~ assurance of its conformity with
3 all applicable laws relating to discrimination based on race, creed,
4 color, sex, national origin, ancestry, political affiliation, or
5 religion. If the activity violates any of such laws, it shall lose its
6 eligibility to appear on a tourist-oriented directional sign panel. In
7 addition, the qualifying activity shall be required to remove any
8 advertising device which was unlawfully erected or which is in violation
9 of section 39-202, 39-203, 39-204, 39-205, 39-206, 39-215, 39-216, or
10 39-220, any rule or regulation of the department, or any federal rule or
11 regulation relating to tourist-oriented directional sign panels. The
12 tourist-oriented directional sign panels shall conform to the
13 requirements of the Federal Beautification Act and the Manual on Uniform
14 Traffic Control Devices as adopted pursuant to section 60-6,118.

15 Sec. 93. Section 39-211, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 39-211 The Department of Transportation ~~Roads~~ shall adopt and
18 promulgate rules and regulations deemed necessary by the department to
19 carry out sections 39-207 to 39-211.

20 Sec. 94. Section 39-212, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 39-212 (1) The Department of Transportation ~~Roads~~ may acquire the
23 interest in real or personal property necessary to exercise the power
24 authorized by subdivision (2)(m) of section 39-1320 and to pay just
25 compensation upon removal of the following outdoor advertising signs,
26 displays, and devices, as well as just compensation for the disconnection
27 and removal of electrical service to the same:

28 (a) Those lawfully erected or in existence prior to March 27, 1972,
29 and not conforming to the provisions of sections 39-212 to 39-222 except
30 as otherwise authorized by such sections; and

31 (b) Those lawfully erected after March 27, 1972, which become

1 nonconforming after being erected.

2 (2) Such compensation for removal of such signs, displays, and
3 devices is authorized to be paid only for the following:

4 (a) The taking from the owner of such sign, display, or device or of
5 all right, title, leasehold, and interest in connection with such sign,
6 display, or device, or both; and

7 (b) The taking from the owner of the real property on which the
8 sign, display, or device is located of the right to erect and maintain
9 such signs, displays, and devices thereon.

10 (3) In all instances where signs, displays, or devices which are
11 served electrically are taken under subdivision (2)(a) of this section,
12 the department shall pay just compensation to the supplier of electricity
13 for supportable costs of disconnection and removal of such service to the
14 nearest distribution line or, in the event such sign, display, or device
15 is relocated, just compensation for removal of such service to the point
16 of relocation.

17 Except for expenditures for the removal of nonconforming signs
18 erected between April 16, 1982, and May 27, 1983, the department shall
19 not be required to expend any funds under sections 39-212 to 39-222 and
20 39-1320 unless and until federal-aid matching funds are made available
21 for this purpose.

22 Sec. 95. Section 39-213, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 39-213 (1) In order that this state may qualify for the payments
25 authorized in 23 U.S.C. 131(c) and (e), and to comply with the provisions
26 of 23 U.S.C. 131 as revised and amended on October 22, 1965, by Public
27 Law 89-285, the Nebraska Department of Transportation Roads, for and in
28 the name of the State of Nebraska, is authorized to enter into an
29 agreement, or agreements, with the Secretary of Transportation of the
30 United States, which agreement or agreements shall include provisions for
31 regulation and control of the erection and maintenance of advertising

1 signs, displays, and other advertising devices and may include, among
2 other things, provisions for preservation of natural beauty, prevention
3 of erosion, landscaping, reforestation, development of viewpoints for
4 scenic attractions that are accessible to the public without charge, and
5 the erection of markers, signs, or plaques, and development of areas in
6 appreciation of sites of historical significance.

7 (2) It is the intention of the Legislature that the state shall be
8 and is hereby empowered and directed to continue to qualify for and
9 accept bonus payments pursuant to 23 U.S.C. 131(j) and subsequent
10 amendments as amended in the Federal Aid Highway Acts of 1968 and 1970
11 for controlling outdoor advertising within the area adjacent to and
12 within six hundred sixty feet of the edge of the right-of-way of the
13 National System of Interstate and Defense Highways constructed upon any
14 part of the right-of-way the entire width of which is acquired subsequent
15 to July 1, 1956, and, to this end, to continue any agreements with, and
16 make any new agreements with the Secretary of Transportation, to
17 accomplish the same. Such agreement or agreements shall also provide for
18 excluding from application of the national standards segments of the
19 National System of Interstate and Defense Highways which traverse
20 commercial or industrial zones within the boundaries of incorporated
21 municipalities as they existed on September 21, 1959, wherein the use of
22 real property adjacent to the National System of Interstate and Defense
23 Highways is subject to municipal regulation or control, or which traverse
24 other areas where the land use, as of September 21, 1959, is clearly
25 established by state law as industrial or commercial.

26 (3) It is also the intention of the Legislature that the state shall
27 comply with 23 U.S.C. 131, as revised and amended on October 22, 1965, by
28 Public Law 89-285, in order that the state not be penalized by the
29 provisions of subsection (b) thereof, and that the Nebraska Department of
30 Transportation ~~department~~ shall be and is hereby empowered and directed
31 to make rules and regulations in accord with the agreement between the

1 Nebraska Department of Transportation ~~department~~ and the United States
2 Department of Transportation dated October 29, 1968.

3 Sec. 96. Section 39-214, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 39-214 Whenever advertising rights are acquired by the Department of
6 Transportation ~~department~~ pursuant to subdivision (2)(m) of section
7 39-1320 or an agreement has been entered into as authorized by section
8 39-213, it shall be the duty of the department ~~Department of Roads~~ to
9 adopt and promulgate reasonable rules and regulations for the control of
10 outdoor advertising within the area specified in such subdivision, which
11 rules and regulations shall have as their minimum requirements the
12 provisions of 23 U.S.C. 131 and regulations adopted pursuant thereto, as
13 amended on March 27, 1972.

14 Sec. 97. Section 39-216, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 39-216 It shall be unlawful for any person to place or cause to be
17 placed any advertising sign, display, or device which is visible from the
18 main-traveled way of the Highway Beautification Control System or upon
19 land not owned by such person, without first procuring a written lease
20 from the owner of such land and a permit from the Department of
21 Transportation ~~Roads~~ authorizing such display or device to be erected as
22 permitted by the advertising laws, rules, and regulations of this state.

23 Sec. 98. Section 39-217, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 39-217 (1) The Department of Transportation ~~Roads~~ may designate
26 portions of the state highway system as a scenic byway when the highway
27 corridor possesses unusual, exceptional, or distinctive scenic, historic,
28 recreational, cultural, or archeological features. The department shall
29 adopt and promulgate rules and regulations establishing the procedure and
30 criteria to be utilized in making scenic byway designations.

31 (2) Any portion of a highway designated as a scenic byway which is

1 located within the limits of any incorporated municipality shall not be
2 designated as part of the scenic byway, except when such route possesses
3 intrinsic scenic, historic, recreational, cultural, or archeological
4 features which support designation of the route as a scenic byway.

5 Sec. 99. Section 39-218, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 39-218 No sign shall be erected which is visible from the main-
8 traveled way of any scenic byway except (1) directional and official
9 signs to include, but not be limited to, signs and notices pertaining to
10 natural wonders, scenic attractions, and historical attractions, (2)
11 signs, displays, and devices advertising the sale or lease of property
12 upon which such media are located, and (3) signs, displays, and devices
13 advertising activities conducted on the property on which such media are
14 located. Signs which are allowed shall comply with the standards and
15 criteria established by rules and regulations of the Department of
16 Transportation Roads.

17 Sec. 100. Section 39-219, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 39-219 Outdoor advertising signs, displays, and devices erected
20 prior to March 27, 1972, may continue in zoned or unzoned commercial or
21 industrial areas, notwithstanding the fact that such outdoor advertising
22 signs, displays, and devices do not comply with standards and criteria
23 established by sections 39-212 to 39-222 or rules and regulations of the
24 Department of Transportation Roads.

25 Sec. 101. Section 39-220, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 39-220 The Department of Transportation Roads may at its discretion
28 require permits for advertising signs, displays, or devices which are
29 placed or allowed to exist along or upon any interstate or primary
30 highway or at any point visible from the main-traveled way, except for
31 signs located within an area of fifty feet of any commercial or

1 industrial building on the premises. Such permits shall be renewed
2 biennially. Each sign shall bear on the side facing the highway the
3 permit number in a readily observable place for inspection purposes from
4 the highway right-of-way. The department is authorized to charge a fee to
5 be not less than twenty-five cents or not to exceed fifteen dollars for
6 each permit and renewal permit for each individual sign. The department
7 shall promulgate rules and regulations establishing, and from time to
8 time adjusting, the annual fees for the permits to cover the costs of
9 administering sections 39-212 to 39-226 and may by rule and regulation
10 provide exceptions from the payment of fees for signs advertising
11 eleemosynary or nonprofit public service activities, signs designating
12 historical sites, and farm and ranch directional signs. The department
13 may revoke the permit for noncompliance reasons and remove the sign if,
14 after thirty days' notification to the sign owner, the sign remains in
15 noncompliance. Printed sale bills not exceeding two hundred sixteen
16 square inches in size shall not require a permit if otherwise conforming.

17 Sec. 102. Section 39-221, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 39-221 Any person, firm, company, or corporation violating any of
20 the provisions of sections 39-212 to 39-222 shall be guilty of a Class V
21 misdemeanor. In addition to any other available remedies, the Director-
22 State Engineer, for the Department of Transportation ~~Roads~~ and in the
23 name of the State of Nebraska, may apply to the district court having
24 jurisdiction for an injunction to force compliance with any of the
25 provisions of such sections or rules and regulations promulgated
26 thereunder. When any person, firm, company, or corporation deems its
27 property rights have been adversely affected by the application of the
28 provisions of such sections, such person, firm, company, or corporation
29 shall have the right to have damages ascertained and determined pursuant
30 to Chapter 76, article 7.

31 Sec. 103. Section 39-222, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 39-222 Sections 39-212 to 39-221 shall not be construed to prevent
3 the Department of Transportation Roads from (1) exercising the power of
4 eminent domain to accomplish the removal of any sign or signs or (2)
5 acquiring any interest in real or personal property necessary to exercise
6 the powers authorized by such sections whether within or without zoned or
7 unzoned commercial or industrial areas.

8 Sec. 104. Section 39-223, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 39-223 Any community, board of county commissioners, municipality,
11 county, city, a specific region or area of the state, or other
12 governmental or quasi-governmental agency which is part of a specific
13 economic area located along the Highway Beautification Control System of
14 the State of Nebraska may petition the Department of Transportation Roads
15 for an exemption from mandatory removal of any legal, nonconforming
16 directional signs, displays, or devices as defined by 23 U.S.C. 131(o),
17 which signs, displays, or devices were in existence on May 5, 1976. The
18 petitioning agency shall supply such documents as are supportive of its
19 petition for exemption.

20 The Department of Transportation Roads is hereby authorized to seek
21 the exemptions authorized by 23 U.S.C. 131(o) in accordance with the
22 federal regulations promulgated thereunder, 23 C.F.R., part 750, subpart
23 E, if the petitioning agency shall supply the necessary documents to
24 justify such exemptions.

25 Sec. 105. Section 39-224, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 39-224 Upon receipt of a such petition under section 39-223, the
28 Nebraska Department of Transportation Roads shall make request of the
29 United States Department of Transportation for permission to retain the
30 directional signs, displays, or devices which provide information for the
31 specific economic area responsible for the petition.

1 Sec. 106. Section 39-225, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 39-225 The Department of Transportation ~~Roads~~ shall adopt future
4 programs to assure that removal of directional signs, displays, or
5 devices, providing directional information about goods and services in
6 the interest of the traveling public, not otherwise exempted by economic
7 hardship, be deferred until all other nonconforming signs, on a statewide
8 basis, are removed.

9 Sec. 107. Section 39-308, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 39-308 It shall be the duty of the owner of real property to remove
12 from such property any tree, plant, shrub, or other obstruction, or part
13 thereof, which, by obstructing the view of any driver, constitutes a
14 traffic hazard. When the Department of Transportation ~~Roads~~ or any local
15 authority determines upon the basis of engineering and traffic
16 investigation that such a traffic hazard exists, it shall notify the
17 owner and order that the hazard be removed within ten days. Failure of
18 the owner to remove such traffic hazard within ten days shall constitute
19 a Class V misdemeanor, and every day such owner fails to remove it shall
20 be a separate offense.

21 Sec. 108. Section 39-311, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 39-311 (1) No person shall throw or deposit upon any highway:

24 (a) Any glass bottle, glass, nails, tacks, wire, cans, or other
25 substance likely to injure any person or animal or damage any vehicle
26 upon such highway; or

27 (b) Any burning material.

28 (2) Any person who deposits or permits to be deposited upon any
29 highway any destructive or injurious material shall immediately remove
30 such or cause it to be removed.

31 (3) Any person who removes a wrecked or damaged vehicle from a

1 highway shall remove any glass or other injurious substance deposited on
2 the highway from such vehicle.

3 (4) The Department of Transportation ~~Roads~~ or a local authority as
4 defined in section 60-628 may procure and place at reasonable intervals
5 on the side of highways under its respective jurisdiction appropriate
6 signs showing the penalty for violating this section. Such signs shall be
7 of such size and design as to be easily read by persons on such highways,
8 but the absence of such a sign shall not excuse a violation of this
9 section.

10 (5) It shall be the duty of all Nebraska State Patrol officers,
11 conservation officers, sheriffs, deputy sheriffs, and other law
12 enforcement officers to enforce this section and to make prompt
13 investigation of any violations of this section reported by any person.

14 (6) Any person who violates any provision of this section shall be
15 guilty of (a) a Class III misdemeanor for the first offense, (b) a Class
16 II misdemeanor for the second offense, and (c) a Class I misdemeanor for
17 the third or subsequent offense.

18 Sec. 109. Section 39-312, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 39-312 It shall be unlawful to camp on any state or county public
21 highway, roadside area, park, or other property acquired for highway or
22 roadside park purposes except at such places as are designated campsites
23 by the Department of Transportation ~~Roads~~ or the county or other legal
24 entity of government owning or controlling such places. This provision
25 shall not apply to lands originally acquired for highway purposes which
26 have been transferred or leased to the Game and Parks Commission or a
27 natural resources district or to other lands owned or controlled by the
28 Game and Parks Commission where camping shall be controlled by the
29 provisions of section 37-305 or by a natural resources district where
30 camping shall be controlled by the provisions of section 2-3292.

31 For purposes of this section, camping means temporary lodging out of

1 doors and presupposes the occupancy of a shelter designed or used for
2 such purposes, such as a sleeping bag, tent, trailer, station wagon,
3 pickup camper, camper-bus, or other vehicle, and the use of camping
4 equipment and camper means an occupant of any such shelter.

5 Any person who camps on any state or county public highway, roadside
6 area, park, or other property acquired for highway or roadside park
7 purposes, which has not been properly designated as a campsite, or any
8 person who violates any lawfully promulgated rules or regulations
9 properly posted to regulate camping at designated campsites shall be
10 guilty of a Class V misdemeanor and shall be ordered to pay any amount as
11 determined by the court which may be necessary to reimburse the
12 department or the county for the expense of repairing any damage to such
13 campsite resulting from such violation.

14 Sec. 110. Section 39-805, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 39-805 Whenever any public highway within this state shall cross or
17 be crossed by any ditch or channel of any public drainage or irrigation
18 district, it shall be the duty of the governing board of the drainage or
19 irrigation district and the governing board of the county or municipal
20 corporation involved to negotiate and agree for the building and
21 maintenance of bridges and approaches thereto on such terms as shall be
22 equitable, all things considered, between such drainage or irrigation
23 district and such county or municipality. If such boards for any reason
24 shall fail to agree with reference to such ~~said~~ matter, it shall be the
25 duty of the drainage or irrigation district to build the necessary
26 bridges and approaches, and restore the highway in question to its former
27 state as nearly as may be as it was laid out prior to the construction of
28 the ditch or channel in question, and it shall be the duty of the county
29 or municipal corporation involved to maintain the ~~said~~ bridges and
30 approaches. Where ; ~~Provided, where~~ more than seventy-five percent of the
31 water passing through any such ditch or channel is used by any person,

1 firm, or corporation for purposes other than irrigation or drainage, it
2 shall be the duty of such person, firm, or corporation, so using such
3 seventy-five percent or more of such water, to build and maintain solely
4 at ~~the his, their or its expense of such person, firm, or corporation,~~
5 all such bridges and approaches thereto. Any bridge that may be built by
6 any drainage or irrigation district or by any person, firm, or
7 corporation under the provisions of this section shall be constructed
8 under the supervision of the Department of Transportation ~~Roads~~, if on a
9 state highway, and under the supervision of the county board or governing
10 body of a municipality, if under the jurisdiction of such board or
11 governing body of such municipality.

12 Sec. 111. Section 39-822, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 39-822 The county board shall keep in the office of the county clerk
15 of the county a sufficient supply of the prints of the plans and the
16 printed copies of the specifications and estimates of the cost of
17 construction mentioned in section 39-821, to be furnished by the
18 Director-State Engineer for distribution to prospective bidders and
19 taxpayers of the county. No contract shall be entered into under the
20 provisions of sections 39-810 to 39-826 for the construction or erection
21 of any bridge or bridges unless, for the period of thirty days
22 immediately preceding the time of entering into such contract, there
23 shall have been available for distribution by the county clerk such ~~the~~
24 ~~plans and specifications as aforesaid~~. The county boards of the several
25 counties shall prepare and transmit to the Department of Transportation
26 ~~Roads~~ a statement accompanied by the plans and specifications, showing
27 the cost of all bridges built in their counties under the provisions of
28 such ~~said~~ sections, and state therein whether they were built under a
29 contract or by the county.

30 Sec. 112. Section 39-826.01, Reissue Revised Statutes of Nebraska,
31 is amended to read:

1 39-826.01 The Department of Transportation ~~Roads~~ or the county board
2 shall, prior to the design or construction of a new bridge or culvert in
3 a new or existing highway or road within its jurisdiction, notify in
4 writing, by first-class mail, the natural resources district in which
5 such bridge or culvert will be located. The natural resources district
6 shall, pursuant to section 39-826.02, determine whether it would be
7 beneficial to the district to have a dam constructed in lieu of the
8 proposed bridge or culvert. If the district shall determine that a dam
9 would be more beneficial, the department ~~Department of Roads~~ or the
10 county board and the natural resources district shall jointly determine
11 the feasibility of constructing a dam to support the road in lieu of a
12 bridge or culvert. If the department ~~Department of Roads~~ or the county
13 board and the natural resources district cannot agree regarding the
14 feasibility of a dam, the decision of the department ~~Department of Roads~~,
15 in the case of the state highway system, or the county board, in the case
16 of the county road system, shall be controlling.

17 Sec. 113. Section 39-826.02, Reissue Revised Statutes of Nebraska,
18 is amended to read:

19 39-826.02 If a natural resources district shall receive notice of a
20 proposed bridge or culvert, pursuant to section 39-826.01, the district
21 shall make a study to determine whether it would be practicable to
22 construct a dam at or near the proposed site which could be used to
23 support a highway or road. In making the study, such district shall
24 consider the benefit which would be derived and the feasibility of such a
25 dam. After it has made its determination, the natural resources district
26 shall notify the Department of Transportation ~~Roads~~ or the county board
27 and shall, if the district favors such a dam, assist in the joint
28 feasibility study and provide any other assistance which may be required.

29 Sec. 114. Section 39-847, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 39-847 (1) Any county board may apply, in writing, to the Department

1 of Transportation Roads for state aid in the replacement of any bridge
2 under the jurisdiction of such board. The application shall contain a
3 description of the bridge, with a preliminary estimate of the cost of
4 replacement thereof, and a certified copy of the resolution of such
5 board, pledging such county to furnish fifty percent of the cost of
6 replacement of such bridge. The county's share of replacement cost may be
7 from any source except the State Aid Bridge Fund, except ; ~~Provided~~, that
8 where there is any bridge which is the responsibility of two counties,
9 either county may make application to the department and, if the
10 application is approved by the department, such county and the department
11 may replace such bridge and recover, by suit, one-half of the county's
12 cost of such bridge from the county failing or refusing to join in such
13 application. All requests for bridge replacement under sections 39-846 to
14 39-847.01 shall be forwarded by the department to the Board of Public
15 Roads Classifications and Standards. Such board shall establish
16 priorities for bridge replacement based on critical needs. The board
17 shall, in June and December of each year, consider such applications and
18 establish priorities for a period of time consistent with sections
19 39-2115 to 39-2119. The board shall return the applications to the
20 department with the established priorities.

21 (2) The plans and specifications for each bridge shall be furnished
22 by the department ~~Department of Roads~~ and replacement shall be under the
23 supervision of the department ~~Department of Roads~~ and the county board.

24 (3) Any contract for the replacement of any such bridge shall be
25 made by the department ~~Department of Roads~~ consistent with procedures for
26 contracts for state highways and federal-aid secondary roads.

27 (4) After the replacement of any such bridge and the acceptance
28 thereof by the department ~~Department of Roads~~, any county having
29 jurisdiction over it shall have sole responsibility for maintenance.

30 Sec. 115. Section 39-847.01, Reissue Revised Statutes of Nebraska,
31 is amended to read:

1 39-847.01 The State Treasurer shall transfer monthly thirty-two
2 thousand dollars from the ~~Department of Roads'~~ share of the Department of
3 Transportation of the Highway Trust Fund and thirty-two thousand dollars
4 from the counties' share of the Highway Trust Fund which is allocated to
5 bridges to the State Aid Bridge Fund.

6 Sec. 116. Section 39-892, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 39-892 For purposes of the Interstate Bridge Act of 1959, unless the
9 context otherwise requires:

10 (1) Approach shall mean that portion of any interstate bridge which
11 allows the highway access to the bridge structure. It shall be measured
12 along the centerline of the highway from the end of the bridge structure
13 to the nearest right-of-way line of the closest street or road where
14 traffic may leave the highway to avoid crossing the bridge, but in no
15 event shall such approach exceed a distance of one mile. The term shall
16 be construed to include all embankments, fills, grades, supports,
17 drainage facilities, and appurtenances necessary therefor;

18 (2) Appurtenances shall include, but not be limited to, sidewalks,
19 storm sewers, guardrails, handrails, steps, curb or grate inlets, fire
20 plugs, retaining walls, lighting fixtures, and all other items of a
21 similar nature which the department deems necessary for the proper
22 operation of any interstate bridge or for the safety and convenience of
23 the traveling public;

24 (3) Boundary line bridge shall mean any bridge upon which no toll,
25 fee, or other consideration is charged for passage thereon and which
26 connects the state highway systems of the State of Nebraska and an
27 adjoining state in the same manner as an interstate bridge. Such bridges
28 shall be composed of right-of-way, bridge structure, approaches, and road
29 in the same manner as an interstate bridge but shall be distinguished
30 from an interstate bridge in that no part of such bridge shall be a part
31 of the state highway system, the title to such bridge being vested in a

1 person other than the State of Nebraska, or the State of Nebraska and an
2 adjoining state jointly. Any boundary line bridge purchased or acquired
3 by the department, or the department and an adjoining state jointly, and
4 added to the state highway system shall be deemed an interstate bridge;

5 (4) Boundary line toll bridge shall mean any boundary line bridge
6 upon which a fee, toll, or other consideration is charged traffic for the
7 use thereof. Any boundary line toll bridge purchased or acquired by the
8 department, or by the department and an adjoining state jointly, and
9 added to the state highway system shall be deemed an interstate bridge;

10 (5) Bridge structure shall mean the superstructure and substructure
11 of any interstate bridge having a span of not less than twenty feet
12 between undercopings of extreme end abutments, or extreme ends of
13 openings of multiple boxes, when measured along the centerline of the
14 highway thereon, and shall be construed to include the supports therefor
15 and all appurtenances deemed necessary by the department;

16 (6) Construction shall mean the erection, fabrication, or alteration
17 of the whole or any part of any interstate bridge. For purposes of this
18 subdivision, alteration shall be construed to be the performance of
19 construction by which the form or design of any interstate bridge is
20 changed or modified;

21 (7) Department shall mean the Department of Transportation Roads;

22 (8) Emergency shall include, but not be limited to, acts of God,
23 invasion, enemy attack, war, flood, fire, storm, traffic accidents, or
24 other actions of similar nature which usually occur suddenly and cause,
25 or threaten to cause, damage requiring immediate attention;

26 (9) Expressway shall be defined in the manner provided by section
27 39-1302;

28 (10) Freeway shall be defined in the manner provided by section
29 39-1302;

30 (11) Highway shall mean a road, street, expressway, or freeway,
31 including the entire area within the right-of-way, which has been

1 designated a part of the state highway system;

2 (12) Interstate bridge shall mean the right-of-way, approaches,
3 bridge structure, and highway necessary to form a passageway for highway
4 traffic over the boundary line of the State of Nebraska from a point
5 within the State of Nebraska to a point within an adjoining state for the
6 purpose of spanning any obstruction or obstructions which would otherwise
7 hinder the free and safe flow of traffic between such points, such bridge
8 being a part of the state highway system with title vested in the State
9 of Nebraska or in the State of Nebraska and an adjoining state jointly;

10 (13) Interstate bridge purposes shall include, but not be limited
11 to, the applicable provisions of subdivisions (2)(a) through (1) of
12 section 39-1320;

13 (14) Maintenance shall mean the act, operation, or continuous
14 process of repair, reconstruction, or preservation of the whole or any
15 part of any interstate bridge for the purpose of keeping it at or near
16 its original standard of usefulness and shall include the performance of
17 traffic services for the safety and convenience of the traveling public.
18 For purposes of this subdivision, reconstruction shall be construed to be
19 the repairing or replacing of any part of any interstate bridge without
20 changing or modifying the form or design of such bridge;

21 (15) Person shall include bodies politic and corporate, societies,
22 communities, the public generally, individuals, partnerships, limited
23 liability companies, joint-stock companies, and associations;

24 (16) Right-of-way shall mean land, property, or interest therein,
25 usually in a strip, acquired for or devoted to an interstate bridge;

26 (17) State highway system shall mean the highways within the State
27 of Nebraska as shown on the map provided for in section 39-1311 and as
28 defined by section 39-1302;

29 (18) Street shall be defined in the manner provided by section
30 39-1302;

31 (19) Title shall mean the evidence of right to property or the right

1 itself; and

2 (20) Traffic services shall mean the operation of an interstate
3 bridge facility, and the services incidental thereto, to provide for the
4 safe and convenient flow of traffic over such bridge. Such services shall
5 include, but not be limited to, erection of snow fence, snow and ice
6 removal, painting, repairing, and replacing signs, guardrails, traffic
7 signals, lighting standards, pavement stripes and markings, adding
8 conventional traffic control devices, furnishing power for road lighting
9 and traffic control devices, and replacement of parts.

10 Sec. 117. Section 39-1010, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 39-1010 (1) Except as otherwise provided in this subsection, all
13 mailboxes shall be placed such that no part of the mailbox extends beyond
14 the shoulder line of any highway and the mailbox support shall be placed
15 a minimum of one foot outside the shoulder line of any gravel-surfaced
16 highway, and of any hard-surfaced highway having a shoulder width of six
17 feet or more as measured from the edge of the hard surfacing. Along hard-
18 surfaced highways having a shoulder width of less than six feet, the
19 Department of Transportation ~~Roads~~ shall, on new construction or
20 reconstruction, where feasible, provide a shoulder width of not less than
21 six feet, or provide for a minimum clear traffic lane of ten feet in
22 width at mailbox turnouts. On highways built before October 9, 1961,
23 having a shoulder width of less than six feet, the ~~department~~ Department
24 ~~of Roads~~ may, where feasible and deemed advisable, provide a shoulder
25 width of not less than six feet or provide for minimum clear traffic lane
26 of ten feet in width at mailbox turnouts. For a hard-surfaced highway
27 having either a mailbox turnout or a hard-surfaced shoulder width of
28 eight feet or more, the mailbox shall be placed such that no part of the
29 mailbox extends beyond the outside edge of the mailbox turnout or hard-
30 surfaced portion of the shoulder and the mailbox support shall be placed
31 a minimum of one foot outside the outside edge of the mailbox turnout or

1 hard-surfaced portion of the shoulder.

2 (2) It shall be the duty of the department ~~Department of Roads~~ to
3 notify the owner of all mailboxes in violation of the provisions of this
4 section, and the department may remove such mailboxes if the owner fails
5 or refuses to remove the same after a reasonable time after he or she is
6 notified of such violations.

7 Sec. 118. Section 39-1011, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 39-1011 The Department of Transportation ~~Roads~~ shall provide and
10 maintain gravel, crushed-rock, or hard-surface turnouts for delivery of
11 mail to all mailboxes placed on the highway rights-of-way to conform with
12 ~~the provisions of~~ section 39-1010.

13 Sec. 119. Section 39-1101, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 39-1101 There is hereby created in the Department of Transportation
16 ~~Roads~~ a State Highway Commission which shall consist of eight members to
17 be appointed by the Governor with the consent of a majority of all the
18 members of the Legislature. One member shall at all times be appointed
19 from each of the eight districts designated in section 39-1102. Each
20 member of the commission shall be (1) a citizen of the United States, (2)
21 not less than thirty years of age, and (3) a bona fide resident of the
22 State of Nebraska and of the district from which he or she is appointed
23 for at least three years immediately preceding his or her appointment.
24 Not more than four members shall be of the same political party. The
25 Director-State Engineer shall be an ex officio member of the commission
26 who shall vote in case of a tie.

27 Sec. 120. Section 39-1110, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 39-1110 (1) It shall be the duty of the State Highway Commission:

30 (a) To conduct studies and investigations and to act in an advisory
31 capacity to the Director-State Engineer in the establishment of broad

1 policies for carrying out the duties and responsibilities of the
2 Department of Transportation Roads;

3 (b) To advise the public regarding the policies, conditions, and
4 activities of the department ~~Department of Roads~~;

5 (c) To hold hearings, make investigations, studies, and inspections,
6 and do all other things necessary to carry out the duties imposed upon it
7 by law;

8 (d) To advance information and advice conducive to providing
9 adequate and safe highways in the state;

10 (e) When called upon by the Governor, to advise him or her relative
11 to the appointment of the Director-State Engineer; and

12 (f) To submit to the Governor its written advice regarding the
13 feasibility of each relinquishment or abandonment of a fragment of a
14 route, section of a route, or a route on the state highway system
15 proposed by the department. The chairperson of the commission shall
16 designate one or more of the members of the commission, prior to
17 submitting such advice, to personally inspect the fragment of a route,
18 section of a route, or a route to be relinquished or abandoned, who shall
19 take into consideration the following factors: Cost to the state for
20 maintenance, estimated cost to the state for future improvements, whether
21 traffic service provided is primarily local or otherwise, whether other
22 facilities provide comparable service, and the relationship to an
23 integrated state highway system. The department shall furnish to the
24 commission all needed assistance in making its inspection and study. If
25 the commission, after making such inspection and study, shall fail to
26 reach a decision as to whether or not the fragment of a route, section of
27 a route, or a route should be relinquished or abandoned, it may hold a
28 public hearing on such proposed relinquishment or abandonment. The
29 commission shall give a written notice of the time and place of such
30 hearing, not less than two weeks prior to the time of the hearing, to the
31 political or governmental subdivisions or public corporations wherein

1 such portion of the state highway system is proposed to be relinquished
2 or abandoned. The commission shall submit to the Governor, within two
3 weeks after such hearing, its written advice upon such proposed
4 relinquishment or abandonment.

5 (2) All funds rendered available by law to the ~~department~~ Department
6 ~~of Roads~~, including funds already collected for such purposes, may be
7 used by the State Highway Commission in administering and effecting such
8 purposes, to be paid upon approval by the Director-State Engineer.

9 (3) All data and information of the ~~department~~ Department of Roads
10 shall be available to the State Highway Commission.

11 (4) The State Highway Commission may issue bonds under the Nebraska
12 Highway Bond Act.

13 Sec. 121. Section 39-1302, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 39-1302 For purposes of sections 39-1301 to 39-1393, unless the
16 context otherwise requires:

17 (1) Abandon shall mean to reject all or part of the department's
18 rights and responsibilities relating to all or part of a fragment,
19 section, or route on the state highway system;

20 (2) Alley shall mean an established passageway for vehicles and
21 pedestrians affording a secondary means of access in the rear to
22 properties abutting on a street or highway;

23 (3) Approach or exit road shall mean any highway or ramp designed
24 and used solely for the purpose of providing ingress or egress to or from
25 an interchange or rest area of a highway. An approach road shall begin at
26 the point where it intersects with any highway not a part of the highway
27 for which such approach road provides access and shall terminate at the
28 point where it merges with an acceleration lane of a highway. An exit
29 road shall begin at the point where it intersects with a deceleration
30 lane of a highway and shall terminate at the point where it intersects
31 any highway not a part of a highway from which the exit road provides

1 egress;

2 (4) Arterial highway shall mean a highway primarily for through
3 traffic, usually on a continuous route;

4 (5) Beltway shall mean the roads and streets not designated as a
5 part of the state highway system and that are under the primary authority
6 of a county or municipality, if the location of the beltway has been
7 approved by (a) record of decision or finding of no significant impact by
8 the federal highway administration and (b) the applicable local planning
9 authority as a part of the comprehensive plan;

10 (6) Business shall mean any lawful activity conducted primarily for
11 the purchase and resale, manufacture, processing, or marketing of
12 products, commodities, or other personal property or for the sale of
13 services to the public or by a nonprofit corporation;

14 (7) Channel shall mean a natural or artificial watercourse;

15 (8) Commercial activity shall mean those activities generally
16 recognized as commercial by zoning authorities in this state, and
17 industrial activity shall mean those activities generally recognized as
18 industrial by zoning authorities in this state, except that none of the
19 following shall be considered commercial or industrial:

20 (a) Outdoor advertising structures;

21 (b) General agricultural, forestry, ranching, grazing, farming, and
22 related activities, including wayside fresh produce stands;

23 (c) Activities normally or regularly in operation less than three
24 months of the year;

25 (d) Activities conducted in a building principally used as a
26 residence;

27 (e) Railroad tracks and minor sidings; and

28 (f) Activities more than six hundred sixty feet from the nearest
29 edge of the right-of-way of the road or highway;

30 (9) Connecting link shall mean the roads, streets, and highways
31 designated as part of the state highway system and which are within the

1 corporate limits of any city or village in this state;

2 (10) Controlled-access facility shall mean a highway or street
3 especially designed for through traffic and over, from, or to which
4 owners or occupants of abutting land or other persons have no right or
5 easement or only a controlled right or easement of access, light, air, or
6 view by reason of the fact that their property abuts upon such
7 controlled-access facility or for any other reason. Such highways or
8 streets may be freeways, or they may be parkways;

9 (11) Department shall mean the Department of Transportation ~~Roads~~;

10 (12) Displaced person shall mean any individual, family, business,
11 or farm operation which moves from real property acquired for state
12 highway purposes or for a federal-aid highway;

13 (13) Easement shall mean a right acquired by public authority to use
14 or control property for a designated highway purpose;

15 (14) Expressway shall mean a divided arterial highway for through
16 traffic with full or partial control of access which may have grade
17 separations at intersections;

18 (15) Family shall mean two or more persons living together in the
19 same dwelling unit who are related to each other by blood, marriage,
20 adoption, or legal guardianship;

21 (16) Farm operation shall mean any activity conducted primarily for
22 the production of one or more agricultural products or commodities for
23 sale and home use and customarily producing such products or commodities
24 in sufficient quantity to be capable of contributing materially to the
25 operator's support;

26 (17) Federal-aid primary roads shall mean roads, streets, and
27 highways, whether a part of the state highway system, county road
28 systems, or city streets, which have been designated as federal-aid
29 primary roads by the Nebraska Department of Transportation ~~department~~ and
30 approved by the United States Secretary of Transportation and shown on
31 the maps provided for in section 39-1311;

1 (18) Freeway shall mean an expressway with full control of access;

2 (19) Frontage road shall mean a local street or road auxiliary to an
3 arterial highway for service to abutting property and adjacent areas and
4 for control of access;

5 (20) Full control of access shall mean that the right of owners or
6 occupants of abutting land or other persons to access or view is fully
7 controlled by public authority having jurisdiction and that such control
8 is exercised to give preference to through traffic by providing access
9 connections with selected public roads only and by prohibiting crossings
10 or intersections at grade or direct private driveway connections;

11 (21) Grade separation shall mean a crossing of two highways at
12 different levels;

13 (22) Highway shall mean a road or street, including the entire area
14 within the right-of-way, which has been designated a part of the state
15 highway system;

16 (23) Individual shall mean a person who is not a member of a family;

17 (24) Interchange shall mean a grade-separated intersection with one
18 or more turning roadways for travel between any of the highways radiating
19 from and forming part of such intersection;

20 (25) Map shall mean a drawing or other illustration or a series of
21 drawings or illustrations which may be considered together to complete a
22 representation;

23 (26) Mileage shall mean the aggregate distance in miles without
24 counting double mileage where there are one-way or divided roads,
25 streets, or highways;

26 (27) Parking lane shall mean an auxiliary lane primarily for the
27 parking of vehicles;

28 (28) Parkway shall mean an arterial highway for noncommercial
29 traffic, with full or partial control of access, and usually located
30 within a park or a ribbon of park-like development;

31 (29) Relinquish shall mean to surrender all or part of the rights

1 and responsibilities relating to all or part of a fragment, section, or
2 route on the state highway system to a political or governmental
3 subdivision or public corporation of Nebraska;

4 (30) Right of access shall mean the rights of ingress and egress to
5 or from a road, street, or highway and the rights of owners or occupants
6 of land abutting a road, street, or highway or other persons to a way or
7 means of approach, light, air, or view;

8 (31) Right-of-way shall mean land, property, or interest therein,
9 usually in a strip, acquired for or devoted to a road, street, or
10 highway;

11 (32) Road shall mean a public way for the purposes of vehicular
12 travel, including the entire area within the right-of-way. A road
13 designated as part of the state highway system may be called a highway,
14 while a road in an urban area may be called a street;

15 (33) Roadside shall mean the area adjoining the outer edge of the
16 roadway. Extensive areas between the roadways of a divided highway may
17 also be considered roadside;

18 (34) Roadway shall mean the portion of a highway, including
19 shoulders, for vehicular use;

20 (35) Separation structure shall mean that part of any bridge or road
21 which is directly overhead of the roadway of any part of a highway;

22 (36) State highway purposes shall have the meaning set forth in
23 subsection (2) of section 39-1320;

24 (37) State highway system shall mean the roads, streets, and
25 highways shown on the map provided for in section 39-1311 as forming a
26 group of highway transportation lines for which the Nebraska Department
27 of Transportation ~~department~~ shall be the primary authority. The state
28 highway system shall include, but not be limited to, rights-of-way,
29 connecting links, drainage facilities, and the bridges, appurtenances,
30 easements, and structures used in conjunction with such roads, streets,
31 and highways;

1 (38) Street shall mean a public way for the purposes of vehicular
2 travel in a city or village and shall include the entire area within the
3 right-of-way;

4 (39) Structure shall mean anything constructed or erected, the use
5 of which requires permanent location on the ground or attachment to
6 something having a permanent location;

7 (40) Title shall mean the evidence of a person's right to property
8 or the right itself;

9 (41) Traveled way shall mean the portion of the roadway for the
10 movement of vehicles, exclusive of shoulders and auxiliary lanes;

11 (42) Unzoned commercial or industrial area for purposes of control
12 of outdoor advertising shall mean all areas within six hundred sixty feet
13 of the nearest edge of the right-of-way of the interstate and federal-aid
14 primary systems which are not zoned by state or local law, regulation, or
15 ordinance and on which there is located one or more permanent structures
16 devoted to a business or industrial activity or on which a commercial or
17 industrial activity is conducted, whether or not a permanent structure is
18 located thereon, the area between such activity and the highway, and the
19 area along the highway extending outward six hundred feet from and beyond
20 each edge of such activity and, in the case of the primary system, may
21 include the unzoned lands on both sides of such road or highway to the
22 extent of the same dimensions if those lands on the opposite side of the
23 highway are not deemed scenic or having aesthetic value as determined by
24 the department. In determining such an area, measurements shall be made
25 from the furthest or outermost edges of the regularly used area of the
26 commercial or industrial activity, structures, normal points of ingress
27 and egress, parking lots, and storage and processing areas constituting
28 an integral part of such commercial or industrial activity;

29 (43) Visible, for purposes of section 39-1320, in reference to
30 advertising signs, displays, or devices, shall mean the message or
31 advertising content of such sign, display, or device is capable of being

1 seen without visual aid by a person of normal visual acuity. A sign shall
2 be considered visible even though the message or advertising content may
3 be seen but not read;

4 (44) Written instrument shall mean a deed or any other document that
5 states a contract, agreement, gift, or transfer of property; and

6 (45) Zoned commercial or industrial areas shall mean those areas
7 within six hundred sixty feet of the nearest edge of the right-of-way of
8 the Highway Beautification Control System defined in section 39-201.01,
9 zoned by state or local zoning authorities for industrial or commercial
10 activities.

