

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 749

FINAL READING

Introduced by Louden, 49; Avery, 28; Carlson, 38; Haar, 21;
Wallman, 30.

Read first time January 06, 2010

Committee: Transportation and Telecommunications

A BILL

1 FOR AN ACT relating to roads; to amend section 39-1390, Reissue
2 Revised Statutes of Nebraska, as amended by section
3 20, Legislative Bill 3, One Hundred First Legislature,
4 First Special Session, 2009; to designate certain roads
5 as state recreation roads; and to repeal the original
6 section.
7 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 39-1390, Reissue Revised Statutes of
2 Nebraska, as amended by section 20, Legislative Bill 3, One Hundred
3 First Legislature, First Special Session, 2009, is amended to read:
4 39-1390 The State Recreation Road Fund is created. The
5 money in the fund shall be transferred by the State Treasurer, on
6 the first day of each month, to the Department of Roads and shall
7 be expended by the Director-State Engineer with the approval of
8 the Governor for construction and maintenance of dustless-surface
9 roads to be designated as state recreation roads as provided
10 in this section, except that transfers may be made from the
11 fund to the General Fund at the direction of the Legislature
12 through June 30, 2011. Except as to roads under contract as
13 of March 15, 1972, ~~only~~ those roads, excluding state highways,
14 giving direct and immediate access to or located within state
15 parks, state recreation areas, or other recreational or historical
16 areas, shall be eligible for designation as state recreation
17 roads. Such eligibility shall be determined by the Game and Parks
18 Commission and certified to the Director-State Engineer, who shall,
19 after receiving such certification, be authorized to commence
20 construction on such recreation roads as funds are available. In
21 addition, those roads, excluding state highways, giving direct and
22 immediate access to a state veteran cemetery are state recreation
23 roads. After construction of such roads they shall be shown on
24 the map provided by section 39-1311. Preference in construction
25 shall be based on existing or potential traffic use by other

1 than local residents. Unless the State Highway Commission otherwise
2 recommends, such roads upon completion of construction shall be
3 incorporated into the state highway system. If such a road is
4 not incorporated into the state highway system, the Department of
5 Roads and the county within which such road is located shall enter
6 into a maintenance agreement establishing the responsibility for
7 maintenance of the road, the maintenance standards to be met, and
8 the responsibility for maintenance costs. Any money in the State
9 Recreation Road Fund available for investment shall be invested
10 by the state investment officer pursuant to the Nebraska Capital
11 Expansion Act and the Nebraska State Funds Investment Act.

12 Sec. 2. Original section 39-1390, Reissue Revised
13 Statutes of Nebraska, as amended by section 20, Legislative Bill
14 3, One Hundred First Legislature, First Special Session, 2009, is
15 repealed.