

AMENDMENTS TO LB1126

Introduced by Transportation and Telecommunications.

1 1. Strike the original sections and insert the following new
2 sections:

3 **Section 1.** Sections 1 to 39 of this act shall be known and may be
4 cited as the Infrastructure Development Investment Program Act.

5 **Sec. 2.** The purpose of the Infrastructure Development Investment
6 Program Act is to assist in financing qualified projects by providing
7 loans and other forms of financial assistance to eligible entities for
8 the construction, improvement, or enhancement of transportation
9 infrastructure that is necessary for public purposes.

10 **Sec. 3.** For purposes of the Infrastructure Development Investment
11 Program Act:

12 (1) Capitalization means the aggregate of all funds deposited in the
13 investment program from any federal, state, local, or private source,
14 including, but not limited to, any transfer, grant, loan, loan repayment,
15 investment earning, and bond proceed;

16 (2) Commission means the State Highway Commission;

17 (3) Contracting agency has the same meaning as in section 39-2802;

18 (4) Department means the Department of Transportation or any
19 successor agency designated to implement and administer the
20 Infrastructure Development Investment Program Act;

21 (5) Eligible cost means:

22 (a) For any project that is federally funded, any cost permitted
23 under an applicable federal statute, regulation, or guidance document
24 that governs state infrastructure banks, transportation credit programs,
25 or revolving loan funds;

26 (b) For any project that is funded by this state or a political
27 subdivision of this state, any cost, including, but not limited to, the

1 cost for any: Preliminary engineering; traffic, revenue, or environmental
2 study; right-of-way acquisition; legal, financial, and technical
3 consulting service; construction or construction management; project
4 facility; equipment; or nonoperating cost that is necessary for the
5 completion of an eligible project; or

6 (c) For any project that is a hybrid or multi-sector project, any
7 cost approved by the commission, including any intermodal or utility-
8 related infrastructure that is necessary for project integration;

9 (6)(a) Eligible entity means any:

10 (i) Political subdivision;

11 (ii) Contracting agency; or

12 (iii) Private partner engaged in a public-private partnership as
13 defined in section 39-2802.

14 (b) Eligible entity includes any combination of two or more such
15 political subdivisions or private partners, acting jointly to finance,
16 construct, own, or operate an eligible project;

17 (7)(a) Eligible project means any transportation infrastructure
18 project that provides any of the following public benefits:

19 (i) Accelerating the delivery of transportation improvements;

20 (ii) Enhancing the mobility or safety of people in this state;

21 (iii) Enhancing the economy of this state;

22 (iv) Promoting economic development in this state; or

23 (v) Improving the quality of life of the general public.

24 (b) Eligible project includes, but is not limited to, any highway,
25 street, road, bridge, transit system, rail facility, airport, port, and
26 bicycle or pedestrian facility;

27 (8) Financial assistance includes, but is not limited to, any loan,
28 credit enhancement, capital or debt service reserve, interest rate
29 subsidy, provision of letter of credit, line of credit, and guarantee,
30 and any other lawful financing mechanism that is approved by the
31 commission and, where applicable, is consistent with federal and state

1 law;

2 (9)(a) Financing agreement means any contract or instrument executed
3 between the investment program and an eligible entity for a loan or
4 financial assistance.

5 (b) Financing agreement includes, but is not limited to, any loan
6 agreement, trust indenture, security or reimbursement agreement,
7 guarantee agreement, and resolution, and any similar instrument that is
8 approved by the commission that contains loan terms and repayment
9 provisions;

10 (10) Investment program means the infrastructure development
11 investment program created under section 4 of this act; and

12 (11) Political subdivision has the same meaning as in section
13 39-2802.

14 **Sec. 4.** (1) The infrastructure development investment program is
15 created and shall be housed within the department for administrative
16 purposes.

17 (2) The commission shall administer the investment program, with
18 administrative and operational support from the department. The
19 department shall provide the commission with the necessary personnel to
20 manage the day-to-day operations of the investment program.

21 (3) The commission is the final authority for selecting projects to
22 receive financial assistance from the investment program.

23 **Sec. 5.** (1) The commission shall:

24 (a) Adopt bylaws, policies, and operating procedures that govern the
25 administration of the investment program;

26 (b) Approve or deny applications for financial assistance based on
27 established evaluation criteria;

28 (c) Establish financial, risk management, and internal control
29 policies consistent with generally accepted accounting principles; and

30 (d) Approve annual budgets, audits, and reports for the investment
31 program.

1 (2) The commission may:

2 (a) Enter into any cooperative agreement with any federal or state
3 agency, local government, or private entity; and

4 (b) Delegate any administrative or technical function to any
5 personnel or agent of the commission as necessary to implement the
6 Infrastructure Development Investment Program Act.

7 **Sec. 6.** The commission may establish an advisory committee that is
8 comprised of representatives from eligible entities, metropolitan
9 planning organizations, and the private sector for the purpose of
10 providing guidance on project prioritization, credit policy, or
11 compliance matters.

12 **Sec. 7.** (1) The Infrastructure Development Investment Program Fund
13 is created. The commission shall administer the fund. The fund shall
14 consist of any:

15 (a) Transfer authorized by the Legislature;

16 (b) Federal money, including, but not limited to, any loan, grant,
17 or cooperative agreement proceeds;

18 (c) State or local grant;

19 (d) Contribution, donation, endowment, or grant from any public or
20 private source;

21 (e) Repayment, interest, or fee, or other income generated by
22 investment program assistance;

23 (f) Bond proceeds or other financing proceeds; and

24 (g) Lawful source that is approved by the commission.

25 (2) Money in the fund may be used by the commission for any purpose
26 that is described in section 8 of this act.

27 (3) Any money in the fund available for investment shall be invested
28 by the state investment officer pursuant to the Nebraska Capital
29 Expansion Act and the Nebraska State Funds Investment Act.

30 (4) All repayments of money provided from the fund and all
31 investment earnings from money in the fund shall be credited to the fund.

1 (5) It is the intent of the Legislature that all money in the fund
2 shall be appropriated each fiscal year for the purposes that are
3 described in section 8 of this act.

4 **Sec. 8.** Subject to applicable federal and state law, money in the
5 Infrastructure Development Investment Program Fund may be used to:

6 (1) Provide any financial assistance to any eligible entity for any
7 eligible project;

8 (2) Establish reserves, capitalized interest, credit enhancement,
9 and pooled financing structures that strengthen the credit capacity of
10 the investment program;

11 (3) Pay reasonable administrative costs of the investment program,
12 including portfolio monitoring and collection; and

13 (4) Refinance or obtain interim financing used for any eligible
14 cost.

15 **Sec. 9.** (1) For administration of the investment program, the
16 commission may establish any:

17 (a) Federal, state, or local account or subaccount within the
18 investment program that is necessary to meet any applicable federal or
19 state law requirement;

20 (b) Bond-related account or subaccount within the investment program
21 that is necessary to meet any applicable federal or state law
22 requirement; or

23 (c) Account within the investment program that the commission
24 determines is necessary or desirable to implement the Infrastructure
25 Development Investment Program Act.