11 Sec. 122. Section 39-1306.01, Reissue Revised Statutes of Nebraska,
12 is amended to read:

13 39-1306.01 Unused funds shall be made available by the department
14 ~~Department of Roads~~ to other political or governmental subdivisions or
15 public corporations for an additional period of six months. The
16 department shall likewise make available unused funds from allotments
17 which have been made prior to December 25, 1969. The department shall
18 separately classify all unused funds referred to in section 39-1306 from
19 their sources on the basis of the type of political or governmental
20 subdivision or public corporation to which they were allotted. It is the
21 intent of the Legislature that such funds which were allotted to counties
22 and were unused be made available to other counties, and that such funds
23 which were allotted to cities and villages and were unused be made
24 available to other cities and villages. The funds in each classification
25 shall be made available by the department to other subdivisions which
26 have utilized all of the federal funds available to them, and shall be
27 subject to the same conditions as apply to funds received under section
28 39-1306. Such funds shall be reallocated upon application therefor by the
29 subdivisions.

30 Sec. 123. Section 39-1306.02, Reissue Revised Statutes of Nebraska,
31 is amended to read:

1 39-1306.02 When any political or governmental subdivision or any
2 public corporation of this state has an allotment of federal-aid funds
3 made available to it by the federal government, the department ~~Department~~
4 ~~of Roads~~ shall give notice to the political or governmental subdivision
5 of the amount of such funds the department has allotted to it, and, that
6 the duration of the allotment to the political or governmental
7 subdivision or public corporation is for not less than an eighteen-month
8 period, which notice shall state the last date of such allotment to the
9 subdivision or political corporation. The department shall give notice a
10 second time six months before the last date of such allotment of the
11 impending six months expiration of the allotment and of the amount of
12 funds remaining.

13 Sec. 124. Section 39-1311, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 39-1311 (1) The department ~~Department of Roads~~ at all times shall
16 maintain a current map of the state, which shall show all the roads,
17 highways, and connecting links which have been designated, located,
18 created, or constituted as part of the state highway system, including
19 all corridors. All changes in designation or location of highways
20 constituting the state highway system, or additions thereto, shall be
21 indicated upon the map. The department shall also maintain six separate
22 and additional maps. These maps shall include (a) the roads, highways,
23 and streets designated as federal-aid primary roads as of March 27, 1972,
24 (b) the National System of Interstate and Defense Highways, (c) the roads
25 designated as the federal-aid primary system as it existed on June 1,
26 1991, (d) the National Highway System, (e) the Highway Beautification
27 Control System as defined in section 39-201.01, and (f) scenic byways as
28 defined in section 39-201.01. The National Highway System is the system
29 designated as such under the federal Intermodal Surface Transportation
30 Efficiency Act. The maps shall be available at all times for public
31 inspection at the offices of the Director-State Engineer and shall be

1 filed with the Legislature of the State of Nebraska each biennium.

2 (2) Whenever the department has received a corridor location
3 approval for a proposed state highway or proposed beltway to be located
4 in any county or municipality, it shall prepare a map of such corridor
5 sufficient to show the location of such corridor on each parcel of land
6 to be traversed. If the county or municipality in which such corridor is
7 located does not have a requirement for the review and approval of a
8 preliminary subdivision plat or a requirement that a building permit be
9 obtained prior to commencement of a structure, the department shall send
10 notice of the approval of such corridor by certified mail to the owner of
11 each parcel traversed by the corridor at the address shown for such owner
12 on the county tax records. Such notice shall advise the owner of the
13 requirement of sections 39-1311 to 39-1311.05 for preliminary subdivision
14 plats and for building permits.

15 (3) For any beltway proposed under sections 39-1311 to 39-1311.05,
16 the duties of the department shall be assumed by the county or
17 municipality that received approval for the beltway project.

18 Sec. 125. Section 39-1320, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 39-1320 (1) The department ~~Department of Roads~~ is hereby authorized
21 to acquire, either temporarily or permanently, lands, real or personal
22 property or any interests therein, or any easements deemed to be
23 necessary or desirable for present or future state highway purposes by
24 gift, agreement, purchase, exchange, condemnation, or otherwise. Such
25 lands or real property may be acquired in fee simple or in any lesser
26 estate. It is the intention of the Legislature that all property leased
27 or purchased from the owner shall receive a fair price.

28 (2) State highway purposes, as referred to in subsection (1) of this
29 section or otherwise in sections 39-1301 to 39-1362 and 39-1393, shall
30 include provision for, but shall not be limited to, the following:

31 (a) The construction, reconstruction, relocation, improvement, and

1 maintenance of the state highway system. The right-of-way for such
2 highways shall be of such width as is deemed necessary by the department;

3 (b) Adequate drainage in connection with any highway, cuts, fills,
4 or channel changes and the maintenance thereof;

5 (c) Controlled-access facilities, including air, light, view, and
6 frontage and service roads to highways;

7 (d) Weighing stations, shops, storage buildings and yards, and road
8 maintenance or construction sites;

9 (e) Road material sites, sites for the manufacture of road
10 materials, and access roads to such sites;

11 (f) The preservation of objects of attraction or scenic value
12 adjacent to, along, or in close proximity to highways and the culture of
13 trees and flora which may increase the scenic beauty of such highways;

14 (g) Roadside areas or parks adjacent to or near any highway;

15 (h) The exchange of property for other property to be used for
16 rights-of-way or other purposes set forth in subsection (1) or (2) of
17 this section if the interests of the state will be served and acquisition
18 costs thereby reduced;

19 (i) The maintenance of an unobstructed view of any portion of a
20 highway so as to promote the safety of the traveling public;

21 (j) The construction and maintenance of stock trails and cattle
22 passes;

23 (k) The erection and maintenance of marking and warning signs and
24 traffic signals;

25 (l) The construction and maintenance of sidewalks and highway
26 illumination;

27 (m) The control of outdoor advertising which is visible from the
28 nearest edge of the right-of-way of the Highway Beautification Control
29 System as defined in section 39-201.01 to comply with the provisions of
30 23 U.S.C. 131, as amended;

31 (n) The relocation of or giving assistance in the relocation of

1 individuals, families, businesses, or farm operations occupying premises
2 acquired for state highway or federal-aid road purposes; and

3 (o) The establishment and maintenance of wetlands to replace or to
4 mitigate damage to wetlands affected by highway construction,
5 reconstruction, or maintenance. The replacement lands shall be capable of
6 being used to create wetlands comparable to the wetlands area affected.
7 The area of the replacement lands may exceed the wetlands area affected.
8 Lands may be acquired to establish a large or composite wetlands area,
9 sometimes called a wetlands bank, not larger than an area which is one
10 hundred fifty percent of the lands reasonably expected to be necessary
11 for the mitigation of future impact on wetlands brought about by highway
12 construction, reconstruction, or maintenance during the six-year plan as
13 required by sections 39-2115 to 39-2117, an annual plan under section
14 39-2119, or an annual metropolitan transportation improvement program
15 under section 39-2119.01 in effect upon acquisition of the lands. For
16 purposes of this section, wetlands shall have the definition found in 33
17 C.F.R. 328.3(b).

18 (3) The procedure to condemn property authorized by subsection (1)
19 of this section or elsewhere in sections 39-1301 to 39-1362 and 39-1393
20 shall be exercised in the manner set forth in sections 76-704 to 76-724
21 or as provided by section 39-1323, as the case may be.

22 Sec. 126. Section 39-1323.01, Reissue Revised Statutes of Nebraska,
23 is amended to read:

24 39-1323.01 The Nebraska Department of Transportation Roads, subject
25 to the approval of the Governor, and the United States Department of
26 Transportation if such department has a financial interest, is authorized
27 to lease, rent, or permit for use, any area, or land and the buildings
28 thereon, which area or land was acquired for highway purposes. The
29 Director-State Engineer, for the Nebraska Department of Transportation
30 ~~department~~, and in the name of the State of Nebraska, may execute all
31 leases, permits, and other instruments necessary to accomplish the

1 foregoing. Such instruments may contain any conditions, covenants,
2 exceptions, and reservations which the department deems to be in the
3 public interest, including, but not limited to, the provision that upon
4 notice that such property is needed for highway purposes the use and
5 occupancy thereof shall cease. If so leased, rented, or permitted to be
6 used by a municipality, the property may be used for such governmental or
7 proprietary purpose as the governing body of the municipality shall
8 determine, and such governing body may let the property to bid by private
9 operators for proprietary uses. All money received as rent shall be
10 deposited in the state treasury and by the State Treasurer placed in the
11 Highway Cash Fund, subject to reimbursement, if requested, to the United
12 States Department of Transportation for its proportionate financial
13 contribution.

14 Sec. 127. Section 39-1328.01, Reissue Revised Statutes of Nebraska,
15 is amended to read:

16 39-1328.01 Whenever a highway not a freeway, which formerly
17 traversed the corporate limits of a municipality of not more than five
18 thousand inhabitants, is relocated and is made a controlled-access
19 facility, and the department ~~Department of Roads~~ is or is not providing
20 any frontage road as authorized by section 39-1328, near an intersection
21 with a roadway connecting with such municipality, the department shall,
22 when consistent with requirements of traffic safety, and when the cost of
23 drainage structures does not exceed five thousand dollars, and upon the
24 conditions hereinafter set out construct such frontage roads if requested
25 to do so by such municipality, by the county, or by the owners of sixty
26 percent of the property abutting on such relocated highway if such
27 request is made prior to the purchase, lease, or lease with option to
28 purchase of right-of-way by the department. The quadrant of such
29 intersection in which the frontage road or roads shall be located shall
30 be designated by the governing board of such municipality. The department
31 shall at the request of the county or municipality procure the right-of-

1 way for such frontage road by lease or lease-option to buy or in the same
2 manner as though it were for state highway purposes after receiving from
3 the county or municipality reasonable assurance of reimbursement for such
4 right-of-way costs. The responsibility for the maintenance of such
5 frontage road shall be as provided in section 39-1372.

6 Sec. 128. Section 39-1328.02, Reissue Revised Statutes of Nebraska,
7 is amended to read:

8 39-1328.02 Whenever a highway not a freeway, which formerly
9 traversed the corporate limits of a municipality, has been relocated
10 since January 1, 1960, and has been made or will be made a controlled-
11 access facility, and the department ~~Department of Roads~~ has not provided
12 any frontage road as authorized by section 39-1328, near an intersection
13 with a roadway connecting with such municipality, the department shall,
14 when consistent with requirements of traffic safety, and when the cost of
15 drainage structures does not exceed five thousand dollars, and upon the
16 conditions hereinafter set out construct such frontage roads if requested
17 to do so by such municipality, the county, or by the owners of sixty
18 percent of the property abutting on such relocated highway within two
19 years after November 18, 1965, or within two years after the highway is
20 made a controlled-access facility. If agreements exist with the federal
21 government requiring its consent to the relinquishment of control of
22 access, the department shall make a bona fide effort to secure such
23 consent, but upon failure to obtain such consent, the frontage road shall
24 not be constructed, or, if conditions are imposed by the federal
25 government, the department shall construct such frontage roads only in
26 accordance with such conditions. The ; ~~Provided, that~~ the municipality,
27 county, or owners requesting such frontage road shall reimburse the
28 department for any damages which it paid for such control of access and
29 also for payment to the federal government of such sum, if any, demanded
30 by it for the relinquishment of the access control. The quadrant of such
31 intersection in which the frontage road may be located shall be

1 designated by the governing board of such municipality. The department
2 shall at the request of the county or municipality procure the right-of-
3 way for such frontage road in the same manner as though it were for state
4 highway purposes after receiving from the county or municipality
5 reasonable assurance of reimbursement for such right-of-way costs. The
6 responsibility for the maintenance of such frontage road shall be as
7 provided in section 39-1372.

8 Sec. 129. Section 39-1345.01, Reissue Revised Statutes of Nebraska,
9 is amended to read:

10 39-1345.01 Whenever the department ~~Department of Roads~~, under the
11 authority of section 39-1345, permits the public use of a highway
12 undergoing construction, repair, or maintenance in lieu of a detour
13 route, the contractor shall not be held responsible for damages to those
14 portions of the project upon which the department has permitted public
15 use, when such damages are the result of no proximate act or failure to
16 act on the part of the contractor.

17 Sec. 130. Section 39-1350, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 39-1350 The department shall have the authority to act for any
20 political or governmental subdivision or public corporation of this state
21 for the purpose of taking bids or letting contracts for the construction,
22 reconstruction, improvement, maintenance, or repair of roads, bridges,
23 and their appurtenances. The department, while so acting, may take such
24 bids and let such contracts at the offices of the department in
25 ~~Department of Roads~~, Lincoln, Nebraska, or at such other location as
26 designated by the department if the department has the written consent of
27 the political or governmental subdivision or public corporation where the
28 work is to be done.

29 Sec. 131. Section 39-1353, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 39-1353 (1) Proposal forms for submitting bids on any contract for

1 the construction, reconstruction, improvement, maintenance, or repair of
2 roads, bridges, and their appurtenances to be let by the department shall
3 be issued by the department at the offices of the department in
4 ~~Department of Roads~~, Lincoln, Nebraska, or at such other location as
5 designated by the department not later than 5 p.m. of the day before the
6 letting of the contract.

7 (2) Such proposal forms shall be issued only to those persons
8 previously qualified by the department and bids shall be accepted only
9 from such qualified persons. This subsection shall not apply to any
10 contract granted an exemption from prequalification requirements pursuant
11 to subsection (2) of section 39-1351.

12 Sec. 132. Section 39-1359.01, Reissue Revised Statutes of Nebraska,
13 is amended to read:

14 39-1359.01 For purposes of this section, the definitions in section
15 39-1302 apply.

16 The department ~~Department of Roads~~ shall issue permits which
17 authorize and regulate the mowing and harvesting of hay on the right-of-
18 way of highways of the state highway system. The applicant for a permit
19 shall be informed in writing and shall sign a release acknowledging (1)
20 that he or she will assume all risk and liability for hay quality and for
21 any accidents and damages that may occur as a result of the work and (2)
22 that the State of Nebraska assumes no liability for the hay quality or
23 for work done by the permittee. The applicant shall show proof of
24 liability insurance of at least one million dollars. The owner or the
25 owner's assignee of land abutting the right-of-way shall have priority to
26 receive a permit for such land under this section until July 30 of each
27 year. Applicants who are not owners of abutting land shall be limited to
28 a permit for five miles of right-of-way per year. The department shall
29 allow mowing and hay harvesting on or after July 15 of each year. The
30 department shall charge a permit fee in an amount calculated to defray
31 the costs of administering this section. All fees received under this

1 section shall be remitted to the State Treasurer for credit to the
2 Highway Cash Fund. The department shall adopt and promulgate rules and
3 regulations to carry out this section.

4 Sec. 133. Section 39-1363, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 39-1363 To more effectually preserve the historical, archeological,
7 and paleontological remains of the state, the department ~~Department of~~
8 ~~Roads~~ is authorized to enter into agreements with the appropriate
9 agencies of the state charged with preserving historical, archeological,
10 and paleontological remains to have these agencies remove and preserve
11 such remains disturbed or to be disturbed by highway construction and to
12 use highway funds, when appropriated, for this purpose. This authority
13 specifically extends to highways which are part of the National System of
14 Interstate and Defense Highways as defined in the Federal Aid Highway Act
15 of 1956, Public Law 627, 84th Congress, and the use of state funds on a
16 matching basis with federal funds therein.

17 Sec. 134. Section 39-1364, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 39-1364 The department ~~Department of Roads~~ shall, upon the request
20 of any citizen of this state, disclose to such citizen full information
21 concerning any highway construction, alteration, maintenance, or repair
22 project in this state, whether completed, presently in process, or
23 contemplated for future action, and permit an examination of the plans,
24 specifications, and records concerning such project, except that ÷
25 ~~Provided,~~ any information received by the department as confidential by
26 the laws of this state shall not be disclosed. Any person who willfully
27 fails to comply with the provisions of this section shall be guilty of
28 official misconduct. By the provisions of this section, the officials of
29 the department ~~Department of Roads~~ will not be required to furnish
30 information on the right-of-way of any proposed highway until such
31 information can be made available to the general public.

1 Sec. 135. Section 39-1365.01, Reissue Revised Statutes of Nebraska,
2 is amended to read:

3 39-1365.01 The department ~~Department of Roads~~ shall be responsible
4 for developing a specific and long-range state highway system plan. The
5 department shall annually formulate plans to meet the state highway
6 system needs of all facets of the state and shall assign priorities for
7 such needs. The department shall, on or before December 1 of each year,
8 present such plans to the Legislature. The plans shall be referred to the
9 appropriate standing committees of the Legislature for review. The
10 department shall consider the preservation of the existing state highway
11 system asset as its primary priority except as may otherwise be provided
12 in state or federal law. In establishing secondary priorities, the
13 department shall consider a variety of factors, including, but not
14 limited to, current and projected traffic volume, safety requirements,
15 economic development needs, current and projected demographic trends, and
16 enhancement of the quality of life for all Nebraska citizens. The state
17 highway system plan shall include the designation of those portions of
18 the state highway system which shall be expressways.

19 Sec. 136. Section 39-1365.02, Reissue Revised Statutes of Nebraska,
20 is amended to read:

21 39-1365.02 (1) The department ~~Department of Roads~~ shall apply for
22 and make maximum use of available federal funding, including
23 discretionary funding, on all highway construction projects which are
24 eligible for such assistance.

25 (2) The department ~~Department of Roads~~ shall transmit electronically
26 to the Legislature, by December 1 of each year, a report on the needs of
27 the state highway system, the department's planning procedures, and the
28 progress being made on the expressway system. Such report shall include:

- 29 (a) The criteria by which highway needs are determined;
30 (b) The standards established for each classification of highways;
31 (c) An assessment of current and projected needs of the state

1 highway system, such needs to be defined by category of improvement
2 required to bring each segment up to standards. Projected fund
3 availability shall not be a consideration by which needs are determined;

4 (d) Criteria and data, including factors enumerated in section
5 39-1365.01, upon which decisions may be made on possible special priority
6 highways for commercial growth;

7 (e) A review of the department's procedure for selection of projects
8 for the annual construction program, the five-year planning program, and
9 extended planning programs;

10 (f) A review of the progress being made toward completion of the
11 expressway system, as such system was designated on January 1, 2016, and
12 whether such work is on pace for completion prior to June 30, 2033;

13 (g) A review of the Transportation Infrastructure Bank Fund and the
14 fund's component programs under sections 39-2803 to 39-2807. This review
15 shall include a listing of projects funded and planned to be funded under
16 each of the three component programs; and

17 (h) A review of the outcomes of the Economic Opportunity Program,
18 including the growth in permanent jobs and related income and the net
19 increase in overall business activity.

20 Sec. 137. Section 39-1390, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 39-1390 The State Recreation Road Fund is created. The money in the
23 fund shall be transferred by the State Treasurer, on the first day of
24 each month, to the department ~~Department of Roads~~ and shall be expended
25 by the Director-State Engineer with the approval of the Governor for
26 construction and maintenance of dustless-surface roads to be designated
27 as state recreation roads as provided in this section, except that (1)
28 transfers may be made from the fund to the State Park Cash Revolving Fund
29 at the direction of the Legislature through July 31, 2016, and (2) if the
30 balance in the State Recreation Road Fund exceeds fourteen million
31 dollars on the first day of each month, the State Treasurer shall

1 transfer the amount greater than fourteen million dollars to the Game and
2 Parks State Park Improvement and Maintenance Fund. Except as to roads
3 under contract as of March 15, 1972, those roads, excluding state
4 highways, giving direct and immediate access to or located within state
5 parks, state recreation areas, or other recreational or historical areas,
6 shall be eligible for designation as state recreation roads. Such
7 eligibility shall be determined by the Game and Parks Commission and
8 certified to the Director-State Engineer, who shall, after receiving such
9 certification, be authorized to commence construction on such recreation
10 roads as funds are available. In addition, those roads, excluding state
11 highways, giving direct and immediate access to a state veteran cemetery
12 are state recreation roads. After construction of such roads they shall
13 be shown on the map provided by section 39-1311. Preference in
14 construction shall be based on existing or potential traffic use by other
15 than local residents. Unless the State Highway Commission otherwise
16 recommends, such roads upon completion of construction shall be
17 incorporated into the state highway system. If such a road is not
18 incorporated into the state highway system, the department ~~Department of~~
19 ~~Roads~~ and the county within which such road is located shall enter into a
20 maintenance agreement establishing the responsibility for maintenance of
21 the road, the maintenance standards to be met, and the responsibility for
22 maintenance costs. Any money in the State Recreation Road Fund available
23 for investment shall be invested by the state investment officer pursuant
24 to the Nebraska Capital Expansion Act and the Nebraska State Funds
25 Investment Act.

26 Sec. 138. Section 39-1392, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 39-1392 The department ~~Department of Roads~~ shall develop and file
29 with the Governor and the Legislature a one-year and a long-range five-
30 year plan of scheduled design, construction, and improvement for all
31 exterior access roads and interior service roads as certified to it by

1 the Game and Parks Commission. The first such plans shall be filed on or
2 before January 1, 1974. The plans shall be reviewed and extended
3 annually, on or before January 1 of each year, so that there shall always
4 be a current one-year and five-year plan on file. The plans submitted to
5 the Legislature shall be submitted electronically. The department shall
6 also, at the time it files such plans and extensions thereof, report the
7 design, construction, and improvement accomplished during each of the two
8 immediately preceding calendar years.

9 Sec. 139. Section 39-1407, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 39-1407 Whenever contracts are to be let for road improvements, it
12 shall be the duty of the county board to cause to be prepared and filed
13 with the county clerk an estimate of the nature of the work and the cost
14 thereof. After such estimate has been filed, bids for such contracts
15 shall be advertised by publication of a notice thereof once a week for
16 three consecutive weeks in a legal newspaper of the county prior to the
17 date set for receiving bids. Bids shall be let to the lowest responsible
18 bidder. The board shall have the discretionary power to reject any and
19 all bids for sufficient cause. If all bids are rejected, the county board
20 shall have the power to negotiate any contract for road improvements, but
21 the county board shall adhere to all specifications that were required
22 for the initial bids on contracts. The board shall have the discretionary
23 power to authorize the Department of Transportation ~~Roads~~ to take and let
24 bids on behalf of the county at the offices of the department in Lincoln,
25 Nebraska. When the bid is accepted the bidder shall enter into a
26 sufficient bond for the use and benefit of the county, precinct, or
27 township, for the faithful performance of the contract, and for the
28 payment of all laborers employed in the performance of the work, and for
29 the payment of all damages which the county, precinct, or township may
30 sustain by reason of any failure to perform the work in the manner
31 stipulated. It shall be the duty of the county to determine whether or

1 not the work is performed in keeping with such contract before paying for
2 the same.

3 Sec. 140. Section 39-1503, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 39-1503 It shall be the duty of the county board in commissioner-
6 type counties having a county highway superintendent and in township-type
7 counties having adopted a county road unit system to:

8 (1) Give notice to the public of the date set for public hearings
9 upon the proposed county highway program of the county highway
10 superintendent for the forthcoming year by publication once a week for
11 three consecutive weeks in a legal newspaper published in the county or,
12 if none is published in the county, in a legal newspaper of general
13 circulation in the county. The notice shall clearly state the purpose,
14 time, and place of such public hearings;

15 (2) Adopt a county highway annual program no later than March 1 of
16 each year which shall include a schedule of construction, repair, and
17 maintenance projects and the order of priority of such projects to be
18 undertaken and carried out by the county and a list of equipment to be
19 purchased and the priority of such purchases, within the limits of the
20 estimated funds available during the next twelve months;

21 (3) Adopt standards to be applied in road and bridge repair,
22 maintenance, and construction;

23 (4) Advertise for and take and let bids for all or any portion of
24 the county road work when letting bids, except that when the Department
25 of Transportation Roads takes bids on behalf of the county, the county
26 shall have authority to permit such bids to be taken and let at the
27 offices of the department in Department of Roads, Lincoln, Nebraska; and

28 (5) Cause investigations, studies, and inspections to be made, hold
29 public hearings, and do all other things necessary to carry out the
30 duties imposed upon it by law.

31 Sec. 141. Section 39-1703, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 39-1703 The county board of any county and the governing authority
3 of any city or village may acquire land owned, occupied, or controlled by
4 the state or any state institution, board, agency, or commission,
5 whenever such land is necessary to construct, reconstruct, improve,
6 relocate, or maintain a county road or a city or village street or to
7 provide adequate drainage for such roads or streets. The procedure for
8 such acquisition shall, as nearly as possible, be that provided in
9 sections 72-224.02 and 72-224.03. Prior to taking any land for any of the
10 such ~~above~~ purposes, a certificate that the taking of such land is in the
11 public interest must be obtained from the Governor and from the
12 Department of Transportation Roads, ~~and~~ and be filed in the office of the
13 Department of Administrative Services and a copy thereof in the office of
14 the Board of Educational Lands and Funds. The damages assessed in such
15 proceedings shall be paid to the Board of Educational Lands and Funds,
16 and shall be remitted by that board to the State Treasurer for credit to
17 the proper account.

18 Sec. 142. Section 39-1713, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 39-1713 (1) When any person presents to the county board an
21 affidavit satisfying it (a) that he or she is the owner of the real
22 estate described therein located within the county, (b) that such real
23 estate is shut out from all public access, other than a waterway, by
24 being surrounded on all sides by real estate belonging to other persons,
25 or by such real estate and by water, (c) that he or she is unable to
26 purchase from any of such persons the right-of-way over or through the
27 same to a public road or that it cannot be purchased except at an
28 exorbitant price, stating the lowest price for which the same can be
29 purchased by him or her, and (d) asking that an access road be provided
30 in accordance with section 39-1716, the county board shall appoint a time
31 and place for hearing the matter, which hearing shall be not more than

1 thirty days after the receipt of such affidavit. The application for an
2 access road may be included in a separate petition instead of in such
3 affidavit.

4 (2) For purposes of sections 39-1713 to 39-1719:

5 (a) Access road means a right-of-way open to the general public for
6 ingress to and egress from a tract of isolated land provided in
7 accordance with section 39-1716; and

8 (b) State of Nebraska includes the Board of Educational Lands and
9 Funds, Board of Regents of the University of Nebraska, Board of Trustees
10 of the Nebraska State Colleges, Department of Transportation Roads,
11 ~~Department of Aeronautics~~, Department of Administrative Services, and
12 Game and Parks Commission and all other state agencies, boards,
13 departments, and commissions.

14 Sec. 143. Section 39-1901, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 39-1901 All damages caused by the laying out, altering, opening, or
17 discontinuing of any county road shall be paid by warrant on the general
18 fund of the county in which such road is located, except ; ~~Provided~~, that
19 the Department of Transportation Roads shall pay the damages, if any,
20 which a person sustains and is legally entitled to recover because of the
21 barricading of a county or township road pursuant to ~~the provisions of~~
22 section 39-1728. Upon the failure of the party damaged and the county to
23 agree upon the amount of damages, the damaged party, in addition to any
24 other available remedy, may file a petition as provided for in section
25 76-705.

26 Sec. 144. Section 39-2001, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 39-2001 (1) The county board of each county shall select and
29 designate, from the laid out and platted public roads within the county,
30 certain roads to be known as primary and secondary county roads. Primary
31 county roads shall include (a) direct highways leading to and from rural

1 schools where ten or more grades are being taught, (b) highways
2 connecting cities, villages, and market centers, (c) rural mail route and
3 star mail route roads, (d) main-traveled ~~main-traveled~~ roads, and (e)
4 such other roads as are designated as such by the county board. All
5 county roads not designated as primary county roads shall be secondary
6 county roads.

7 (2) As soon as the primary county roads are designated as provided
8 by subsection (1) of this section, the county board shall cause such
9 primary county roads to be plainly marked on a map to be deposited with
10 the county clerk and be open to public inspection. Upon filing the map
11 the county clerk shall at once fix a date of hearing thereon, which shall
12 not be more than twenty days nor less than ten days from the date of
13 filing. Notice of the filing of the ~~said~~ map and of the date of such
14 hearing shall be published prior to the hearing in one issue of each
15 newspaper published in the English language in the county.

16 (3) At any time before the hearing provided for by subsection (2) of
17 this section is concluded, any ten freeholders of the county may file a
18 petition with the county clerk asking for any change in the designated
19 primary county roads, setting forth the reason for the proposed change.
20 Such petition shall be accompanied by a plat showing such proposed
21 change.

22 (4) The roads designated on the map by the county board shall be
23 conclusively established as the primary roads. If ; ~~Provided, if~~ no
24 agreement is reached between the county board and the petitioners at the
25 hearing, the county clerk shall forward the map, together with all
26 petitions and plats, to the Department of Transportation ~~Roads~~.

27 (5) The department shall, upon receipt of the ~~said~~ maps, petitions
28 and plats, proceed to examine the same, and shall determine the lines to
29 be followed by the said county roads, having regard to volume of traffic,
30 continuity, and cost of construction. The department shall, not later
31 than twenty days from the receipt thereof, return the papers to the

1 county clerk, together with the decision of the department in writing,
2 duly certified, and accompanied by a plat showing the lines of the county
3 roads as finally determined. The county clerk shall file the papers and
4 record the decision, and the same shall be conclusive as to the lines of
5 the county roads established therein.

6 Sec. 145. Section 39-2002, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 39-2002 The county board of each county shall select and designate,
9 within six months from January 1, 1958, the roads which will be county
10 primary roads and which will constitute the county primary road system.
11 Such roads shall be selected from those roads which already have been
12 designated as primary county roads pursuant to ~~the provisions of~~ section
13 39-2001, or from those roads which were maintained by the Department of
14 Transportation Roads under ~~the provisions of~~ section 39-1309. The primary
15 county roads shall include only the more important county roads as
16 determined by the actual or potential traffic volumes and other traffic
17 survey data.

18 The county board of each county shall have authority to redesignate
19 the county primary roads from time to time by naming additional roads as
20 primary roads and by rescinding the designation of existing county
21 primary roads. The ; ~~Provided,~~ the county board shall follow the same
22 procedure for redesignation as is required by law for initially
23 designating the county primary roads. The ; ~~and provided further,~~ that
24 ~~the~~ principle of designating only the more important county roads as
25 primary roads as determined by the actual or potential traffic volumes
26 and other traffic survey data shall be adhered to.

27 A copy of a current map of the county roads showing the location of
28 roads and bridges and reflecting the county primary road system as
29 designated in this section shall be kept on file and available to public
30 inspection at the office of the county clerk and with the department
31 ~~Department of Roads~~.

1 Sec. 146. Section 39-2105, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 39-2105 Jurisdictional responsibility for the various functional
4 classifications of public highways and streets shall be as follows:

5 (1) The state shall have the responsibility for the design,
6 construction, reconstruction, maintenance, and operation of all roads
7 classified under the category of rural highways as interstate,
8 expressway, and major arterial, and the municipal extensions thereof,
9 except that the state shall not be responsible for that portion of a
10 municipal extension which exceeds the design of the rural highway leading
11 into the municipality. When the design of a rural highway differs at the
12 different points where it leads into the municipality, the state's
13 responsibility for the municipal extension thereof shall be limited to
14 the lesser of the two designs. The state shall be responsible for the
15 entire interstate system under either the rural or municipal category and
16 for connecting links between the interstate and the nearest existing
17 state highway system in rural areas, except that if such a connecting
18 link has not been improved and a sufficient study by the Department of
19 Transportation ~~Roads~~ results in the determination that a link to an
20 alternate state highway would provide better service for the area
21 involved, the department shall have the option of providing the alternate
22 route, subject to satisfactory local participation in the additional cost
23 of the alternate route;

24 (2) The various counties shall have the responsibility for the
25 design, construction, reconstruction, maintenance, and operation of all
26 roads classified as other arterial, collector, local, minimum
27 maintenance, and remote residential under the rural highway category;

28 (3) The various incorporated municipalities shall have the
29 responsibility for the design, construction, reconstruction, maintenance,
30 and operation of all streets classified as expressway which are of a
31 purely local nature, that portion of municipal extensions of rural

1 expressways and major arterials which exceeds the design of the rural
2 portions of such systems, and responsibility for those streets classified
3 as other arterial, collector, and local within their corporate limits;
4 and

5 (4) Jurisdictional responsibility for all scenic-recreation roads
6 and highways shall remain with the governmental subdivision which had
7 jurisdictional responsibility for such road or highway prior to its
8 change in classification to scenic-recreation made pursuant to this
9 section and sections 39-2103, 39-2109, and 39-2113.

10 Sec. 147. Section 39-2106, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 39-2106 To assist in developing the functional classification
13 system, there is hereby established the Board of Public Roads
14 Classifications and Standards which shall consist of eleven members to be
15 appointed by the Governor with the approval of the Legislature. Of the
16 members of such board, two shall be representatives of the Department of
17 Transportation ~~Roads~~, three shall be representatives of the counties, one
18 of whom shall be a licensed county highway superintendent in good
19 standing and two of whom shall be county board members, three shall be
20 representatives of the municipalities who shall be either public works
21 directors or licensed city street superintendents in good standing, and
22 three shall be lay citizens who shall represent the three congressional
23 districts of the state. The county members on the board shall represent
24 the various classes of counties, as defined in section 23-1114.01, in the
25 following manner: One shall be a representative from either a Class 1 or
26 Class 2 county; one shall be a representative from either a Class 3 or
27 Class 4 county; and one shall be a representative from either a Class 5,
28 Class 6, or Class 7 county. The municipal members of the board shall
29 represent municipalities of the following sizes by population: One shall
30 be a representative from a municipality of less than two thousand five
31 hundred population; one shall be a representative from a municipality of

1 two thousand five hundred to fifty thousand population; and one shall be
2 a representative from a municipality of over fifty thousand population.
3 In making such appointments, the Governor shall consult with the
4 Director-State Engineer and with the appropriate county and municipal
5 officials and may consult with organizations representing such officials
6 or representing counties or municipalities as may be appropriate. At the
7 expiration of existing term, one member from the county representatives,
8 the municipal representatives and the lay citizens shall be appointed for
9 a term of two years; two members from the county representatives, the
10 municipal representatives and the lay citizens shall be appointed for
11 terms of four years. One representative from the department ~~Department of~~
12 ~~Roads~~ shall be appointed for a two-year term and the other representative
13 shall be appointed for a four-year term. Thereafter, all such
14 appointments shall be for terms of four years each. Members of such board
15 shall receive no compensation for their services as such, except that the
16 lay members shall receive the same compensation as members of the State
17 Highway Commission, and all members shall be reimbursed for their actual
18 and necessary expenses incurred in the performance of their official
19 duties as provided in sections 81-1174 to 81-1177 for state employees.
20 All expenses of such board shall be paid by the department ~~Department of~~
21 ~~Roads~~.

22 Sec. 148. Section 39-2107, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 39-2107 The Department of Transportation ~~Roads~~ shall furnish the
25 Board of Public Roads Classifications and Standards with necessary office
26 space, furniture, equipment, and supplies as well as necessary
27 professional, technical, and clerical assistants.

28 Sec. 149. Section 39-2110, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 39-2110 Following adoption and publication of the specific criteria
31 required by section 39-2109, the Department of Transportation ~~Roads~~,

1 after consultation with the appropriate local authorities in each
2 instance, shall assign a functional classification to each segment of
3 highway, road, and street in this state. Before assigning any such
4 classification, the department shall make reasonable effort to resolve
5 any differences of opinion between the department and any county or
6 municipality. Whenever a new road or street is to be opened or an
7 existing road or street is to be extended, the department shall, upon a
8 request from the operating jurisdiction, assign a functional
9 classification to such segment in accordance with the specific criteria
10 established under section 39-2109.

