

Mike Lovelace April 27, 2011 471-0050

LB 589

Revision: 01 FISCAL NOTE LEGISLATIVE FISCAL ANALYST ESTIMATE

Revised to reflect amendments adopted through 4/26/11.

| ESTIMATE OF FISCAL IMPACT STATE AGENCIES * | | | | | |
|--|--------------|---------|--------------|---------|--|
| | FY 2011-12 | | FY 2012-13 | | |
| _ | EXPENDITURES | REVENUE | EXPENDITURES | REVENUE | |
| GENERAL FUNDS | | | | | |
| CASH FUNDS | | | | | |
| FEDERAL FUNDS | | | | | |
| OTHER FUNDS | | | | | |
| TOTAL FUNDS | | | | | |

*Does not include any impact on political subdivisions. See narrative for political subdivision estimates.

The use of the state highway system is under the control of the Department of Roads who has the authority to give written consent, at their discretion, to allow encroachments such as lane closures for special events put on by a county, city or village. LB 589, as amended, would place in statute a set of criteria, which if met, would allow a city, county or village the temporary use of the state highway for special events provided the Department of Roads has been given 30 days advanced written notice of the event.

The language of the adopted amendment (AM858) appears to indemnify the Department from all liability by placing such liability on the political subdivision hosting the event. However, the Department of Roads maintains that while the bill as amended "appears to reduce the potential for tort liability to the Department of Roads, the fiscal impact is still indeterminate".

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FISCAL NOTE LB589 Department of Roads

APR 1 4 2011

LEGISLATIVE FISCAL

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| Estimate Provided By State Agency or Political Subdivision |
|--|
|--|

| | FY 2011-2012 | | FY 2012-2013 | |
|---------------|--------------|---------|--------------|---------|
| | Expenditures | Revenue | Expenditures | Revenue |
| General Funds | | | | |
| Cash Funds | | | | |
| Federal Funds | | | | |
| Other Funds | | | | |
| Total Funds | | | | |

Explanation of Estimate:

LB 589, as amended by AM 858, would allow for the temporary use of the state highway system, including full and partial lane closures, by a county, city or village for special events as so designated.

The roadway must be located within their official zoning jurisdiction, for special events as formally designated. The entity has the legal duty to protect the highway and the public and shall be liable for all damages or injuries.

While this amendment appears to reduce the potential for tort liability to the Department of Roads, the fiscal impact is still indeterminate.

Major Objects of Expenditure

| | Number of Positions | | FY 2011-2012 | FY 2012-2013 |
|----------------|---------------------|----------------------|--------------|--------------|
| Position Title | FY 2011-2012 | FY 2012-2013 | Expenditures | Expenditures |
| | | - | | |
| | _l | Benefits | | |
| | | Operating | | |
| | | Travel | | |
| | | Capital outlay | | |
| | | Aid | | |
| | | Capital improvements | | |
| | | Total | | |