26 (2) The investment program shall consist of the following account
27 structure:

28 (a) Federal accounts: Separate accounts established for federal
29 highway, transit, rail, and rural project funds;

30 (b) State and local accounts: Separate accounts for state and local
31 transportation funds; and

1 (c) Administrative accounts: Separate accounts to be used by the
2 department for the cost of administering the investment program.

3 (3) The investment program shall comply with all applicable federal
4 laws and regulations prohibiting the commingling of certain federal funds
5 deposited in the investment program.

6 (4) Money in each account shall be tracked and used consistent with
7 the legal requirements of the source of such money.

8 **Sec. 10.** The investment program may make any contract and execute
9 any instrument that is necessary or convenient to provide financial
10 assistance, including any:

11 (1) Loan agreement, trust indenture, intercept agreement, or
12 reimbursement agreement;

13 (2) Acceptance of a pledge of project revenue, special assessment,
14 user fee, tax increment, or other legally available revenue;

15 (3) Requirement or funding of any reserve fund to secure repayment;
16 or

17 (4) Participation in any pooled financing or senior-subordinate
18 structure.

19 **Sec. 11.** (1) Any political subdivision may apply to the department
20 for a loan from the investment program on a form prescribed by the
21 department.

22 (2) The terms of a duly executed loan or assistance contract are
23 binding on the borrower, and the borrower shall unconditionally repay
24 from pledged sources.

25 **Sec. 12.** If a borrower of a loan from the investment program fails
26 to comply with any contract term related to such loan or fails to make
27 any payment when due, the investment program may:

28 (1) Pursue any legal or equitable remedy;

29 (2) Request that the Legislature reduce any appropriation to such
30 borrower by the amount that is owed to the investment program and
31 appropriate such amount to the investment program. The money for any such

1 appropriation to the investment program shall be transferred into the
2 Infrastructure Development Investment Program Fund and used to pay the
3 outstanding debt of such borrower; and

4 (3) Draw on any pledged reserve or credit facility that is securing
5 the obligation.

6 **Sec. 13.** The investment program shall maintain accounts in
7 accordance with generally accepted accounting principles and applicable
8 federal requirements, subject to annual independent audit.

9 **Sec. 14.** An obligation of the investment program is a special,
10 limited obligation that is payable solely from the revenue and assets of
11 the investment program and shall not constitute a pledge of the full
12 faith and credit of the State of Nebraska unless expressly authorized by
13 separate statute.

14 **Sec. 15.** (1) The investment program may provide financial
15 assistance to any eligible entity for any eligible project. Such
16 financial assistance may be in any lawful form, including any loan, loan
17 guarantee, line of credit, letter of credit, lease, lease-purchase
18 agreement, interest-rate subsidy, or credit enhancement, or any other
19 financing instrument that is approved by the commission.

20 (2)(a) All financial assistance provided by the investment program
21 shall be evidenced by a financing agreement that sets forth the principal
22 amount, interest rate, repayment schedule, security provisions,
23 covenants, and remedies upon default.

24 (b) The commission shall establish:

25 (i) Standardized documents for financial assistance that is provided
26 by the investment program; and

27 (ii) Credit criteria that will be applied when the investment
28 program is deciding to provide financial assistance in order to ensure
29 consistency, transparency, and fiscal integrity.

30 (3) Interest rates shall be set by the commission, within the
31 limitations of section 45-101.03, to reflect project risk, market

1 conditions, term length, and creditworthiness, and may include subsidies
2 for projects of statewide significance or in economically distressed
3 areas.

4 (4) The commission may charge an application fee for providing
5 financial assistance from the investment program. Such fee shall not
6 exceed one thousand dollars.

7 **Sec. 16.** (1) The maturity for any financial assistance that is
8 provided under the Infrastructure Development Investment Program Act
9 shall not exceed the lesser of the useful life of the financed asset or
10 thirty years, unless federal law allows a longer term or the commission
11 determines a longer term pursuant to state law.

12 (2) At the discretion of the commission, the repayment of any
13 financial assistance that is provided under the Infrastructure
14 Development Investment Program Act shall begin after completion of the
15 project or upon the generation of revenue from the project.

16 (3) The borrower of any financial assistance that is provided under
17 the Infrastructure Development Investment Program Act may prepay any
18 required payment for such financial assistance. No penalty is permitted
19 for such prepayment unless provided for by a bond covenant.

20 **Sec. 17.** (1) Financial assistance that is provided under the
21 Infrastructure Development Investment Program Act shall be secured by the
22 pledge of revenue from the project or system, any legally available
23 source, or any collateral required by the commission.

24 (2) The commission may require any reserve, intercept of any state
25 aid allocation, guarantee, or letter of credit to secure repayment.

26 (3) A public borrower may pledge revenue or credit only to the
27 extent permitted by state law and by ordinance or resolution of a
28 political subdivision.

29 **Sec. 18.** (1) The investment program may subordinate its lien to
30 senior debt if the commission determines that such subordination is
31 necessary to finance the project and is consistent with any bond

1 covenant.

2 (2) The investment program may extend, defer, capitalize, or
3 restructure repayments to preserve project viability or to mitigate
4 financial hardship, subject to federal requirements and the approval of
5 the commission.

6 **Sec. 19.** In the event of a default by a borrower under the
7 Infrastructure Development Investment Program Act, the investment program
8 may pursue any lawful remedy, including acceleration, set-off, intercept
9 of state aid that is otherwise due to the borrower, or transfer of
10 collateral, consistent with constitutional and federal limitations.

11 **Sec. 20.** (1) The investment program may provide financial
12 assistance to an eligible entity to pay for all or part of the eligible
13 cost of an eligible project. The investment program may require the
14 eligible entity to enter into a financing agreement in connection with
15 its financial assistance obligation.

16 (2) The commission shall determine the form and content of such
17 financing agreement and financial assistance obligations, including the
18 term and rate or rates of interest on a financing agreement.

19 (3) The terms and conditions of financial assistance from any
20 federal account shall comply with applicable federal requirements.

21 **Sec. 21.** The commission shall prioritize the approval of
22 applications for financial assistance based on objective criteria,
23 including, but not limited to:

24 (1) Economic impact and job creation;

25 (2) Safety and system resilience benefits;

26 (3) Readiness and financial feasibility;

27 (4) Public benefit;

28 (5) Consistency with statewide transportation goals;

29 (6) Leverage of private capital or money that is not provided by the
30 State of Nebraska;

31 (7) Local support of the project; and

1 (8) The ability for the applicant to repay the financial assistance
2 according to the established terms and conditions.

3 **Sec. 22.** The investment program shall cause an annual independent
4 audit of all financial activities, including loan portfolios, investment
5 earnings, debt obligations, and fund transfers. The audit shall be
6 performed by a certified public accounting firm in accordance with
7 generally accepted government auditing standards.

8 **Sec. 23.** (1) The investment program shall prepare and
9 electronically submit a report to the Clerk of the Legislature no later
10 than November 1 of each year. The report shall include the following
11 information relating to the investment program:

12 (a) A statement of financial position and changes in net assets;

13 (b) A summary of lending and investment activities for each account
14 and eligible project;

15 (c) A list of each project that is financed, including the borrower,
16 purpose, loan terms, and repayment status; and

17 (d) Administrative and operating costs, fees collected, and reserve
18 balances.