11 Sec. 150. Section 39-2111, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 39-2111 The county or municipality may appeal to the Board of Public
14 Roads Classifications and Standards from any action taken by the
15 Department of Transportation ~~Roads~~ in assigning any functional
16 classification under ~~the provisions of~~ section 39-2110. Upon the taking
17 of such an appeal, the board shall review all information pertaining to
18 the assignment, hold a hearing thereon if deemed advisable, and render a
19 decision on the assigned classification. The decision of the board may be
20 appealed, and the appeal shall be in accordance with the Administrative
21 Procedure Act.

22 Sec. 151. Section 39-2112, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 39-2112 Any county or municipality may, based on changing traffic
25 patterns or volume or a change in jurisdiction, request the Department of
26 Transportation ~~Roads~~ to reclassify any segment of highway, road, or
27 street. Any county that wants to use the minimum maintenance, remote
28 residential, or scenic-recreation functional classification or wants to
29 return a road to its previous functional classification may request the
30 department to reclassify an applicable segment of highway or road. If a
31 county board wants a road or a segment of road to be classified as remote

1 residential, it shall hold a public hearing on the matter prior to
2 requesting the department to reclassify such road or segment of road. The
3 department shall review a request made under this section and either
4 grant or deny the reclassification in whole or in part. Any county or
5 municipality dissatisfied with the action taken by the department under
6 this section may appeal to the Board of Public Roads Classifications and
7 Standards in the manner provided in section 39-2111.

8 Sec. 152. Section 39-2113, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 39-2113 (1) In addition to the duties imposed upon it by section
11 39-2109, the Board of Public Roads Classifications and Standards shall
12 develop minimum standards of design, construction, and maintenance for
13 each functional classification set forth in sections 39-2103 and 39-2104.
14 Except for scenic-recreation road standards, such standards shall be such
15 as to assure that each segment of highway, road, or street will
16 satisfactorily meet the requirements of the area it serves and the
17 traffic patterns and volumes which it may reasonably be expected to bear.

18 (2) The standards for a scenic-recreation road and highway
19 classification shall insure a minimal amount of environmental disruption
20 practicable in the design, construction, and maintenance of such
21 highways, roads, and streets by the use of less restrictive, more
22 flexible design standards than other highway classifications. Design
23 elements of such a road or highway shall incorporate parkway-like
24 features which will allow the user-motorist to maintain a leisurely pace
25 and enjoy the scenic and recreational aspects of the route and include
26 rest areas and scenic overlooks with suitable facilities.

27 (3) The standards developed for a minimum maintenance road and
28 highway classification shall provide for a level of minimum maintenance
29 sufficient to serve farm machinery and the occasional or intermittent use
30 by passenger and commercial vehicles. The standards shall provide that
31 any defective bridges, culverts, or other such structures on, in, over,

1 under, or part of the minimum maintenance road may be removed by the
2 county in order to protect the public safety and need not be replaced by
3 equivalent structures except when deemed by the county board to be
4 essential for public safety or for the present or future transportation
5 needs of the county. The standards for such minimum maintenance roads
6 shall include the installation and maintenance by the county at entry
7 points to minimum maintenance roads and at regular intervals thereon of
8 appropriate signs to adequately warn the public that the designated
9 section of road has a lower level of maintenance effort than other public
10 roads and thoroughfares. Such signs shall conform to the requirements in
11 the Manual on Uniform Traffic Control Devices adopted pursuant to section
12 60-6,118.

13 (4) The standards developed for a remote residential road
14 classification shall provide for a level of maintenance sufficient to
15 provide access to remote residences, farms, and ranches by passenger and
16 commercial vehicles. The standards shall allow for one-lane traffic where
17 sight distance is adequate to warn motorists of oncoming traffic. The
18 standards for remote residential roads shall include the installation and
19 maintenance by the county at entry points to remote residential roads of
20 appropriate signs to adequately warn members of the public that they are
21 traveling on a one-lane road. Such signs shall conform to the
22 requirements in the Manual on Uniform Traffic Control Devices adopted
23 pursuant to section 60-6,118.

24 (5) The board shall by rule provide for the relaxation of standards
25 for any functional classification in those instances in which their
26 application is not feasible because of peculiar, special, or unique local
27 situations.

28 (6) Any county or municipality which believes that the application
29 of standards for any functional classification to any segment of highway,
30 road, or street would work a special hardship, or any other interested
31 party which believes that the application of standards for scenic-

1 recreation roads and highways to any segment of highway, road, or street
2 would defeat the purpose of the scenic-recreation functional
3 classification contained in section 39-2103, may request the board to
4 relax the standards for such segment. The Department of Transportation
5 ~~Roads~~, when it believes that the application of standards for any
6 functional classification to any segment of highway that is not hard
7 surfaced would work a special hardship, may request the board to relax
8 such standards. The board shall review any request made pursuant to this
9 section and either grant or deny it in whole or in part. This ~~The~~
10 ~~provisions of this~~ section shall not be construed to apply to removal of
11 a road or highway from the state highway system pursuant to section
12 39-1315.01.

13 Sec. 153. Section 39-2115, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 39-2115 The Department of Transportation ~~Roads~~, and each county and
16 municipality shall develop and file with the Board of Public Roads
17 Classifications and Standards a long-range, six-year plan of highway,
18 road, and street improvements based on priority of needs and calculated
19 to contribute to the orderly development of an integrated statewide
20 system of highways, roads, and streets. Each such plan shall be filed
21 with the board promptly upon preparation but in no event later than March
22 1, 1971. If any county or municipality, or the department ~~Department of~~
23 ~~Roads~~, shall fail to file its plan on or before such date, the board
24 shall so notify the local governing board, the Governor, and the State
25 Treasurer, who shall suspend distribution of any highway-user revenue
26 allocated to such county or municipality, or the department ~~Department of~~
27 ~~Roads~~, until the plan has been filed. Such funds shall be held in escrow
28 for six months until the county or municipality complies. If the county
29 or municipality complies within the six-month period it shall receive the
30 money in escrow, but after six months, if the county or municipality
31 fails to comply, the money in the escrow account shall be lost to the

1 county or municipality.

2 Sec. 154. Section 39-2116, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 39-2116 The Board of Public Roads Classifications and Standards
5 shall review all six-year plans required by sections 39-2115 to 39-2117
6 or annual metropolitan transportation improvement programs under section
7 39-2119.01 submitted to it and make such recommendations for changes
8 therein as it believes necessary or desirable in order to achieve the
9 orderly development of an integrated system of highways, roads, and
10 streets, but in so doing the board shall take into account the fact that
11 individual priorities of needs may not lend themselves to immediate
12 integration. The Department of Transportation ~~department~~ and each county
13 and municipality shall give careful and serious consideration to any such
14 recommendations received from the board and shall not reject them except
15 for substantial or compelling reason.

16 Sec. 155. Section 39-2118, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 39-2118 The Department of Transportation ~~Roads~~ shall annually
19 prepare and file with the Board of Public Roads Classifications and
20 Standards a plan for specific highway improvements for the current year.
21 The annual plan shall be filed on or before July 1 of each year. In so
22 doing, the department shall take into account all federal funds which
23 will be available to the department for such year. The board shall review
24 each such annual plan to determine whether it is consistent with the
25 department's current six-year plan. The department shall be required to
26 justify any inconsistency with the six-year plan to the satisfaction of
27 the board.

28 Sec. 156. Section 39-2120, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 39-2120 The Auditor of Public Accounts and the Board of Public Roads
31 Classifications and Standards shall develop and schedule for

1 implementation a standardized system of annual reporting to the board by
2 the Department of Transportation ~~department~~ and by counties and
3 municipalities, which system shall include:

4 (1) A procedure for documenting and certifying that standards of
5 design, construction, and maintenance of roads and streets have been met;

6 (2) A procedure for documenting and certifying that all tax revenue
7 for road or street purposes has been expended in accordance with approved
8 plans and standards, to include county and municipal tax revenue, as well
9 as highway-user revenue allocations made by the state;

10 (3) A uniform system of accounting which clearly indicates, through
11 a system of reports, a comparison of receipts and expenditures to
12 approved budgets and programs;

13 (4) A system of budgeting which reflects uses and sources of funds
14 in terms of programs and accomplishments;

15 (5) An approved system of reporting an inventory of machinery,
16 equipment, and supplies; and

17 (6) An approved system of cost accounting of the operation of
18 equipment.

19 Sec. 157. Section 39-2121, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 39-2121 (1) The Department of Transportation ~~department~~ and each
22 county and municipality shall make the reports provided for by section
23 39-2120.

24 (2) If any county or municipality or the department ~~Department of~~
25 ~~Roads~~ fails to file such report on or before its due date, the Board of
26 Public Roads Classifications and Standards shall so notify the local
27 governing board, the Governor, and the State Treasurer who shall suspend
28 distribution of any highway-user revenue allocated to such county or
29 municipality or the department ~~Department of Roads~~ until the report has
30 been filed. Such funds shall be held in escrow for six months until the
31 county or municipality complies. If the county or municipality complies

1 within the six-month period it shall receive the money in escrow, but
2 after six months, if the county or municipality fails to comply, the
3 money in the escrow account shall be lost to the county or municipality.

4 (3) If any county or municipality either (a) files a materially
5 false report or (b) constructs any highway, road, or street below the
6 minimum standards developed under section 39-2113, without having
7 received prior approval thereof, such county's or municipality's share of
8 highway-user revenue allocated during the following calendar year shall
9 be reduced by ten percent and the amount of any such reduction shall be
10 distributed among the other counties or municipalities, as appropriate,
11 in the manner provided by law for allocation of highway-user revenue. The
12 penalty for filing a materially false report and the penalty for
13 constructing a highway, road, or street below established minimum
14 standards without prior approval shall be assessed by the board only
15 after a review of the facts involved in such case and the holding of a
16 public hearing on the matter. The decision thereafter rendered by the
17 board may be appealed, and the appeal shall be in accordance with the
18 Administrative Procedure Act.

19 Sec. 158. Section 39-2124, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 39-2124 It is the intent of the Legislature to recognize the
22 responsibilities of the Department of Transportation Roads, of the
23 counties, and of the municipalities in their planning programs as
24 authorized by state law and by home rule charter and to encourage the
25 acceptance and implementation of comprehensive, continuing, cooperative,
26 and coordinated planning by the state, the counties, and the
27 municipalities. Sections 13-914 and 39-2101 to 39-2125 are not intended
28 to prohibit or inhibit the actions of the counties and of the
29 municipalities in their planning programs and their subdivision
30 regulations, nor are sections 13-914 and 39-2101 to 39-2125 intended to
31 restrict the actions of the municipalities in their creation of street

1 improvement districts and in their assessment of property for special
2 benefits as authorized by state law or by home rule charter.

3 Sec. 159. Section 39-2215, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 39-2215 (1) There is hereby created in the state treasury a special
6 fund to be known as the Highway Trust Fund.

7 (2) All funds credited to the Highway Trust Fund pursuant to
8 sections 66-489.02, 66-499, 66-4,140, 66-4,147, 66-6,108, and
9 66-6,109.02, and related penalties and interest, shall be allocated as
10 provided in such sections.

11 (3) All other motor vehicle fuel taxes, diesel fuel taxes,
12 compressed fuel taxes, and alternative fuel fees related to highway use
13 retained by the state, all motor vehicle registration fees retained by
14 the state other than those fees credited to the State Recreation Road
15 Fund pursuant to subdivision (3) of section 60-3,156, and other highway-
16 user taxes imposed by state law and allocated to the Highway Trust Fund,
17 except for the proceeds of the sales and use taxes derived from motor
18 vehicles, trailers, and semitrailers credited to the fund pursuant to
19 section 77-27,132, are hereby irrevocably pledged for the terms of the
20 bonds issued prior to January 1, 1988, to the payment of the principal,
21 interest, and redemption premium, if any, of such bonds as they mature
22 and become due at maturity or prior redemption and for any reserves
23 therefor and shall, as received by the State Treasurer, be deposited in
24 the fund for such purpose.

25 (4) Of the money in the fund specified in subsection (3) of this
26 section which is not required for the use specified in such subsection,
27 (a) an amount to be determined annually by the Legislature through the
28 appropriations process may be transferred to the Motor Fuel Tax
29 Enforcement and Collection Cash Fund for use as provided in section
30 66-738 on a monthly or other less frequent basis as determined by the
31 appropriation language, (b) an amount to be determined annually by the

1 Legislature through the appropriations process shall be transferred to
2 the License Plate Cash Fund as certified by the Director of Motor
3 Vehicles, and (c) the remaining money may be used for the purchase for
4 retirement of the bonds issued prior to January 1, 1988, in the open
5 market.

6 (5) The State Treasurer shall monthly transfer, from the proceeds of
7 the sales and use taxes credited to the Highway Trust Fund and any money
8 remaining in the fund after the requirements of subsections (2) through
9 (4) of this section are satisfied, thirty thousand dollars to the Grade
10 Crossing Protection Fund.

11 (6) Except as provided in subsection (7) of this section, the
12 balance of the Highway Trust Fund shall be allocated fifty-three and one-
13 third percent, less the amount provided for in section 39-847.01, to the
14 Department of Transportation Roads, twenty-three and one-third percent,
15 less the amount provided for in section 39-847.01, to the various
16 counties for road purposes, and twenty-three and one-third percent to the
17 various municipalities for street purposes. If bonds are issued pursuant
18 to subsection (2) of section 39-2223, the portion allocated to the
19 department ~~Department of Roads~~ shall be credited monthly to the Highway
20 Restoration and Improvement Bond Fund, and if no bonds are issued
21 pursuant to such subsection, the portion allocated to the department
22 shall be credited monthly to the Highway Cash Fund. The portions
23 allocated to the counties and municipalities shall be credited monthly to
24 the Highway Allocation Fund and distributed monthly as provided by law.
25 Vehicles accorded prorated registration pursuant to section 60-3,198
26 shall not be included in any formula involving motor vehicle
27 registrations used to determine the allocation and distribution of state
28 funds for highway purposes to political subdivisions.

29 (7) If it is determined by December 20 of any year that a county
30 will receive from its allocation of state-collected highway revenue and
31 from any funds relinquished to it by municipalities within its boundaries

1 an amount in such year which is less than such county received in state-
2 collected highway revenue in calendar year 1969, based upon the 1976 tax
3 rates for highway-user fuels and registration fees, the department
4 ~~Department of Roads~~ shall notify the State Treasurer that an amount equal
5 to the sum necessary to provide such county with funds equal to such
6 county's 1969 highway allocation for such year shall be transferred to
7 such county from the Highway Trust Fund. Such makeup funds shall be
8 matched by the county as provided in sections 39-2501 to 39-2510. The
9 balance remaining in the fund after such transfer shall then be
10 reallocated as provided in subsection (6) of this section.

11 (8) The State Treasurer shall disburse the money in the Highway
12 Trust Fund as directed by resolution of the commission. All disbursements
13 from the fund shall be made upon warrants drawn by the Director of
14 Administrative Services. Any money in the fund available for investment
15 shall be invested by the state investment officer pursuant to the
16 Nebraska Capital Expansion Act and the Nebraska State Funds Investment
17 Act and the earnings, if any, credited to the fund.

18 Sec. 160. Section 39-2224, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 39-2224 (1) The proceeds of the sale of bonds authorized by
21 subsection (1) of section 39-2223 are hereby appropriated to the Highway
22 Cash Fund of the Department of Transportation ~~Roads~~, for the biennium
23 ending June 30, 1977, for expenditure for the construction of highways.

24 (2) The proceeds of the sale of bonds authorized by subsection (2)
25 of section 39-2223 are hereby appropriated to the Highway Cash Fund of
26 the Department of Transportation ~~Roads~~ for expenditure for highway
27 construction, resurfacing, reconstruction, rehabilitation, and
28 restoration and for the elimination or alleviation of cash-flow problems
29 resulting from the receipt of federal funds.

30 Sec. 161. Section 39-2305, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 39-2305 The board of examiners shall be furnished necessary office
2 space, furniture, equipment, stationery, and clerical assistance by the
3 Department of Transportation Roads. The board shall organize itself by
4 selecting from among its members a chairperson and such other officers as
5 it may find desirable. The board shall meet at such times at the
6 ~~Department of Roads~~ headquarters of the department in Lincoln, Nebraska,
7 as may be necessary for the administration of the County Highway and City
8 Street Superintendents Act.

9 Sec. 162. Section 39-2310, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 39-2310 All funds received under the County Highway and City Street
12 Superintendents Act shall be remitted to the State Treasurer for credit
13 to the Highway Cash Fund. Expenses of the members of the board of
14 examiners as provided in section 39-2304 shall be paid by the Department
15 of Transportation Roads from the Highway Cash Fund.

16 Sec. 163. Section 39-2504, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 39-2504 (1) A reduced incentive payment shall be made to any county
19 or municipal county having in its employ either (a) a licensed county
20 highway superintendent for only a portion of the calendar year preceding
21 the year in which the payment is made or (b) two or more successive
22 licensed county highway superintendents for the calendar year preceding
23 the year in which the payment is made. Such reduced payment shall be in
24 the proportion of the payment amounts listed in section 39-2503 as the
25 number of full months each such licensed superintendent was employed is
26 of twelve.

27 (2) Any county or municipal county that contracts for the services
28 of a consulting engineer licensed under the County Highway and City
29 Street Superintendents Act or any other person licensed under the act to
30 perform the duties outlined in section 39-2502 rather than employing a
31 licensed county highway superintendent shall be entitled to an incentive

1 payment equal to two-thirds the payment amount provided in section
2 39-2503 or two-thirds of the reduced incentive payment provided in
3 subsection (1) of this section, as determined by the Department of
4 Transportation Roads pursuant to section 39-2505.

5 (3) Any county or municipal county that contracts with another
6 county or municipal county or with any city or village for the services
7 of a licensed county highway superintendent as provided in section
8 39-2114 shall be entitled to the incentive payment provided in section
9 39-2503 or the reduced incentive payment provided in subsection (1) of
10 this section.

11 Sec. 164. Section 39-2505, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 39-2505 The Department of Transportation Roads shall, in January of
14 each year commencing in 1970, determine and certify to the State
15 Treasurer the amount of each incentive payment to be made under the
16 provisions of sections 39-2501 to 39-2505. The State Treasurer shall, on
17 or before February 15, make the incentive payments in accordance with
18 such certification.

19 Sec. 165. Section 39-2507, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 39-2507 The following factors and weights shall be used in
22 determining the amount to be allocated to each of the counties or
23 municipal counties for road purposes each year:

24 (1) Rural population of each county or municipal county, as
25 determined by the most recent federal census, twenty percent;

26 (2) Total population of each county or municipal county, as
27 determined by the most recent federal census, ten percent;

28 (3) Lineal feet of bridges twenty feet or more in length and all
29 overpasses in each county or municipal county, as determined by the most
30 recent inventory available within the Department of Transportation Roads,
31 ten percent, and for purposes of this subdivision a bridge or overpass

1 located partly in one county or municipal county and partly in another
2 shall be considered as being located one-half in each county or municipal
3 county;

4 (4) Total motor vehicle registrations, other than prorated
5 commercial vehicles, in the rural areas of each county or municipal
6 county, as determined from the most recent information available from the
7 Department of Motor Vehicles, twenty percent;

8 (5) Total motor vehicle registrations, other than prorated
9 commercial vehicles, in each county or municipal county as determined
10 from the most recent information available from the Department of Motor
11 Vehicles, ten percent;

12 (6) Total miles of county or municipal county and township roads
13 within each county or municipal county, as determined by the most recent
14 inventory available within the Department of Transportation Roads, twenty
15 percent; and

16 (7) Value of farm products sold from each county or municipal
17 county, as determined from the most recent federal Census of Agriculture,
18 ten percent.

19 Sec. 166. Section 39-2508, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 39-2508 The Department of Transportation Roads shall compute the
22 amount allocated to each county or municipal county under each of the
23 factors listed in section 39-2507 and shall then compute the total
24 allocation to each such county or municipal county and transmit such
25 information to the local governing board and the State Treasurer, who
26 shall disburse funds accordingly.

27 Sec. 167. Section 39-2514, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 39-2514 (1) A reduced incentive payment shall be made to any
30 municipality or municipal county having in its employ either (a) a
31 licensed city street superintendent for only a portion of the calendar

1 year preceding the year in which the payment is made or (b) two or more
2 successive licensed city street superintendents for the calendar year
3 preceding the year in which the payment is made. Such reduced payment
4 shall be in the proportion of the payment amounts listed in section
5 39-2513 as the number of full months each such licensed superintendent
6 was employed is of twelve.

7 (2) Any municipality or municipal county that contracts for the
8 services of a consulting engineer licensed under the County Highway and
9 City Street Superintendents Act or any other person licensed under the
10 act to perform the duties outlined in section 39-2512 rather than
11 employing a licensed city street superintendent shall be entitled to an
12 incentive payment as provided in section 39-2513 or to the reduced
13 incentive payment provided in subsection (1) of this section, as
14 determined by the Department of Transportation ~~Roads~~ pursuant to section
15 39-2515.

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

21 Sec. 168. Section 39-2515, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 39-2515 The Department of Transportation ~~Roads~~ shall, in January of
24 each year commencing in 1970, determine and certify to the State
25 Treasurer the amount of each incentive payment to be made under the
26 provisions of sections 39-2511 to 39-2520. The State Treasurer shall, on
27 or before February 15, make the incentive payments in accordance with
28 such certification.

29 Sec. 169. Section 39-2517, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 39-2517 The following factors and weights shall be used in

1 determining the amount to be allocated to each of the municipalities or
2 municipal counties for street purposes each year:

3 (1) Total population of each incorporated municipality or the
4 urbanized area of a municipal county, as determined by the most recent
5 federal census figures certified by the Tax Commissioner as provided in
6 section 77-3,119, fifty percent;

7 (2) Total motor vehicle registrations, other than prorated
8 commercial vehicles, in each incorporated municipality or the urbanized
9 area of a municipal county, as determined from the most recent
10 information available from the Department of Motor Vehicles, thirty
11 percent; and

12 (3) Total number of miles of traffic lanes of streets in each
13 incorporated municipality or the urbanized area of a municipal county, as
14 determined by the most recent inventory available within the Department
15 of Transportation Roads, twenty percent.

16 Sec. 170. Section 39-2518, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 39-2518 The Department of Transportation Roads shall compute the
19 amount allocated to each municipality or municipal county under the
20 factors listed in section 39-2517 and shall then compute the total
21 allocation to each such municipality or municipal county and transmit
22 such information to the local governing body and the State Treasurer, who
23 shall disburse funds accordingly.

24 Sec. 171. Section 39-2602, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 39-2602 For purposes of sections 39-2601 to 39-2612, unless the
27 context otherwise requires:

28 (1) Junk means old or scrap copper, brass, rope, rags, batteries,
29 paper, trash, rubber debris, waste or junked, dismantled, or wrecked
30 automobiles, or parts thereof, iron, steel, and other old or scrap
31 ferrous or nonferrous material;

1 (2) Automobile graveyard means any establishment or place of
2 business which is maintained, operated, or used for storing, keeping,
3 buying, or selling wrecked, scrapped, ruined, or dismantled motor
4 vehicles or motor vehicle parts;

5 (3) Junkyard means an establishment or place of business which is
6 maintained, operated, or used for storing, keeping, buying, or selling
7 junk or for the maintenance or operation of an automobile graveyard, and
8 includes garbage dumps and sanitary fills;

9 (4) Highway Beautification Control System has the same meaning as in
10 section 39-201.01;

11 (5) Scenic byway has the same meaning as in section 39-201.01;

12 (6) Main-traveled way means the traveled portion of an interstate or
13 primary highway on which through traffic is carried and, in the case of a
14 divided highway, the traveled portion of each of the separated roadways;

15 (7) Person means any natural person, partnership, limited liability
16 company, association, corporation, or governmental subdivision; and

17 (8) Department means the Department of Transportation Roads.

18 Sec. 172. Section 39-2702, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 39-2702 For purposes of the Build Nebraska Act:

21 (1) Department means the Department of Transportation Roads;

22 (2) Fund means the State Highway Capital Improvement Fund; and

23 (3) Surface transportation project means (a) expansion or
24 reconstruction of a road or highway which is part of the state highway
25 system, (b) expansion or reconstruction of a bridge which is part of the
26 state highway system, or (c) construction of a new road, highway, or
27 bridge which, if built, would be a part of the state highway system.

28 Sec. 173. Section 39-2802, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 39-2802 For purposes of the Transportation Innovation Act:

31 (1) Alternative technical concept means changes suggested by a

1 qualified, eligible, short-listed design-builder to the department's
2 basic configurations, project scope, design, or construction criteria;

3 (2) Best value-based selection process means a process of selecting
4 a design-builder using price, schedule, and qualifications for evaluation
5 factors;

6 (3) Construction manager means the legal entity which proposes to
7 enter into a construction manager-general contractor contract pursuant to
8 the act;

9 (4) Construction manager-general contractor contract means a
10 contract which is subject to a qualification-based selection process
11 between the department and a construction manager to furnish
12 preconstruction services during the design development phase of the
13 project and, if an agreement can be reached which is satisfactory to the
14 department, construction services for the construction phase of the
15 project;

16 (5) Construction services means activities associated with building
17 the project;

18 (6) Department means the Department of Transportation ~~Roads~~;

19 (7) Design-build contract means a contract between the department
20 and a design-builder which is subject to a best value-based selection
21 process to furnish (a) architectural, engineering, and related design
22 services and (b) labor, materials, supplies, equipment, and construction
23 services;

24 (8) Design-builder means the legal entity which proposes to enter
25 into a design-build contract;

26 (9) Multimodal transportation network means the interconnected
27 system of highways, roads, streets, rail lines, river ports, and transit
28 systems which facilitates the movement of people and freight to enhance
29 Nebraska's economy;

30 (10) Preconstruction services means all nonconstruction-related
31 services that a construction manager performs in relation to the design

1 of the project before execution of a contract for construction services.
2 Preconstruction services includes, but is not limited to, cost
3 estimating, value engineering studies, constructability reviews, delivery
4 schedule assessments, and life-cycle analysis;

5 (11) Project performance criteria means the performance requirements
6 of the project suitable to allow the design-builder to make a proposal.
7 Performance requirements shall include, but are not limited to, the
8 following, if required by the project: Capacity, durability, standards,
9 ingress and egress requirements, description of the site, surveys, soil
10 and environmental information concerning the site, material quality
11 standards, design and milestone dates, site development requirements,
12 compliance with applicable law, and other criteria for the intended use
13 of the project;

14 (12) Proposal means an offer in response to a request for proposals
15 (a) by a design-builder to enter into a design-build contract or (b) by a
16 construction manager to enter into a construction manager-general
17 contractor contract;

18 (13) Qualification-based selection process means a process of
19 selecting a construction manager based on qualifications;

20 (14) Request for proposals means the documentation by which the
21 department solicits proposals; and

22 (15) Request for qualifications means the documentation or
23 publication by which the department solicits qualifications.

24 Sec. 174. Section 39-2806, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 39-2806 The Economic Opportunity Program is created. The Department
27 of Transportation Roads shall administer the program in consultation with
28 the Department of Economic Development using funds from the
29 Transportation Infrastructure Bank Fund, except that no more than twenty
30 million dollars shall be expended for this program. The purpose of the
31 program is to finance transportation improvements to attract and support

1 new businesses and business expansions by successfully connecting such
2 businesses to Nebraska's multimodal transportation network and to
3 increase employment, create high-quality jobs, increase business
4 investment, and revitalize rural and other distressed areas of the state.
5 The Department of Transportation ~~Roads~~ shall develop the program,
6 including the application process, criteria for providing funding,
7 matching requirements, and provisions for recapturing funds awarded for
8 projects with unmet obligations, in consultation with statewide
9 associations representing municipal and county officials, economic
10 developers, and the Department of Economic Development. No project shall
11 be approved through the Economic Opportunity Program without an economic
12 impact analysis proving positive economic impact. The details of the
13 program shall be presented to the Appropriations Committee and the
14 Transportation and Telecommunications Committee of the Legislature on or
15 before December 1, 2016.

16 Sec. 175. Section 46-251, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 46-251 All persons desirous of constructing any of the works
19 provided for in sections 46-244 to 46-250 shall have the right to occupy
20 state lands and obtain right-of-way over and across any highway in this
21 state for such purpose without compensation, except public school lands.
22 All bridges or crossings over such ditches, laterals, and canals shall be
23 constructed under the supervision of the Department of Transportation
24 ~~Roads~~, if on a state highway, and under the supervision of the county
25 board or governing body of a municipality, if on a highway under the
26 jurisdiction of such board or governing body. All such persons may obtain
27 a right-of-way not to exceed sixteen feet in width, for a like purpose
28 along, parallel to, and upon one side of any highway by condemnation
29 proceedings where the same does not interfere with the proper drainage of
30 such highway. In such cases the abutting landowner and the county may
31 grant such right-of-way, or in case of their refusal notice shall be

1 served upon them and proceedings had as in other cases. Not more than one
2 such ditch or lateral shall be permitted along the side of the same
3 highway.

4 Sec. 176. Section 49-506, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 49-506 After the Secretary of State has made the distribution
7 provided by section 49-503, he or she shall deliver additional copies of
8 the session laws and the journal of the Legislature pursuant to this
9 section in print or electronic format as he or she determines, upon
10 recommendation by the Clerk of the Legislature and approval of the
11 Executive Board of the Legislative Council.

12 One copy of the session laws shall be delivered to the Lieutenant
13 Governor, the State Treasurer, the Auditor of Public Accounts, the
14 Reporter of the Supreme Court and Court of Appeals, the State Court
15 Administrator, the State Fire Marshal, the Department of Administrative
16 Services, ~~the Department of Aeronautics,~~ the Department of Agriculture,
17 the Department of Banking and Finance, the State Department of Education,
18 the Department of Environmental Quality, the Department of Insurance, the
19 Department of Labor, the Department of Motor Vehicles, the Department of
20 Revenue, the Department of Transportation ~~Roads~~, the Department of
21 Veterans' Affairs, the Department of Natural Resources, the Military
22 Department, the Nebraska State Patrol, the Nebraska Commission on Law
23 Enforcement and Criminal Justice, each of the Nebraska state colleges,
24 the Game and Parks Commission, the Nebraska Library Commission, the
25 Nebraska Liquor Control Commission, the Nebraska Accountability and
26 Disclosure Commission, the Public Service Commission, the State Real
27 Estate Commission, the Nebraska State Historical Society, the Public
28 Employees Retirement Board, the Risk Manager, the Legislative Fiscal
29 Analyst, the Public Counsel, the materiel division of the Department of
30 Administrative Services, the State Records Administrator, the budget
31 division of the Department of Administrative Services, the Tax

1 Equalization and Review Commission, the inmate library at all state penal
2 and correctional institutions, the Commission on Public Advocacy, and the
3 Library of Congress; two copies to the Governor, the Secretary of State,
4 the Nebraska Workers' Compensation Court, the Commission of Industrial
5 Relations, and the Coordinating Commission for Postsecondary Education,
6 one of which shall be for use by the community colleges; three copies to
7 the Department of Health and Human Services; four copies to the Nebraska
8 Publications Clearinghouse; five copies to the Attorney General; nine
9 copies to the Revisor of Statutes; sixteen copies to the Supreme Court
10 and the Legislative Council; and thirty-five copies to the University of
11 Nebraska College of Law.

12 One copy of the journal of the Legislature shall be delivered to the
13 Governor, the Lieutenant Governor, the State Treasurer, the Auditor of
14 Public Accounts, the Reporter of the Supreme Court and Court of Appeals,
15 the State Court Administrator, the Nebraska State Historical Society, the
16 Legislative Fiscal Analyst, the Tax Equalization and Review Commission,
17 the Commission on Public Advocacy, and the Library of Congress; two
18 copies to the Secretary of State, the Commission of Industrial Relations,
19 and the Nebraska Workers' Compensation Court; four copies to the Nebraska
20 Publications Clearinghouse; five copies to the Attorney General and the
21 Revisor of Statutes; eight copies to the Clerk of the Legislature;
22 thirteen copies to the Supreme Court and the Legislative Council; and
23 thirty-five copies to the University of Nebraska College of Law. The
24 remaining copies shall be delivered to the State Librarian who shall use
25 the same, so far as required for exchange purposes, in building up the
26 State Library and in the manner specified in sections 49-507 to 49-509.

27 Sec. 177. Section 49-617, Revised Statutes Cumulative Supplement,
28 2016, is amended to read:

29 49-617 The Revisor of Statutes shall cause the statutes to be
30 printed. The printer shall deliver all completed copies to the Supreme
31 Court. These copies shall be held and disposed of by the court as

1 follows: Sixty copies to the State Library to exchange for statutes of
2 other states; five copies to the State Library to keep for daily use; not
3 to exceed twenty-five copies to the Legislative Council for bill drafting
4 and related services to the Legislature and executive state officers; as
5 many copies to the Attorney General as he or she has attorneys on his or
6 her staff; as many copies to the Commission on Public Advocacy as it has
7 attorneys on its staff; up to sixteen copies to the State Court
8 Administrator; thirteen copies to the Tax Commissioner; eight copies to
9 the Nebraska Publications Clearinghouse; six copies to the Public Service
10 Commission; four copies to the Secretary of State; three copies to the
11 Tax Equalization and Review Commission; four copies to the Clerk of the
12 Legislature for use in his or her office and three copies to be
13 maintained in the legislative chamber, one copy on each side of the
14 chamber and one copy at the desk of the Clerk of the Legislature, under
15 control of the sergeant at arms; three copies to the Department of Health
16 and Human Services; two copies each to the Governor of the state, the
17 Chief Justice and each judge of the Supreme Court, each judge of the
18 Court of Appeals, the Clerk of the Supreme Court, the Reporter of the
19 Supreme Court and Court of Appeals, the Commissioner of Labor, the
20 Auditor of Public Accounts, and the Revisor of Statutes; one copy each to
21 the Secretary of State of the United States, each Indian tribal court
22 located in the State of Nebraska, the library of the Supreme Court of the
23 United States, the Adjutant General, the Air National Guard, the
24 Commissioner of Education, the State Treasurer, the Board of Educational
25 Lands and Funds, the Director of Agriculture, the Director of
26 Administrative Services, ~~the Director of Aeronautics,~~ the Director of
27 Economic Development, the director of the Nebraska Public Employees
28 Retirement Systems, the Director-State Engineer, the Director of Banking
29 and Finance, the Director of Insurance, the Director of Motor Vehicles,
30 the Director of Veterans' Affairs, the Director of Natural Resources, the
31 Director of Correctional Services, the Nebraska Emergency Operating

1 Center, each judge of the Nebraska Workers' Compensation Court, each
2 commissioner of the Commission of Industrial Relations, the Nebraska
3 Liquor Control Commission, the State Real Estate Commission, the
4 secretary of the Game and Parks Commission, the Board of Pardons, each
5 state institution under the Department of Health and Human Services, each
6 state institution under the State Department of Education, the State
7 Surveyor, the Nebraska State Patrol, the materiel division of the
8 Department of Administrative Services, the personnel division of the
9 Department of Administrative Services, the Nebraska Motor Vehicle
10 Industry Licensing Board, the Board of Trustees of the Nebraska State
11 Colleges, each of the Nebraska state colleges, each district judge of the
12 State of Nebraska, each judge of the county court, each judge of a
13 separate juvenile court, the Lieutenant Governor, each United States
14 Senator from Nebraska, each United States Representative from Nebraska,
15 each clerk of the district court for the use of the district court, the
16 clerk of the Nebraska Workers' Compensation Court, each clerk of the
17 county court, each county attorney, each county public defender, each
18 county law library, and the inmate library at all state penal and
19 correctional institutions, and each member of the Legislature shall be
20 entitled to two complete sets, and two complete sets of such volumes as
21 are necessary to update previously issued volumes, but each member of the
22 Legislature and each judge of any court referred to in this section shall
23 be entitled, on request, to an additional complete set. Copies of the
24 statutes distributed without charge, as listed in this section, shall be
25 the property of the state or governmental subdivision of the state and
26 not the personal property of the particular person receiving a copy.
27 Distribution of statutes to the library of the College of Law of the
28 University of Nebraska shall be as provided in sections 85-176 and
29 85-177.

30 Sec. 178. Section 55-181, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 55-181 The Military Department may contract with the Nebraska Wing
2 of the Civil Air Patrol, the civilian auxiliary of the United States Air
3 Force, for the following purposes:

4 (1) To encourage and aid American citizens in the contribution of
5 their efforts, services, and resources in the development of aviation and
6 the maintenance of aerospace supremacy;

7 (2) To encourage and develop, by example, the voluntary contribution
8 of private citizens to the public welfare;

9 (3) To provide aviation and aerospace education and training;

10 (4) To foster and encourage civil aviation in local communities
11 throughout the state; and

12 (5) To assist in meeting emergencies within the state.

13 The Division of Aeronautics of the Department of Transportation
14 ~~Aeronautics~~ and the Military Department shall enter into an agreement
15 that will continue the funding of the contract under this section from
16 the ~~Department of Aeronautics Cash Fund~~ in an amount equal to the
17 appropriation by the Legislature for such purpose.

18 Sec. 179. Section 57-1102, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 57-1102 Any such person, company, corporation, or association, in
21 the laying, relaying, operation, and maintenance of any such pipeline
22 within the State of Nebraska, shall have the right to enter upon and
23 cross, with such pipeline, any public road or highway, under such
24 reasonable regulations and restrictions as may be prescribed by the
25 Department of Transportation Roads, if it is a state or federal highway,
26 or by the county board of each county, as to all other public roads and
27 highways within such county, and shall also have the right to lay, relay,
28 operate, and maintain such pipeline in and along any public road or
29 highway.

30 Sec. 180. Section 57-1407, Revised Statutes Cumulative Supplement,
31 2016, is amended to read:

1 57-1407 (1) After receipt of an application under section 57-1405,
2 the commission shall:

3 (a) Within sixty days, schedule a public hearing;

4 (b) Notify the pipeline carrier of the time, place, and purpose of
5 the public hearing;

6 (c) Publish a notice of the time, place, and purpose of the public
7 hearing in at least one newspaper of general circulation in each county
8 in which the major oil pipeline is to be constructed; and

9 (d) Serve notice of the public hearing upon the governing bodies of
10 the counties and municipalities through which the proposed route of the
11 major oil pipeline would be located as specified in subdivision (2)(d) of
12 section 57-1405.

13 (2) The commission may hold additional public meetings for the
14 purpose of receiving input from the public at locations as close as
15 practicable to the proposed route of the major oil pipeline. The
16 commission shall make the public input part of the record.