19 (2) Each such report shall be published and made publicly available
20 on the website for the investment program.

21 **Sec. 24.** The investment program shall operate in compliance with:

22 (1) Federal law and program guidance applicable to state
23 infrastructure banks, including capitalization, use-of-funds, and
24 reporting requirements established under 23 U.S.C. 610, or any other
25 applicable federal law, as such federal law existed on January 1, 2026;

26 (2) State fiscal and procurement laws, except where specific
27 exemptions are provided under the Infrastructure Development Investment
28 Program Act; and

29 (3) Any cooperative agreements entered into with the United States
30 Department of Transportation and its operating administrations or other
31 federal agencies.

1 **Sec. 25.** The investment program is authorized to issue revenue
2 bonds, notes, or other evidence of indebtedness for the purposes of
3 financing, refinancing, or refunding loans and other eligible costs under
4 the Infrastructure Development Investment Program Act. Obligations may be
5 issued in any amount and at any time as approved by the commission to
6 meet the funding needs of any approved project. The issuance of bonds
7 under the Infrastructure Development Investment Program Act is separate
8 and distinct from any authority or limitation to issue bonds under the
9 Nebraska Highway Bond Act.

10 **Sec. 26.** (1) Each obligation that is issued by the investment
11 program shall be a special, limited obligation that is payable solely
12 from revenue, repayments, pledged receipts, or other legally available
13 funds of the investment program, and shall not constitute a general
14 obligation of the State of Nebraska or a pledge of the full faith and
15 credit of the State of Nebraska.

16 (2) Each obligation shall bear a clear statement on its face that
17 such obligation is a special, limited obligation that is payable solely
18 from revenue, repayments, pledged receipts, or other legally available
19 funds of the investment program, and shall not constitute a general
20 obligation of the State of Nebraska or a pledge of the full faith and
21 credit of the State of Nebraska.

22 (3) The holder of an obligation shall not have the right to compel
23 the levy of any tax or compel any appropriation by the State of Nebraska
24 for the payment of debt service.

25 **Sec. 27.** (1) The investment program shall maintain a debt service
26 coverage ratio consistent with prudent fiscal standards and bond
27 covenants.

28 (2) No obligation shall be issued that would cause the debt or
29 liability of the investment program to exceed available pledged revenue.

30 **Sec. 28.** (1) Prior to issuance, an obligation shall be authorized
31 by a resolution of the commission specifying the principal amount,

1 purpose, interest rate or rates, maturities of not to exceed forty years,
2 redemption provisions, and all other terms of the obligation.

3 (2) The commission may delegate execution and sale authority to any
4 designated issuing authority.

5 (3) Bond proceedings may include:

6 (a) A trust indenture or similar agreement that establishes pledges
7 of revenue, covenants, reserve requirements, and flow-of-funds
8 structures;

9 (b) Authorization for refunding or advance refunding;

10 (c) Creation of special funds and reserve accounts; and

11 (d) Appointment of trustees, paying agents, and financial advisors
12 as needed.

13 **Sec. 29.** (1) The investment program may pledge any repayment,
14 investment earning, or interest subsidy, or any other investment program
15 income to the payment of any obligation or related reserve.

16 (2) Each such pledge shall constitute a valid and binding lien upon
17 the pledged revenue from the time of the pledge, without the need for
18 physical delivery, filing, or recording.

19 (3) Each such lien shall be valid and enforceable against any party
20 having a claim of any kind against the investment program, whether or not
21 such party has notice of the lien.

22 **Sec. 30.** (1) Any obligation may be sold at public or private sale,
23 as determined by the commission, at any price and interest rate deemed to
24 be in the best interest of the investment program.

25 (2) Each obligation shall be executed on behalf of the investment
26 program by the officer authorized pursuant to rules and regulations that
27 are adopted and promulgated by the commission.

28 (3) Each such obligation may bear a facsimile seal and signature,
29 which remain valid even if the officer ceases to hold office prior to
30 delivery.

31 **Sec. 31.** The investment program may issue any refunding or advance

1 refunding obligation to retire outstanding debt, reduce debt service,
2 restructure any maturity, or achieve savings. Any such refunding shall
3 not extend any final maturity beyond the useful life of the financed
4 asset.

5 **Sec. 32.** (1) The investment program shall maintain a bond service
6 account and such reserve accounts as required by bond proceedings.

7 (2) Debt service payments from pledged revenue or other legally
8 available money that are remitted to the State Treasurer shall be
9 credited by the State Treasurer to the Infrastructure Development
10 Investment Program Fund.

11 (3) For each fiscal year, the investment program shall annually
12 determine and set aside an amount of money that is sufficient to pay the
13 principal, interest, and costs related to the payment of such principal
14 and interest that are due during such fiscal year.

15 **Sec. 33.** An obligation that is issued under the Infrastructure
16 Development Investment Program Act, the transfer of such obligation, and
17 the income from such issuance and transfer, including the profit from the
18 sale of such obligation, shall be exempt from state and local taxation.

19 **Sec. 34.** An obligation that is issued under the Infrastructure
20 Development Investment Program Act shall be a lawful investment for any
21 bank, trust company, insurance company, pension fund, or other fiduciary
22 and may be accepted as security for the deposit of public money.

23 **Sec. 35.** Each obligation shall be issued in conformity with the
24 Infrastructure Development Investment Program Act and federal securities
25 regulations, including continuing disclosure requirements and limitations
26 on arbitrage earnings under 26 U.S.C. 148, as such section existed on
27 January 1, 2026.

28 **Sec. 36.** (1) In the event of default, any bondholder or trustee may
29 enforce any covenant through any mandamus, injunction, or other equitable
30 proceeding, consistent with the bond proceedings.

31 (2) Any trustee may be empowered to receive and administer pledged

1 revenue and ensure payment of debt service under the terms of a trust
2 indenture.

3 **Sec. 37.** (1) The commission may adopt and promulgate rules and
4 regulations to carry out the Infrastructure Development Investment
5 Program Act.

6 (2) No later than July 1, 2027, the commission shall adopt and
7 promulgate rules and regulations to provide for:

8 (a) The transparent, equitable, and nondiscriminatory administration
9 of financial assistance;

10 (b) Public oversight and consistent scoring criteria for
11 applications and project evaluations;

12 (c) Systems to track compliance, defaults, and repayments;

13 (d) Prompt corrective actions to address any audit finding or
14 material weakness;

15 (e) Administration of the Infrastructure Development Investment
16 Program Act and response to evolving best practices in infrastructure
17 finance and management; and

18 (f) Application procedures, loan evaluation, pricing standards,
19 credit ratings, and ongoing monitoring to protect the integrity of the
20 portfolio of the investment program and ensure access across
21 jurisdictions.

22 **Sec. 38.** (1) The commission shall adopt and maintain internal
23 control policies, investment standards, and risk management frameworks to
24 ensure prudent fiscal operations.

25 (2) Such controls shall comply with applicable state auditing,
26 ethics, and administrative procedures.

27 **Sec. 39.** The investment program shall maintain a website for access
28 by the public. At a minimum, such website shall contain reports published
29 by the investment program or the commission, rules and regulations
30 adopted and promulgated under the Infrastructure Development Investment
31 Program Act, and information for obtaining financial assistance from the

1 investment program.