17 (3) If requested by the commission, the following agencies shall
18 file a report with the commission, prior to the hearing on the
19 application, regarding information within the respective agencies' area
20 of expertise relating to the impact of the major oil pipeline on any area
21 within the respective agencies' jurisdiction, including in such report
22 opinions regarding the advisability of approving, denying, or modifying
23 the location of the proposed route of the major oil pipeline: The
24 Department of Environmental Quality, the Department of Natural Resources,
25 the Department of Revenue, the Department of Transportation Roads, the
26 Game and Parks Commission, the Nebraska Oil and Gas Conservation
27 Commission, the Nebraska State Historical Society, the State Fire
28 Marshal, and the Board of Educational Lands and Funds. The agencies may
29 submit a request for reimbursement of reasonable and necessary expenses
30 incurred for any consultants hired pursuant to this subsection.

31 (4) An application under the Major Oil Pipeline Siting Act shall be

1 approved if the proposed route of the major oil pipeline is determined by
2 the Public Service Commission to be in the public interest. The pipeline
3 carrier shall have the burden to establish that the proposed route of the
4 major oil pipeline would serve the public interest. In determining
5 whether the pipeline carrier has met its burden, the commission shall not
6 evaluate safety considerations, including the risk or impact of spills or
7 leaks from the major oil pipeline, but the commission shall evaluate:

8 (a) Whether the pipeline carrier has demonstrated compliance with
9 all applicable state statutes, rules, and regulations and local
10 ordinances;

11 (b) Evidence of the impact due to intrusion upon natural resources
12 and not due to safety of the proposed route of the major oil pipeline to
13 the natural resources of Nebraska, including evidence regarding the
14 irreversible and irretrievable commitments of land areas and connected
15 natural resources and the depletion of beneficial uses of the natural
16 resources;

17 (c) Evidence of methods to minimize or mitigate the potential
18 impacts of the major oil pipeline to natural resources;

19 (d) Evidence regarding the economic and social impacts of the major
20 oil pipeline;

21 (e) Whether any other utility corridor exists that could feasibly
22 and beneficially be used for the route of the major oil pipeline;

23 (f) The impact of the major oil pipeline on the orderly development
24 of the area around the proposed route of the major oil pipeline;

25 (g) The reports of the agencies filed pursuant to subsection (3) of
26 this section; and

27 (h) The views of the governing bodies of the counties and
28 municipalities in the area around the proposed route of the major oil
29 pipeline.

30 Sec. 181. Section 60-507, Revised Statutes Cumulative Supplement,
31 2016, is amended to read:

1 60-507 (1) Within ninety days after the receipt by the Department of
2 Transportation ~~Roads~~ of a report of a motor vehicle accident within this
3 state which has resulted in bodily injury or death, or damage to the
4 property of any one person, including such operator, to an apparent
5 extent in excess of one thousand dollars, the Department of Motor
6 Vehicles shall suspend (a) the license of each operator of a motor
7 vehicle in any manner involved in such accident and (b) the privilege, if
8 such operator is a nonresident, of operating a motor vehicle within this
9 state, unless such operator deposits security in a sum which shall be
10 sufficient, in the judgment of the Department of Motor Vehicles, to
11 satisfy any judgment or judgments for damages resulting from such
12 accident which may be recovered against such operator and unless such
13 operator gives proof of financial responsibility.

14 Notice of such suspension shall be sent by the Department of Motor
15 Vehicles by regular United States mail to such operator not less than
16 twenty days prior to the effective date of such suspension at his or her
17 last-known mailing address as shown by the records of the department and
18 shall state the amount required as security and the requirement of proof
19 of financial responsibility. In the event a person involved in a motor
20 vehicle accident within this state fails to make a report to the
21 Department of Motor Vehicles indicating the extent of his or her injuries
22 or the damage to his or her property within thirty days after the
23 accident, and the department does not have sufficient information on
24 which to base an evaluation of such injury or damage, the department,
25 after reasonable notice to such person, may not require any deposit of
26 security for the benefit or protection of such person. If the operator
27 fails to respond to the notice on or before twenty days after the date of
28 the notice, the director shall summarily suspend the operator's license
29 or privilege and issue an order of suspension.

30 (2) The order of suspension provided for in subsection (1) of this
31 section shall not be entered by the Department of Motor Vehicles if the

1 department determines that in its judgment there is no reasonable
2 possibility of a judgment being rendered against such operator.

3 (3) In determining whether there is a reasonable possibility of
4 judgment being rendered against such operator, the department shall
5 consider all reports and information filed in connection with the
6 accident.

7 (4) The order of suspension provided for in subsection (1) of this
8 section shall advise the operator that he or she has a right to appeal
9 the order of suspension in accordance with the provisions set forth in
10 section 60-503.

11 (5) The order of suspension provided for in subsection (1) of this
12 section shall be sent by regular United States mail to the person's last-
13 known mailing address as shown by the records of the department.

14 Sec. 182. Section 60-631, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 60-631 Manual shall mean the Manual on Uniform Traffic Control
17 Devices adopted by the Department of Transportation Roads pursuant to
18 section 60-6,118.

19 Sec. 183. Section 60-658.01, Reissue Revised Statutes of Nebraska,
20 is amended to read:

21 60-658.01 School crossing zone means the area of a roadway
22 designated to the public by the Department of Transportation Roads or any
23 county, city, or village as a school crossing zone through the use of a
24 sign or traffic control device as specified by the department or any
25 county, city, or village in conformity with the manual but does not
26 include any area of a freeway. A school crossing zone starts at the
27 location of the first sign or traffic control device identifying the
28 school crossing zone and continues until a sign or traffic control device
29 indicates that the school crossing zone has ended.

30 Sec. 184. Section 60-680, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 60-680 (1) Any local authority with respect to highways under its
2 jurisdiction and within the reasonable exercise of the police power may:

3 (a) Regulate or prohibit stopping, standing, or parking;

4 (b) Regulate traffic by means of peace officers or traffic control
5 devices;

6 (c) Regulate or prohibit processions or assemblages on the highways;

7 (d) Designate highways or roadways for use by traffic moving in one
8 direction;

9 (e) Establish speed limits for vehicles in public parks;

10 (f) Designate any highway as a through highway or designate any
11 intersection as a stop or yield intersection;

12 (g) Restrict the use of highways as authorized in section 60-681;

13 (h) Regulate operation of bicycles and require registration and
14 inspection of such, including requirement of a registration fee;

15 (i) Regulate operation of electric personal assistive mobility
16 devices;

17 (j) Regulate or prohibit the turning of vehicles or specified types
18 of vehicles;

19 (k) Alter or establish speed limits authorized in the Nebraska Rules
20 of the Road;

21 (l) Designate no-passing zones;

22 (m) Prohibit or regulate use of controlled-access highways by any
23 class or kind of traffic except those highways which are a part of the
24 state highway system;

25 (n) Prohibit or regulate use of heavily traveled highways by any
26 class or kind of traffic it finds to be incompatible with the normal and
27 safe movement of traffic, except that such regulations shall not be
28 effective on any highway which is part of the state highway system unless
29 authorized by the Department of Transportation Roads;

30 (o) Establish minimum speed limits as authorized in the rules;

31 (p) Designate hazardous railroad grade crossings as authorized in

1 the rules;

2 (q) Designate and regulate traffic on play streets;

3 (r) Prohibit pedestrians from crossing a roadway in a business
4 district or any designated highway except in a crosswalk as authorized in
5 the rules;

6 (s) Restrict pedestrian crossings at unmarked crosswalks as
7 authorized in the rules;

8 (t) Regulate persons propelling push carts;

9 (u) Regulate persons upon skates, coasters, sleds, and other toy
10 vehicles;

11 (v) Notwithstanding any other provision of law, adopt and enforce an
12 ordinance or resolution prohibiting the use of engine brakes on the
13 National System of Interstate and Defense Highways that has a grade of
14 less than five degrees within its jurisdiction. For purposes of this
15 subdivision, engine brake means a device that converts a power producing
16 engine into a power-absorbing air compressor, resulting in a net energy
17 loss;

18 (w) Adopt and enforce such temporary or experimental regulations as
19 may be necessary to cover emergencies or special conditions; and

20 (x) Adopt other traffic regulations except as prohibited by state
21 law or contrary to state law.

22 (2) No local authority, except an incorporated city with more than
23 forty thousand inhabitants, shall erect or maintain any traffic control
24 device at any location so as to require the traffic on any state highway
25 or state-maintained freeway to stop before entering or crossing any
26 intersecting highway unless approval in writing has first been obtained
27 from the Department of Transportation ~~Roads~~.

28 (3) No ordinance or regulation enacted under subdivision (1)(d),
29 (e), (f), (g), (j), (k), (l), (m), (n), (p), (q), or (s) of this section
30 shall be effective until traffic control devices giving notice of such
31 local traffic regulations are erected upon or at the entrances to such

1 affected highway or part thereof affected as may be most appropriate.

2 Sec. 185. Section 60-695, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 60-695 It shall be the duty of any peace officer who investigates
5 any traffic accident in the performance of his or her official duties in
6 all instances of an accident resulting in injury or death to any person
7 or in which estimated damage exceeds one thousand dollars to the property
8 of any one person to submit an original report of such investigation to
9 the Accident Records Bureau of the Department of Transportation ~~Roads~~
10 within ten days after each such accident. The department shall have
11 authority to collect accident information it deems necessary and shall
12 prescribe and furnish appropriate forms for reporting.

13 Sec. 186. Section 60-699, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 60-699 (1) The operator of any vehicle involved in an accident
16 resulting in injuries or death to any person or damage to the property of
17 any one person, including such operator, to an apparent extent of more
18 than one thousand dollars shall within ten days forward a report of such
19 accident to the Department of Transportation ~~Roads~~. If the operator is
20 physically incapable of making the report, the owner of the motor vehicle
21 involved in the accident shall, within ten days from the time he or she
22 learns of the accident, report the matter in writing to the Department of
23 Transportation ~~Roads~~. The Department of Transportation ~~Roads~~ or
24 Department of Motor Vehicles may require operators involved in accidents
25 to file supplemental reports of accidents upon forms furnished by it
26 whenever the original report is insufficient in the opinion of either
27 department. The operator or the owner of the motor vehicle shall make
28 such other and additional reports relating to the accident as either
29 department requires. Such records shall be retained for the period of
30 time specified by the State Records Administrator pursuant to the Records
31 Management Act.

1 (2) The report of accident required by this section shall be in two
2 parts. Part I shall be in such form as the Department of Transportation
3 ~~Roads~~ may prescribe and shall disclose full information concerning the
4 accident. Part II shall be in such form as the Department of Motor
5 Vehicles may prescribe and shall disclose sufficient information to
6 disclose whether or not the financial responsibility requirements of the
7 Motor Vehicle Safety Responsibility Act are met through the carrying of
8 liability insurance. The form used for the report shall be so perforated
9 that the parts may be readily separated.

10 (3) Upon receipt of a report of accident, the Department of
11 Transportation ~~Roads~~ shall determine the reportability and classification
12 of the accident and enter all information into a computerized data base.
13 Upon completion, the department shall separate the parts of the accident
14 report and shall forward Part II of the report to the Department of Motor
15 Vehicles for processing as provided in section 60-506.01.

16 (4) Such reports shall be without prejudice. All reports made by
17 peace officers, made to or filed with peace officers in their respective
18 offices or departments, or filed with or made by or to any other law
19 enforcement agency of the state shall be open to public inspection, but
20 accident reports filed by the operator or owner of a motor vehicle
21 pursuant to this section shall not be open to public inspection. The fact
22 that a report by an operator or owner has been so made shall be
23 admissible in evidence solely to prove compliance with this section, but
24 no such report or any part of or statement contained in the report shall
25 be admissible in evidence for any other purpose in any trial, civil or
26 criminal, arising out of such accidents nor shall the report be referred
27 to in any way or be any evidence of the negligence or due care of either
28 party at the trial of any action at law to recover damages.

29 (5) The failure by any person to report an accident as provided in
30 this section or to correctly give the information required in connection
31 with the report shall be a Class V misdemeanor.

1 Sec. 187. Section 60-6,101, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 60-6,101 Any coroner or other official performing the duties of
4 coroner shall report in writing to the Department of Transportation Roads
5 the death of any person within his or her jurisdiction as the result of
6 an accident involving a motor vehicle and the circumstances of such
7 accident. Such report by the coroner shall be made within ten days after
8 such death.

9 Sec. 188. Section 60-6,102, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 60-6,102 In the case of a driver who dies within four hours after
12 being in a motor vehicle accident, including a motor vehicle accident in
13 which one or more persons in addition to such driver is killed, and of a
14 pedestrian sixteen years of age or older who dies within four hours after
15 being struck by a motor vehicle, the coroner or other official performing
16 the duties of coroner shall examine the body and cause such tests to be
17 made as are necessary to determine the amount of alcohol or drugs in the
18 body of such driver or pedestrian. Such information shall be included in
19 each report submitted pursuant to sections 60-6,101 to 60-6,104 and shall
20 be tabulated on a monthly basis by the Department of Transportation
21 ~~Roads~~. Such information, including the identity of the deceased and any
22 such amount of alcohol or drugs, shall be public information and may be
23 released or disclosed as provided in rules and regulations of the
24 department.

25 Sec. 189. Section 60-6,103, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 60-6,103 Any surviving driver or pedestrian sixteen years of age or
28 older who is involved in a motor vehicle accident in which a person is
29 killed shall be requested, if he or she has not otherwise been directed
30 by a peace officer to submit to a chemical test under section 60-6,197,
31 to submit to a chemical test of blood, urine, or breath as the peace

1 officer directs for the purpose of determining the amount of alcohol or
2 drugs in his or her body fluid. The results of such test shall be
3 reported in writing to the Director-State Engineer who shall tabulate
4 such results on a monthly basis. Such information, including the identity
5 of such driver or pedestrian and any such amount of alcohol or drugs,
6 shall be public information and may be released or disclosed as provided
7 in rules and regulations of the Department of Transportation Roads. The
8 provisions of sections 60-6,199, 60-6,200, and 60-6,202 shall, when
9 applicable, apply to the tests provided for in this section.

10 Sec. 190. Section 60-6,106, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 60-6,106 The Department of Transportation Roads shall reimburse any
13 county for expenses and costs incurred by the county pursuant to sections
14 60-6,101 to 60-6,105. The department shall provide the official in each
15 county with the appropriate reporting form.

16 Sec. 191. Section 60-6,107, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 60-6,107 (1) Except as provided in subsection (2) of this section,
19 the Department of Health and Human Services shall adopt necessary rules
20 and regulations for the administration of the provisions of sections
21 60-6,101 to 60-6,106.

22 (2) The Department of Transportation Roads shall adopt and
23 promulgate rules and regulations which shall provide for the release and
24 disclosure of the results of tests conducted under sections 60-6,102 and
25 60-6,103.

26 Sec. 192. Section 60-6,115, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 60-6,115 Notwithstanding the provisions of subsection (1) of section
29 60-6,119, when the Department of Transportation Roads, any local
30 authority, or its authorized representative or permittee has closed, in
31 whole or in part, by barricade or otherwise, during repair or

1 construction, any portion of any highway, the restrictions upon the use
2 of such highway shall not apply to persons living along such closed
3 highway or to persons who would need to travel such highway during the
4 normal course of their operations if no other route of travel is
5 available to such person, but extreme care shall be exercised by such
6 persons on such highway.

7 Sec. 193. Section 60-6,118, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 60-6,118 Consistent with the provisions of the Nebraska Rules of the
10 Road, the Department of Transportation ~~Roads~~ may adopt and promulgate
11 rules and regulations adopting and implementing a manual providing a
12 uniform system of traffic control devices on all highways within this
13 state which, together with any supplements adopted by the department,
14 shall be known as the Manual on Uniform Traffic Control Devices.

15 Sec. 194. Section 60-6,120, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 60-6,120 (1) The Department of Transportation ~~Roads~~ shall place and
18 maintain, or provide for such placing and maintaining, such traffic
19 control devices, conforming to the manual, upon all state highways as it
20 deems necessary to indicate and to carry out the Nebraska Rules of the
21 Road or to regulate, warn, or guide traffic.

22 (2)(a) In incorporated cities and villages with less than forty
23 thousand inhabitants, the department shall have exclusive jurisdiction
24 regarding the erection and maintenance of traffic control devices on the
25 state highway system but shall not place traffic control devices on the
26 state highway system within incorporated cities and villages of more than
27 twenty-five hundred inhabitants without consultation with the proper city
28 officials.

29 (b) In incorporated cities of forty thousand or more inhabitants,
30 except on state-maintained freeways of the state highway system where the
31 department retains exclusive jurisdiction, the city shall have

1 jurisdiction regarding erection and maintenance of traffic control
2 devices on the state highway system after consultation with the
3 department, except that there shall be joint jurisdiction with the
4 department for such traffic control devices for which the department
5 accepts responsibility for the erection and maintenance.

6 (3) No local authority shall place or maintain any traffic control
7 device upon any highway under the jurisdiction of the department, except
8 by permission of the department, or on any state-maintained freeway of
9 the state highway system.

10 (4) The placing of traffic control devices by the department shall
11 not be a departmental rule, regulation, or order subject to the statutory
12 procedures for such rules, regulations, or orders but shall be considered
13 as establishing precepts extending the provisions of the Nebraska Rules
14 of the Road as necessary to regulate, warn, or guide traffic. Violation
15 of such traffic control devices shall be punishable as provided in the
16 rules.

17 Sec. 195. Section 60-6,126.01, Reissue Revised Statutes of Nebraska,
18 is amended to read:

19 60-6,126.01 Local authorities may place and maintain road name signs
20 on the same sign posts as signs under the jurisdiction of the Department
21 of Transportation ~~Roads~~ when highway visibility would not be impaired.
22 Local authorities may also place and maintain road name signs in the
23 right-of-way of any highway under the jurisdiction of the Department of
24 Transportation ~~Roads~~ when highway visibility would not be impaired.

25 Sec. 196. Section 60-6,129, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 60-6,129 (1) No person shall, without lawful authority, attempt to
28 or in fact alter, deface, injure, knock down, or remove any traffic
29 control device, any railroad sign or signal, or any part of such a
30 device, sign, or signal.

31 (2) Any person who moves, alters, damages, or destroys warning

1 devices placed upon roads which the Department of Transportation Roads or
2 any local authority or its representative has closed in whole or in part
3 for the protection of the public or for the protection of the highway
4 from damage during construction, improvement, or maintenance operation
5 and thereby causes injury or death to any person or damage to any
6 property, equipment, or material thereon shall be liable, subject to
7 sections 25-21,185 and 25-21,185.07 to 25-21,185.12, for the full or
8 allocated amount of such death, injury, or damage, and such amount may be
9 recovered by the injured or damaged party or his or her legal
10 representative in a civil action brought in any court of competent
11 jurisdiction.

12 Sec. 197. Section 60-6,130, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 60-6,130 (1) Any person who willfully or maliciously shoots upon the
15 public highway and injures, defaces, damages, or destroys any signs,
16 monuments, road markers, traffic control devices, traffic surveillance
17 devices, or other public notices lawfully placed upon such highways shall
18 be guilty of a Class III misdemeanor.

19 (2) No person shall willfully or maliciously injure, deface, alter,
20 or knock down any sign, traffic control device, or traffic surveillance
21 device.

22 (3) It shall be unlawful for any person, other than a duly
23 authorized representative of the Department of Transportation Roads, a
24 county, or a municipality, to remove any sign, traffic control device, or
25 traffic surveillance device placed along a highway for traffic control,
26 warning, or informational purposes by official action of the department,
27 county, or municipality. It shall be unlawful for any person to possess a
28 sign or device which has been removed in violation of this subsection.

29 (4) Any person violating subsection (2) or (3) of this section shall
30 be guilty of a Class II misdemeanor and shall be assessed liquidated
31 damages in the amount of the value of the sign, traffic control device,

1 or traffic surveillance device and the cost of replacing it.

2 Sec. 198. Section 60-6,137, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 60-6,137 (1) The Department of Transportation Roads and local
5 authorities may determine those portions of any highway under their
6 respective jurisdictions where overtaking and passing or driving to the
7 left of the center of the roadway would be especially hazardous and may
8 by appropriate signs or markings on the roadway indicate the beginning
9 and end of such zones. When such signs or markings are in place and
10 clearly visible to an ordinarily observant person, every driver of a
11 vehicle shall obey such indications.

12 (2) Where signs or markings are in place to define a no-passing
13 zone, no driver shall at any time drive on the left side of the roadway
14 within such no-passing zone or on the left side of any pavement striping
15 designed to mark such no-passing zone throughout its length.

16 (3) This section shall not apply (a) under the conditions described
17 in subdivision (1)(b) of section 60-6,131 or (b) to the driver of a
18 vehicle turning left into or from an alley, private road, or driveway
19 unless otherwise prohibited by signs.

20 Sec. 199. Section 60-6,138, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 60-6,138 (1) The Department of Transportation Roads and local
23 authorities with respect to highways under their respective jurisdictions
24 may designate any highway, roadway, part of a roadway, or specific lanes
25 upon which vehicular traffic shall proceed in one direction at all times
26 or at such times as shall be indicated by traffic control devices.

27 (2) Except for emergency vehicles, no vehicle shall be operated,
28 backed, pushed, or otherwise caused to move in a direction which is
29 opposite to the direction designated by competent authority on any
30 deceleration lane, acceleration lane, access ramp, shoulder, or roadway.

31 (3) A vehicle which passes around a rotary traffic island shall be

1 driven only to the right of such island.

2 Sec. 200. Section 60-6,139, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 60-6,139 Whenever any roadway has been divided into two or more
5 clearly marked lanes for traffic, the following rules, in addition to all
6 others consistent with this section, shall apply:

7 (1) A vehicle shall be driven as nearly as practicable within a
8 single lane and shall not be moved from such lane until the driver has
9 first ascertained that such movement can be made with safety;

10 (2) Upon a roadway which is divided into three lanes and provides
11 for two-way movement of traffic, a vehicle shall not be driven in the
12 center lane except (a) when overtaking and passing another vehicle
13 traveling in the same direction when such center lane is clear of traffic
14 within a safe distance, (b) in preparation for making a left turn, or (c)
15 when such center lane is at the time allocated exclusively to traffic
16 moving in the same direction that the vehicle is proceeding and such
17 allocation is designated by traffic control devices;

18 (3) Traffic control devices may be erected by the Department of
19 Transportation Roads or local authorities to direct specified traffic to
20 use a designated lane or to designate those lanes to be used by traffic
21 moving in a particular direction regardless of the center of the roadway
22 and drivers of vehicles shall obey the directions of every such device;
23 and

24 (4) Traffic control devices may be installed by the department or
25 local authorities to prohibit the changing of lanes on sections of
26 roadway and drivers of vehicles shall obey the directions of every such
27 device.

28 Sec. 201. Section 60-6,144, Revised Statutes Cumulative Supplement,
29 2016, is amended to read:

30 60-6,144 Use of a freeway and entry thereon by the following shall
31 be prohibited at all times except by permit from the Department of

1 Transportation Roads or from the local authority in the case of freeways
2 not under the jurisdiction of the department:

3 (1) Pedestrians except in areas specifically designated for that
4 purpose;

5 (2) Hitchhikers or walkers;

6 (3) Vehicles not self-propelled;

7 (4) Bicycles, motor-driven cycles, motor scooters not having motors
8 of more than ten horsepower, and electric personal assistive mobility
9 devices;

10 (5) Animals led, driven on the hoof, ridden, or drawing a vehicle;

11 (6) Funeral processions;

12 (7) Parades or demonstrations;

13 (8) Vehicles, except emergency vehicles, unable to maintain minimum
14 speed as provided in the Nebraska Rules of the Road;

15 (9) Construction equipment;

16 (10) Implements of husbandry, whether self-propelled or towed,
17 except as provided in section 60-6,383;

18 (11) Vehicles with improperly secured attachments or loads;

19 (12) Vehicles in tow, when the connection consists of a chain, rope,
20 or cable, except disabled vehicles which shall be removed from such
21 freeway at the nearest interchange;

22 (13) Vehicles with deflated pneumatic, metal, or solid tires or
23 continuous metal treads except maintenance vehicles;

24 (14) Any person standing on or near a roadway for the purpose of
25 soliciting or selling to an occupant of any vehicle; or

26 (15) Overdimensional vehicles.

27 Sec. 202. Section 60-6,145, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 60-6,145 The Department of Transportation Roads and local
30 authorities shall erect and maintain at appropriate locations official
31 signs on freeways under their respective jurisdictions apprising

1 motorists of the restrictions placed upon the use of such highways by the
2 Nebraska Rules of the Road. When the department or local authority posts
3 such signs, it need not follow the usual rules and procedure of posting
4 signs on or near freeways nor shall the department be required to conform
5 with the formalities of public hearings. When such signs are erected, no
6 person shall violate the restrictions stated on such signs.

7 Sec. 203. Section 60-6,153, Revised Statutes Cumulative Supplement,
8 2016, is amended to read:

9 60-6,153 (1) Except at a point where a pedestrian tunnel or overhead
10 pedestrian crossing has been provided, when traffic control signals are
11 not in place or not in operation, the driver of a vehicle shall yield the
12 right-of-way to a pedestrian crossing the roadway within a crosswalk who
13 is in the lane in which the driver is proceeding or is in the lane
14 immediately adjacent thereto by bringing his or her vehicle to a complete
15 stop.

16 (2) No pedestrian shall suddenly leave a curb or other place of
17 safety and walk or run into the path of a vehicle which is so close that
18 it is impossible for the driver to stop.

19 (3) Whenever any vehicle is stopped at a marked crosswalk or at any
20 unmarked crosswalk at an intersection to permit a pedestrian to cross the
21 roadway, the driver of any other vehicle approaching from the rear shall
22 not overtake and pass such stopped vehicle.

23 (4) At or adjacent to the intersection of two highways at which a
24 path designated for bicycles and pedestrians is controlled by a traffic
25 control signal, a pedestrian who lawfully enters a highway where the path
26 crosses the highway shall have the right-of-way within the crossing with
27 respect to vehicles and bicycles.

28 (5) The Department of Transportation ~~Roads~~ and local authorities in
29 their respective jurisdictions may, after an engineering and traffic
30 investigation, designate unmarked crosswalk locations where pedestrian
31 crossing is prohibited or where pedestrians shall yield the right-of-way

1 to vehicles. Such restrictions shall be effective only when traffic
2 control devices indicating such restrictions are in place.

3 Sec. 204. Section 60-6,154, Revised Statutes Cumulative Supplement,
4 2016, is amended to read:

5 60-6,154 (1) Every pedestrian who crosses a roadway at any point
6 other than within a marked crosswalk, or within an unmarked crosswalk at
7 an intersection, shall yield the right-of-way to all vehicles upon the
8 roadway.

9 (2) Any pedestrian who crosses a roadway at a point where a
10 pedestrian tunnel or overhead pedestrian crossing has been provided shall
11 yield the right-of-way to all vehicles upon the roadway.

12 (3) Between adjacent intersections at which traffic control signals
13 are in operation, pedestrians shall not cross at any place except in a
14 marked crosswalk.

15 (4) Where a path designated for bicycles and pedestrians crosses a
16 highway, a pedestrian who is in the crossing in accordance with the
17 traffic control device shall have the right-of-way within the crossing
18 with respect to vehicles and bicycles.

19 (5) No pedestrian shall cross a roadway intersection diagonally
20 unless authorized by traffic control devices, and when authorized to
21 cross diagonally, pedestrians shall cross only in accordance with the
22 traffic control devices pertaining to such crossing movements.

23 (6) Local authorities and the Department of Transportation Roads, by
24 erecting appropriate official traffic control devices, may, within their
25 respective jurisdictions, prohibit pedestrians from crossing any roadway
26 in a business district or any designated highway except in a crosswalk.

27 Sec. 205. Section 60-6,159, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 60-6,159 (1) Both the approach for a right turn and a right turn
30 shall be made as close as practicable to the right-hand curb or edge of
31 the roadway.

1 (2) The driver of a vehicle intending to turn left at any
2 intersection shall approach the intersection in the extreme left-hand
3 lane lawfully available to traffic moving in the direction of travel of
4 such vehicle and, after entering the intersection, the left turn shall be
5 made so as to leave the intersection, as nearly as practicable, in the
6 extreme left-hand lane lawfully available to traffic moving in such
7 direction upon the roadway being entered. Whenever practicable, the left
8 turn shall be made in that portion of the intersection to the left of the
9 center of the intersection.

10 (3) The Department of Transportation ~~Roads~~ and local authorities in
11 their respective jurisdictions may cause traffic control devices to be
12 placed within or adjacent to intersections and thereby require and direct
13 that a different course from that specified in this section be traveled
14 by vehicles turning at an intersection, and when such devices are so
15 placed, no driver of a vehicle shall turn a vehicle at an intersection
16 other than as directed and required by such devices.

17 Sec. 206. Section 60-6,164, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 60-6,164 (1) No person shall stop, park, or leave standing any
20 vehicle, whether attended or unattended, upon a roadway outside of a
21 business or residential district when it is practicable to stop, park, or
22 leave such vehicle off such part of a highway, but in any event an
23 unobstructed width of the roadway opposite a standing vehicle shall be
24 left for the free passage of other vehicles and a clear view of such
25 stopped vehicle shall be available from a distance of two hundred feet in
26 each direction upon such highway. Such parking, stopping, or standing
27 shall in no event exceed twenty-four hours.

28 (2) No person shall stop, park, or leave standing any vehicle on a
29 freeway except in areas designated or unless so directed by a peace
30 officer, except that when a vehicle is disabled or inoperable or the
31 driver of the vehicle is ill or incapacitated, such vehicle shall be

1 permitted to park, stop, or stand on the shoulder facing in the direction
2 of travel with all wheels and projecting parts of such vehicle completely
3 clear of the traveled lanes, but in no event shall such parking,
4 standing, or stopping upon the shoulder of a freeway exceed twelve hours.

5 (3) No person, except law enforcement, fire department, emergency
6 management, public or private ambulance, or authorized Department of
7 Transportation Roads or local authority personnel, shall loiter or stand
8 or park any vehicle upon any bridge, highway, or structure which is
9 located above or below or crosses over or under the roadway of any
10 highway or approach or exit road thereto.

11 (4) Whenever a vehicle is disabled or inoperable in a roadway or for
12 any reason obstructs the regular flow of traffic for reasons other than
13 an accident, the driver shall move or cause the vehicle to be moved as
14 soon as practical so as to not obstruct the regular flow of traffic.

15 (5) This section does not apply to the driver of any vehicle which
16 is disabled while on the roadway in such manner and to such extent that
17 it is impossible to avoid stopping and temporarily leaving such disabled
18 vehicle in such position until such time as it can be removed pursuant to
19 subsection (4) of this section.

20 Sec. 207. Section 60-6,166, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 60-6,166 (1) Except when necessary to avoid conflict with other
23 traffic or when in compliance with law or the directions of a peace
24 officer or traffic control device, no person shall:

25 (a) Stop, stand, or park any vehicle:

26 (i) On the roadway side of any vehicle stopped or parked at the edge
27 or curb of a street;

28 (ii) On a sidewalk;

29 (iii) Within an intersection;

30 (iv) On a crosswalk;

31 (v) Between a safety zone and the adjacent curb or within thirty

1 feet of points on the curb immediately opposite the ends of a safety zone
2 unless the Department of Transportation Roads or the local authority
3 indicates a different length by signs or markings;

4 (vi) Alongside or opposite any street excavation or obstruction when
5 stopping, standing, or parking would obstruct traffic;

6 (vii) Upon any bridge or other elevated structure over a highway or
7 within a highway tunnel;

8 (viii) On any railroad track; or

9 (ix) At any place where official signs prohibit stopping;

10 (b) Stand or park a vehicle, whether occupied or not, except
11 momentarily to pick up or discharge a passenger or passengers:

12 (i) In front of a public or private driveway;

13 (ii) Within fifteen feet of a fire hydrant;

14 (iii) Within twenty feet of a crosswalk at an intersection;

15 (iv) Within thirty feet of any flashing signal, stop sign, yield
16 sign, or other traffic control device located at the side of a roadway;

17 (v) Within twenty feet of the driveway entrance to any fire station
18 and on the side of a street opposite the entrance to any fire station
19 within seventy-five feet of such entrance when properly signposted; or

20 (vi) At any place where official signs prohibit standing; or

21 (c) Park a vehicle, whether occupied or not, except temporarily for
22 the purpose of and while actually engaged in loading or unloading
23 merchandise or passengers:

24 (i) Within fifty feet of the nearest rail of a railroad crossing; or

25 (ii) At any place where official signs prohibit parking.

26 (2) No person shall move a vehicle not lawfully under his or her
27 control into any such prohibited area or away from a curb such a distance
28 as shall be unlawful.

29 Sec. 208. Section 60-6,167, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 60-6,167 (1) Except as otherwise provided in this section, any

1 vehicle stopped or parked upon a two-way roadway where parking is
2 permitted shall be so stopped or parked with the right-hand wheels
3 parallel to and within twelve inches of the right-hand curb or edge of
4 such roadway. No vehicle shall be parked upon a roadway when there is a
5 shoulder adjacent to the roadway which is available for parking.

6 (2) Except when otherwise provided by a local authority, every
7 vehicle stopped or parked upon a one-way roadway shall be so stopped or
8 parked parallel to the curb or edge of such roadway, in the direction of
9 authorized traffic movement, with its right-hand wheels within twelve
10 inches of the right-hand curb or edge of the roadway or its left-hand
11 wheels within twelve inches of the left-hand curb or edge of such
12 roadway.

13 (3) A local authority may permit angle or center parking on any
14 roadway, except that angle or center parking shall not be permitted on
15 any federal-aid highway or on any part of the state highway system unless
16 the Director-State Engineer has determined that such roadway is of
17 sufficient width to permit angle or center parking without interfering
18 with the free movement of traffic.

19 (4) The Department of Transportation ~~Roads~~ or a local authority may
20 prohibit or restrict stopping, standing, or parking on highways under its
21 respective jurisdiction outside the corporate limits of any city or
22 village and erect and maintain proper and adequate signs thereon. No
23 person shall stop, stand, or park any vehicle in violation of the
24 restrictions stated on such signs.

25 Sec. 209. Section 60-6,171, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 60-6,171 The Department of Transportation ~~Roads~~ and local
28 authorities on highways under their respective jurisdictions may
29 designate particularly dangerous highway grade crossings of railroads and
30 erect stop signs at the crossings. When such stop signs are erected, the
31 driver of any vehicle shall stop within fifty feet but not less than

1 fifteen feet from the nearest rail of such railroad and shall proceed
2 only upon exercising due care.

3 Sec. 210. Section 60-6,176, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 60-6,176 The Department of Transportation Roads shall by rule and
6 regulation adopt and promulgate uniform standards for school bus loading
7 area warning signs. Such standards shall include requirements for the
8 size, material, construction, and required wording. No school district
9 shall use a school bus loading area warning sign unless such sign
10 complies with all rules and regulations adopted and promulgated by the
11 department. The cost of any sign shall be an obligation of the school
12 district.

13 Sec. 211. Section 60-6,177, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 60-6,177 The Department of Transportation Roads shall post on
16 highways of the state highway system outside of business and residential
17 districts signs to the effect that it is unlawful to pass school buses
18 stopped to load or unload children. Such signs shall be adequate in size
19 and number to properly inform the public of the provisions relative to
20 such passing.

21 Sec. 212. Section 60-6,186, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 60-6,186 (1) Except when a special hazard exists that requires lower
24 speed for compliance with section 60-6,185, the limits set forth in this
25 section and sections 60-6,187, 60-6,188, 60-6,305, and 60-6,313 shall be
26 the maximum lawful speeds unless reduced pursuant to subsection (2) of
27 this section, and no person shall drive a vehicle on a highway at a speed
28 in excess of such maximum limits:

29 (a) Twenty-five miles per hour in any residential district;

30 (b) Twenty miles per hour in any business district;

31 (c) Fifty miles per hour upon any highway that is not dustless

1 surfaced and not part of the state highway system;

2 (d) Fifty-five miles per hour upon any dustless-surfaced highway not
3 a part of the state highway system;

4 (e) Sixty miles per hour upon any part of the state highway system
5 other than an expressway or a freeway, except that the Department of
6 Transportation Roads may, where existing design and traffic conditions
7 allow, according to an engineering study, authorize a speed limit five
8 miles per hour greater;

9 (f) Sixty-five miles per hour upon an expressway that is part of the
10 state highway system;

11 (g) Sixty-five miles per hour upon a freeway that is part of the
12 state highway system but not part of the National System of Interstate
13 and Defense Highways; and

14 (h) Seventy-five miles per hour upon the National System of
15 Interstate and Defense Highways, except that the maximum speed limit
16 shall be sixty miles per hour for:

17 (i) Any portion of the National System of Interstate and Defense
18 Highways located in Douglas County; and

19 (ii) That portion of the National System of Interstate and Defense
20 Highways designated as Interstate 180 in Lancaster County and Interstate
21 129 in Dakota County.

22 (2) The maximum speed limits established in subsection (1) of this
23 section may be reduced by the Department of Transportation Roads or by
24 local authorities pursuant to section 60-6,188 or 60-6,190.

25 (3) The Department of Transportation Roads and local authorities may
26 erect and maintain suitable signs along highways under their respective
27 jurisdictions in such number and at such locations as they deem necessary
28 to give adequate notice of the speed limits established pursuant to
29 subsection (1) or (2) of this section upon such highways.

30 Sec. 213. Section 60-6,188, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 60-6,188 (1) The maximum speed limit through any maintenance,
2 repair, or construction zone on the state highway system shall be thirty-
3 five miles per hour in rural areas and twenty-five miles per hour in
4 urban areas.

5 (2) Such speed limits shall take effect only after appropriate signs
6 giving notice of the speed limit are erected or displayed in a
7 conspicuous place in advance of the area where the maintenance, repair,
8 or construction activity is or will be taking place. Such signs shall
9 conform to the manual and shall be regulatory signs imposing a legal
10 obligation and restriction on all traffic proceeding into the
11 maintenance, construction, or repair zone. The signs may be displayed
12 upon a fixed, variable, or movable stand. While maintenance,
13 construction, or repair is being performed, the signs may be mounted upon
14 moving Department of Transportation ~~Roads~~ vehicles displaying such signs
15 well in advance of the maintenance zone.

16 (3) The Director-State Engineer may increase the speed limit through
17 any highway maintenance, repair, or construction zone in increments of
18 five miles per hour if the speed set does not exceed the maximum speed
19 limits established in sections 60-6,186, 60-6,187, 60-6,189, 60-6,190,
20 60-6,305, and 60-6,313. The Director-State Engineer may delegate the
21 authority to raise speed limits through any maintenance, repair, or
22 construction zone to any department employee in a supervisory capacity or
23 may delegate such authority to a county, municipal, or local engineer who
24 has the duty to maintain the state highway system in such jurisdiction if
25 the maintenance is performed on behalf of the department by contract with
26 the local authority. Such increased speed limit through a maintenance,
27 repair, or construction zone shall be effective when the Director-State
28 Engineer or any officer to whom authority has been delegated gives a
29 written order for such increase and signs posting such speed limit are
30 erected or displayed.

31 (4) The Department of Transportation ~~Roads~~ shall post signs in

1 maintenance, repair, or construction zones which inform motorists that
2 the fine for exceeding the posted speed limit in such zones is doubled.

3 Sec. 214. Section 60-6,189, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 60-6,189 (1) No person shall drive a vehicle over any public bridge,
6 causeway, viaduct, or other elevated structure at a speed which is
7 greater than the maximum speed which can be maintained with safety
8 thereon when such structure is posted with signs as provided in
9 subsection (2) of this section.

10 (2) The Department of Transportation Roads or a local authority may
11 conduct an investigation of any bridge or other elevated structure
12 constituting a part of a highway under its jurisdiction, and if it finds
13 that such structure cannot safely withstand vehicles traveling at the
14 speed otherwise permissible, the department or local authority shall
15 determine and declare the maximum speed of vehicles which such structure
16 can safely withstand and shall cause suitable signs stating such maximum
17 speed to be erected and maintained before each end of such structure.

18 (3) Upon the trial of any person charged with a violation of
19 subsection (1) of this section, proof of such determination of the
20 maximum speed by the department or local authority and the existence of
21 such signs shall constitute conclusive evidence of the maximum speed
22 which can be maintained with safety on such bridge or structure.

23 Sec. 215. Section 60-6,190, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 60-6,190 (1) Whenever the Department of Transportation Roads
26 determines, upon the basis of an engineering and traffic investigation,
27 that any maximum speed limit is greater or less than is reasonable or
28 safe under the conditions found to exist at any intersection, place, or
29 part of the state highway system outside of the corporate limits of
30 cities and villages as well as inside the corporate limits of cities and
31 villages on freeways which are part of the state highway system, it may

1 determine and set a reasonable and safe maximum speed limit for such
2 intersection, place, or part of such highway which shall be the lawful
3 speed limit when appropriate signs giving notice thereof are erected at
4 such intersection, place, or part of the highway, except that the maximum
5 rural and freeway limits shall not be exceeded. Such a maximum speed
6 limit may be set to be effective at all times or at such times as are
7 indicated upon such signs.

8 (2) The speed limits set by the department shall not be a
9 departmental rule, regulation, or order subject to the statutory
10 procedures for such rules, regulations, or orders but shall be an
11 authorization over the signature of the Director-State Engineer and shall
12 be maintained on permanent file at the headquarters of the department.
13 Certified copies of such authorizations shall be available from the
14 department at a reasonable cost for duplication. Any change to such an
15 authorization shall be made by a new authorization which cancels the
16 previous authorization and establishes the new limit, but the new limit
17 shall not become effective until signs showing the new limit are erected
18 as provided in subsection (1) of this section.

19 (3) On county highways which are not part of the state highway
20 system or within the limits of any state institution or any area under
21 control of the Game and Parks Commission or a natural resources district
22 and which are outside of the corporate limits of cities and villages,
23 county boards shall have the same power and duty to alter the maximum
24 speed limits as the department if the change is based on an engineering
25 and traffic investigation comparable to that made by the department. The
26 limit outside of a business or residential district shall not be
27 decreased to less than thirty-five miles per hour.

28 (4) On all highways within their corporate limits, except on state-
29 maintained freeways which are part of the state highway system,
30 incorporated cities and villages shall have the same power and duty to
31 alter the maximum speed limits as the department if the change is based

1 on engineering and traffic investigation, except that no imposition of
2 speed limits on highways which are part of the state highway system in
3 cities and villages under forty thousand inhabitants shall be effective
4 without the approval of the department.

5 (5) The director of any state institution, the Game and Parks
6 Commission, or a natural resources district, with regard to highways
7 which are not a part of the state highway system, which are within the
8 limits of such institution or area under Game and Parks Commission or
9 natural resources district control, and which are outside the limits of
10 any incorporated city or village, shall have the same power and duty to
11 alter the maximum speed limits as the department if the change is based
12 on an engineering and traffic investigation comparable to that made by
13 the department.

14 (6) Not more than six such speed limits shall be set per mile along
15 a highway, except in the case of reduced limits at intersections. The
16 difference between adjacent speed limits along a highway shall not be
17 reduced by more than twenty miles per hour, and there shall be no limit
18 on the difference between adjacent speed limits for increasing speed
19 limits along a highway.

20 (7) When the department or a local authority determines by an
21 investigation that certain vehicles in addition to those specified in
22 sections 60-6,187, 60-6,305, and 60-6,313 cannot with safety travel at
23 the speeds provided in sections 60-6,186, 60-6,187, 60-6,189, 60-6,305,
24 and 60-6,313 or set pursuant to this section or section 60-6,188 or
25 60-6,189, the department or local authority may restrict the speed limit
26 for such vehicles on highways under its respective jurisdiction and post
27 proper and adequate signs.

28 Sec. 216. Section 60-6,193, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 60-6,193 (1) No person shall drive a motor vehicle at such a slow
31 speed as to impede the normal and reasonable movement of traffic except

1 when reduced speed is necessary for safe operation or in compliance with
2 law.

3 (2) On a freeway no motor vehicle, except emergency vehicles, shall
4 be operated at a speed of less than forty miles per hour or at such a
5 slow speed as to impede or block the normal and reasonable movement of
6 traffic except when reduced speed is necessary for the safe operation of
7 the motor vehicle because of weather, visibility, roadway, or traffic
8 conditions. All vehicles entering or leaving such freeway from an
9 acceleration or deceleration lane shall conform with the minimum speed
10 regulations while they are within the roadway of the freeway. The minimum
11 speed of forty miles per hour may be altered by the Department of
12 Transportation ~~Roads~~ or local authorities on freeways under their
13 respective jurisdictions.

14 (3) Whenever the department or any local authority within its
15 respective jurisdiction determines on the basis of an engineering and
16 traffic investigation that low speeds on any part of a highway
17 consistently impede the normal and reasonable movement of traffic, the
18 department or such local authority may determine and declare a minimum
19 speed limit below which no person shall drive a vehicle except when
20 necessary for safe operation or in compliance with law.

21 (4) Vehicular, animal, and pedestrian traffic prohibited on freeways
22 by the Nebraska Rules of the Road shall not travel on any other roadway
23 where minimum speed limits of twenty miles per hour or more are posted.

24 (5) Any minimum speed limit which is imposed under subsection (2) or
25 (3) of this section shall not be effective until appropriate and adequate
26 signs are erected along the roadway affected by such regulation apprising
27 motorists of such limitation.

28 (6) On any freeway, or other highway providing for two or more lanes
29 of travel in one direction, vehicles shall not intentionally impede the
30 normal flow of traffic by traveling side by side and at the same speed
31 while in adjacent lanes. This subsection shall not be construed to

1 prevent vehicles from traveling side by side in adjacent lanes because of
2 congested traffic conditions.

3 Sec. 217. Section 60-6,230, Revised Statutes Cumulative Supplement,
4 2016, is amended to read:

5 60-6,230 (1) Except as provided in this section and sections
6 60-6,231 to 60-6,233, no person shall operate any motor vehicle or any
7 equipment of any description on any highway in this state with any
8 rotating or flashing light.

9 (2) Except for stop lights and directional signals, which may be
10 red, yellow, or amber, no person shall display any color of light other
11 than red on the rear of any motor vehicle or any equipment of any kind on
12 any highway within this state.

13 (3) Amber rotating or flashing lights shall be displayed on vehicles
14 of the Military Department for purpose of convoy control when on any
15 state emergency mission.

16 (4) A single flashing white light may be displayed on the roof of
17 school transportation vehicles during extremely adverse weather
18 conditions.

19 (5) Blue and amber rotating or flashing lights may be displayed on
20 (a) vehicles when operated by the Department of Transportation ~~Roads~~ or
21 any local authority for the inspection, construction, repair, or
22 maintenance of highways, roads, or streets or (b) vehicles owned and
23 operated by any public utility for the construction, maintenance, and
24 repair of utility infrastructure on or near any highway.

25 Sec. 218. Section 60-6,250, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 60-6,250 (1) Every solid rubber tire on a vehicle moved on any
28 highway shall have rubber on its entire traction surface at least one
29 inch thick above the edge of the flange of the entire periphery.

30 (2) No tire on a vehicle moved on a highway shall have on its
31 periphery any clock, stud, flange, cleat, or spike or any other

1 protuberance of any material other than rubber which projects beyond the
2 tread of the traction surface of the tire, except that:

3 (a) This prohibition shall not apply to pneumatic tires with metal
4 or metal-type studs not exceeding five-sixteenths of an inch in diameter
5 inclusive of the stud-casing with an average protrusion beyond the tread
6 surface of not more than seven sixty-fourths of an inch between November
7 1 and April 1, except that school buses, mail carrier vehicles, and
8 emergency vehicles shall be permitted to use metal or metal-type studs at
9 any time during the year;

10 (b) It shall be permissible to use farm machinery with tires having
11 protuberances which will not injure the highway; and

12 (c) It shall be permissible to use tire chains of reasonable
13 proportions upon any vehicle when required for safety because of snow,
14 ice, or other condition tending to cause a vehicle to slide or skid.

15 (3) No person shall operate or move on any highway any motor
16 vehicle, trailer, or semitrailer (a) having any metal tire in contact
17 with the roadway or (b) equipped with solid rubber tires, except that
18 this subsection shall not apply to farm vehicles having a gross weight of
19 ten thousand pounds or less or to implements of husbandry.

20 (4) The Department of Transportation ~~Roads~~ and local authorities in
21 their respective jurisdictions may, in their discretion, issue special
22 permits authorizing the operation upon a highway of traction engines or
23 tractors having movable tracks with transverse corrugations upon the
24 periphery of such movable tracks or farm tractors or other farm
25 machinery.

26 Sec. 219. Section 60-6,267, Revised Statutes Cumulative Supplement,
27 2016, is amended to read:

28 60-6,267 (1) Any person in Nebraska who drives any motor vehicle
29 which has or is required to have an occupant protection system or a
30 three-point safety belt system shall ensure that all children up to six
31 years of age being transported by such vehicle use a child passenger

1 restraint system of a type which meets Federal Motor Vehicle Safety
2 Standard 213 as developed by the National Highway Traffic Safety
3 Administration, as such standard existed on January 1, 2009, and which is
4 correctly installed in such vehicle.

5 (2) Any person in Nebraska who drives any motor vehicle which has or
6 is required to have an occupant protection system or a three-point safety
7 belt system shall ensure that all children six years of age and less than
8 eighteen years of age being transported by such vehicle use an occupant
9 protection system.

10 (3) Subsections (1) and (2) of this section apply to autocycles and
11 to every motor vehicle which is equipped with an occupant protection
12 system or is required to be equipped with restraint systems pursuant to
13 Federal Motor Vehicle Safety Standard 208, as such standard existed on
14 January 1, 2009, except taxicabs, mopeds, motorcycles, and any motor
15 vehicle designated by the manufacturer as a 1963 year model or earlier
16 which is not equipped with an occupant protection system.

17 (4) Whenever any licensed physician determines, through accepted
18 medical procedures, that use of a child passenger restraint system by a
19 particular child would be harmful by reason of the child's weight,
20 physical condition, or other medical reason, the provisions of subsection
21 (1) or (2) of this section shall be waived. The driver of any vehicle
22 transporting such a child shall carry on his or her person or in the
23 vehicle a signed written statement of the physician identifying the child
24 and stating the grounds for such waiver.

25 (5) The drivers of authorized emergency vehicles shall not be
26 subject to the requirements of subsection (1) or (2) of this section when
27 operating such authorized emergency vehicles pursuant to their
28 employment.

29 (6) A driver of a motor vehicle shall not be subject to the
30 requirements of subsection (1) or (2) of this section if the motor
31 vehicle is being operated in a parade or exhibition and the parade or

1 exhibition is being conducted in accordance with applicable state law and
2 local ordinances and resolutions.

3 (7) The Department of Transportation ~~Roads~~ shall develop and
4 implement an ongoing statewide public information and education program
5 regarding the use of child passenger restraint systems and occupant
6 protection systems and the availability of distribution and discount
7 programs for child passenger restraint systems.

8 (8) All persons being transported by a motor vehicle operated by a
9 holder of a provisional operator's permit or a school permit shall use
10 such motor vehicle's occupant protection system or a three-point safety
11 belt system.

12 Sec. 220. Section 60-6,288, Revised Statutes Cumulative Supplement,
13 2016, is amended to read:

14 60-6,288 (1) No vehicle which exceeds a total outside width of one
15 hundred two inches, including any load but excluding designated safety
16 devices, shall be permitted on any portion of the National System of
17 Interstate and Defense Highways. The Director-State Engineer shall adopt
18 and promulgate rules and regulations, consistent with federal
19 requirements, designating safety devices which shall be excluded in
20 determining vehicle width.

21 (2) No vehicle which exceeds a total outside width of one hundred
22 two inches, including any load but excluding designated safety devices,
23 shall be permitted on any highway which is not a portion of the National
24 System of Interstate and Defense Highways, except that such prohibition
25 shall not apply to:

26 (a) Farm equipment in temporary movement, during daylight hours or
27 during hours of darkness when the clearance light requirements of section
28 60-6,235 are fully complied with, in the normal course of farm
29 operations;

30 (b) Combines eighteen feet or less in width, while in the normal
31 course of farm operations and while being driven during daylight hours or

1 during hours of darkness when the clearance light requirements of section
2 60-6,235 are fully complied with;

3 (c) Combines in excess of eighteen feet in width, while in the
4 normal course of farm operations, while being driven during daylight
5 hours for distances of twenty-five miles or less on highways and while
6 preceded by a well-lighted pilot vehicle or flagperson, except that such
7 combines may be driven on highways while in the normal course of farm
8 operations for distances of twenty-five miles or less and while preceded
9 by a well-lighted pilot vehicle or flagperson during hours of darkness
10 when the clearance light requirements of section 60-6,235 are fully
11 complied with;

12 (d) Combines and vehicles used in transporting combines or other
13 implements of husbandry, and only when transporting combines or other
14 implements of husbandry, to be engaged in harvesting or other
15 agricultural work, while being transported into or through the state
16 during daylight hours, when the total width including the width of the
17 combine or other implement of husbandry being transported does not exceed
18 fifteen feet, except that vehicles used in transporting combines or other
19 implements of husbandry may, when necessary to the harvesting operation
20 or other agricultural work, travel unloaded for distances not to exceed
21 twenty-five miles, while the combine or other implement of husbandry to
22 be transported is engaged in a harvesting operation or other agricultural
23 work;

24 (e) Farm equipment dealers or their representatives as authorized
25 under section 60-6,382 driving, delivering, or picking up farm equipment,
26 including portable livestock buildings not exceeding fourteen feet in
27 width, or implements of husbandry during daylight hours;

28 (f) Livestock forage vehicles loaded or unloaded that comply with
29 subsection (2) of section 60-6,305;

30 (g) During daylight hours only, vehicles en route to pick up,
31 delivering, or returning unloaded from delivery of baled livestock forage

1 which, including the load if any, may be twelve feet in width;

2 (h) Mobile homes or prefabricated livestock buildings not exceeding
3 sixteen feet in width and with an outside tire width dimension not
4 exceeding one hundred twenty inches moving during daylight hours;

5 (i) Self-propelled specialized mobile equipment with a fixed load
6 when:

7 (i) The self-propelled specialized mobile equipment will be
8 transported on a state highway, excluding any portion of the National
9 System of Interstate and Defense Highways, on a city street, or on a road
10 within the corporate limits of a city;

11 (ii) The city in which the self-propelled specialized mobile
12 equipment is intended to be transported has authorized a permit pursuant
13 to section 60-6,298 for the transportation of the self-propelled
14 specialized mobile equipment, specifying the route to be used and the
15 hours during which the self-propelled specialized mobile equipment can be
16 transported, except that no permit shall be issued by a city for travel
17 on a state highway containing a bridge or structure which is structurally
18 inadequate to carry the self-propelled specialized mobile equipment as
19 determined by the Department of Transportation Roads;

20 (iii) The self-propelled specialized mobile equipment's gross weight
21 does not exceed ninety-four thousand pounds if the self-propelled
22 specialized mobile equipment has four axles or seventy-two thousand
23 pounds if the self-propelled specialized mobile equipment has three
24 axles; and

25 (iv) If the self-propelled specialized mobile equipment has four
26 axles, the maximum weight on each set of tandem axles does not exceed
27 forty-seven thousand pounds, or if the self-propelled specialized mobile
28 equipment has three axles, the maximum weight on the front axle does not
29 exceed twenty-five thousand pounds and the total maximum weight on the
30 rear tandem axles does not exceed forty-seven thousand pounds;

31 (j) Vehicles which have been issued a permit pursuant to section

1 60-6,299; or

2 (k) A motor home or travel trailer, as those terms are defined in
3 section 71-4603, which may exceed one hundred and two inches if such
4 excess width is attributable to an appurtenance that extends no more than
5 six inches beyond the body of the vehicle. For purposes of this
6 subdivision, the term appurtenance includes (i) an awning and its support
7 hardware and (ii) any appendage that is intended to be an integral part
8 of a motor home or travel trailer and that is installed by the
9 manufacturer or dealer. The term appurtenance does not include any item
10 that is temporarily affixed or attached to the exterior of the motor home
11 or travel trailer for purposes of transporting the vehicular unit from
12 one location to another. Appurtenances shall not be considered in
13 calculating the gross trailer area as defined in section 71-4603.

14 (3) The Director-State Engineer, with respect to highways under his
15 or her jurisdiction, may designate certain highways upon which vehicles
16 of no more than ninety-six inches in width may be permitted to travel.
17 Highways so designated shall be limited to one or more of the following:

18 (a) Highways with traffic lanes of ten feet or less;

19 (b) Highways upon which are located narrow bridges; and

20 (c) Highways which because of sight distance, surfacing, unusual
21 curves, topographic conditions, or other unusual circumstances would not
22 in the opinion of the Director-State Engineer safely accommodate vehicles
23 of more than ninety-six inches in width.

24 Sec. 221. Section 60-6,292, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 60-6,292 (1) The Department of Transportation Roads may issue
27 permits for the use of extra-long vehicle combinations. Such permits
28 shall allow the extra-long vehicle combinations to operate only on the
29 National System of Interstate and Defense Highways and only if such
30 vehicles are empty and are being delivered for the manufacturer or
31 retailer, except that a highway located not more than six miles from the

1 National System of Interstate and Defense Highways may also be designated
2 in such permits if it is determined by the Director-State Engineer that
3 such designation is necessary for the permitholder to have access to the
4 National System of Interstate and Defense Highways. An annual permit for
5 such use may be issued to each qualified carrier company or individual.
6 The carrier company or individual shall maintain a copy of such annual
7 permit in each truck-tractor operating as a part of an extra-long vehicle
8 combination. The fee for such permit shall be two hundred fifty dollars
9 per year.

10 (2) The permit shall allow operation of the following extra-long
11 vehicle combinations of not more than three cargo units and not fewer
12 than six axles nor more than nine axles:

13 (a) A truck-tractor, a semitrailer, and two trailers having an
14 overall combination length of not more than one hundred five feet.
15 Semitrailers and trailers shall be of approximately equal lengths;

16 (b) A truck-tractor, semitrailer, and single trailer having an
17 overall length of not more than one hundred five feet. Semitrailers and
18 trailers shall be of approximately equal lengths; and

19 (c) A truck-tractor, semitrailer, or single trailer, one trailer of
20 which is not more than forty-eight feet long, the other trailer of which
21 is not more than twenty-eight feet long nor less than twenty-six feet
22 long, and the entire combination of which is not more than ninety-five
23 feet long. The shorter trailer shall be operated as the rear trailer.

24 For purposes of this subsection, a semitrailer used with a converter
25 dolly shall be considered a trailer.

26 (3) The department shall adopt and promulgate rules and regulations
27 governing the issuance of the permits, including, but not limited to,
28 selection of carriers, driver qualifications, equipment selection, hours
29 of operations, weather conditions, road conditions, and safety
30 considerations.

31 (4) Any person who violates this section shall be guilty of a Class

1 IV misdemeanor.

2 Sec. 222. Section 60-6,294, Revised Statutes Cumulative Supplement,
3 2016, is amended to read:

4 60-6,294 (1) Every vehicle, whether operated singly or in a
5 combination of vehicles, and every combination of vehicles shall comply
6 with subsections (2) and (3) of this section except as provided in
7 sections 60-6,294.01, 60-6,297, and 60-6,383. The limitations imposed by
8 this section shall be supplemental to all other provisions imposing
9 limitations upon the size and weight of vehicles.

10 (2) No wheel of a vehicle or trailer equipped with pneumatic or
11 solid rubber tires shall carry a gross load in excess of ten thousand
12 pounds on any highway nor shall any axle carry a gross load in excess of
13 twenty thousand pounds on any highway. An axle load shall be defined as
14 the total load transmitted to the highway by all wheels the centers of
15 which may be included between two parallel transverse vertical planes
16 forty inches apart extending across the full width of the vehicle.

17 (3) No group of two or more consecutive axles shall carry a load in
18 pounds in excess of the value given in the following table corresponding
19 to the distance in feet between the extreme axles of the group, measured
20 longitudinally to the nearest foot, except that the maximum load carried
21 on any group of two or more axles shall not exceed eighty thousand pounds
22 on the National System of Interstate and Defense Highways unless the
23 Director-State Engineer pursuant to section 60-6,295 authorizes a greater
24 weight.

25	Distance in feet	Maximum load in pounds carried					
26	between the	on any group of two or more					
27	extremes of	consecutive axles					
28	any group of						
29	two or more						
30	consecutive	Two	Three	Four	Five	Six	Seven
31	axles	Axles	Axles	Axles	Axles	Axles	Axles

1	4	34,000				
2	5	34,000				
3	6	34,000				
4	7	34,000				
5	8	34,000	42,000			
6	9	39,000	42,500			
7	10	40,000	43,500			
8	11		44,000			
9	12		45,000	50,000		
10	13		45,500	50,500		
11	14		46,500	51,500		
12	15		47,000	52,000		
13	16		48,000	52,500	58,000	
14	17		48,500	53,500	58,500	
15	18		49,500	54,000	59,000	
16	19		50,000	54,500	60,000	
17	20		51,000	55,500	60,500	
18	21		51,500	56,000	61,000	
19	22		52,500	56,500	61,500	
20	23		53,000	57,500	62,500	
21	24		54,000	58,000	63,000	
22	25		54,500	58,500	63,500	69,000
23	26		55,500	59,500	64,000	69,500
24	27		56,000	60,000	65,000	70,000
25	28		57,000	60,500	65,500	71,000
26	29		57,500	61,500	66,000	71,500
27	30		58,500	62,000	66,500	72,000
28	31		59,000	62,500	67,500	72,500
29	32		60,000	63,500	68,000	73,000
30	33			64,000	68,500	74,000

1	34	64,500	69,000	74,500	
2	35	65,500	70,000	75,000	
3	36	66,000	70,500	75,500	
4	37	66,500	71,000	76,000	81,500
5	38	67,500	72,000	77,000	82,000
6	39	68,000	72,500	77,500	82,500
7	40	68,500	73,000	78,000	83,500
8	41	69,500	73,500	78,500	84,000
9	42	70,000	74,000	79,000	84,500
10	43	70,500	75,000	80,000	85,000
11	44	71,500	75,500	80,500	85,500
12	45	72,000	76,000	81,000	86,000
13	46	72,500	76,500	81,500	87,000
14	47	73,500	77,500	82,000	87,500
15	48	74,000	78,000	83,000	88,000
16	49	74,500	78,500	83,500	88,500
17	50	75,500	79,000	84,000	89,000
18	51	76,000	80,000	84,500	89,500
19	52	76,500	80,500	85,000	90,500
20	53	77,500	81,000	86,000	91,000
21	54	78,000	81,500	86,500	91,500
22	55	78,500	82,500	87,000	92,000
23	56	79,500	83,000	87,500	92,500
24	57	80,000	83,500	88,000	93,000
25	58		84,000	89,000	94,000
26	59		85,000	89,500	94,500
27	60		85,500	90,000	95,000

28 (4) The distance between axles shall be measured to the nearest
 29 foot. When a fraction is exactly one-half foot, the next larger whole
 30 number shall be used, except that:

1 (a) Any group of three axles shall be restricted to a maximum load
2 of thirty-four thousand pounds unless the distance between the extremes
3 of the first and third axles is at least ninety-six inches in fact; and

4 (b) The maximum gross load on any group of two axles, the distance
5 between the extremes of which is more than eight feet but less than eight
6 feet six inches, shall be thirty-eight thousand pounds.

7 (5) The limitations of subsections (2) through (4) of this section
8 shall apply as stated to all main, rural, and intercity highways but
9 shall not be construed as inhibiting heavier axle loads in metropolitan
10 areas, except on the National System of Interstate and Defense Highways,
11 if such loads are not prohibited by city ordinance.

12 (6) The weight limitations of wheel and axle loads as defined in
13 subsections (2) through (4) of this section shall be restricted to the
14 extent deemed necessary by the Department of Transportation ~~Roads~~ for a
15 reasonable period when road subgrades or pavements are weak or are
16 materially weakened by climatic conditions.

17 (7) Two consecutive sets of tandem axles may carry a gross load of
18 thirty-four thousand pounds each when the overall distance between the
19 first and last axles of such consecutive sets of tandem axles is thirty-
20 six, thirty-seven, or thirty-eight feet except as provided in section
21 60-6,297. Such vehicles shall be subject to section 60-6,301.

22 (8) If any vehicle crosses a bridge with a total gross load in
23 excess of the posted capacity of such bridge and as a result of such
24 crossing any damage results to the bridge, the owner of such vehicle
25 shall be responsible for all of such damage.

26 (9) Vehicles equipped with a greater number of axles than provided
27 in the tables in subsection (3) of this section shall be legal if they do
28 not exceed the maximum load upon any wheel or axle, the maximum load upon
29 any group of two or more consecutive axles, and the total gross weight,
30 or any of such weights as provided in subsections (2) and (3) of this
31 section.

1 (10) Subsections (1) through (9) of this section shall not apply to
2 a vehicle which has been issued a permit pursuant to section 60-6,299,
3 self-propelled specialized mobile equipment with a fixed load when the
4 requirements of subdivision (2)(i) of section 60-6,288 are met, or an
5 emergency vehicle when the requirements of subdivision (1)(a)(v) of
6 section 60-6,298 are met.

7 (11) Any two consecutive axles the centers of which are more than
8 forty inches and not more than ninety-six inches apart, measured to the
9 nearest inch between any two adjacent axles in the series, shall be
10 defined as tandem axles, and the gross weight transmitted to the road
11 surface through such series shall not exceed thirty-four thousand pounds.
12 No axle of the series shall exceed the maximum weight permitted under
13 this section for a single axle.

14 (12) Dummy axles shall be disregarded in determining the lawful
15 weight of a vehicle or vehicle combination for operation on the highway.
16 Dummy axle shall mean an axle attached to a vehicle or vehicle
17 combination in a manner so that it does not articulate or substantially
18 equalize the load and does not carry at least the lesser of eight
19 thousand pounds or eight percent of the gross weight of the vehicle or
20 vehicle combination.

21 (13) The maximum gross weight limit and the axle weight limit for
22 any vehicle or combination of vehicles equipped with idle reduction
23 technology may be increased by an amount necessary to compensate for the
24 additional weight of the idle reduction technology as provided in 23
25 U.S.C. 127(a)(12), as such section existed on July 18, 2008. The
26 additional amount of weight allowed by this subsection shall not exceed
27 four hundred pounds and shall not be construed to be in addition to the
28 five-percent-in-excess-of-maximum-load provision of subdivision (1) of
29 section 60-6,301.

30 Sec. 223. Section 60-6,297, Revised Statutes Cumulative Supplement,
31 2016, is amended to read:

1 60-6,297 (1) Subdivision (1)(b) of section 60-6,290 and subsections
2 (2) and (3) of section 60-6,294 shall not apply to a vehicle or
3 combination of vehicles disabled or wrecked on a highway or right-of-way
4 when the vehicle or combination of vehicles is towed to a place of secure
5 safekeeping by any wrecker or tow truck performing a wrecker or towing
6 service.

7 (2) Subdivision (1)(b) of section 60-6,290 and subsections (2) and
8 (3) of section 60-6,294 shall not apply to a single vehicle that is
9 disabled or wrecked when the single vehicle is towed by any wrecker or
10 tow truck to a place for repair or to a point of storage.

11 (3)(a) Section 60-6,288, subsection (1) of section 60-6,289,
12 subdivision (1)(b) of section 60-6,290, and subsections (2) and (3) of
13 section 60-6,294 shall not apply to a vehicle or combination of vehicles
14 permitted by the Department of Transportation Roads for overwidth,
15 overheight, overlength, or overweight operation that is disabled or
16 wrecked on a highway or right-of-way when the vehicle or combination of
17 vehicles is towed if the vehicle or combination of vehicles is towed by
18 any wrecker or tow truck performing a wrecker or towing service to the
19 first or nearest place of secure safekeeping off the traveled portion of
20 the highway that can accommodate the parking of such disabled vehicle or
21 combination of vehicles.

22 (b) After the vehicle or combination of vehicles has been towed to a
23 place of secure safekeeping, such vehicle or combination of vehicles
24 shall then be operated in compliance with section 60-6,288, subsection
25 (1) of section 60-6,289, subdivision (1)(b) of section 60-6,290, and
26 subsections (2) and (3) of section 60-6,294, or the vehicle or
27 combination of vehicles shall acquire a special single trip permit from
28 the department for the movement of the overwidth, overheight, overlength,
29 or overweight vehicle or combination of vehicles beyond the first or
30 nearest place of secure safekeeping to its intended destination.

31 (4) The owners, lessees, and operators of any wrecker or tow truck

1 exceeding the width, height, length, or weight restrictions while towing
2 a disabled or wrecked vehicle or combination of vehicles shall be jointly
3 and severally liable for any injury or damages that result from the
4 operation of the wrecker or tow truck while exceeding such restrictions.

5 (5) If a disabled or wrecked vehicle or combination of vehicles is
6 towed, the wrecker or tow truck shall be connected with the air brakes
7 and brake lights of the towed vehicle or combination of vehicles.

8 (6) For purposes of this section:

9 (a) Place of secure safekeeping means a location off the traveled
10 portion of the highway that can accommodate the parking of the disabled
11 or wrecked vehicle or combination of vehicles in order for the vehicle or
12 combination of vehicles to be repaired or moved to a point of storage;
13 and

14 (b) Wrecker or tow truck means an emergency commercial vehicle
15 equipped, designed, and used to assist or render aid and transport or tow
16 a disabled vehicle or combination of vehicles from a highway or right-of-
17 way to a place of secure safekeeping.

18 Sec. 224. Section 60-6,298, Revised Statutes Cumulative Supplement,
19 2016, is amended to read:

20 60-6,298 (1)(a) The Department of Transportation Roads or the
21 Nebraska State Patrol, with respect to highways under its jurisdiction
22 including the National System of Interstate and Defense Highways, and
23 local authorities, with respect to highways under their jurisdiction, may
24 in their discretion upon application and good cause being shown therefor
25 issue a special, continuing, or continuous permit in writing authorizing
26 the applicant or his or her designee:

27 (i) To operate or move a vehicle, a combination of vehicles, or
28 objects of a size or weight of vehicle or load exceeding the maximum
29 specified by law when such permit is necessary:

30 (A) To further the national defense or the general welfare;

31 (B) To permit movement of cost-saving equipment to be used in

1 highway or other public construction or in agricultural land treatment;
2 or

3 (C) Because of an emergency, an unusual circumstance, or a very
4 special situation;

5 (ii) To operate vehicles, for a distance up to one hundred twenty
6 miles, loaded up to fifteen percent greater than the maximum weight
7 specified by law, or up to ten percent greater than the maximum length
8 specified by law, or both, except that any combination with two or more
9 cargo-carrying units, not including the truck-tractor, also known as a
10 longer combination vehicle, may only operate for a distance up to seventy
11 miles loaded up to fifteen percent greater than the maximum weight
12 specified by law, or up to ten percent greater than the maximum length
13 specified by law, or both, when carrying grain or other seasonally
14 harvested products from the field where such grain or products are
15 harvested to storage, market, or stockpile in the field or from stockpile
16 to market or factory when failure to move such grain or products in
17 abundant quantities would cause an economic loss to the person or persons
18 whose grain or products are being transported or when failure to move
19 such grain or products in as large quantities as possible would not be in
20 the best interests of the national defense or general welfare. The
21 distance limitation may be waived for vehicles when carrying dry beans
22 from the field where harvested to storage or market when dry beans are
23 not normally stored, purchased, or used within the permittee's local area
24 and must be transported more than one hundred twenty miles to an
25 available marketing or storage destination. No permit shall authorize a
26 weight greater than twenty thousand pounds on any single axle;

27 (iii) To transport an implement of husbandry which does not exceed
28 twelve and one-half feet in width during daylight hours, except that the
29 permit shall not allow transport on holidays;

30 (iv) To operate one or more recreational vehicles, as defined in
31 section 71-4603, exceeding the maximum width specified by law if movement

1 of the recreational vehicles is prior to retail sale and the recreational
2 vehicles comply with subdivision (2)(k) of section 60-6,288; or

3 (v) To operate an emergency vehicle for purposes of sale,
4 demonstration, exhibit, or delivery, if the applicant or his or her
5 designee is a manufacturer or sales agent of the emergency vehicle. No
6 permit shall be issued for an emergency vehicle which weighs over sixty
7 thousand pounds on the tandem axle.

8 (b) No permit shall be issued under subdivision (a)(i) of this
9 subsection for a vehicle carrying a load unless such vehicle is loaded
10 with an object which exceeds the size or weight limitations, which cannot
11 be dismantled or reduced in size or weight without great difficulty, and
12 which of necessity must be moved over the highways to reach its intended
13 destination. No permit shall be required for the temporary movement on
14 highways other than dustless-surfaced state highways and for necessary
15 access to points on such highways during daylight hours of cost-saving
16 equipment to be used in highway or other public construction or in
17 agricultural land treatment when such temporary movement is necessary and
18 for a reasonable distance.

19 (2) The application for any such permit shall specifically describe
20 the vehicle, the load to be operated or moved, whenever possible the
21 particular highways for which permit to operate is requested, and whether
22 such permit is requested for a single trip or for continuous or
23 continuing operation. The permit shall include a signed affirmation under
24 oath that, for any load sixteen feet high or higher, the applicant has
25 contacted any and all electric utilities that have high voltage
26 conductors and infrastructure that cross over the roadway affected by the
27 move and made arrangements with such electric utilities for the safe
28 movement of the load under any high voltage conductors owned by such
29 electric utilities.

30 (3) The department or local authority is authorized to issue or
31 withhold such permit at its discretion or, if such permit is issued, to

1 limit the number of days during which the permit is valid, to limit the
2 number of trips, to establish seasonal or other time limitations within
3 which the vehicles described may be operated on the highways indicated,
4 or to issue a continuous or continuing permit for use on all highways,
5 including the National System of Interstate and Defense Highways. The
6 permits are subject to reasonable conditions as to periodic renewal of
7 such permit and as to operation or movement of such vehicles. The
8 department or local authority may otherwise limit or prescribe conditions
9 of operation of such vehicle or vehicles, when necessary to assure
10 against undue damage to the road foundations, surfaces, or structures or
11 undue danger to the public safety. The department or local authority may
12 require such undertaking or other security as may be deemed necessary to
13 compensate for any injury to any roadway or road structure.

14 (4) Every such permit shall be carried in the vehicle to which it
15 refers and shall be open to inspection by any peace officer, carrier
16 enforcement officer, or authorized agent of any authority granting such
17 permit. Each such permit shall state the maximum weight permissible on a
18 single axle or combination of axles and the total gross weight allowed.
19 No person shall violate any of the terms or conditions of such special
20 permit. In case of any violation, the permit shall be deemed
21 automatically revoked and the penalty of the original limitations shall
22 be applied unless:

23 (a) The violation consists solely of exceeding the size or weight
24 specified by the permit, in which case only the penalty of the original
25 size or weight limitation exceeded shall be applied; or

26 (b) The total gross load is within the maximum authorized by the
27 permit, no axle is more than ten percent in excess of the maximum load
28 for such axle or group of axles authorized by the permit, and such load
29 can be shifted to meet the weight limitations of wheel and axle loads
30 authorized by such permit. Such shift may be made without penalty if it
31 is made at the state or commercial scale designated in the permit. The

1 vehicle may travel from its point of origin to such designated scale
2 without penalty, and a scale ticket from such scale, showing the vehicle
3 to be properly loaded and within the gross and axle weights authorized by
4 the permit, shall be reasonable evidence of compliance with the terms of
5 the permit.

6 (5) The department or local authority issuing a permit as provided
7 in this section may adopt and promulgate rules and regulations with
8 respect to the issuance of permits provided for in this section.

9 (6) The department shall make available applications for permits
10 authorized pursuant to subdivisions (1)(a)(ii) and (1)(a)(iii) of this
11 section in the office of each county treasurer. The department may make
12 available applications for all other permits authorized by this section
13 to the office of the county treasurer and may make available applications
14 for all permits authorized by this section to any other location chosen
15 by the department.

16 (7) The department or local authority issuing a permit may require a
17 permit fee of not to exceed twenty-five dollars, except that:

18 (a) The fee for a continuous or continuing permit may not exceed
19 twenty-five dollars for a ninety-day period, fifty dollars for a one-
20 hundred-eighty-day period, or one hundred dollars for a one-year period;
21 and

22 (b) The fee for permits issued pursuant to subdivision (1)(a)(ii) of
23 this section shall be twenty-five dollars. Permits issued pursuant to
24 such subdivision shall be valid for thirty days and shall be renewable
25 four times for a total number of days not to exceed one hundred fifty
26 days per calendar year.