2 **Sec. 40.** Section 13-2901, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 13-2901 Sections 13-2901 to 13-2914 and section 46 of this act shall
5 be known and may be cited as the Political Subdivisions Construction
6 Alternatives Act.

7 **Sec. 41.** Section 13-2902, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 13-2902 The purpose of the Political Subdivisions Construction
10 Alternatives Act is to authorize a political subdivision to enter into a
11 design-build contract which is subject to qualification-based selection,
12 ~~or a construction management at risk contract,~~ or a public-private
13 partnership contract for a public project if the political subdivision
14 adheres to the procedures set forth in the act.

15 **Sec. 42.** Section 13-2903, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 13-2903 For purposes of the Political Subdivisions Construction
18 Alternatives Act:

19 (1) Construction management at risk contract means a contract by
20 which a construction manager (a) assumes the legal responsibility to
21 deliver a construction project within a contracted price to the political
22 subdivision, (b) acts as a construction consultant to the political
23 subdivision during the design development phase of the project when the
24 political subdivision's architect or engineer designs the project, and
25 (c) is the builder during the construction phase of the project;

26 (2) Construction manager means the legal entity which proposes to
27 enter into a construction management at risk contract pursuant to the
28 act;

29 (3) Design-build contract means a contract which is subject to
30 qualification-based selection between a political subdivision and a
31 design-builder to furnish (a) architectural, engineering, and related

1 design services for a project pursuant to the act and (b) labor,
2 materials, supplies, equipment, and construction services for a project
3 pursuant to the act;

4 (4) Design-builder means the legal entity which proposes to enter
5 into a design-build contract which is subject to qualification-based
6 selection pursuant to the act;

7 (5) Letter of interest means a statement indicating interest to
8 enter into a design-build contract or a construction management at risk
9 contract for a project pursuant to the act;

10 (6) Performance-criteria developer means any person licensed or any
11 organization issued a certificate of authorization to practice
12 architecture or engineering pursuant to the Engineers and Architects
13 Regulation Act who is selected by a political subdivision to assist the
14 political subdivision in the development of project performance criteria,
15 requests for proposals, evaluation of proposals, evaluation of the
16 construction under a design-build contract to determine adherence to the
17 performance criteria, and any additional services requested by the
18 political subdivision to represent its interests in relation to a
19 project;

20 (7) Political subdivision means any a city, village, county, natural
21 resources district, metropolitan utilities district, public power
22 district, public power and irrigation district, school district,
23 community college, or state college;

24 (8) Project performance criteria means the performance requirements
25 of the project suitable to allow the design-builder to make a proposal.
26 Performance requirements include the following, if required by the
27 project: Capacity, durability, standards, ingress and egress
28 requirements, description of the site, surveys, soil and environmental
29 information concerning the site, interior space requirements, material
30 quality standards, design and construction schedules, site development
31 requirements, provisions for utilities, storm water retention and

1 disposal, parking requirements, applicable governmental code
2 requirements, and other criteria for the intended use of the project;

3 (9) Proposal means an offer in response to a request for proposals
4 (a) by a design-builder to enter into a design-build contract for a
5 project pursuant to the Political Subdivisions Construction Alternatives
6 Act or (b) by a construction manager to enter into a construction
7 management at risk contract for a project pursuant to the act;

8 (10) Public-private partnership means a project delivery method for
9 construction or financing of capital projects or procurement of services
10 under a written public-private partnership agreement entered into
11 pursuant to section 39-2904 between at least one private partner and a
12 political subdivision;

13 (11) Public-private partnership contract means a contract between a
14 private partner and a political subdivision that is entered into pursuant
15 to section 46 of this act;

16 (12) ~~(10)~~ Qualification-based selection process means a process of
17 selecting a design-builder based first on the qualifications of the
18 design-builder and then on the design-builder's proposed approach to the
19 design and construction of the project;

20 (13) ~~(11)~~ Request for letters of interest means the documentation or
21 publication by which a political subdivision solicits letters of
22 interest;

23 (14) ~~(12)~~ Request for proposals means the documentation by which a
24 political subdivision solicits proposals; and

25 (15) ~~(13)~~ School district means any school district classified under
26 section 79-102.

27 **Sec. 43.** Section 13-2904, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 13-2904 (1) Notwithstanding the procedures for public lettings in
30 sections 73-101 to 73-106 or any other statute relating to the letting of
31 bids by a political subdivision, a political subdivision which follows

1 the Political Subdivisions Construction Alternatives Act may do any of
2 the following:

3 (a) Solicit ~~solicit~~ and execute a design-build contract or a
4 construction management at risk contract; and -

5 (b) Enter into a public-private partnership contract.

6 (2) A political subdivision may receive, evaluate, and execute any
7 unsolicited proposal from a private party. Such proposal may be initiated
8 by such private party. A public-private partnership contract may be
9 entered into between the private party and political subdivision without
10 complying with the requirements for design-build contracts or
11 construction management at risk contracts under the Political
12 Subdivisions Construction Alternatives Act.

13 (3) ~~(2)~~ The governing body of the political subdivision shall adopt
14 a resolution selecting the design-build contract, ~~or~~ construction
15 management at risk contract, or public-private partnership contract
16 delivery system provided under the act prior to proceeding under ~~with the~~
17 provisions of sections 13-2905 to 13-2914 and section 46 of this act. The
18 resolution shall require the affirmative vote of at least two-thirds of
19 the governing body of the political subdivision. For a project authorized
20 under subsection (3) of section 13-2914, the resolution shall include a
21 statement that the political subdivision has made a determination that
22 the design-build contract, ~~or~~ construction management at risk contract,
23 or public-private partnership contract delivery system is in the public
24 interest based, at a minimum, on one of the following criteria: (a)
25 Savings in cost or time or (b) requirement of specialized or complex
26 construction methods suitable for the design-build contract, ~~or~~
27 construction management at risk contract, or public-private partnership
28 contract delivery system.

29 **Sec. 44.** Section 13-2905, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 13-2905 The political subdivision shall adopt policies for entering

1 into a design-build contract, ~~or~~ construction management at risk
2 contract, or public-private partnership contract. The policies shall
3 require that such contracts include the following:

4 (1) Procedures for selecting and hiring on its behalf a performance-
5 criteria developer when soliciting and executing a design-build contract.
6 The procedures shall be consistent with the Nebraska Consultants'
7 Competitive Negotiation Act and shall provide that the performance-
8 criteria developer (a) is ineligible to be included as a provider of any
9 services in a proposal for the project on which it has acted as
10 performance-criteria developer and (b) is not employed by or does not
11 have a financial or other interest in a design-builder or construction
12 manager who will submit a proposal;

13 (2) Procedures for the preparation and content of requests for
14 proposals;

15 (3) Procedures and standards to be used to prequalify design-
16 builders and construction managers. The procedures and standards shall
17 provide that the political subdivision will evaluate prospective design-
18 builders and construction managers based on the information submitted to
19 the political subdivision in response to a request for letters of
20 interest and will select design-builders or construction managers who are
21 prequalified and consequently eligible to respond to the request for
22 proposals;

23 (4) Procedures for preparing and submitting proposals;

24 (5) Procedures for receiving and evaluating unsolicited proposals
25 from private parties that are outside of the proposal process for design-
26 build contracts and construction management at risk contracts;

27 (6) ~~(5)~~ Procedures for evaluating proposals in accordance with
28 sections 13-2908, 13-2910, and 13-2911;

29 (7) ~~(6)~~ Procedures for negotiations between the political
30 subdivision and the design-builders or construction managers submitting
31 proposals prior to the acceptance of a proposal if any such negotiations

1 are contemplated;

2 ~~(8) (7)~~ Procedures for filing and acting on formal protests relating
3 to the solicitation or execution of design-build contracts or
4 construction management at risk contracts; and

5 ~~(9) (8)~~ Procedures for the evaluation of construction under a
6 design-build contract by the performance-criteria developer to determine
7 adherence to the performance criteria.