27 A vehicle or combination of vehicles for which an application for a
28 permit is requested pursuant to this section shall be registered under
29 section 60-3,147 or 60-3,198 for the maximum gross vehicle weight that is
30 permitted pursuant to section 60-6,294 before a permit shall be issued.

31 Sec. 225. Section 60-6,299, Revised Statutes Cumulative Supplement,

1 2016, is amended to read:

2 60-6,299 (1) The Department of Transportation Roads may issue
3 permits for vehicles moving a building or objects requiring specialized
4 moving dollies. Such permits shall allow the vehicles transporting
5 buildings or objects requiring specialized dollies to operate on highways
6 under the jurisdiction of the department, excluding any portion of the
7 National System of Interstate and Defense Highways. Such permit shall
8 specify the maximum allowable width, length, height, and weight of the
9 building to be transported, the route to be used, and the hours during
10 which such building or object may be transported. Such permit shall
11 clearly state that the applicant is not authorized to manipulate overhead
12 high voltage lines or conductors or other such components, including
13 electric utility poles, and that the applicant shall be guilty of a Class
14 II misdemeanor for any violation of this section or of the notification
15 requirements of section 60-6,288.01. Any vehicle moving a building or
16 object requiring specialized moving dollies shall be escorted by another
17 vehicle or vehicles in the manner determined by the department. Such
18 vehicles shall travel at a speed which is not in excess of five miles per
19 hour when carrying loads which are in excess of the maximum gross weight
20 specified by law by more than twenty-five percent. The permit shall not
21 be issued for travel on a state highway containing a bridge or structure
22 which is structurally inadequate to carry such building or object as
23 determined by the department. The department may prescribe conditions of
24 operation of such vehicle when necessary to assure against damage to the
25 road foundations, surfaces, or structures and require such security as
26 may be deemed necessary to compensate for any injury to any roadway or
27 road structure.

28 (2) The application for any such permit shall (a) specifically
29 describe the vehicle, (b) specifically describe the load to be moved, (c)
30 include a signed affirmation under oath that, for any load sixteen feet
31 high or higher, the applicant has contacted any and all electric

1 utilities that have high voltage conductors and infrastructure that cross
2 over the roadway affected by the move and made arrangements with such
3 electric utilities for the safe movement of the load under any high
4 voltage conductors owned by such electric utilities, and (d) whenever
5 possible, describe the particular highways for which the permit is
6 requested. The company or individual shall maintain a copy of the permit
7 in each vehicle moving a building or object requiring specialized moving
8 dollies which shall be open to inspection by any peace officer, carrier
9 enforcement officer, or authorized agent of any authority granting such
10 permit. The fee for such permit shall be ten dollars.

11 (3) The department shall adopt and promulgate rules and regulations
12 governing the issuance of the permits. Such rules and regulations shall
13 include, but not be limited to, driver qualifications, equipment
14 selection, hours of operation, weather conditions, road conditions,
15 determination of any damage caused to highways or bridges, cutting or
16 trimming of trees, removal or relocation of signs or other property of
17 the state, raising or lowering of electric supply and communication
18 lines, and such other safety considerations as the department deems
19 necessary.

20 (4) Any person who violates the terms of a permit issued pursuant to
21 this section or otherwise violates this section shall be guilty of a
22 Class II misdemeanor.

23 Sec. 226. Section 60-6,301, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 60-6,301 When any motor vehicle, semitrailer, or trailer is operated
26 upon the highways of this state carrying a load in excess of the maximum
27 weight permitted by section 60-6,294, the load shall be reduced or
28 shifted to within such maximum tolerance before being permitted to
29 operate on any public highway of this state, except that:

30 (1) If any motor vehicle, semitrailer, or trailer exceeds the
31 maximum load on only one axle, only one tandem axle, or only one group of

1 axles when (a) the distance between the first and last axle of such group
2 of axles is twelve feet or less, (b) the excess axle load is no more than
3 five percent in excess of the maximum load for such axle, tandem axle, or
4 group of axles permitted by such section, while the vehicle or
5 combination of vehicles is within the maximum gross load, and (c) the
6 load on such vehicle is such that it can be shifted or the configuration
7 of the vehicle can be changed so that all axles, tandem axle, or groups
8 of axles are within the maximum permissible limit for such axle, tandem
9 axle, or group of axles, such shift or change of configuration may be
10 made without penalty;

11 (2) Any motor vehicle, semitrailer, or trailer carrying only a load
12 of livestock may exceed the maximum load as permitted by such section on
13 only one axle, only one tandem axle, or only one group of axles when the
14 distance between the first and last axle of the group of axles is six
15 feet or less if the excess load on the axle, tandem axle, or group of
16 axles is caused by a shifting of the weight of the livestock by the
17 livestock and if the vehicle or combination of vehicles is within the
18 maximum gross load as permitted by such section;

19 (3) With a permit issued by the Department of Transportation Roads
20 or the Nebraska State Patrol, a truck with an enclosed body and a
21 compacting mechanism, designed and used exclusively for the collection
22 and transportation of garbage or refuse, may exceed the maximum load as
23 permitted by such section by no more than twenty percent on only one
24 axle, only one tandem axle, or only one group of axles when the vehicle
25 is laden with garbage or refuse if the vehicle is within the maximum
26 gross load as permitted by such section. There shall be a permit fee of
27 ten dollars per month or one hundred dollars per year. The permit may be
28 issued for one or more months up to one year, and the term of
29 applicability shall be stated on the permit;

30 (4) Any motor vehicle, semitrailer, or trailer carrying any kind of
31 a load, including livestock, which exceeds the legal maximum gross load

1 by five percent or less may proceed on its itinerary and unload the cargo
2 carried thereon to the maximum legal gross weight at the first unloading
3 facility on the itinerary where the cargo can be properly protected. All
4 material so unloaded shall be cared for by the owner or operator of such
5 vehicle at the risk of such owner or operator; and

6 (5) Any motor vehicle, semitrailer, or trailer carrying grain or
7 other seasonally harvested products may operate from the field where such
8 grain or products are harvested to storage, market, or stockpile in the
9 field or from stockpile to market or factory up to seventy miles with a
10 load that exceeds the maximum load permitted by section 60-6,294 by
11 fifteen percent on any tandem axle, group of axles, and gross weight. Any
12 truck with no more than a single rear axle carrying grain or other
13 seasonally harvested products may operate from the field where such grain
14 or products are harvested to storage, market, or stockpile in the field
15 or from stockpile to market or factory up to seventy miles with a load
16 that exceeds the maximum load permitted by section 60-6,294 by fifteen
17 percent on any single axle and gross weight. The owner or a
18 representative of the owner of the agricultural product shall furnish the
19 driver of the loaded vehicle a signed statement of origin and
20 destination.

21 Nothing in this section shall be construed to permit to be operated
22 on the National System of Interstate and Defense Highways any vehicle or
23 combination of vehicles which exceeds any of the weight limitations
24 applicable to such system as contained in section 60-6,294.

25 If the maximum legal gross weight or axle weight of any vehicle is
26 exceeded by five percent or less and the arresting peace officer or
27 carrier enforcement officer has reason to believe that such excessive
28 weight is caused by snow, ice, or rain, the officer may issue a warning
29 citation to the operator.

30 Sec. 227. Section 60-6,311, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 60-6,311 (1) Any person who rides a moped upon a roadway shall have
2 all of the rights and shall be subject to all of the duties applicable to
3 the driver of a motor vehicle under the Nebraska Rules of the Road except
4 for special moped regulations in the rules and except for those
5 provisions of the rules which by their nature can have no application.

6 (2) Regulations applicable to mopeds shall apply whenever a moped is
7 operated upon any highway or upon any path set aside by the Department of
8 Transportation Roads or a local authority for the use of mopeds.

9 Sec. 228. Section 60-6,314, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 60-6,314 (1) Any person who operates a bicycle upon a highway shall
12 have all of the rights and shall be subject to all of the duties
13 applicable to the driver of a vehicle under the Nebraska Rules of the
14 Road except for special bicycle regulations in the rules, except for
15 those provisions of the rules which by their nature can have no
16 application, and except as provided in section 60-6,142.

17 (2) Regulations applicable to bicycles shall apply whenever a
18 bicycle is operated upon any highway or upon any path set aside by the
19 Department of Transportation Roads or a local authority for the exclusive
20 use of bicycles.

21 Sec. 229. Section 60-6,335, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 60-6,335 (1) No person shall operate a snowmobile upon any highway
24 except as provided in sections 60-6,320 to 60-6,346. Subject to
25 regulation by the Department of Transportation Roads and by local
26 authorities, in their respective jurisdictions, a snowmobile may be
27 operated on the roadway of any highway, on the right-hand side of such
28 roadway and in the same direction as the highway traffic, except that no
29 snowmobile shall be operated at any time within the right-of-way of any
30 controlled-access highway within this state.

31 (2) A snowmobile may make a direct crossing of a highway at any hour

1 of the day if:

2 (a) The crossing is made at an angle of approximately ninety degrees
3 to the direction of the highway and at a place where no obstruction
4 prevents a quick and safe crossing;

5 (b) The snowmobile is brought to a complete stop before crossing the
6 shoulder or roadway of the highway;

7 (c) The driver yields the right-of-way to all oncoming traffic which
8 constitutes an immediate hazard;

9 (d) In crossing a divided highway, the crossing is made only at an
10 intersection of such highway with another highway; and

11 (e) When the crossing is made between sunset and sunrise or in
12 conditions of reduced visibility, both the headlights and taillights are
13 on.

14 (3) No snowmobile shall be operated upon a highway unless equipped
15 with at least one headlight and one taillight, with reflector material of
16 a minimum area of sixteen square inches mounted on each side forward of
17 the handlebars, and with brakes.

18 (4) A snowmobile may be operated upon a highway other than as
19 provided by subsection (2) of this section in an emergency during the
20 period of time when and at locations where snow upon the roadway renders
21 travel by automobile impractical.

22 (5) Unless otherwise provided in sections 60-6,320 to 60-6,346, all
23 other provisions of Chapter 60 shall apply to the operation of
24 snowmobiles upon highways except for those relating to required equipment
25 and those which by their nature have no application.

26 (6) No person shall operate a snowmobile upon any private lands
27 without first having obtained permission of the owner, lessee, or
28 operator of such lands.

29 Sec. 230. Section 60-6,376, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 60-6,376 (1) Any person who operates an electric personal assistive

1 mobility device on a highway shall have all of the rights and shall be
2 subject to all of the duties applicable to the operator of a vehicle
3 under the Nebraska Rules of the Road except (a) as provided in special
4 electric personal assistive mobility device regulations adopted pursuant
5 to the Nebraska Rules of the Road, (b) any provisions of the Nebraska
6 Rules of the Road which by their nature can have no application, and (c)
7 as provided in section 60-6,142 with respect to operating an electric
8 personal assistive mobility device on a shoulder of a highway.

9 (2) An electric personal assistive mobility device may be operated
10 on any highway, alley, sidewalk, bike trail, path, or any other area
11 where persons travel, except as provided by the Department of
12 Transportation ~~Roads~~ or local authority. Regulations applicable to an
13 electric personal assistive mobility device shall apply whenever an
14 electric personal assistive mobility device is so operated.

15 (3) An operator of an electric personal assistive mobility device
16 shall yield to pedestrian traffic and any human-powered or animal-powered
17 vehicle at all times. An operator of an electric personal assistive
18 mobility device shall give an audible signal before overtaking and
19 passing any pedestrian or human-powered or animal-powered vehicle. A
20 person violating this subsection shall be fined ten dollars for the first
21 offense. A person violating this subsection shall have his or her
22 electric personal assistive mobility device impounded for up to thirty
23 days for each subsequent offense.

24 Sec. 231. Section 60-6,378, Revised Statutes Cumulative Supplement,
25 2016, is amended to read:

26 60-6,378 (1)(a) A driver in a vehicle on a controlled-access highway
27 approaching or passing a stopped authorized emergency vehicle or road
28 assistance vehicle which makes use of proper audible or visual signals
29 shall proceed with due care and caution as described in subdivision (b)
30 of this subsection.

31 (b) On a controlled-access highway with at least two adjacent lanes

1 of travel in the same direction on the same side of the highway where a
2 stopped authorized emergency vehicle or road assistance vehicle is using
3 proper audible or visual signals, the driver of the vehicle shall proceed
4 with due care and caution and yield the right-of-way by moving into a
5 lane at least one moving lane apart from the stopped authorized emergency
6 vehicle or road assistance vehicle unless directed otherwise by a peace
7 officer or other authorized emergency personnel. If moving into another
8 lane is not possible because of weather conditions, road conditions, or
9 the immediate presence of vehicular or pedestrian traffic or because the
10 controlled-access highway does not have two available adjacent lanes of
11 travel in the same direction on the same side of the highway where such a
12 stopped authorized emergency vehicle or road assistance vehicle is
13 located, the driver of the approaching or passing vehicle shall reduce
14 his or her speed, maintain a safe speed with regard to the location of
15 the stopped authorized emergency vehicle or road assistance vehicle, the
16 weather conditions, the road conditions, and vehicular or pedestrian
17 traffic, and proceed with due care and caution or proceed as directed by
18 a peace officer or other authorized emergency personnel or road
19 assistance personnel.

20 (c) Any person who violates this subsection is guilty of a traffic
21 infraction for a first offense and Class IIIA misdemeanor for a second or
22 subsequent offense.

23 (2) The Department of Transportation ~~Roads~~ shall erect and maintain
24 or cause to be erected and maintained signs giving notice of subsection
25 (1) of this section along controlled-access highways.

26 (3) Enforcement of subsection (1) of this section shall not be
27 accomplished using simulated situations involving an authorized emergency
28 vehicle or a road assistance vehicle.

29 (4) This section does not relieve the driver of an authorized
30 emergency vehicle or a road assistance vehicle from the duty to drive
31 with due regard for the safety of all persons using the highway.

1 (5) For purposes of this section, road assistance vehicle includes a
2 vehicle operated by the Nebraska Department of Transportation Roads, a
3 Nebraska State Patrol motorist assistance vehicle, a United States
4 Department of Transportation registered towing or roadside assistance
5 vehicle, and a utility service vehicle operated by a utility company. A
6 road assistance vehicle shall emit a warning signal utilizing properly
7 displayed emergency indicators such as strobe, rotating, or oscillating
8 lights when stopped along a highway.

9 Sec. 232. Section 60-6,380, Revised Statutes Cumulative Supplement,
10 2016, is amended to read:

11 60-6,380 A low-speed vehicle may be operated on any highway on which
12 the speed limit is not more than thirty-five miles per hour. A low-speed
13 vehicle may cross a highway on which the speed limit is more than thirty-
14 five miles per hour. Nothing in this section shall prevent a county,
15 city, or village from adopting more stringent ordinances governing low-
16 speed vehicle operation if the governing body of the county, city, or
17 village determines that such ordinances are necessary in the interest of
18 public safety. Any person operating a low-speed vehicle as authorized
19 under this section shall have a valid Class 0 operator's license and
20 shall have liability insurance coverage for the low-speed vehicle. The
21 Department of Transportation Roads may prohibit the operation of low-
22 speed vehicles on any highway under its jurisdiction if it determines
23 that the prohibition is necessary in the interest of public safety.

24 Sec. 233. Section 60-1301, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 60-1301 In order to promote public safety, to preserve and protect
27 the state highways and bridges and prevent immoderate and destructive use
28 of the same, and to enforce the motor vehicle registration laws, the
29 Department of Transportation Roads shall have the responsibility to
30 construct, maintain, provide, and contract with the Nebraska State Patrol
31 for the operation of weighing stations and provide the funding for the

1 same. The Nebraska State Patrol shall operate the weighing stations,
2 including portable scales, for the weighing and inspection of buses,
3 motor trucks, truck-tractors, semitrailers, trailers, and towed vehicles.
4 Each of the weighing stations shall be located near, on, or adjacent to a
5 state highway upon real estate owned by the State of Nebraska or upon
6 real estate acquired for that purpose. Weights determined on such
7 weighing stations and portable scales shall be presumed to be accurate
8 and shall be accepted in court as prima facie evidence of a violation of
9 the laws relating to the size, weight, load, and registration of buses,
10 motor trucks, truck-tractors, semitrailers, trailers, and towed vehicles.
11 The owner or driver of a vehicle found to be in violation of such laws by
12 the use of portable scales shall be advised by the officer operating the
13 portable scale that he or she has the right to demand an immediate
14 reweighing at his or her expense at the nearest permanent state-approved
15 scale capable of weighing the vehicle, and if a variance exists between
16 the weights of the permanent and portable scales, then the weights
17 determined on the permanent scale shall prevail. Sections 60-1301 to
18 60-1309 shall not apply to pickup trucks with a factory-rated capacity of
19 one ton or less, except as may be provided by rules and regulations of
20 the Nebraska State Patrol, or to recreational vehicles as defined in
21 section 71-4603. The Nebraska State Patrol may adopt and promulgate rules
22 and regulations concerning the weighing of pickup trucks with a factory-
23 rated capacity of one ton or less which tow vehicles. Such rules and
24 regulations shall require trucks towing vehicles to comply with sections
25 60-1301 to 60-1309 when it is necessary to promote the public safety and
26 preserve and protect the state highways and bridges.

27 Sec. 234. Section 60-1302, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 60-1302 The Department of Transportation ~~Roads~~ is hereby authorized
30 to take, hold, and acquire by eminent domain so much real estate as may
31 be necessary and convenient to carry out the provisions of section

1 60-1301. The procedure to condemn property shall be exercised in the
2 manner set forth in sections 76-704 to 76-724.

3 Sec. 235. Section 60-1303, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 60-1303 (1) The Nebraska State Patrol is hereby designated as the
6 agency to operate the weighing stations and portable scales and to
7 perform carrier enforcement duties.

8 (2)(a) On and after July 20, 2002, officers of the Nebraska State
9 Patrol appointed to operate the weighing stations and portable scales and
10 to perform carrier enforcement duties shall be known as the carrier
11 enforcement division. The Superintendent of Law Enforcement and Public
12 Safety shall appoint officers of the Nebraska State Patrol to the carrier
13 enforcement division, including officers as prescribed in sections
14 81-2001 to 81-2009, and carrier enforcement officers as prescribed in
15 sections 60-1301 to 60-1309.

16 (b) The employees within the Nebraska State Patrol designated to
17 operate the weighing stations and portable scales and to perform carrier
18 enforcement duties before July 20, 2002, and not authorized to act under
19 subdivisions (1) through (8) of section 81-2005 shall be known as carrier
20 enforcement officers.

21 (3) All carrier enforcement officers shall be bonded or insured as
22 required by section 11-201. Premiums shall be paid from the money
23 appropriated for the construction, maintenance, and operation of the
24 state weighing stations.

25 (4) All employees of the Nebraska State Patrol who are carrier
26 enforcement officers and who are not officers of the Nebraska State
27 Patrol with the powers and duties prescribed in sections 81-2001 to
28 81-2009 shall be members of the State Employees Retirement System of the
29 State of Nebraska. Officers of the Nebraska State Patrol who are carrier
30 enforcement officers on July 20, 2002, who subsequently become officers
31 of the Nebraska State Patrol with the powers and duties prescribed in

1 sections 81-2001 to 81-2009, and who elect to remain members of the State
2 Employees Retirement System of the State of Nebraska shall continue to
3 participate in the State Employees Retirement System of the State of
4 Nebraska. Carrier enforcement officers shall not receive any expense
5 allowance as provided for by section 81-2002.

6 (5) The Nebraska State Patrol and the Department of Transportation
7 ~~Roads~~ shall have the duty, power, and authority to contract with one
8 another for the staffing and operation of weighing stations and portable
9 scales and the performance of carrier enforcement duties to ensure that
10 there is adequate personnel in the carrier enforcement division to carry
11 out the duties specified in sections 60-1301 to 60-1309. Through June 30,
12 2005, the number of full-time equivalent positions funded pursuant to
13 such contract shall be limited to eighty-eight officers, including
14 carrier enforcement officers as prescribed in sections 60-1301 to 60-1309
15 and officers of the Nebraska State Patrol as prescribed in sections
16 81-2001 to 81-2009 assigned to the carrier enforcement division. Pursuant
17 to such contract, command of the personnel involved in such carrier
18 enforcement operations shall be with the Nebraska State Patrol. The
19 Department of Transportation ~~Roads~~ may use any funds at its disposal for
20 its financing of such carrier enforcement activity in accordance with
21 such contract as long as such funds are used only to finance those
22 activities directly involved with the duties specified in sections
23 60-1301 to 60-1309. The Nebraska State Patrol shall account for all
24 appropriations and expenditures related to the staffing and operation of
25 weighing stations and portable scales and the performance of carrier
26 enforcement duties in a budget program that is distinct and separate from
27 budget programs used for non-carrier-enforcement-division-related
28 activities.

29 (6) The Nebraska State Patrol may adopt, promulgate, and enforce
30 rules and regulations consistent with statutory provisions related to
31 carrier enforcement necessary for (a) the collection of fees, as outlined

1 in sections 60-3,177 and 60-3,179 to 60-3,182 and the International Fuel
2 Tax Agreement Act, (b) the inspection of licenses and permits required
3 under the motor fuel laws, and (c) weighing and inspection of buses,
4 motor trucks, truck-tractors, semitrailers, trailers, and towed vehicles.

5 Sec. 236. Section 60-3101, Revised Statutes Cumulative Supplement,
6 2016, is amended to read:

7 60-3101 (1) State fleet card programs shall be created and shall be
8 administered separately by the Department of Transportation ~~Roads~~ and the
9 University of Nebraska. The Department of Transportation ~~Roads~~ shall
10 administer a fleet card program on behalf of state government and
11 political subdivisions other than the University of Nebraska under a
12 contract through the State Treasurer. The State Treasurer shall determine
13 the type of fleet card or cards utilized in the state fleet card program.
14 The State Treasurer shall contract with one or more financial
15 institutions, card-issuing banks, credit card companies, charge card
16 companies, debit card companies, or third-party merchant banks capable of
17 operating a fleet card program on behalf of the state, including the
18 University of Nebraska, and political subdivisions that participate in
19 the state contract for such services. Rules and regulations may be
20 adopted and promulgated as needed by the Department of Transportation
21 ~~Roads~~ or the University of Nebraska for the operation of the state fleet
22 card programs. The rules and regulations shall provide authorization
23 instructions for all transactions. Expenses associated with the state
24 fleet card programs shall be considered as an administrative or
25 operational expense.

26 (2) For purposes of this section, fleet card means a payment card
27 used for gasoline, diesel, and other fuels. Fleet cards may also be used
28 to pay for vehicle and equipment maintenance and expenses at the
29 discretion of the program administrator. The Department of Transportation
30 ~~Roads~~ and the University of Nebraska shall each designate a program
31 administrator.

1 (3) Any state official, agency, board, or commission may utilize a
2 state fleet card for the purchase of goods and services described in
3 subsection (2) of this section for and on behalf of the State of
4 Nebraska. Any political subdivision may utilize a fleet card for the
5 purchase of goods and services described in subsection (2) of this
6 section for lawful government purposes of the political subdivision. No
7 disbursements or cash back on fleet card transactions shall be allowed.

8 (4) Vendors accepting a state fleet card shall obtain authorization
9 for all transactions in accordance with instructions from the program
10 administrator. Transaction authorization shall be from the financial
11 institution, card-issuing bank, credit card company, charge card company,
12 debit card company, or third-party merchant bank contracted to provide
13 such service to the State of Nebraska. Each transaction shall be
14 authorized in accordance with the instructions provided by the program
15 administrator for each state official, agency, board, or commission or
16 each political subdivision.

17 (5) Detailed transaction information for the purposes of tracking
18 expenditures shall include fleet card identification, merchant name and
19 address, transaction number, date, time, product, quantity, cost, and
20 equipment meter reading if applicable. A state fleet card program may
21 require an itemized receipt for purposes of tracking expenditures of a
22 state fleet card purchase from a commercial vendor as acceptable detailed
23 transaction information. If detailed transaction information is not
24 provided, the program administrator shall have the authority to
25 temporarily or permanently suspend state fleet card purchases in
26 accordance with rules and regulations.

27 (6) No officer or employee of the state or of a political
28 subdivision shall use a state fleet card for any unauthorized use.

29 Sec. 237. Section 66-489.02, Revised Statutes Cumulative Supplement,
30 2016, is amended to read:

31 66-489.02 (1) For tax periods beginning on and after July 1, 2009,

1 at the time of filing the return required by section 66-488, the
2 producer, supplier, distributor, wholesaler, or importer shall, in
3 addition to the other taxes provided for by law, pay a tax at the rate of
4 five percent of the average wholesale price of gasoline for the gallons
5 of the motor fuels as shown by the return, except that there shall be no
6 tax on the motor fuels reported if they are otherwise exempted by
7 sections 66-482 to 66-4,149.

8 (2) The department shall calculate the average wholesale price of
9 gasoline on April 1, 2009, and on each April 1 and October 1 thereafter.
10 The average wholesale price on April 1 shall apply to returns for the tax
11 periods beginning on and after July 1, and the average wholesale price on
12 October 1 shall apply to returns for the tax periods beginning on and
13 after January 1. The average wholesale price shall be determined using
14 data available from the State Energy Office and shall be an average
15 wholesale price per gallon of gasoline sold in the state over the
16 previous six-month period, excluding any state or federal excise tax or
17 environmental fees. The change in the average wholesale price between two
18 six-month periods shall be adjusted so that the increase or decrease in
19 the tax provided for in this section or section 66-6,109.02 does not
20 exceed one cent per gallon.

21 (3) All sums of money received under this section shall be credited
22 to the Highway Trust Fund. Credits and refunds of such tax allowed to
23 producers, suppliers, distributors, wholesalers, or importers shall be
24 paid from the Highway Trust Fund. The balance of the amount credited,
25 after credits and refunds, shall be allocated as follows:

26 (a) Sixty-six percent to the Highway Cash Fund for the Department of
27 Transportation Roads;

28 (b) Seventeen percent to the Highway Allocation Fund for allocation
29 to the various counties for road purposes; and

30 (c) Seventeen percent to the Highway Allocation Fund for allocation
31 to the various municipalities for street purposes.

1 Sec. 238. Section 66-4,100, Revised Statutes Cumulative Supplement,
2 2016, is amended to read:

3 66-4,100 The Highway Cash Fund and the Roads Operations Cash Fund
4 are hereby created. If bonds are issued pursuant to subsection (2) of
5 section 39-2223, the balance of the share of the Highway Trust Fund
6 allocated to the Department of Transportation ~~Roads~~ and deposited into
7 the Highway Restoration and Improvement Bond Fund as provided in
8 subsection (6) of section 39-2215 and the balance of the money deposited
9 in the Highway Restoration and Improvement Bond Fund as provided in
10 section 39-2215.01 shall be transferred by the State Treasurer, on or
11 before the last day of each month, to the Highway Cash Fund. If no bonds
12 are issued pursuant to subsection (2) of section 39-2223, the share of
13 the Highway Trust Fund allocated to the Department of Transportation
14 ~~Roads~~ shall be transferred by the State Treasurer on or before the last
15 day of each month to the Highway Cash Fund.

16 The Legislature may direct the State Treasurer to transfer funds
17 from the Highway Cash Fund to the Roads Operations Cash Fund. Both funds
18 shall be expended by the department (1) for acquiring real estate, road
19 materials, equipment, and supplies to be used in the construction,
20 reconstruction, improvement, and maintenance of state highways, (2) for
21 the construction, reconstruction, improvement, and maintenance of state
22 highways, including grading, drainage, structures, surfacing, roadside
23 development, landscaping, and other incidentals necessary for proper
24 completion and protection of state highways as the department shall,
25 after investigation, find and determine shall be for the best interests
26 of the highway system of the state, either independent of or in
27 conjunction with federal-aid money for highway purposes, (3) for the
28 share of the department of the cost of maintenance of state aid bridges,
29 (4) for planning studies in conjunction with federal highway funds for
30 the purpose of analyzing traffic problems and financial conditions and
31 problems relating to state, county, township, municipal, federal, and all

1 other roads in the state and for incidental costs in connection with the
2 federal-aid grade crossing program for roads not on state highways, (5)
3 for tests and research by the department or proportionate costs of
4 membership, tests, and research of highway organizations when
5 participated in by the highway departments of other states, (6) for the
6 payment of expenses and costs of the Board of Examiners for County
7 Highway and City Street Superintendents as set forth in section 39-2310,
8 (7) for support of the public transportation assistance program
9 established under section 13-1209 and the intercity bus system assistance
10 program established under section 13-1213, and (8) for purchasing from
11 political or governmental subdivisions or public corporations, pursuant
12 to section 39-1307, any federal-aid transportation funds available to
13 such entities.

14 Any money in the Highway Cash Fund and the Roads Operations Cash
15 Fund not needed for current operations of the department shall, as
16 directed by the Director-State Engineer to the State Treasurer, be
17 invested by the state investment officer pursuant to the Nebraska Capital
18 Expansion Act and the Nebraska State Funds Investment Act, subject to
19 approval by the board of each investment. All income received as a result
20 of such investment shall be placed in the Highway Cash Fund.

21 Sec. 239. Section 66-4,144, Revised Statutes Cumulative Supplement,
22 2016, is amended to read:

23 66-4,144 (1) In order to insure that an adequate balance in the
24 Highway Restoration and Improvement Bond Fund is maintained to meet the
25 debt service requirements of bonds to be issued by the commission under
26 subsection (2) of section 39-2223, the Director-State Engineer shall
27 certify to the department the excise tax rate to be imposed by sections
28 66-4,140 and 66-6,108 for each year during which such bonds are
29 outstanding necessary to provide in each such year money equal in amount
30 to not less than one hundred twenty-five percent of such year's bond
31 principal and interest payment requirements. The department shall adjust

1 the rate as certified by the Director-State Engineer. Such rate shall be
2 in addition to the rate of excise tax set pursuant to subsection (2) of
3 this section. Each such rate shall be effective from July 1 of a stated
4 year through June 30 of the succeeding year or during such other period
5 not longer than one year as the Director-State Engineer certifies to be
6 consistent with the principal and interest requirements of such bonds.
7 Such excise tax rates set pursuant to this subsection may be increased,
8 but such excise tax rates shall not be subject to reduction or
9 elimination unless the Director-State Engineer has received from the
10 State Highway Commission notice of reduced principal and interest
11 requirements for such bonds, in which event the Director-State Engineer
12 shall certify the new rate or rates to the department. The new rate or
13 rates, if any, shall become effective on the first day of the following
14 semiannual period.

15 (2) In order to insure that there is maintained an adequate Highway
16 Cash Fund balance to meet expenditures from such fund as appropriated by
17 the Legislature, by June 15 or five days after the adjournment of the
18 regular legislative session each year, whichever is later, the Director-
19 State Engineer shall certify to the department the excise tax rate to be
20 imposed by sections 66-4,140 and 66-6,108. The department shall adjust
21 the rate as certified by the Director-State Engineer to be effective from
22 July 1 through June 30 of the succeeding year. The rate of excise tax for
23 a given July 1 through June 30 period set pursuant to this subsection
24 shall be in addition to and independent of the rate or rates of excise
25 tax set pursuant to subsection (1) of this section for such period. The
26 Director-State Engineer shall determine the cash and investment balances
27 of the Highway Cash Fund at the beginning of each fiscal year under
28 consideration and the estimated receipts to the Highway Cash Fund from
29 each source which provides at least one million dollars annually to such
30 fund. The rate of excise tax shall be an amount sufficient to meet the
31 appropriations made from the Highway Cash Fund by the Legislature. Such

1 rate shall be set in increments of one-tenth of one percent.

2 (3) The Department of Transportation Roads shall provide to the
3 Legislative Fiscal Analyst an electronic copy of the information that is
4 submitted to the Department of Revenue and used to set or adjust the
5 excise tax rate.

6 (4) If the actual receipts received to date added to any projections
7 or modified projections of deposits to the Highway Cash Fund for the
8 current fiscal year are less than ninety-nine percent or greater than one
9 hundred two percent of the appropriation for the current fiscal year, the
10 Director-State Engineer shall certify to the department the adjustment in
11 rate necessary to meet the appropriations made from the Highway Cash Fund
12 by the Legislature. The department shall adjust the rate as certified by
13 the Director-State Engineer to be effective on the first day of the
14 following semiannual period.

15 (5) Nothing in this section shall be construed to abrogate the
16 duties of the Department of Transportation Roads or attempt to change any
17 highway improvement program schedule.

18 Sec. 240. Section 66-6,109.02, Reissue Revised Statutes of Nebraska,
19 is amended to read:

20 66-6,109.02 (1) For tax periods beginning on and after July 1, 2009,
21 at the time of filing the return required by section 66-6,110, the
22 retailer shall, in addition to the other taxes provided for by law, pay a
23 tax at the rate of five percent of the average wholesale price of
24 gasoline calculated pursuant to section 66-489.02 for the gallons of the
25 compressed fuel as shown by the return, except that there shall be no tax
26 on the compressed fuel reported if it is otherwise exempted by the
27 Compressed Fuel Tax Act.

28 (2) All sums of money received under this section shall be credited
29 to the Highway Trust Fund. Credits and refunds of such tax allowed to
30 producers, suppliers, distributors, wholesalers, or importers shall be
31 paid from the Highway Trust Fund. The balance of the amount credited,

1 after credits and refunds, shall be allocated as follows:

2 (a) Sixty-six percent to the Highway Cash Fund for the Department of
3 Transportation Roads;

4 (b) Seventeen percent to the Highway Allocation Fund for allocation
5 to the various counties for road purposes; and

6 (c) Seventeen percent to the Highway Allocation Fund for allocation
7 to the various municipalities for street purposes.

8 Sec. 241. Section 66-738, Revised Statutes Cumulative Supplement,
9 2016, is amended to read:

10 66-738 The Motor Fuel Tax Enforcement and Collection Division is
11 hereby created within the Department of Revenue. The division shall be
12 funded by a separate appropriation program within the department. All
13 provisions of the Compressed Fuel Tax Act, the Petroleum Release Remedial
14 Action Act, the State Aeronautics ~~Department~~ Act, and sections 66-482 to
15 66-4,149, 66-501 to 66-531, and 66-712 to 66-736, pertaining to the
16 Department of Revenue, the Tax Commissioner, or the division, shall be
17 entirely and separately undertaken and enforced by the division, except
18 that the division may utilize services provided by other programs of the
19 Department of Revenue in functional areas known on July 1, 1991, as the
20 budget subprograms designated revenue operations and administration.
21 Appropriations for the division that are used to fund costs allocated for
22 such functional operations shall be expended by the division in an
23 appropriate pro rata share and shall be subject to audit by the Auditor
24 of Public Accounts, at such time as he or she determines necessary, which
25 audit shall be provided to the budget division of the Department of
26 Administrative Services and the Legislative Fiscal Analyst by October 1
27 of the year under audit. Audit information useful to other divisions of
28 the Department of Revenue may be shared by the Motor Fuel Tax Enforcement
29 and Collection Division with the other divisions of the department and
30 the Division of Motor Carrier Services of the Department of Motor
31 Vehicles, but audits shall not be considered as a functional operation

1 for purposes of this section. Except for staff performing in functional
2 areas, staff funded from the separate appropriation program shall only be
3 utilized to carry out the provisions of such acts and sections. The
4 auditors and field investigators in the Motor Fuel Tax Enforcement and
5 Collection Division shall be adequately trained for the purposes of motor
6 fuel tax enforcement and collection. The Tax Commissioner shall hire for
7 or assign to the division sufficient staff to carry out the
8 responsibility of the division for the enforcement of the motor fuel
9 laws.

10 Funds appropriated to the division may also be used to contract with
11 other public agencies or private entities to aid in the issuance of motor
12 fuel delivery permit numbers as provided in subsection (2) of section
13 66-503, and such contracted funds shall only be used for such purpose.
14 The amount of any contracts entered into pursuant to this section shall
15 be appropriated and accounted for in a separate budget subprogram of the
16 division.

17 Sec. 242. Section 66-821, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 66-821 For purposes of sections 66-821 to 66-824, unless the context
20 otherwise requires:

21 (1) Gasohol shall mean gasoline which contains a minimum of ten
22 percent blend of an agricultural ethyl alcohol whose purity shall be at
23 least ninety-nine percent alcohol, excluding denaturant, produced from
24 cereal grains or domestic agricultural commodities; and

25 (2) Department shall mean the Department of Transportation Roads.

26 Sec. 243. Section 66-822, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 66-822 The department ~~Department of Roads~~ shall, not later than July
29 1, 1980, implement a program of using gasohol as fuel in motor vehicles
30 owned or operated by the department which are designed to operate on such
31 fuel.

1 Sec. 244. Section 69-1701, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 69-1701 (1) Before an outdoor advertising sign, display, or device
4 is removed, taken, or appropriated through the use of zoning or any other
5 power or authority possessed by the state, a state agency, or a political
6 subdivision of the state:

7 (a) The value of the sign, display, or device shall be determined by
8 the taking entity without the use of any amortization schedule; and

9 (b) The owners of the sign, display, or device shall be paid the
10 fair and reasonable market value for such removal, taking, or
11 appropriation, which fair and reasonable market value shall be based upon
12 the depreciated reproduction cost of such sign, display, or device using
13 as a guideline the Nebraska Sign Schedule developed and used by the
14 Department of Transportation Roads, except that, when feasible, the
15 taking entity may elect to relocate such sign, display, or device, in
16 which event the owners of the sign, display, or device shall be paid the
17 actual and necessary relocation cost therefor.

18 (2) Subsection (1) of this section shall not apply to:

19 (a) Actions taken by the Department of Transportation Roads pursuant
20 to sections 39-212 to 39-226 and 39-1320; and

21 (b) The removal, taking, or appropriation of a sign, display, or
22 device which (i) is insecurely fixed or inadequately maintained such that
23 the sign, display, or device constitutes a danger to the public health or
24 safety, or (ii) has been abandoned or no longer used by the owners for at
25 least six months.

26 Sec. 245. Section 70-309, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 70-309 If the public road, along, upon, across, or under which the
29 right to construct, operate, and maintain the electrical transmission
30 line is granted, is a state or federal highway, then the location and
31 installation of the electrical transmission facilities, insofar as they

1 pertain to the present and future use of the rights-of-way for highway
2 purposes, shall be subject to reasonable regulations and restrictions
3 prescribed by the Department of Transportation Roads. If the future use
4 of the state or federal highway requires the moving or relocating of the
5 facilities, then such facilities shall be removed or relocated by the
6 owner, at the owner's cost and expense, and as directed by the Department
7 of Transportation Roads except as provided by section 39-1304.02.

8 Sec. 246. Section 72-108, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 72-108 All deeds or other instruments conveying any interest in
11 lands to the State of Nebraska, or to any board, department, or
12 commission thereof, shall be carefully deposited in the office of the
13 Board of Educational Lands and Funds for safekeeping after they have been
14 duly recorded in the office of the register of deeds in the county where
15 the real estate is located. This ; ~~Provided, this~~ section shall not apply
16 to deeds or other instruments conveying any interest in lands to the
17 Department of Transportation Roads or the Game and Parks Commission.

18 Sec. 247. Section 72-221, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 72-221 The Department of Transportation Roads ~~of the State of~~
21 ~~Nebraska~~ and the county board of any county may acquire land necessary to
22 establish a public highway over or across any educational lands.

23 Sec. 248. Section 72-221.01, Reissue Revised Statutes of Nebraska,
24 is amended to read:

25 72-221.01 All established public roads that have been established
26 for a period of ten years or more on the section line along any side or
27 part of the side of a section owned by the Board of Educational Lands and
28 Funds, and on any part of a section that has an established meandering
29 road not on the section line and under the jurisdiction of the Board of
30 Educational Lands and Funds, shall be dedicated to the county for public
31 use in the case of county roads, or to the State of Nebraska, Department

1 of Transportation Roads, for public use. The public road right-of-way so
2 dedicated shall be no less than thirty-three feet from the section line,
3 nor less than sixty-six feet through that part of the section where the
4 established road meanders through the described section. Upon receipt of
5 payment from any county or the department ~~Department of Roads~~ of the fair
6 and reasonable market value of the right-of-way at the date the road was
7 established, the Board of Educational Lands and Funds shall convey to the
8 county or the department ~~Department of Roads~~ title to such road right-of-
9 way. The instruments of conveyance shall be recorded in the office of the
10 register of deeds.

11 Sec. 249. Section 72-817, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 72-817 Sections 72-811 to 72-818 shall apply to every state agency
14 except the University of Nebraska, the Nebraska state colleges, the
15 Division ~~Department~~ of Aeronautics of the Department of Transportation,
16 and the Board of Educational Lands and Funds, except that any such agency
17 may elect to include under such sections any building or land for which
18 it has responsibility. Such sections shall not apply to interests in real
19 property held by the Department of Transportation Roads.

20 Sec. 250. Section 73-507, Revised Statutes Cumulative Supplement,
21 2016, is amended to read:

22 73-507 (1) Subject to review by the Director of Administrative
23 Services, the division shall provide procedures to grant limited
24 exceptions from sections 73-504, 73-508, and 73-509 for:

25 (a) Sole source contracts, emergency contracts, and contracts for
26 services when the price has been established by the federal General
27 Services Administration or competitively bid by another state or group of
28 states, a group of states and any political subdivision of any other
29 state, or a cooperative purchasing organization on behalf of a group of
30 states; and

31 (b) Other circumstances or specific contracts when any of the

1 requirements of sections 73-504, 73-508, and 73-509 are not appropriate
2 for or are not compatible with the circumstances or contract. The
3 division shall provide a written rationale which shall be kept on file
4 when granting an exception under this subdivision.

5 (2) The following types of contracts for services are not subject to
6 sections 73-504, 73-508, 73-509, and 73-510:

7 (a) Contracts for services subject to the Nebraska Consultants'
8 Competitive Negotiation Act;

9 (b) Contracts for services subject to federal law, regulation, or
10 policy or state statute, under which a state agency is required to use a
11 different selection process or to contract with an identified contractor
12 or type of contractor;

13 (c) Contracts for professional legal services and services of expert
14 witnesses, hearing officers, or administrative law judges retained by
15 state agencies for administrative or court proceedings;

16 (d) Contracts involving state or federal financial assistance passed
17 through by a state agency to a political subdivision;

18 (e) Contracts with a value of fifteen million dollars or less with
19 direct providers of medical, behavioral, or developmental health
20 services, child care, or child welfare services to an individual;

21 (f) Agreements for services to be performed for a state agency by
22 another state or local government agency or contracts made by a state
23 agency with a local government agency for the direct provision of
24 services to the public;

25 (g) Agreements for services between a state agency and the
26 University of Nebraska, the Nebraska state colleges, the courts, the
27 Legislature, or other officers or state agencies established by the
28 Constitution of Nebraska;

29 (h) Department of Insurance contracts for financial or actuarial
30 examination, for rehabilitation, conservation, reorganization, or
31 liquidation of licensees, and for professional services related to

1 residual pools or excess funds under the agency's control;

2 (i) Department of Transportation Roads contracts for all road and
3 bridge projects;

4 (j) Nebraska Investment Council contracts; and

5 (k) Contracts under section 57-1503.

6 Sec. 251. Section 74-1310, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 74-1310 For purposes of sections 74-1310 to 74-1322, unless the
9 context otherwise requires, department shall mean the Department of
10 Transportation Roads.

11 Sec. 252. Section 74-1314, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 74-1314 When any political subdivision of this state determines that
14 public safety will be improved by eliminating a crossing, by the
15 installation, substantial modification, or improvement of automatic
16 railroad grade crossing protection, or by construction of an overpass or
17 underpass where a street, road, or highway intersects with a line of the
18 railroad company within its jurisdiction, and demand is made upon the
19 railroad company concerned, the political subdivision shall inform the
20 department ~~Department of Roads~~ of such fact.

21 Upon receiving such notice, or upon its own determination, the
22 department ~~Department of Roads~~ shall forthwith examine the crossing
23 concerned, in conjunction with representatives of the political
24 subdivision, to determine whether the position of such crossing on the
25 priority list established under section 74-1312 should be adjusted.

26 Sec. 253. Section 74-1318, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 74-1318 The department ~~Department of Roads~~ is hereby empowered to
29 administer the funds deposited in the Grade Crossing Protection Fund as
30 follows:

31 (1) If the department and the political subdivision with

1 jurisdiction over the crossing agree that a grade crossing should be
2 eliminated by closing the street, road, or highway, the political
3 subdivision making such closing shall receive five thousand dollars from
4 the fund and five thousand dollars from the railroad involved and the
5 actual cost of closure not to exceed twelve thousand dollars from the
6 fund. If pursuant to section 74-1305 it is agreed by the department and
7 the political subdivision that such crossing should be eliminated by the
8 removal of such rail line, the political subdivision paying for such
9 removal, if any, shall receive two thousand dollars or the actual cost
10 thereof not to exceed twelve thousand dollars from the fund;

11 (2) Except as otherwise provided in section 74-1315, in order to
12 facilitate and protect the interest of the public as a whole and to
13 compensate for the statewide use of such crossings by the public, the
14 department shall pay ninety-five percent of the cost of overpasses,
15 underpasses, and automatic railroad grade crossing protection measures or
16 devices from the fund for all such projects in which an agreement among
17 the department, the railroad, and the political subdivision is executed
18 on or after May 24, 1979, and the balance of the cost shall be borne by
19 the political subdivision, except that in any county in which a railroad
20 transportation safety district has been formed, such balance shall be
21 borne entirely by the political subdivision. For all such projects in
22 which an agreement among the department, the railroad, and the political
23 subdivision was executed prior to May 24, 1979, the costs shall continue
24 to be borne in the same manner as they were prior to such date;

25 (3) It shall be the sole responsibility of the railroad company
26 involved to maintain all automatic railroad grade crossing protection
27 devices existing in this state;

28 (4) The department shall allocate the amount to be borne by the fund
29 for the cost of construction, installation, or substantial modification
30 or improvement of the automatic devices for the protection of the
31 railroad grade crossing concerned under this section and section 74-1317;

1 and

2 (5) The department shall enter into and enforce agreements involving
3 the fund and the supervision of the construction, installation,
4 substantial modification or improvement, and maintenance of such
5 overpasses, underpasses, and automatic safety devices for which any part
6 of the cost is borne from the fund and the auditing and collection of the
7 bills covering the cost thereof. The department is further authorized to
8 enter into such contracts with any railroad companies and political
9 subdivisions affected which are necessary to carry out this section and
10 section 74-1317.

11 Sec. 254. Section 74-1319, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 74-1319 Whenever a railroad line is abandoned, the department
14 ~~Department of Roads~~ may remove grade crossing protection devices
15 therefrom to protect the state's investment therein.

16 Sec. 255. Section 74-1331, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 74-1331 Any person who operates a railroad in the State of Nebraska
19 shall construct all bridges on its railway so that each bridge over a
20 running stream in this state has an opening below high water line the
21 area of which is sufficient to allow the free and unobstructed passage of
22 the water of such running stream at extreme high water state. If in the
23 case of any given bridge satisfactory proof is made to the Department of
24 Transportation ~~Roads~~ that the dimensions prescribed in this section are
25 greater than are necessary to permit the unimpeded passage of the water
26 under such bridge at high water, the department may authorize
27 construction of the bridge with dimensions less than those prescribed in
28 this section. Each railroad shall maintain and keep in good repair all
29 bridges and abutments which the railroad constructs to enable its tracks
30 to pass over or under any turnpike, road, canal, watercourse, or other
31 way. Any operator of a railroad in this state who violates any of the

1 provisions of this section or who permits any such violation on the part
2 of any employee shall be guilty of a Class III misdemeanor.

3 Sec. 256. Section 74-1332, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 74-1332 The Department of Transportation ~~Roads~~ shall have
6 jurisdiction over all crossings outside of incorporated villages, towns,
7 and cities, both public and private, across, over, or under all railroads
8 in the state, except as provided in sections 74-1338 to 74-1340, and
9 shall adopt and promulgate such rules and regulations for the
10 construction, repair, and maintenance of the crossings as the department
11 deems adequate and sufficient for the protection and necessity of the
12 public.

13 Sec. 257. Section 74-1333, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 74-1333 The owner of any railroad tracks which are crossed by a
16 public road shall make and keep in good repair good and sufficient
17 crossings for such road over its tracks, including all the grading,
18 bridges, ditches, and culverts that may be necessary within its right-of-
19 way. Such crossings shall be not less than twenty feet wide and shall be
20 solidly constructed with no openings or filled spaces except such as are
21 necessary for the track. The railroad crossings shall be made of durable
22 material equal to the height of the railroad track. The Department of
23 Transportation ~~Roads~~ may, upon proper investigation and hearing, impose
24 additional reasonable requirements as the circumstances may warrant.

25 Sec. 258. Section 74-1334, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 74-1334 (1) Wherever any railroad track crosses any public road in a
28 cut, on a curve or side hill, in timber lands, near buildings, or near
29 any obstruction of view from the road, the Department of Transportation
30 ~~Roads~~ shall direct such precautions to be taken as it deems necessary for
31 the safety of the traveling public. Each railroad carrier shall also

1 provide and maintain such gates, crossings, signs, signals, alarm bells,
2 and warning personnel as the department directs. The department may
3 direct the placement of special signs where the physical conditions of
4 any crossing warrant such action.

5 (2) Except as provided in subsection (3) of this section, any public
6 railroad crossing without gates, signals, alarm bells, or warning
7 personnel located within one-quarter mile from a public railroad crossing
8 with gates, signals, alarm bells, or warning personnel shall be closed
9 unless it is the only railroad crossing which provides access to
10 property.

11 (3) An interested party may object to an action taken under
12 subsection (2) of this section only if a written request is submitted to
13 the department ~~Department of Roads~~ by a professional engineer licensed to
14 practice in the State of Nebraska. The engineer shall state in writing
15 that the engineer is familiar with the requirements in this section and
16 with all relevant aspects of the railroad crossing. The engineer shall
17 also provide a detailed explanation of why subsection (2) of this section
18 should not apply to the railroad crossing in question and a statement
19 that the railroad crossing corridor has been examined by the engineer and
20 the engineer believes that the railroad crossing will be safe as
21 designed. Such a written request shall exempt a railroad crossing from
22 being closed under subsection (2) of this section.

23 Sec. 259. Section 74-1335, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 74-1335 Whenever any person owns land on both sides of the right-of-
26 way of any railroad, such railroad shall provide and keep in repair at
27 least one adequate means for such landowner to cross the right-of-way.
28 Any interested landowner with land on both sides of the right-of-way of
29 any railroad may file written complaint with the Department of
30 Transportation ~~Roads~~ against any such railroad that the crossing is not
31 adequate or is unsafe and dangerous to the life and property of those who

1 use it, and the department thereupon shall make such investigation, hold
2 such hearing, and issue such orders as it deems necessary, proper, and
3 adequate. If circumstances warrant, the department may require overhead,
4 underground, or grade crossings and wing fences at underground crossings
5 or may require existing crossings to be relocated so as to be safe to
6 those who use them, but when a special crossing involves an expenditure
7 of more than one thousand five hundred dollars, the landowner shall bear
8 one-half the expenses in excess of one thousand five hundred dollars.

9 Sec. 260. Section 74-1336, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 74-1336 (1) Whenever a complaint is filed in writing with the
12 Department of Transportation Roads ~~Roads~~ by the duly authorized officers of any
13 incorporated village or city or by the owner or operator of any railroad
14 track, relative to any crossing within the affected village or city,
15 praying for relief from the matters complained of, the department shall
16 hold a hearing and shall make such order as the facts warrant. The
17 findings of the department, subject to the right of appeal, shall be
18 binding on the parties to the suit.

19 (2) The department shall adopt and promulgate rules and regulations
20 for the construction, repair, and maintenance of all crossings, both
21 public and private, across, over, and under all railroads within the
22 corporate limits of any incorporated village or city. The rules and
23 regulations shall be substantially the same as the rules and regulations
24 under section 74-1332.

25 Sec. 261. Section 74-1338, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 74-1338 If the owner of the railroad track and the county board or
28 other public authority in interest fail to agree upon any of the matters
29 or things mentioned in section 74-1337, either the owner or the county
30 board or other public authority in interest, in the name of the county or
31 other public authority in interest, may file an application with the

1 Department of Transportation Roads, setting forth such fact together with
2 a statement of the change, alteration, relocation, or construction it
3 wants, the estimated cost thereof, and such other facts as may be
4 relevant and asking the department to enter an order directing that the
5 change, alteration, relocation, or construction be made. The department
6 shall proceed to hear the application in the manner provided by law, and
7 if it finds that the application should be granted, it shall enter an
8 order accordingly, designating in the order what portion of the expense
9 of complying with the order shall be paid by the railroad carrier and
10 what portion shall be paid by the county or other public authority in
11 interest, if any.

12 Sec. 262. Section 74-1340, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 74-1340 When the owner of railroad tracks fails, neglects, or
15 refuses promptly to comply with any order of the Department of
16 Transportation Roads issued under sections 74-1332 to 74-1339 or fails,
17 refuses, or neglects to comply with such sections after the department
18 has issued an order, the owner shall be guilty of a Class V misdemeanor
19 and shall be fined in any sum not more than one hundred dollars for each
20 such offense. Each week of such neglect, refusal, or failure shall
21 constitute a separate offense.

22 Sec. 263. Section 74-1341, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 74-1341 The Department of Transportation Roads, which possesses the
25 requisite engineering expertise, highway and rail planning function, and
26 highway safety mission and is the repository for state and federal
27 funding for both rail and highway projects, shall be the agency
28 responsible for grade crossing safety.

29 Sec. 264. Section 74-1342, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 74-1342 (1) The Department of Transportation Roads shall adopt and

1 promulgate rules and regulations establishing a comprehensive public
2 safety program to deal with problems associated with public and private
3 highway-rail grade crossings. In designing such a program, the department
4 shall establish a process for assessing the risk to the public from
5 particular grade crossings and for reducing or eliminating such risk in a
6 cost-effective and timely manner. The department shall actively solicit
7 input from the public and from representatives of county and municipal
8 governments, the Federal Highway Administration, the Federal Railroad
9 Administration, and any other individuals or entities with an interest in
10 grade crossing safety.

11 (2) The grade crossing safety assessment process may include the
12 following factors:

13 (a) Volume of trains;

14 (b) Volume of motor vehicles, including character, function, and
15 type of vehicular traffic through the crossing;

16 (c) Number of tracks at the crossing;

17 (d) Geometry of the crossing, including acute angles;

18 (e) Sight-distance restrictions, if any;

19 (f) Train and motor vehicle speed;

20 (g) Accident history;

21 (h) Character of proximate road network, including distance and
22 travel time to adjacent crossings;

23 (i) Frequency and duration of roadway blockage by trains, including
24 citation history;

25 (j) Emergency response routes, including alternatives;

26 (k) Economic impact of crossing;

27 (l) Current and foreseeable development in the vicinity of the
28 crossing; and

29 (m) Location of schools and hospitals.

30 Sec. 265. Section 74-1343, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 74-1343 The Department of Transportation Roads shall establish the
2 grade crossing safety assessment process no later than twelve months
3 after September 13, 1997, and shall recommend to the Legislature no later
4 than eighteen months after September 13, 1997, an equitable formula for
5 funding grade crossing risk abatement.

6 Sec. 266. Section 75-713, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 75-713 Any public utility, public power district, or other
9 governmental subdivision or any person in this state, before engaging in
10 the construction or alteration of any overhead wire, cable, or pipeline,
11 the height of which is greater than five feet above the elevation of an
12 airport which has been approved and licensed by the Division Department
13 of Aeronautics of the Department of Transportation, for each five hundred
14 feet of the distance that such construction is or will be situated from
15 the nearest boundary of such airport, shall file with the commission an
16 original application for permission to enter upon and complete such
17 construction or alteration and shall also file a copy thereof with the
18 division Department of Aeronautics. No application need be made when the
19 construction or alteration is within the corporate limits of a city or
20 village and is adjacent to other structures of a permanent character
21 which are of equal or greater height than the construction or alteration
22 proposed. No such overhead wire, cable, or pipeline for which application
23 is required to be filed under sections 75-713 to 75-717 shall be
24 constructed or altered without specific permission granted by order of
25 the commission.

26 Sec. 267. Section 75-716, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 75-716 The Division Department of Aeronautics of the Department of
29 Transportation shall at all times maintain on file in the office of the
30 commission a list of the airports currently licensed by the division
31 department setting forth the legal description of the real property thus

1 used.

2 Sec. 268. Section 76-1224, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 76-1224 Lead agency shall mean the Nebraska Department of
5 Transportation Roads.

6 Sec. 269. Section 77-3442, Revised Statutes Cumulative Supplement,
7 2016, is amended to read:

8 77-3442 (1) Property tax levies for the support of local governments
9 for fiscal years beginning on or after July 1, 1998, shall be limited to
10 the amounts set forth in this section except as provided in section
11 77-3444.

12 (2)(a) Except as provided in subdivisions (2)(b) and (2)(e) of this
13 section, school districts and multiple-district school systems may levy a
14 maximum levy of one dollar and five cents per one hundred dollars of
15 taxable valuation of property subject to the levy.

16 (b) For each fiscal year prior to fiscal year 2017-18, learning
17 communities may levy a maximum levy for the general fund budgets of
18 member school districts of ninety-five cents per one hundred dollars of
19 taxable valuation of property subject to the levy. The proceeds from the
20 levy pursuant to this subdivision shall be distributed pursuant to
21 section 79-1073.

22 (c) Except as provided in subdivision (2)(e) of this section, for
23 each fiscal year prior to fiscal year 2017-18, school districts that are
24 members of learning communities may levy for purposes of such districts'
25 general fund budget and special building funds a maximum combined levy of
26 the difference of one dollar and five cents on each one hundred dollars
27 of taxable property subject to the levy minus the learning community levy
28 pursuant to subdivision (2)(b) of this section for such learning
29 community.

30 (d) Excluded from the limitations in subdivisions (2)(a) and (2)(c)
31 of this section are amounts levied to pay for sums agreed to be paid by a

1 school district to certificated employees in exchange for a voluntary
2 termination of employment, amounts levied in compliance with sections
3 79-10,110 and 79-10,110.02, and amounts levied to pay for special
4 building funds and sinking funds established for projects commenced prior
5 to April 1, 1996, for construction, expansion, or alteration of school
6 district buildings. For purposes of this subsection, commenced means any
7 action taken by the school board on the record which commits the board to
8 expend district funds in planning, constructing, or carrying out the
9 project.

10 (e) Federal aid school districts may exceed the maximum levy
11 prescribed by subdivision (2)(a) or (2)(c) of this section only to the
12 extent necessary to qualify to receive federal aid pursuant to Title VIII
13 of Public Law 103-382, as such title existed on September 1, 2001. For
14 purposes of this subdivision, federal aid school district means any
15 school district which receives ten percent or more of the revenue for its
16 general fund budget from federal government sources pursuant to Title
17 VIII of Public Law 103-382, as such title existed on September 1, 2001.

18 (f) For each fiscal year, learning communities may levy a maximum
19 levy of one-half cent on each one hundred dollars of taxable property
20 subject to the levy for elementary learning center facility leases, for
21 remodeling of leased elementary learning center facilities, and for up to
22 fifty percent of the estimated cost for focus school or program capital
23 projects approved by the learning community coordinating council pursuant
24 to section 79-2111.

25 (g) For each fiscal year, learning communities may levy a maximum
26 levy of one and one-half cents on each one hundred dollars of taxable
27 property subject to the levy for early childhood education programs for
28 children in poverty, for elementary learning center employees, for
29 contracts with other entities or individuals who are not employees of the
30 learning community for elementary learning center programs and services,
31 and for pilot projects, except that no more than ten percent of such levy

1 may be used for elementary learning center employees.

2 (3) For each fiscal year, community college areas may levy the
3 levies provided in subdivisions (2)(a) through (c) of section 85-1517, in
4 accordance with the provisions of such subdivisions. A community college
5 area may exceed the levy provided in subdivision (2)(b) of section
6 85-1517 by the amount necessary to retire general obligation bonds
7 assumed by the community college area or issued pursuant to section
8 85-1515 according to the terms of such bonds or for any obligation
9 pursuant to section 85-1535 entered into prior to January 1, 1997.

10 (4)(a) Natural resources districts may levy a maximum levy of four
11 and one-half cents per one hundred dollars of taxable valuation of
12 property subject to the levy.

13 (b) Natural resources districts shall also have the power and
14 authority to levy a tax equal to the dollar amount by which their
15 restricted funds budgeted to administer and implement ground water
16 management activities and integrated management activities under the
17 Nebraska Ground Water Management and Protection Act exceed their
18 restricted funds budgeted to administer and implement ground water
19 management activities and integrated management activities for FY2003-04,
20 not to exceed one cent on each one hundred dollars of taxable valuation
21 annually on all of the taxable property within the district.

22 (c) In addition, natural resources districts located in a river
23 basin, subbasin, or reach that has been determined to be fully
24 appropriated pursuant to section 46-714 or designated as overappropriated
25 pursuant to section 46-713 by the Department of Natural Resources shall
26 also have the power and authority to levy a tax equal to the dollar
27 amount by which their restricted funds budgeted to administer and
28 implement ground water management activities and integrated management
29 activities under the Nebraska Ground Water Management and Protection Act
30 exceed their restricted funds budgeted to administer and implement ground
31 water management activities and integrated management activities for

1 FY2005-06, not to exceed three cents on each one hundred dollars of
2 taxable valuation on all of the taxable property within the district for
3 fiscal year 2006-07 and each fiscal year thereafter through fiscal year
4 2017-18.

5 (5) Any educational service unit authorized to levy a property tax
6 pursuant to section 79-1225 may levy a maximum levy of one and one-half
7 cents per one hundred dollars of taxable valuation of property subject to
8 the levy.

9 (6)(a) Incorporated cities and villages which are not within the
10 boundaries of a municipal county may levy a maximum levy of forty-five
11 cents per one hundred dollars of taxable valuation of property subject to
12 the levy plus an additional five cents per one hundred dollars of taxable
13 valuation to provide financing for the municipality's share of revenue
14 required under an agreement or agreements executed pursuant to the
15 Interlocal Cooperation Act or the Joint Public Agency Act. The maximum
16 levy shall include amounts levied to pay for sums to support a library
17 pursuant to section 51-201, museum pursuant to section 51-501, visiting
18 community nurse, home health nurse, or home health agency pursuant to
19 section 71-1637, or statue, memorial, or monument pursuant to section
20 80-202.

21 (b) Incorporated cities and villages which are within the boundaries
22 of a municipal county may levy a maximum levy of ninety cents per one
23 hundred dollars of taxable valuation of property subject to the levy. The
24 maximum levy shall include amounts paid to a municipal county for county
25 services, amounts levied to pay for sums to support a library pursuant to
26 section 51-201, a museum pursuant to section 51-501, a visiting community
27 nurse, home health nurse, or home health agency pursuant to section
28 71-1637, or a statue, memorial, or monument pursuant to section 80-202.

29 (7) Sanitary and improvement districts which have been in existence
30 for more than five years may levy a maximum levy of forty cents per one
31 hundred dollars of taxable valuation of property subject to the levy, and

1 sanitary and improvement districts which have been in existence for five
2 years or less shall not have a maximum levy. Unconsolidated sanitary and
3 improvement districts which have been in existence for more than five
4 years and are located in a municipal county may levy a maximum of eighty-
5 five cents per hundred dollars of taxable valuation of property subject
6 to the levy.

7 (8) Counties may levy or authorize a maximum levy of fifty cents per
8 one hundred dollars of taxable valuation of property subject to the levy,
9 except that five cents per one hundred dollars of taxable valuation of
10 property subject to the levy may only be levied to provide financing for
11 the county's share of revenue required under an agreement or agreements
12 executed pursuant to the Interlocal Cooperation Act or the Joint Public
13 Agency Act. The maximum levy shall include amounts levied to pay for sums
14 to support a library pursuant to section 51-201 or museum pursuant to
15 section 51-501. The county may allocate up to fifteen cents of its
16 authority to other political subdivisions subject to allocation of
17 property tax authority under subsection (1) of section 77-3443 and not
18 specifically covered in this section to levy taxes as authorized by law
19 which do not collectively exceed fifteen cents per one hundred dollars of
20 taxable valuation on any parcel or item of taxable property. The county
21 may allocate to one or more other political subdivisions subject to
22 allocation of property tax authority by the county under subsection (1)
23 of section 77-3443 some or all of the county's five cents per one hundred
24 dollars of valuation authorized for support of an agreement or agreements
25 to be levied by the political subdivision for the purpose of supporting
26 that political subdivision's share of revenue required under an agreement
27 or agreements executed pursuant to the Interlocal Cooperation Act or the
28 Joint Public Agency Act. If an allocation by a county would cause another
29 county to exceed its levy authority under this section, the second county
30 may exceed the levy authority in order to levy the amount allocated.

31 (9) Municipal counties may levy or authorize a maximum levy of one

1 dollar per one hundred dollars of taxable valuation of property subject
2 to the levy. The municipal county may allocate levy authority to any
3 political subdivision or entity subject to allocation under section
4 77-3443.

5 (10) Beginning July 1, 2016, rural and suburban fire protection
6 districts may levy a maximum levy of ten and one-half cents per one
7 hundred dollars of taxable valuation of property subject to the levy if
8 (a) such district is located in a county that had a levy pursuant to
9 subsection (8) of this section in the previous year of at least forty
10 cents per one hundred dollars of taxable valuation of property subject to
11 the levy or (b) for any rural or suburban fire protection district that
12 had a levy request pursuant to section 77-3443 in the previous year, the
13 county board of the county in which the greatest portion of the valuation
14 of such district is located did not authorize any levy authority to such
15 district in the previous year.

16 (11) Property tax levies (a) for judgments, except judgments or
17 orders from the Commission of Industrial Relations, obtained against a
18 political subdivision which require or obligate a political subdivision
19 to pay such judgment, to the extent such judgment is not paid by
20 liability insurance coverage of a political subdivision, (b) for
21 preexisting lease-purchase contracts approved prior to July 1, 1998, (c)
22 for bonds as defined in section 10-134 approved according to law and
23 secured by a levy on property except as provided in section 44-4317 for
24 bonded indebtedness issued by educational service units and school
25 districts, and (d) for payments by a public airport to retire interest-
26 free loans from the Division Department of Aeronautics of the Department
27 of Transportation in lieu of bonded indebtedness at a lower cost to the
28 public airport are not included in the levy limits established by this
29 section.

30 (12) The limitations on tax levies provided in this section are to
31 include all other general or special levies provided by law.

1 Notwithstanding other provisions of law, the only exceptions to the
2 limits in this section are those provided by or authorized by sections
3 77-3442 to 77-3444.

4 (13) Tax levies in excess of the limitations in this section shall
5 be considered unauthorized levies under section 77-1606 unless approved
6 under section 77-3444.

7 (14) For purposes of sections 77-3442 to 77-3444, political
8 subdivision means a political subdivision of this state and a county
9 agricultural society.

10 (15) For school districts that file a binding resolution on or
11 before May 9, 2008, with the county assessors, county clerks, and county
12 treasurers for all counties in which the school district has territory
13 pursuant to subsection (7) of section 79-458, if the combined levies,
14 except levies for bonded indebtedness approved by the voters of the
15 school district and levies for the refinancing of such bonded
16 indebtedness, are in excess of the greater of (a) one dollar and twenty
17 cents per one hundred dollars of taxable valuation of property subject to
18 the levy or (b) the maximum levy authorized by a vote pursuant to section
19 77-3444, all school district levies, except levies for bonded
20 indebtedness approved by the voters of the school district and levies for
21 the refinancing of such bonded indebtedness, shall be considered
22 unauthorized levies under section 77-1606.

23 Sec. 270. Section 77-3443, Revised Statutes Cumulative Supplement,
24 2016, is amended to read:

25 77-3443 (1) All political subdivisions, other than (a) school
26 districts, community colleges, natural resources districts, educational
27 service units, cities, villages, counties, municipal counties, rural and
28 suburban fire protection districts that have levy authority pursuant to
29 subsection (10) of section 77-3442, and sanitary and improvement
30 districts and (b) political subdivisions subject to municipal allocation
31 under subsection (2) of this section, may levy taxes as authorized by law

1 which are authorized by the county board of the county or the council of
2 a municipal county in which the greatest portion of the valuation is
3 located, which are counted in the county or municipal county levy limit
4 provided in section 77-3442, and which do not collectively total more
5 than fifteen cents per one hundred dollars of taxable valuation on any
6 parcel or item of taxable property for all governments for which
7 allocations are made by the municipality, county, or municipal county,
8 except that such limitation shall not apply to property tax levies for
9 preexisting lease-purchase contracts approved prior to July 1, 1998, for
10 bonded indebtedness approved according to law and secured by a levy on
11 property, and for payments by a public airport to retire interest-free
12 loans from the Division Department of Aeronautics of the Department of
13 Transportation in lieu of bonded indebtedness at a lower cost to the
14 public airport. The county board or council shall review and approve or
15 disapprove the levy request of all political subdivisions subject to this
16 subsection. The county board or council may approve all or a portion of
17 the levy request and may approve a levy request that would allow the
18 requesting political subdivision to levy a tax at a levy greater than
19 that permitted by law. The county board of a county or the council of a
20 municipal county which contains a transit authority created pursuant to
21 section 14-1803 shall allocate no less than three cents per one hundred
22 dollars of taxable property within the city or municipal county subject
23 to the levy to the transit authority if requested by such authority. For
24 any political subdivision subject to this subsection that receives taxes
25 from more than one county or municipal county, the levy shall be
26 allocated only by the county or municipal county in which the greatest
27 portion of the valuation is located. The county board of equalization
28 shall certify all levies by October 15 to insure that the taxes levied by
29 political subdivisions subject to this subsection do not exceed the
30 allowable limit for any parcel or item of taxable property. The levy
31 allocated by the county or municipal county may be exceeded as provided

1 in section 77-3444.

2 (2) All city airport authorities established under the Cities
3 Airport Authorities Act, community redevelopment authorities established
4 under the Community Development Law, transit authorities established
5 under the Transit Authority Law, and offstreet parking districts
6 established under the Offstreet Parking District Act may be allocated
7 property taxes as authorized by law which are authorized by the city,
8 village, or municipal county and are counted in the city or village levy
9 limit or municipal county levy limit provided by section 77-3442, except
10 that such limitation shall not apply to property tax levies for
11 preexisting lease-purchase contracts approved prior to July 1, 1998, for
12 bonded indebtedness approved according to law and secured by a levy on
13 property, and for payments by a public airport to retire interest-free
14 loans from the Division ~~Department~~ of Aeronautics of the Department of
15 Transportation in lieu of bonded indebtedness at a lower cost to the
16 public airport. For offstreet parking districts established under the
17 Offstreet Parking District Act, the tax shall be counted in the
18 allocation by the city proportionately, by dividing the total taxable
19 valuation of the taxable property within the district by the total
20 taxable valuation of the taxable property within the city multiplied by
21 the levy of the district. The city council of a city which has created a
22 transit authority pursuant to section 14-1803 or the council of a
23 municipal county which contains a transit authority shall allocate no
24 less than three cents per one hundred dollars of taxable property subject
25 to the levy to the transit authority if requested by such authority. The
26 city council, village board, or council shall review and approve or
27 disapprove the levy request of the political subdivisions subject to this
28 subsection. The city council, village board, or council may approve all
29 or a portion of the levy request and may approve a levy request that
30 would allow a levy greater than that permitted by law. The levy allocated
31 by the municipality or municipal county may be exceeded as provided in

1 section 77-3444.

2 (3) On or before August 1, all political subdivisions subject to
3 county, municipal, or municipal county levy authority under this section
4 shall submit a preliminary request for levy allocation to the county
5 board, city council, village board, or council that is responsible for
6 levying such taxes. The preliminary request of the political subdivision
7 shall be in the form of a resolution adopted by a majority vote of
8 members present of the political subdivision's governing body. The
9 failure of a political subdivision to make a preliminary request shall
10 preclude such political subdivision from using procedures set forth in
11 section 77-3444 to exceed the final levy allocation as determined in
12 subsection (4) of this section.

13 (4) Each county board, city council, village board, or council shall
14 (a) adopt a resolution by a majority vote of members present which
15 determines a final allocation of levy authority to its political
16 subdivisions and (b) forward a copy of such resolution to the chairperson
17 of the governing body of each of its political subdivisions. No final
18 levy allocation shall be changed after September 1 except by agreement
19 between both the county board, city council, village board, or council
20 which determined the amount of the final levy allocation and the
21 governing body of the political subdivision whose final levy allocation
22 is at issue.

23 Sec. 271. Section 79-604, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 79-604 The Department of Transportation ~~Roads~~ shall post on state
26 highways signs reading: Unlawful to pass school buses stopped to load or
27 unload children. These signs shall be adequate in size and number to
28 properly inform the public. School districts may obtain and post such
29 signs on other bus route roads upon the approval of appropriate county
30 officials. The Department of Transportation ~~Roads~~ may furnish such signs
31 at cost to school districts.

1 Sec. 272. Section 81-101, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 81-101 The civil administration of the laws of the state is vested
4 in the Governor. For the purpose of aiding the Governor in the execution
5 and administration of the laws, the executive and administrative work
6 shall be divided into the following agencies: (1) Department of
7 Agriculture; (2) Department of Labor; (3) Department of Transportation
8 Roads; (4) Department of Natural Resources; (5) Department of Banking and
9 Finance; (6) Department of Insurance; (7) Department of Motor Vehicles;
10 (8) Department of Administrative Services; (9) Department of Economic
11 Development; (10) Department of Correctional Services; (11) Nebraska
12 State Patrol; and (12) Department of Health and Human Services.

13 Sec. 273. Section 81-102, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 81-102 The Governor shall appoint heads for the various agencies
16 listed in section 81-101, subject to confirmation by a majority vote of
17 the members elected to the Legislature. Such appointments shall be
18 submitted to the Legislature within sixty calendar days following the
19 first Thursday after the first Tuesday in each odd-numbered year. The
20 officers shall be designated as follows: (1) The Director of Agriculture
21 for the Department of Agriculture; (2) the Commissioner of Labor for the
22 Department of Labor; (3) the Director-State Engineer for the Department
23 of Transportation Roads; (4) the Director of Natural Resources for the
24 Department of Natural Resources; (5) the Director of Banking and Finance
25 for the Department of Banking and Finance; (6) the Director of Insurance
26 for the Department of Insurance; (7) the Director of Motor Vehicles for
27 the Department of Motor Vehicles; (8) the Director of Administrative
28 Services for the Department of Administrative Services; (9) the Director
29 of Correctional Services for the Department of Correctional Services;
30 (10) the Director of Economic Development for the Department of Economic
31 Development; (11) the Superintendent of Law Enforcement and Public Safety

1 for the Nebraska State Patrol; (12) the Property Tax Administrator as the
2 chief administrative officer of the property assessment division of the
3 Department of Revenue; and (13) the chief executive officer for the
4 Department of Health and Human Services. Whoever shall be so nominated by
5 the Governor and shall fail to receive the number of votes requisite for
6 confirmation, shall not be subject to nomination or appointment for this
7 or any other appointive state office requiring confirmation by the
8 Legislature during the period for which his or her appointment was
9 sought. In case of a vacancy in any of such offices during the recess of
10 the Legislature, the Governor shall make a temporary appointment until
11 the next meeting of the Legislature, when he or she shall nominate some
12 person to fill such office. Any person so nominated who is confirmed by
13 the Legislature, shall hold his or her office during the remainder of the
14 term if a specific term has been provided by law, otherwise during the
15 pleasure of the Governor subject to the provisions of this section;
16 except any such officers may be removed by the Governor pursuant to
17 Article IV of the Constitution of Nebraska.

18 Sec. 274. Section 81-161.04, Reissue Revised Statutes of Nebraska,
19 is amended to read:

20 81-161.04 (1) Whenever any using agency has any personal property
21 for which it no longer has any need or use, it shall notify the materiel
22 division in writing setting forth a description of the property and the
23 approximate length of time that the property has been in the possession
24 of the using agency. The materiel division shall appraise the property
25 and notify all other using agencies of the state that the materiel
26 division has the property for sale and that the property can be bought at
27 the appraised price. No property will be sold until first offered to
28 using agencies as provided by this section unless the property is
29 unusable. If the materiel division fails to receive an offer from any
30 using agency, it may sell or dispose of the property by any method which
31 is most advantageous to the State of Nebraska, including auction, sealed

1 bid, private or public sale, or trade-in for other property, with
2 priorities given to the other political subdivisions. All sales shall be
3 made in the name of the State of Nebraska. The materiel division shall
4 charge an administrative fee for the disposition of surplus property.
5 Such administrative fee shall be a percentage of the amount of the sale
6 of the surplus property. In the event surplus property is determined to
7 have no market value, the materiel administrator may waive the
8 administrative fee.