8 **Sec. 45.** Section 13-2911, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 13-2911 (1) In evaluating proposals in accordance with sections
11 13-2908 and 13-2910 and section 46 of this act, the political subdivision
12 shall refer the proposals for recommendation to a selection committee.
13 The selection committee shall be a group of at least five persons
14 designated by the political subdivision. Members of the selection
15 committee shall include (a) members of the governing body of the
16 political subdivision, (b) members of the administration or staff of the
17 political subdivision, (c) the performance-criteria developer when
18 evaluating proposals from design-builders under section 13-2908 or the
19 political subdivision's architect or engineer when evaluating proposals
20 from construction managers under section 13-2910, (d) any person having
21 special expertise relevant to selection of a design-builder or
22 construction manager under the Political Subdivisions Construction
23 Alternatives Act, and (e) a resident of the political subdivision other
24 than an individual included in subdivisions (a) through (d) of this
25 subsection. A member of the selection committee designated under
26 subdivision (d) or (e) of this subsection shall not be employed by or
27 have a financial or other interest in a design-builder or construction
28 manager who has a proposal being evaluated and shall not be employed by
29 the political subdivision or the performance-criteria developer.

30 (2) The selection committee and the political subdivision shall
31 evaluate proposals taking into consideration the criteria enumerated in

1 subdivisions (a) through (g) of this subsection with the maximum
2 percentage of total points for evaluation which may be assigned to each
3 criterion set forth following the criterion. The following criteria shall
4 be evaluated, when applicable:

5 (a) The financial resources of the design-builder, ~~or~~ construction
6 manager, or public-private partnership to complete the project, ten
7 percent;

8 (b) The ability of the proposed personnel of the design-builder, ~~or~~
9 construction manager, or public-private partnership to perform, thirty
10 percent;

11 (c) The character, integrity, reputation, judgment, experience, and
12 efficiency of the design-builder, ~~or~~ construction manager, or public-
13 private partnership, thirty percent;

14 (d) The quality of performance on previous projects, thirty percent;

15 (e) The ability of the design-builder, ~~or~~ construction manager, or
16 public-private partnership to perform within the time specified, thirty
17 percent;

18 (f) The previous and existing compliance of the design-builder, ~~or~~
19 construction manager, or public-private partnership with laws relating to
20 the contract, ten percent; and

21 (g) Such other information as may be secured having a bearing on the
22 selection, twenty percent.

23 (3) The records of the selection committee in evaluating proposals
24 and making recommendations shall be considered public records for
25 purposes of section 84-712.01.

26 **Sec. 46.** (1) This section applies to unsolicited proposals under
27 the Political Subdivisions Construction Alternatives Act.

28 (2) If the governing body of a political subdivision determines that
29 there is sufficient merit to pursue such unsolicited proposal, a
30 reasonable opportunity shall be provided for other private parties to
31 submit competing proposals for consideration.

1 (3) A political subdivision may charge and retain an administrative
2 fee of not more than five hundred dollars for:

3 (a) The initial evaluation and detailed review of an unsolicited
4 proposal; and

5 (b) The review of any competing proposal.

6 (4) The political subdivision may:

7 (a) Spend money bonded or otherwise raised for the purpose of
8 reviewing, developing, or implementing any unsolicited proposal; and

9 (b) Enter into any public-private partnership contract for a
10 proposal that is deemed by the governing body of the political
11 subdivision to be in the best interest of the political subdivision.

12 **Sec. 47.** Section 13-2912, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 13-2912 (1) A design-build contract, ~~and~~ a construction management
15 at risk contract, or public-private partnership contract may be
16 conditioned upon later refinements in scope and price and may permit the
17 political subdivision in agreement with the design-builder, ~~or~~
18 construction manager, or private partner to make changes in the project
19 without invalidating the contract.

20 (2) Later refinements under this section shall not exceed the scope
21 of the project statement contained in the request for proposals pursuant
22 to section 13-2907 or 13-2909. This subsection (2) does not apply to
23 public-private partnership contracts.

24 **Sec. 48.** Section 13-2914, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 13-2914 (1) A political subdivision shall not use a design-build
27 contract, ~~or~~ construction management at risk contract, or public-private
28 partnership contract under the Political Subdivisions Construction
29 Alternatives Act for a project, in whole or in part, for road, street, or
30 highway construction.

31 (2) A city of the metropolitan class may use a design-build

1 contract, ~~or~~ construction management at risk contract, or public-private
2 partnership contract under the Political Subdivisions Construction
3 Alternatives Act for the purpose of complying with state or federal
4 requirements to control or minimize overflows from combined sewers.

5 (3) A political subdivision may use a design-build contract, ~~or~~
6 construction management at risk contract, or public-private partnership
7 contract under the Political Subdivisions Construction Alternatives Act
8 for a project, in whole or in part, for water, wastewater, utility, or
9 sewer construction.

10 **Sec. 49.** Section 39-1351, Revised Statutes Cumulative Supplement,
11 2024, is amended to read:

12 39-1351 (1) Except as provided in subsection (2) of this section,
13 any person desiring to submit to the department a bid for the performance
14 of any contract for the construction, reconstruction, improvement,
15 maintenance, or repair of roads, bridges, and their appurtenances, which
16 the department proposes to let, shall apply to the department for
17 prequalification. Such application shall be made not later than five days
18 before the letting of the contract unless fewer than five days is
19 specified by the department. The department shall determine the extent of
20 any applicant's qualifications by a full and appropriate evaluation of
21 the applicant's experience, bonding capacity as determined by a bonding
22 agency licensed to do business in the State of Nebraska or other
23 sufficient financial showing deemed satisfactory by the department, and
24 performance record. In determining the qualification of an applicant to
25 bid on any particular contract, the department shall consider the
26 resources available for the particular contract contemplated.

27 (2) The department may, in its sole discretion, grant an exemption
28 from all prequalification requirements for ~~(a)~~ any contract for:

29 (a) ~~The~~ the construction, reconstruction, improvement, maintenance,
30 or repair of roads, bridges, and their appurtenances if the estimate of
31 the department for such work is two hundred fifty thousand dollars or

1 less; ~~or~~

2 (b) ~~The any contract for the~~ construction, reconstruction,
3 improvement, maintenance, or repair of roads, bridges, and their
4 appurtenances if such work is of an emergency nature; ~~-~~

5 (c) Turf maintenance or vegetation control, including mowing, weed
6 spraying, weed maintenance, tree trimming, tree removal, and tree
7 maintenance;

8 (d) Fence installation, repair, or maintenance;

9 (e) Ditch cleaning or erosion control;

10 (f) Culvert repair or maintenance, including relining, cleanout, and
11 other structural repairs or maintenance;

12 (g) Any device for an intelligent transportation system, any other
13 technological device, or the repair or maintenance of any such type of
14 device;

15 (h) Repair or maintenance of any rest area or weigh station; or

16 (i) Any repair or maintenance relating to any road, bridge, or
17 appurtenance of any road or bridge, if such repair or maintenance is of a
18 routine nature.

19 **Sec. 50.** Section 39-1638, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 39-1638 For purposes of the Rural Road Improvement District Act,
22 unless the context otherwise requires:

23 ~~(1) Persons shall include individuals, corporations, partnerships,~~
24 ~~and limited liability companies;~~

25 (1) (2) Board, board of county commissioners, or board of county
26 supervisors means shall mean the governing body of the county; and

27 (2) District means a rural road improvement district created under
28 the Rural Road Improvement District Act;

29 (3) Improvement means shall mean the completed road, or roads, and
30 all work incidental thereto; and -

31 (4) Person includes an individual, corporation, partnership, and

1 limited liability company.

2 **Sec. 51.** Section 39-1639, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 39-1639 Any county may establish and construct new roads, change or
5 extend existing roads, and improve such roads by grading, surfacing,
6 draining, and incidental work by the board on its own initiative
7 declaring the advisability or necessity for such establishment,
8 construction, change, extension, or improvement ~~therefor~~ in a proposed
9 resolution at a meeting of the board. Such ~~, which~~ resolution shall
10 state:

11 (1) ~~The~~ ~~the~~ road or roads to be improved; ~~τ~~

12 (2) ~~If~~ ~~if~~ a new road is contemplated, the general location of the
13 new road or changes in location of an existing road; ~~τ~~

14 (3) ~~The~~ ~~the~~ general description of the proposed improvement, and if
15 the road is to be surfaced, the materials to be used for such
16 improvement; therefor,

17 (4) ~~A~~ a rough estimate of the total cost of the improvement, which
18 may be made by the county surveyor or any engineer or competent person
19 and need not be based on detailed plans and specifications; ~~τ~~

20 (5) Proposed ~~proposed~~ method of financing; ~~τ~~ ~~and~~

21 (6) ~~The~~ ~~the~~ outer boundaries of the district; and in which it is
22 proposed to levy special assessments.

23 (7) Whether special assessments will be levied within such district
24 or the cost of the improvement will be a general charge to the county.

25 **Sec. 52.** Section 39-1640, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 39-1640 (1) When a petition is filed with the county clerk signed by
28 persons owning not less than twenty-five percent of the area in the
29 proposed district requesting the formation of a district, the board
30 governing body of the county in which the proposed district is located
31 shall prepare and propose the resolution as provided in section 39-1639.

1 ~~(2) Any such~~ The petition shall state the improvements desired and
2 the property to be included in the district.

3 **Sec. 53.** Section 39-1641, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 39-1641 (1) A resolution described in section 39-1639 shall not be
6 adopted by the board during the same meeting at which such resolution was
7 proposed.

8 (2) If special assessments are proposed to be levied in a district,
9 the The board shall set a time and place for a hearing on the proposed
10 resolution and give notice of such hearing thereof by publication in a
11 newspaper of general circulation in the county on the same day each week
12 during two successive weeks immediately prior to such hearing meeting and
13 posting such notice in three conspicuous places in the proposed district.

14 **Sec. 54.** Section 39-1642, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 39-1642 (1) If special assessments are proposed to be levied in the
17 proposed district, any person that owns ~~If persons owning more than fifty~~
18 ~~percent in area of the~~ real property in the proposed district may file a
19 written objection to the formation of the district. Such written
20 objection shall:

21 (a) Include any reason why such person objects to the formation of
22 such district; and

23 (b) Be filed with the county clerk prior to the time set for the
24 hearing pursuant to section 39-1641, if any.

25 (2) If written objections are filed by one or more persons that own
26 more than a combined fifty percent in area of the real property in the
27 proposed district, with the county clerk prior to the time set for
28 hearing written objections to the formation of the district stating the
29 reasons for their objections, the resolution proposed under section
30 39-1639 shall not be passed and no hearing shall be held.

31 (3) At the hearing, all persons interested in the proposed

1 improvement shall be given an opportunity to be heard on any matters
2 affecting the formation of the district or the improvements to be made in
3 such district therein.

4 (4) The hearing may be continued from time to time to give
5 opportunity to ascertain all pertinent information.

6 (5) At or following such said hearing, or at any subsequent meeting
7 of the board if no hearing was required, the board may pass the
8 resolution as proposed, amend the resolution and pass the amended
9 resolution, or deny passage of the resolution. The amendments may, among
10 other things, exclude any tracts included in the proposed resolution,
11 include additional property in the district, or change the boundaries of
12 the proposed district.

13 **Sec. 55.** Section 39-1643, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 39-1643 (1) Upon The board on passing the resolution described in
16 section 39-1639 that creates a creating the district in which special
17 assessments will be levied, the board shall appoint an advisory committee
18 of not less than three persons residing in the district to advise with
19 the board on all matters affecting the road improvement in the district,
20 financing the cost of the road improvement thereof, and the levy of
21 special assessments.

22 (2) The board may from time to time replace any person who resigns
23 or refuses to act or appoint additional members to the advisory
24 committee.

25 (3) The members of the committees shall receive no compensation for
26 their services, but may be reimbursed for expenses incurred by them in
27 performing their duties, with reimbursement for mileage to be computed at
28 the rate provided in section 81-1176, and the amount of such
29 reimbursement thereof shall be included in the cost of the improvement.

30 **Sec. 56.** Section 39-1644, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 39-1644 (1) The district when formed shall be known as Rural Road
2 Improvement District No. of County.

3 (2) The district, when established, shall not include any lands
4 located within a village or city.

5 (3) The board shall proceed as expeditiously as possible to make
6 detailed plans for the improvement and improve the roads as generally
7 outlined in the resolution, but may make such changes in the general plan
8 of improvement found necessary to make the improvement more adequate. The
9 improvement may include culverts, bridges, and other drainage work in the
10 county related to the roads, and the county may construct fences along
11 the right-of-way or contract with the adjoining owners to move any
12 existing fences or construct new fences.

13 (4) The county may:

14 (a) Obtain ~~obtain~~ any property necessary for the improvement by
15 gift, purchase, or ~~by~~ eminent domain; -

16 (b) Accept ~~The county may accept~~ gifts or contributions to assist in
17 the costs of the improvement;

18 (c) Contract ~~and may contract~~ with the state or federal government
19 for assistance in making such ~~said~~ improvement and defraying the cost of
20 such improvement; thereof.

21 (d) Contract ~~The county may contract~~ for the entire improvement or
22 any part of such improvement; and ~~thereof~~ or

23 (e) Purchase ~~may purchase~~ the materials and do part of the work with
24 its own equipment and employees.

25 (5) If the work is done by contract, bids shall be taken and the
26 contract let in the same manner as letting other contracts for county
27 work.