9 (2) Except as otherwise provided in this subsection, the proceeds of
10 the sales shall be deposited with the State Treasurer and credited to the
11 General Fund unless the using agency certifies to the materiel division
12 that the property was purchased in part or in total from either cash
13 accounts or federal funds or from a percentage of such accounts or funds,
14 in which case the proceeds of the sale to that extent shall be credited
15 to the cash or federal account in the percentage used in originally
16 purchasing the property. The cost of selling surplus property shall be
17 deducted from the proceeds of the surplus property sold. The proceeds
18 received from the sale of passenger-carrying motor vehicles originally
19 purchased with money from the General Fund, other than passenger-carrying
20 motor vehicles used by the Nebraska State Patrol, less selling costs,
21 shall be deposited in the state treasury and credited by the State
22 Treasurer to the Transportation Services Bureau Revolving Fund. The
23 proceeds received from the sale of passenger-carrying motor vehicles used
24 by the Nebraska State Patrol, less selling costs, shall be deposited in
25 the state treasury and credited by the State Treasurer to the Nebraska
26 State Patrol Vehicle Replacement Cash Fund. The proceeds received from
27 the sale of micrographic equipment, other than that of the University of
28 Nebraska and state colleges, less selling costs, shall be deposited in
29 the state treasury and credited by the State Treasurer to the Records
30 Management Micrographics Services Revolving Fund. The proceeds received
31 from the sale of aircraft, less selling costs, shall be deposited in the

1 state treasury and credited by the State Treasurer to the ~~Department of~~
2 Aeronautics Cash Fund.

3 Sec. 275. Section 81-188.01, Reissue Revised Statutes of Nebraska,
4 is amended to read:

5 81-188.01 (1) The State Building Renewal Assessment Fund is created.
6 The fund shall be under the control of the Governor for allocation to
7 building renewal projects of the various agencies and shall be
8 administered in a manner consistent with the administration of the
9 Building Renewal Allocation Fund pursuant to the Deferred Building
10 Renewal Act. No amounts accruing to the State Building Renewal Assessment
11 Fund shall be expended in any manner for purposes other than as provided
12 in this section or as appropriated by the Legislature to meet the cost of
13 administering the act. Transfers may be made from the fund to the General
14 Fund at the direction of the Legislature.

15 (2) Revenue credited to the State Building Renewal Assessment Fund
16 shall include amounts derived from charges assessed pursuant to
17 subdivision (4)(b) of section 81-1108.17 and such other revenue as may be
18 incident to the administration of the fund.

19 (3) Amounts appropriated from the fund shall be expended to conduct
20 renewal work as defined in section 81-173 and to complete other
21 improvements incident to such renewal work as deemed necessary or
22 appropriate by the task force. From amounts accruing to the fund as the
23 result of depreciation charges assessed pursuant to subdivision (4)(b) of
24 section 81-1108.17, expenditures for capital improvements shall be
25 limited to improvements to only those facilities for which such charges
26 have been assessed and remitted. From amounts accruing to the fund as the
27 result of depreciation charges assessed pursuant to section 81-188.02
28 prior to July 1, 2011, expenditures for capital improvement projects
29 shall be limited to exclude (a) capital improvement projects relating to
30 facilities, structures, or buildings owned, leased, or operated by the
31 (i) University of Nebraska, (ii) Nebraska state colleges, (iii)

1 ~~Department of Aeronautics, (iv) Department of Transportation Roads, (iv)~~
2 ~~(v) Game and Parks Commission, or (v) (vi) Board of Educational Lands and~~
3 Funds and (b) capital improvement projects relating to facilities,
4 structures, or buildings for which depreciation charges are assessed
5 pursuant to subdivision (4)(b) of section 81-1108.17.

6 (4) Any money in the fund available for investment shall be invested
7 by the state investment officer pursuant to the Nebraska Capital
8 Expansion Act and the Nebraska State Funds Investment Act.

9 Sec. 276. Section 81-701.01, Reissue Revised Statutes of Nebraska,
10 is amended to read:

11 81-701.01 The Director-State Engineer shall have full control,
12 management, supervision, administration, and direction of the Department
13 of Transportation Roads. All powers and duties lawfully conferred upon
14 the department shall be exercised under the direction of the Director-
15 State Engineer.

16 Sec. 277. Section 81-701.02, Reissue Revised Statutes of Nebraska,
17 is amended to read:

18 81-701.02 The Director-State Engineer, for the Department of
19 Transportation Roads, shall:

- 20 (1) Have charge of the records of the department;
- 21 (2) Cause accurate and complete books of account to be kept;
- 22 (3) Supervise the signing of vouchers and orders for supplies,
23 materials, and any other expenditures;
- 24 (4) Contract for consulting services;
- 25 (5) Employ all engineers, assistants, clerks, agents, and other
26 employees required for the proper transaction of the business of ~~the~~ his
27 office or of the department and fix their titles, determine their duties
28 and compensation, and discharge them in his or her discretion; and
- 29 (6) Sign and execute or supervise the signing and executing of all
30 documents and papers, including contracts and agreements for highway
31 construction and the purchase of machinery, materials, and supplies.

1 Sec. 278. Section 81-701.03, Reissue Revised Statutes of Nebraska,
2 is amended to read:

3 81-701.03 (1) The Beginning on July 1, 2009, the Department of
4 Transportation Roads shall assume responsibility for the powers and
5 duties of the highway safety program of the Department of Motor Vehicles,
6 except that the Department of Motor Vehicles shall retain jurisdiction
7 over the Motorcycle Safety Education Act.

8 (2) On and after July 1, 2017, whenever the Department of Roads is
9 referred to or designated by any contract or other document in connection
10 with the duties and functions of the Department of Transportation, such
11 reference or designation shall apply to the Department of Transportation.
12 All contracts entered into by the Department of Roads prior to July 1,
13 2017, are hereby recognized, with the Department of Transportation
14 retaining all rights and obligations under such contracts. Any cash
15 funds, custodial funds, gifts, trusts, grants, and any appropriations of
16 funds from prior fiscal years available to satisfy obligations incurred
17 under such contracts shall be appropriated to the Department of
18 Transportation for the payments of such obligations. All documents and
19 records transferred, or copies of the same, may be authenticated or
20 certified by the Department of Transportation for all legal purposes.

21 (3) No suit, action, or other proceeding, judicial or
22 administrative, lawfully commenced prior to July 1, 2017, or which could
23 have been commenced prior to that date, by or against the Department of
24 Roads, or the director or any employee thereof in such director's or
25 employee's official capacity or in relation to the discharge of his or
26 her official duties, shall abate by reason of the change of name of the
27 Department of Roads to the Department of Transportation.

28 (4) On and after July 1, 2017, unless otherwise specified, whenever
29 any provision of law refers to the Department of Roads in connection with
30 duties and functions of the Department of Transportation, such law shall
31 be construed as referring to the Department of Transportation.

1 Sec. 279. Section 81-701.04, Reissue Revised Statutes of Nebraska,
2 is amended to read:

3 81-701.04 There shall be paid to the Department of Transportation
4 ~~Roads~~ in advance for the services of the department, or any officer or
5 employee thereof by the party demanding or necessitating the service, the
6 following fees: For typing a transcript or copy of any instrument
7 recorded or filed in any office of the department, fifteen cents for each
8 one hundred words; for blueprint copy of any map or drawing, or
9 photostatic copy of any record, a reasonable sum to be fixed by the
10 department in an amount estimated to cover the actual cost of preparing
11 such a reproduction; for other copies of drawing, two dollars per hour
12 for the time actually employed; and for certificate and seal, one dollar.
13 The Director-State Engineer shall keep a record of all fees received.
14 Such fees shall be currently deposited with the State Treasurer by the
15 Director-State Engineer for the use of the Highway Cash Fund and the
16 Director-State Engineer shall take his or her receipt therefor and file
17 the same with the records of his or her office.

18 Sec. 280. Section 81-701.05, Reissue Revised Statutes of Nebraska,
19 is amended to read:

20 81-701.05 The Department of Transportation ~~Roads~~ shall oversee any
21 outstanding agreement between a railroad and the Nebraska Railway Council
22 as of August 27, 2011, including making any outstanding payment due to a
23 railroad.

24 Sec. 281. Section 81-710, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 81-710 The Department of Transportation ~~Roads~~ shall establish,
27 operate, and maintain state wayside areas. Pursuant to the Administrative
28 Procedure Act, the department may adopt and promulgate rules and
29 regulations necessary to govern the use of state wayside areas and may
30 establish fees for services, including overnight camping.

31 The department may contract with public or private entities for the

1 operation and maintenance of state wayside areas.

2 If the department determines that an area is no longer suited or
3 needed as a state wayside area, the department may close such area or any
4 part thereof and declare such area or facilities as surplus. The
5 department shall offer to convey the surplus land or facilities to all
6 local political subdivisions in the vicinity, and if such offers are
7 rejected, the department may sell such lands and facilities.

8 Sec. 282. Section 81-8,310, Revised Statutes Cumulative Supplement,
9 2016, is amended to read:

10 81-8,310 (1) The Nebraska Sesquicentennial Commission shall develop
11 programs and plans for official observance of the one hundred fiftieth
12 anniversary of Nebraska statehood in 2017. The commission shall work
13 closely with various state agencies, boards, commissions, and political
14 subdivisions, including the State Department of Education, the Department
15 of Transportation Roads, the Nebraska State Historical Society, the
16 Nebraska State Fair Board, the Game and Parks Commission, and the
17 Nebraska Tourism Commission, to execute commemorative events and to
18 implement educational activities with emphasis on events and activities
19 that promote Nebraska and its economy by focusing on the state's history,
20 cultural diversity, and unique geography. The commission may also seek
21 the guidance and support of any other groups or organizations the
22 commission deems necessary or helpful in fulfilling its purpose.

23 (2) The commission may employ personnel, contract for services, and
24 receive, expend, and allocate gifts, grants, and donations to aid in the
25 performance of its duties. The commission is empowered to expend and
26 allocate any appropriations authorized by the Legislature to carry out
27 the purposes of sections 81-8,309 and 81-8,310.

28 (3) The commission shall expend and allocate at least five percent
29 of the money in the Nebraska 150 Sesquicentennial Plate Proceeds Fund on
30 January 1, 2017, for awarding one or more grants to any person who
31 applies to the commission for support for a local sesquicentennial event

1 or project according to standards and guidelines determined by the
2 commission.

3 (4) The commission shall report electronically to the Legislature on
4 or before July 1 in 2016, 2017, and 2018 detailing the expenditures made
5 from the fund pursuant to this section.

6 Sec. 283. Section 81-916, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 81-916 Effective July 1, 1982, all property, assets, and liabilities
9 relating to those federal surplus and excess property programs which are
10 consolidated by Public Law 94-519 and operated by the Department of
11 Transportation Roads shall be transferred to the Department of
12 Correctional Services.

13 Sec. 284. Section 81-917, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 81-917 All employees employed in those federal surplus and excess
16 property programs which are consolidated by Public Law 94-519 and have
17 been transferred to the Department of Transportation Roads may be
18 transferred to the Department of Correctional Services. All employees so
19 transferred shall be: (1) Employed under and compensated through the
20 State Personnel System; and (2) considered as new employees solely for
21 purposes of performance evaluation and subject to all applicable policies
22 and procedures for such transfer. All employees so transferred shall keep
23 all accrued benefits such as sick leave, vacation leave, and retirement
24 benefits after such transfer has been completed.

25 Sec. 285. Section 81-1108.15, Revised Statutes Cumulative
26 Supplement, 2016, is amended to read:

27 81-1108.15 (1) Except as provided in the Nebraska State Capitol
28 Preservation and Restoration Act, the division shall have the primary
29 functions and responsibilities of statewide facilities planning,
30 facilities construction, and facilities administration and shall adopt
31 and promulgate rules and regulations to carry out this section.

1 (2) Facilities planning shall include the following responsibilities
2 and duties:

3 (a) To maintain utilization records of all state-owned, state-
4 occupied, and vacant facilities;

5 (b) To coordinate comprehensive capital facilities planning;

6 (c) To define and review program statements based on space
7 utilization standards;

8 (d) To prepare or review planning and construction documents;

9 (e) To develop and maintain time-cost schedules for capital
10 construction projects;

11 (f) To assist the Governor and the Legislative Fiscal Analyst in the
12 preparation of the capital construction budget recommendations;

13 (g) To maintain a complete inventory of all state-owned, state-
14 occupied, and vacant sites and structures and to review the proposals for
15 naming such sites and structures;

16 (h) To determine space needs of all state agencies and establish
17 space-allocation standards; and

18 (i) To cause a state comprehensive capital facilities plan to be
19 developed.

20 (3) Facilities construction shall include the following powers and
21 duties:

22 (a) To maintain close contact with and conduct inspections of each
23 project so as to assure execution of time-cost schedules and efficient
24 contract performance if such project's total design and construction cost
25 is equal to or greater than the project cost set by subdivision (1)(a) of
26 section 81-1108.43;

27 (b) To perform final acceptance inspections and evaluations; and

28 (c) To coordinate all change or modification orders and progress
29 payment orders.

30 (4) Facilities administration shall include the following powers and
31 duties:

1 (a) To serve as state leasing administrator or agent for all
2 facilities to be leased for use by the state and for all state-owned
3 facilities to be rented to state agencies or other parties subject to
4 section 81-1108.22. The division shall remit the proceeds from any
5 rentals of state-owned facilities to the State Treasurer for credit to
6 the State Building Revolving Fund and the State Building Renewal
7 Assessment Fund;

8 (b) To provide all maintenance, repairs, custodial duties, security,
9 and administration for all buildings and grounds owned or leased by the
10 State of Nebraska except as provided in subsections (5) and (6) of this
11 section;

12 (c) To be responsible for adequate parking and the designation of
13 parking stalls or spaces, including access aisles, in offstreet parking
14 facilities for the exclusive use of handicapped or disabled or
15 temporarily handicapped or disabled persons pursuant to section 18-1737;

16 (d) To ensure that all state-owned, state-occupied, and vacant
17 facilities are maintained or utilized to their maximum capacity or to
18 dispose of such facilities through lease, sale, or demolition;

19 (e) To submit electronically an annual report to the Appropriations
20 Committee of the Legislature and the Committee on Building Maintenance
21 regarding the amount of property leased by the state and the availability
22 of state-owned property for the needs of state agencies;

23 (f) To report monthly time-cost data on projects to the Governor and
24 the Clerk of the Legislature. The report submitted to the Clerk of the
25 Legislature shall be submitted electronically;

26 (g) To administer the State Emergency Capital Construction
27 Contingency Fund;

28 (h) To submit status reports to the Governor and the Legislative
29 Fiscal Analyst after each quarter of a construction project is completed
30 detailing change orders and expenditures to date. The report submitted to
31 the Legislative Fiscal Analyst shall be submitted electronically. Such

1 reports shall be required on all projects costing five hundred thousand
2 dollars or more and on such other projects as may be designated by the
3 division; and

4 (i) To submit a final report on each project to the Governor and the
5 Legislative Fiscal Analyst. The report submitted to the Legislative
6 Fiscal Analyst shall be submitted electronically. Such report shall
7 include, but not be limited to, a comparison of final costs and
8 appropriations made for the project, change orders, and modifications and
9 whether the construction complied with the related approved program
10 statement. Such reports shall be required on all projects costing five
11 hundred thousand dollars or more and on such other projects as may be
12 designated by the division.

13 (5) Subdivisions (4)(b), (c), and (d) of this section shall not
14 apply to (a) state-owned facilities to be rented to state agencies or
15 other parties by the University of Nebraska, the Nebraska state colleges,
16 ~~the Department of Aeronautics,~~ the Department of Transportation Roads,
17 and the Board of Educational Lands and Funds, (b) buildings and grounds
18 owned or leased for use by the University of Nebraska, the Nebraska state
19 colleges, and the Board of Educational Lands and Funds, (c) buildings and
20 grounds owned, leased, or operated by the Department of Correctional
21 Services, (d) facilities to be leased for nonoffice use by the Department
22 of Transportation Roads, (e) buildings or grounds owned or leased by the
23 Game and Parks Commission if the application of such subdivisions to the
24 buildings or grounds would result in ineligibility for or repayment of
25 federal funding, (f) buildings or grounds of the state park system, state
26 recreation areas, state historical parks, state wildlife management
27 areas, or state recreational trails, or (g) other buildings or grounds
28 owned or leased by the State of Nebraska which are specifically exempted
29 by the division because the application of such subdivisions would result
30 in the ineligibility for federal funding or would result in hardship on
31 an agency, board, or commission due to other exceptional or unusual

1 circumstances, except that nothing in this subdivision shall prohibit the
2 assessment of building rental depreciation charges to tenants of
3 facilities owned by the state and under the direct control and
4 maintenance of the division.

5 (6) Security for all buildings and grounds owned or leased by the
6 State of Nebraska in Lincoln, Nebraska, except the buildings and grounds
7 described in subsection (5) of this section, shall be the responsibility
8 of the Nebraska State Patrol. The Nebraska State Patrol shall consult
9 with the Governor, the Chief Justice, the Executive Board of the
10 Legislative Council, and the State Capitol Administrator regarding
11 security policy within the State Capitol and capitol grounds.

12 (7) Each member of the Legislature shall receive an electronic copy
13 of the reports required by subdivisions (4)(f), (h), and (i) of this
14 section by making a request for them to the State Building Administrator.
15 The information on such reports shall be submitted to the division by the
16 agency responsible for the project.

17 Sec. 286. Section 81-1108.22, Reissue Revised Statutes of Nebraska,
18 is amended to read:

19 81-1108.22 (1) The division shall have the responsibility of
20 providing office space in leased and state-owned buildings in the
21 proximity of the State Capitol and in other locations.

22 (2) When any board, agency, commission, or department of the state
23 government not otherwise specifically authorized by law desires to use
24 funds available for the purpose of renting office space outside of the
25 State Capitol, it shall submit a request to the Director of
26 Administrative Services. If the director approves the lease, the terms
27 and location shall be approved by the director and the administrator in
28 writing and the leases shall be entered into and administered by the
29 administrator on behalf of the board, agency, commission, or department.
30 A copy of all such lease contracts shall be kept on file by the state
31 building division and shall be open to inspection by the Legislature and

1 the public during normal business hours.

2 (3)(a) The administrator shall develop a system of charges to cover
3 basic rental, maintenance, renovations, and operation of such leased and
4 owned properties. The charges to state agencies, boards, commissions, or
5 departments of state government shall be paid from funds available for
6 the purpose of renting space on a regular basis and placed, as
7 applicable, in the State Building Revolving Fund and the State Building
8 Renewal Assessment Fund. The administrator shall make payments for basic
9 rentals, renovations, and maintenance and operational costs of all leased
10 and owned buildings from the State Building Revolving Fund except for
11 expenses relating to security provided by the Nebraska State Patrol as
12 provided in subdivision (b) of this subsection.

13 (b) The State Building Revolving Fund is created. The fund shall be
14 administered by the administrator. The fund shall consist of rental
15 charges and other receipts collected pursuant to contractual agreements
16 between the state building division and other entities as authorized by
17 law. The fund shall only be used to support the operation of the state
18 building division as provided by law, except that the Legislature shall
19 make fund transfers each fiscal year through the budget process from the
20 State Building Revolving Fund to the Capitol Security Revolving Fund to
21 help pay non-general-fund costs associated with the operation of the
22 state capitol security division of the Nebraska State Patrol. Any money
23 in the State Building Revolving Fund available for investment shall be
24 invested by the state investment officer pursuant to the Nebraska Capital
25 Expansion Act and the Nebraska State Funds Investment Act.

26 (4) The charges for such leased and owned properties shall only be
27 adjusted by the administrator on July 1. Prior to any adjustment in the
28 system of charges, the Department of Administrative Services, on or
29 before December 1 of the year preceding the effective date of such
30 adjustment, shall provide electronic notification to the Committee on
31 Building Maintenance, the Clerk of the Legislature, and the Legislative

1 Fiscal Analyst of the proposed adjustment to the system of charges.

2 (5) Commencing on April 18, 1992, all leases of real property
3 entered into by any state agency, board, commission, or department shall
4 be subject to this section. Leases held by a state agency, board,
5 commission, or department on such date shall be valid until the lease
6 contract is terminated or is subject to renewal. The division shall
7 monitor all such leases and determine when the lease is subject to
8 renewal. Once the determination is made, the division shall cancel the
9 lease as of the renewal date and shall treat the need of the agency,
10 board, commission, or department as an original request for space and
11 subject to this section. This subsection shall not apply to (a) state-
12 owned facilities to be rented to state agencies or other parties by the
13 University of Nebraska, the Nebraska state colleges, ~~the Department of~~
14 ~~Aeronautics,~~ the Department of Transportation Roads, and the Board of
15 Educational Lands and Funds, (b) facilities to be leased for use by the
16 University of Nebraska, the Nebraska state colleges, and the Board of
17 Educational Lands and Funds, (c) facilities to be leased for nonoffice
18 use by the Department of Transportation Roads, or (d) facilities
19 controlled by the State Department of Education, which were formerly
20 controlled by the Nebraska School for the Visually Handicapped, to be
21 rented to state agencies or other parties by the department.

22 Sec. 287. Section 81-1108.43, Revised Statutes Cumulative
23 Supplement, 2016, is amended to read:

24 81-1108.43 (1) No state agency or department shall:

25 (a) Perform for itself any of the services normally performed by a
26 professional engineer or architect in the preparation of plans and
27 specifications for the construction, reconstruction, or alteration of any
28 building or in the administration of the construction documents and final
29 approval of the project when the total project cost is four hundred
30 thousand dollars or more; and

31 (b) Employ its own work force for any such construction,

1 reconstruction, or alteration of capital facilities when the total
2 project cost is fifty thousand dollars or more.

3 (2) The Department of Administrative Services shall adjust the
4 dollar amounts in subsection (1) of this section every four years
5 beginning January 1, 2002, to account for inflationary and market
6 changes. The adjustments shall be based on percentage changes in a
7 construction cost index and any other published index relevant to
8 operations and utilities costs, as selected by the department.

9 (3) This section shall not apply to the Department of Transportation
10 ~~Roads~~ or to any public power district, public power and irrigation
11 district, irrigation district, or metropolitan utilities district. If,
12 during the program statement review provided for under section
13 81-1108.41, it is determined that existing or standard plans and
14 specifications are available or required for the project, the division
15 may authorize an exemption from this section. The Director of
16 Administrative Services shall not issue any warrant in payment for any
17 work on a capital construction project unless the state agency or
18 department files a certificate that it has complied with the provisions
19 of this section.

20 Sec. 288. Section 81-1114, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 81-1114 The building division shall have the following powers,
23 duties, and responsibilities:

24 (1) Shall prepare, for submittal to the Governor and to the office
25 of the Legislative Fiscal Analyst, analyses of the cost of every desired
26 land and building acquisition, new building construction, either underway
27 or proposed, major repair or remodeling of new, newly acquired, or
28 existing buildings, and each and every structural improvement to land,
29 utilities, roads, walks, and parking lots, costing four hundred thousand
30 dollars or more, but excluding right-of-way projects of the Department of
31 Transportation ~~Roads~~. The analyses submitted to the Legislative Fiscal

1 Analyst shall be submitted electronically. The Department of
2 Administrative Services shall adjust the dollar amount in this section
3 every four years beginning January 1, 2002, to account for inflationary
4 and market changes. The adjustment shall be based on percentage changes
5 in a construction cost index and any other published index relevant to
6 operations and utilities costs, as selected by the department;

7 (2) Shall record the relationship between the proposed capital
8 facilities and the individual or departmental agencies' operating
9 programs with particular attention to needs of immediate or future
10 operations of the department or agency submitting such plan;

11 (3) Shall make recommendations to the Governor, the committee of the
12 Legislature which shall from time to time have responsibility for
13 preparing recommendations for appropriations, and the individual
14 department or agency concerned, on the probable costs of such
15 acquisition, construction, repair, or remodeling. The recommendations
16 submitted to the committee shall be submitted electronically; and

17 (4) Shall require the submission by each department and agency of
18 the state of copies of all written contracts for acquisition,
19 construction, repair, or remodeling, including federal contracts, before
20 such contracts are executed by the executive officer of the state
21 authorized to execute such contracts, and shall maintain copies of such
22 contracts on file for inspection by the Legislative Fiscal Analyst.

23 Sec. 289. Section 81-1711, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 81-1711 The Department of Administrative Services shall, with the
26 advice of each agency, prescribe by administrative rules procedures for
27 the determination of a project under its jurisdiction. The Department of
28 Transportation ~~Roads~~ shall prescribe such procedures for highway
29 construction projects. Such procedures may include:

30 (1) Determination of a project which constitutes a grouping of minor
31 construction, rehabilitation, or renovation activities; and

1 (2) Determination of a project which constitutes a grouping of
2 substantially similar construction, rehabilitation, or renovation
3 activities.

4 Sec. 290. Section 81-2801, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 81-2801 No agency of this state shall purchase, lease, or acquire
7 real estate from any railroad over a right-of-way outside of incorporated
8 cities and villages which has been permitted to be abandoned by a federal
9 agency without prior approval by the Legislature of such purchase, lease,
10 or acquisition, except that (1) the Game and Parks Commission may acquire
11 all or any part of a railroad right-of-way proposed to be abandoned for
12 interim trail use pursuant to sections 37-303 and 37-914 and (2) the
13 Department of Transportation ~~Roads~~ may acquire such real estate solely
14 for the purpose of highway construction or improvements when such right-
15 of-way is adjacent to an existing state highway or when such right-of-way
16 is needed to maintain existing improvements that have previously been
17 located upon such right-of-way through agreements, easements, or leases.
18 Real estate acquired by the department pursuant to this section which is
19 in excess of that needed or is deemed no longer necessary shall be
20 disposed of as provided for in section 39-1325.

21 Sec. 291. Section 81-3711.01, Revised Statutes Cumulative
22 Supplement, 2016, is amended to read:

23 81-3711.01 (1) The commission may mark significant tourism
24 attractions in Nebraska.

25 (2) The commission may (a) determine what tourism attractions are
26 significant to the State of Nebraska, (b) expend funds for the purchase
27 of highway tourism markers, (c) designate the approximate location of
28 highway tourism markers, (d) preserve, replace, or modify highway tourism
29 markers, and (e) accept gifts and encourage local participation in and
30 contribution to the erection of highway tourism markers through the use
31 of gifts and matching-fund agreements. Such funds shall be deposited into

1 the State Visitors Promotion Cash Fund. The commission shall not expend
2 funds for the purchase of highway tourism markers until funding has been
3 secured through gifts or otherwise.

4 (3) The commission may appoint and delegate to a special committee
5 the duties of research and investigation to assist in the determination
6 of tourism attractions that should be designated by highway tourism
7 markers. The Department of Transportation ~~Roads~~ shall erect and maintain
8 highway tourism markers and shall determine the exact location of highway
9 tourism markers with consideration given for the safety and welfare of
10 the public.

11 (4) The commission may secure payment to the state for the actual
12 replacement cost of any highway tourism markers damaged or destroyed,
13 accidentally or otherwise. Any funds so collected shall be remitted to
14 the State Treasurer for credit to the State Visitors Promotion Cash Fund
15 for the procurement of highway tourism markers.

16 (5) Nothing in this section shall be construed to restrict the
17 placement of any marker or signage on private property.

18 Sec. 292. Section 82-120, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 82-120 The Nebraska State Historical Society shall have authority to
21 determine what historical events, personalities, sites, and traditions
22 are of importance to the State of Nebraska and to justify the expenditure
23 of public funds for the purchase of markers of uniform style, to be known
24 as Highway Historical Markers; to procure such markers by expending any
25 funds specifically appropriated by the Legislature for such purpose and
26 to designate the approximate location of such markers; to preserve
27 present markers; to accept gifts; and have power of eminent domain to be
28 exercised as provided in sections 76-704 to 76-724. The Department of
29 Transportation ~~Roads~~ shall erect and maintain such markers and shall
30 determine the exact location of such markers, having due regard for the
31 safety and welfare of the motoring public.

1 Sec. 293. Section 82-505, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 82-505 (1) Except as provided in subsection (2) of this section, the
4 head of any state agency having jurisdiction over a proposed state or
5 state-funded undertaking, which has potential to affect archaeological
6 resources or sites, shall, prior to the approval of the expenditure of
7 any state funds on the undertaking, notify the State Archaeology Office
8 of the undertaking and cooperate with the office to identify and develop
9 measures to mitigate the effect of the undertaking on any archaeological
10 site or resource that is included in or eligible for inclusion in the
11 National Register of Historic Places.

12 (2) The Department of Transportation ~~Roads~~ shall be exempt from the
13 provisions of the Nebraska Archaeological Resources Preservation Act as
14 long as a cooperative agreement exists between the Department of
15 Transportation ~~Roads~~ and the Nebraska State Historical Society which
16 ensures that all highway construction projects meet federal historic
17 preservation legislation and regulations, and such federal preservation
18 legislation and regulations fulfill or exceed the objectives and
19 standards of the act.

20 (3) Nothing in the Nebraska Archaeological Resources Preservation
21 Act shall be construed to abridge the rights of private property owners
22 and in no case shall a private property owner be required to pay for
23 activities undertaken by the State Archaeology Office.

24 Sec. 294. Section 83-137, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 83-137 Upon written request being filed with the Department of
27 Transportation ~~Roads~~ by the chief executive officer of any state
28 institution, located more than one-half mile and not exceeding three
29 miles from a railroad unloading track or permanent highway leading to a
30 railroad unloading track, requesting aid for the improvement of a highway
31 connecting the institution with the permanent highway or railroad

1 unloading track, the department shall make a careful estimate of the cost
2 of improving the highway, and the amount of the special benefits to
3 abutting property, together with the excess of the cost of the
4 improvement above the benefits. If the local authorities in charge of the
5 highway shall adequately provide for the payment of the special benefits
6 and one-half of the excess of the cost of the improvement, the department
7 shall pay the remaining one-half of the excess from funds appropriated
8 for that purpose.

9 Sec. 295. Section 85-1008, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 85-1008 (1) To assist the center in carrying out its purposes and
12 functions, the Board of Regents may establish a Nebraska Safety Center
13 Advisory Council composed of the following members:

- 14 (a) One representative from the Department of Transportation Roads;
- 15 (b) One representative from the Department of Motor Vehicles;
- 16 (c) One representative from the State Department of Education;
- 17 (d) One representative from the Game and Parks Commission;
- 18 (e) One representative from the Department of Labor;
- 19 (f) One person representing the community college areas;
- 20 (g) One person representing private business and industry;
- 21 (h) One person representing the University of Nebraska;
- 22 (i) One person representing the medical profession;
- 23 (j) One person representing the area of law enforcement in this
24 state;
- 25 (k) One person representing the Safety Council of Nebraska, Inc.;
- 26 (l) One person representing the area of transportation;
- 27 (m) One person representative of emergency medical services;
- 28 (n) One person representing the judiciary in the State of Nebraska;
- 29 (o) One person representing city government;
- 30 (p) One person representing county government;
- 31 (q) One person representing the area of agriculture;

- 1 (r) One person representing the local public school system;
- 2 (s) One person representing fire safety;
- 3 (t) One representative of the Coordinating Commission for
- 4 Postsecondary Education;
- 5 (u) One person representing the Red Cross; and
- 6 (v) One person representing the state colleges.

7 (2) Representatives selected to serve on the council shall have
8 appropriate education, training, and experience in the field of fire
9 safety, industrial safety, recreational safety, domestic safety, or
10 traffic safety.

11 Sec. 296. Section 86-707, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 86-707 If the right to construct, operate, and maintain the
14 telecommunications lines and related facilities is granted along, upon,
15 across, or under a state or federal highway, the location and
16 installation of such lines and related facilities, insofar as they
17 pertain to the present and future use of the right-of-way for highway
18 purposes, is subject to rules and regulations of the Department of
19 Transportation Roads. If the future use of the state or federal highway
20 requires the moving or relocating of the facilities, such facilities
21 shall be removed or relocated by the owner at the owner's cost and
22 expense and as directed by the Department of Transportation Roads except
23 as provided by section 39-1304.02.

24 Sec. 297. Section 90-238, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 90-238 The Department of Transportation Roads is authorized to
27 acquire from the Chicago and North Western Transportation Company its
28 abandoned right-of-way described as follows: All of Chicago and North
29 Western Transportation Company abandoned right-of-way in section 34,
30 township 15 north, range 7 east, Saunders County, Nebraska. The
31 department is also authorized to acquire all rights, interests, and

1 titles related to such abandoned right-of-way.

2 Sec. 298. Section 90-260, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 90-260 The Game and Parks Commission is authorized and directed to
5 convey to the Department of Transportation ~~Roads~~ the following described
6 real estate situated in the county of Dawson, in the State of Nebraska,
7 to wit: A tract of land located in the northeast quarter of section 20,
8 township 9 north, range 21 west of the 6th principal meridian, Dawson
9 County, Nebraska, described as follows: Beginning at the northeast corner
10 of section 20; thence westerly on the north line of the northeast quarter
11 of section 20 a distance of 2,360.8 feet; thence southeasterly 133
12 degrees, 47 minutes left a distance of 34.3 feet; thence continuing
13 southeasterly 21 degrees, 49 minutes left a distance of 107.5 feet;
14 thence continuing southeasterly 21 degrees, 49 minutes right a distance
15 of 734.9 feet to point of curvature; thence continuing southeasterly on a
16 718.5-foot radius curve to the left (initial tangent of which coincides
17 with the last-described course) a distance of 331.3 feet to point of
18 tangency; thence continuing southeasterly tangent, a distance of 787.3
19 feet; thence continuing southeasterly 2 degrees, 11 minutes left a
20 distance of 686.6 feet to a point on the east line of the northeast
21 quarter; thence northerly on the east line a distance of 1,256.9 feet to
22 the point of beginning, containing 39.04 acres, more or less.

23 Sec. 299. This act becomes operative on July 1, 2017.

24 Sec. 300. Original sections 3-101, 3-102, 3-103, 3-104, 3-105,
25 3-107, 3-108, 3-109, 3-110, 3-111, 3-113, 3-114, 3-115, 3-116, 3-117,
26 3-118, 3-119, 3-120, 3-121, 3-123, 3-124, 3-125, 3-126, 3-127, 3-128,
27 3-131, 3-133, 3-134, 3-135, 3-137, 3-139, 3-140, 3-141, 3-142, 3-143,
28 3-144, 3-145, 3-146, 3-147, 3-148, 3-149, 3-152, 3-154, 3-155, 3-156,
29 3-157, 3-158, 3-201, 3-201.01, 3-215, 3-218, 3-222, 3-227, 3-228, 3-239,
30 3-332, 3-403, 3-404, 3-405, 3-407, 3-409, 12-1205, 13-912, 13-1203,
31 14-2113, 18-601, 18-613, 25-2501, 31-925, 39-102, 39-103, 39-202, 39-203,

1 39-204, 39-205, 39-206, 39-207, 39-208, 39-210, 39-211, 39-212, 39-213,
2 39-214, 39-216, 39-217, 39-218, 39-219, 39-220, 39-221, 39-222, 39-223,
3 39-224, 39-225, 39-308, 39-311, 39-312, 39-805, 39-822, 39-826.01,
4 39-826.02, 39-847, 39-847.01, 39-892, 39-1010, 39-1011, 39-1101, 39-1110,
5 39-1302, 39-1306.01, 39-1306.02, 39-1311, 39-1320, 39-1323.01,
6 39-1328.01, 39-1328.02, 39-1345.01, 39-1350, 39-1353, 39-1359.01,
7 39-1363, 39-1364, 39-1365.01, 39-1365.02, 39-1390, 39-1392, 39-1407,
8 39-1503, 39-1703, 39-1713, 39-1901, 39-2001, 39-2002, 39-2105, 39-2106,
9 39-2107, 39-2110, 39-2111, 39-2112, 39-2113, 39-2115, 39-2116, 39-2118,
10 39-2120, 39-2121, 39-2124, 39-2215, 39-2224, 39-2305, 39-2310, 39-2504,
11 39-2505, 39-2507, 39-2508, 39-2514, 39-2515, 39-2517, 39-2518, 39-2602,
12 39-2702, 39-2802, 39-2806, 46-251, 49-506, 55-181, 57-1102, 60-631,
13 60-658.01, 60-680, 60-695, 60-699, 60-6,101, 60-6,102, 60-6,103,
14 60-6,106, 60-6,107, 60-6,115, 60-6,118, 60-6,120, 60-6,126.01, 60-6,129,
15 60-6,130, 60-6,137, 60-6,138, 60-6,139, 60-6,145, 60-6,159, 60-6,164,
16 60-6,166, 60-6,167, 60-6,171, 60-6,176, 60-6,177, 60-6,186, 60-6,188,
17 60-6,189, 60-6,190, 60-6,193, 60-6,250, 60-6,292, 60-6,301, 60-6,311,
18 60-6,314, 60-6,335, 60-6,376, 60-1301, 60-1302, 60-1303, 66-6,109.02,
19 66-821, 66-822, 69-1701, 70-309, 72-108, 72-221, 72-221.01, 72-817,
20 74-1310, 74-1314, 74-1318, 74-1319, 74-1331, 74-1332, 74-1333, 74-1334,
21 74-1335, 74-1336, 74-1338, 74-1340, 74-1341, 74-1342, 74-1343, 75-713,
22 75-716, 76-1224, 79-604, 81-101, 81-102, 81-161.04, 81-188.01, 81-701.01,
23 81-701.02, 81-701.03, 81-701.04, 81-701.05, 81-710, 81-916, 81-917,
24 81-1108.22, 81-1114, 81-1711, 81-2801, 82-120, 82-505, 83-137, 85-1008,
25 86-707, 90-238, and 90-260, Reissue Revised Statutes of Nebraska, and
26 sections 3-106, 3-159, 3-303, 3-407.01, 3-408, 13-520, 13-1210, 13-1212,
27 49-617, 57-1407, 60-507, 60-6,144, 60-6,153, 60-6,154, 60-6,230,
28 60-6,267, 60-6,288, 60-6,294, 60-6,297, 60-6,298, 60-6,299, 60-6,378,
29 60-6,380, 60-3101, 66-489.02, 66-4,100, 66-4,144, 66-738, 73-507,
30 77-3442, 77-3443, 81-8,310, 81-1108.15, 81-1108.43, and 81-3711.01,
31 Revised Statutes Cumulative Supplement, 2016, are repealed.

1 Sec. 301. Since an emergency exists, this act takes effect when
2 passed and approved according to law.