28 (6) The county may employ special engineers and special counsel to
29 assist in the improvement, and their compensation shall be considered as
30 a part of the cost of the improvement.

31 **Sec. 57.** Section 39-1645, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 39-1645 (1) To pay the cost of the improvement as the work
3 progresses, the county may:

4 (a) Issue bonds as provided in section 39-1648 and provide for such
5 payment of costs from bond proceeds; or

6 (b) Issue issue progress warrants drawn against the rural road
7 improvement fund for the total cost of materials purchased on receipt of
8 the materials, for the right-of-way acquired, for engineering and legal
9 expense, and for other incidental expenses, and for ninety-five percent
10 of the cost of the work completed and materials necessarily purchased and
11 delivered for the orderly and proper continuation of the project by the
12 contractor as certified by the engineer in charge.

13 (2) On completion of the contract and the acceptance of the
14 improvement by the county, a warrant may be drawn for the balance due the
15 contractor. The warrants shall draw interest at the rate set by the
16 county board.

17 (3) The county shall pay to the contractor interest, at the rate of
18 eight percent per annum on the amounts due on partial and final payments,
19 beginning forty-five days after the certification of the amounts due by
20 the engineer in charge and approval by the board governing body and
21 running until the date that the warrant is tendered to the contractor.

22 **Sec. 58.** Section 39-1646, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 39-1646 (1) A The county that creates a district shall establish:

25 (a) A a special fund for each district to be known as rural road
26 improvement district No. fund; or

27 (b) A single rural road improvement fund for all districts in the
28 county and from which any cost related to a road improvement for any such
29 district shall be paid.

30 (2) Such county shall credit to the rural road improvement fund:

31 (a) Money and credit to said fund all contributions including money

1 transferred from the county's general fund; ~~τ~~

2 ~~(b) All~~ all money collected as special assessments; ~~τ~~

3 ~~(c) Special~~ or special levies against the property in the
4 district; ~~τ~~ and

5 ~~(d) All~~ all money received from the sale of the bonds issued under
6 ~~the provisions of~~ section 39-1648.

7 ~~(3) All~~ expenses incurred in connection with the improvement and
8 ~~that are not~~ paid out of the general fund ~~funds~~ of the county shall be
9 paid ~~from the by warrants drawn on said~~ rural road improvement fund for
10 the district.

11 **Sec. 59.** Section 39-1647, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 39-1647 ~~(1)~~ (1) On completion and acceptance of the improvement in a
14 district where special assessments may be levied, the engineer in charge
15 of the improvement project shall make and file a statement with the
16 county clerk. Such a statement shall include a description of the
17 complete cost of the improvements, including interest accruing on the
18 progress warrants.

19 ~~(2)~~ The board, ~~τ~~ with the assistance of the advisory committee and
20 special counsel and engineer in charge of the improvement project, shall:

21 ~~(a) Determine~~ determine what part of the costs shall be specially
22 assessed to the property in the district; and

23 ~~(b) Prepare~~ shall prepare a proposed schedule of assessments against
24 all properties in the district deemed specially benefited by the
25 improvements.

26 ~~(3)~~ Any land in the district may be specially assessed for the
27 amount it is specially benefited even though the property does not adjoin
28 the road improved.

29 ~~(4)(a)~~ The board shall fix a time and place for a meeting when it
30 will sit as a board of adjustment and equalization and give notice of
31 such meeting thereof by publication on the same day of each week for two

1 consecutive weeks immediately prior to the meeting in a newspaper of
2 general circulation in the county and by mailing a copy of the notice to
3 each record owner of property proposed to be specially assessed.

4 (b) At the meeting the board shall equalize and levy the special
5 assessments.

6 (5)(a) All special assessments provided for in this section shall be
7 a lien on the property from date of levy and shall become due fifty days
8 after date of levy and may be paid within that time without interest. Any
9 special assessment that is not paid on or before its due date shall be
10 charged interest on the amount of such special assessment that remains
11 unpaid. No interest shall accrue prior to the due date for such special
12 assessment. The rate of interest shall be but if not so paid they shall
13 bear interest thereafter at a rate established by the board, but shall
14 not to exceed the rate of interest specified in section 45-104.01, as
15 such rate may from time to time be adjusted by the Legislature, until
16 delinquent.

17 (b) Such assessments shall become delinquent in equal annual
18 installments over a period of not to exceed ten years as the board may
19 determine at the time of making the levy. Delinquent installments shall
20 bear interest at the rate specified in section 45-104.01, as such rate
21 may from time to time be adjusted by the Legislature, until paid and
22 shall be collected in the usual manner for the collection of taxes.

23 **Sec. 60.** Section 39-1648, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 39-1648 (1) The On completion and acceptance of the improvement, the
26 county may shall issue and sell at not less than par bonds of the county
27 in an amount sufficient to pay the balance of the costs of the
28 improvements. Prior to the issuance and sale of such bonds, the county
29 shall take, taking into account the amounts collected or expected to be
30 collected on special assessments and any money funds contributed to the
31 district or otherwise available for the improvement.

1 (2) Bonds issued under this section ~~The bonds shall:~~

2 (a) Mature ~~mature~~ in not to exceed twenty ~~ten~~ years from their date
3 of issuance and bear interest payable annually or semiannually; and ~~-~~

4 (b) Constitute ~~The bonds shall constitute~~ a general obligation of
5 the county. ~~-~~

6 (3) All but all special assessments levied in the district and all ~~-~~
7 ~~special taxes, or~~ contributions made to the district shall constitute a
8 sinking fund for the payment of the bonds issued for such district.

9 (4) The county shall collect all special assessments and special
10 ~~taxes~~ and levy and collect annually a tax on all taxable property in the
11 county sufficient in rate and amount to pay any deficiency on the amount
12 required to pay both principal and interest on the bonds as such bonds
13 become due. Prior to the levying of any such tax, the county shall take
14 into account the amounts available for the payment of such bonds in the
15 sinking fund for the district ~~the same fall due.~~

16 (5) The bonds and tax authorized under ~~in~~ this section shall be in
17 addition to all other bonds and taxes authorized by law and shall not be
18 included in computing any statutory limitation on the amount of bonds or
19 tax that ~~which~~ may be issued or levied by the county.

20 **Sec. 61.** Section 39-1649, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 39-1649 (1) When the road improvements have been completed and
23 accepted, the roads shall constitute a part of the county road system and
24 shall be maintained by the county.

25 (2) The ~~If the~~ owners of more than fifty percent of the area in the
26 district may petition the board for maintenance in excess of that given
27 to other similar county roads. If such petition is made, the board may
28 levy and collect annually a special levy of not to exceed three and five-
29 tenths cents on each one hundred dollars on all taxable property in the
30 district subject to section 77-3443.

31 (3) Money that is collected pursuant to a special levy under this

1 section ~~The money as collected~~ shall be credited to the rural road
2 improvement district fund for such district and used only for the repair
3 and maintenance of the roads in the district where such special levy was
4 imposed.

5 **Sec. 62.** Section 39-1650, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 39-1650 (1) Subsection (2) of this section applies:

8 (a) When it is ~~When it shall be~~ deemed advisable to enlarge the
9 boundaries of a district by the advisory committee for a ~~of the~~ district
10 where special assessments have been or will be imposed; ~~to enlarge the~~
11 ~~boundaries thereof,~~ and

12 (b) If the conditions mentioned in section 39-1639 apply to such
13 enlarged territory. ~~;~~

14 (2)(a) A a petition for the enlargement of such ~~the~~ district that
15 is ~~;~~ signed by persons that own ~~owning~~ not less than twenty-five percent
16 of the territory proposed to be added to the district ~~;~~ may be filed with
17 the county clerk.

18 (b) If a petition is filed pursuant to subdivision (a) of this
19 subsection, and ~~thereupon~~ the board shall proceed ~~in all respects~~ as
20 provided in sections 39-1640 to 39-1643, so far as applicable.

21 **Sec. 63.** Section 39-1651, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 39-1651 (1) A petition to withdraw ~~seeking the withdrawal of~~ real
24 property from a ~~such~~ district may be filed; ~~;~~

25 (a) By ~~signed by~~ persons that own ~~owning~~ not less than twenty-five
26 percent of the territory in an area that is proposed to be withdrawn; and

27 (b) If special assessments have been or will be imposed in such
28 district.

29 (2) A petition described in subsection (1) of this section shall ~~may~~
30 be filed with the county clerk.

31 (3) If a petition is filed pursuant to this section, ~~the~~ board

1 shall set a time and place for a hearing pursuant to ~~as set forth in~~
2 sections 39-1641 and 39-1642. At the hearing the board may pass a
3 resolution permitting the withdrawal of the proposed territory.

4 (4) Any area withdrawn from the district shall be subject to
5 assessment and be otherwise chargeable for the payment and discharge of
6 all the obligations outstanding at the time of filing the petition for
7 withdrawal.

8 (5) An area withdrawn from a district shall not be subject to
9 assessment or otherwise chargeable for any obligations of any nature or
10 kind incurred after the time of filing the petition for withdrawal of the
11 area from the district.

12 **Sec. 64.** Section 39-1652, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 39-1652 (1) A petition to consolidate two or more districts in a
15 county may be filed:

16 (a) By persons that own ~~Upon the filing of a petition with the~~
17 ~~county clerk by persons owning~~ not less than twenty-five percent of the
18 territory of each district in the proposed consolidation; and

19 (b) If special assessments have been or will be imposed in each
20 district in the proposed consolidation.

21 (2) A petition described in subsection (1) of this section shall be
22 filed with the county clerk.

23 (3) If a petition is filed pursuant to this section, ~~of the county~~
24 ~~proposing a consolidation of the districts,~~ the board shall set a time
25 and place for a hearing pursuant to ~~as set forth in~~ sections 39-1641 and
26 39-1642. At the hearing the board may pass a resolution consolidating the
27 districts that are described in the petition ~~petitioning to be~~
28 ~~consolidated.~~

29 **Sec. 65.** Section 39-1653, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 39-1653 (1) A petition for dissolution of a district may be filed:

1 ~~(a) By persons that own~~ ~~Upon the filing of a petition for~~
2 ~~dissolution with the county clerk by persons owning~~ not less than twenty-
3 five percent of the territory of the district; ~~and~~ ~~τ~~

4 **(b) If special assessments have been or will be imposed in such**
5 **district.**

6 **(2) A petition described in subsection (1) of this section shall be**
7 **filed with the county clerk.**

8 **(3) If a petition is filed pursuant to this section,** the board shall
9 set a time and place for a hearing pursuant to ~~as set forth in~~ sections
10 39-1641 and 39-1642. At the hearing the board may pass a resolution
11 dissolving the district.

12 **(4) If a district is dissolved pursuant to this section,** the The
13 board shall perform all acts necessary to wind up the affairs of the
14 district. All funds remaining after discharge of the district's
15 indebtedness shall be deposited in the general fund of the county.

16 **Sec. 66.** Section 39-1655, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 39-1655 Sections 39-1638 to 39-1655 shall be known and may be cited
19 as the Rural Road Improvement District Act.

20 **Sec. 67.** Section 39-2801, Revised Statutes Cumulative Supplement,
21 2024, is amended to read:

22 39-2801 Sections 39-2801 to 39-2825 and section 70 of this act shall
23 be known and may be cited as the Transportation Innovation Act.

24 **Sec. 68.** Section 39-2802, Revised Statutes Cumulative Supplement,
25 2024, is amended to read:

26 39-2802 For purposes of the Transportation Innovation Act:

27 (1) Alternative technical concept means changes suggested by a
28 qualified, eligible, short-listed design-builder to a contracting
29 agency's basic configurations, project scope, design, or construction
30 criteria;

31 (2) Best value-based selection process means a process of selecting

1 a design-builder using price, schedule, and qualifications for evaluation
2 factors;

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

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

13 (5) Construction services means activities associated with building
14 the project;

15 (6) Contracting agency means the department or a political
16 subdivision , ~~an eligible county, a city of the metropolitan class, or a~~
17 ~~city of the primary class~~ using the powers provided under the
18 Transportation Innovation Act;

19 (7) Department means the Department of Transportation;

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

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

27 (10) Eligible county means (a) a county or (b) a joint entity
28 created by agreement under section 13-804 if a county is a party to the
29 agreement;

30 (11) Multimodal transportation network means the interconnected
31 system of highways, roads, streets, rail lines, river ports, and transit

1 systems which facilitates the movement of people and freight to enhance
2 Nebraska's economy;

3 (12) Political subdivision means any city, village, or eligible
4 county;

5 (13) (12) Preconstruction services means all nonconstruction-related
6 services that a construction manager performs in relation to the design
7 of the project before execution of a contract for construction services.
8 Preconstruction services includes, but is not limited to, cost
9 estimating, value engineering studies, constructability reviews, delivery
10 schedule assessments, and life-cycle analysis;

11 (14) (13) Private partner means any entity that is a partner in a
12 public-private partnership other than the State of Nebraska, any agency
13 of the State of Nebraska, the federal government, any agency of the
14 federal government, any other state government, or any agency of any
15 government at any level;

16 (15) (14) Progressive design-build means a project-delivery process
17 in which both the design and construction of a project are procured from
18 a single entity that is selected through a qualification-based selection
19 process at the earliest feasible stage of the project;

20 (16) (15) Project performance criteria means the performance
21 requirements of the project suitable to allow the design-builder to make
22 a proposal. Performance requirements shall include, but are not limited
23 to, the following, if required by the project: Capacity, durability,
24 standards, ingress and egress requirements, description of the site,
25 surveys, soil and environmental information concerning the site, material
26 quality standards, design and milestone dates, site development
27 requirements, compliance with applicable law, and other criteria for the
28 intended use of the project;

29 (17) (16) Proposal means an offer in response to a request for
30 proposals (a) by a design-builder to enter into a design-build contract
31 or (b) by a construction manager to enter into a construction manager-

1 general contractor contract;

2 ~~(18) (17)~~ Public-private partnership means a project delivery method
3 for construction or financing of capital projects or procurement of
4 services under a written public-private partnership agreement entered
5 into pursuant to section 39-2825 between at least one private partner and
6 ~~a contracting agency the State of Nebraska or any agency of the state;~~

7 ~~(19) (18)~~ Qualification-based selection process means a process of
8 selecting a construction manager or progressive design-builder based on
9 qualifications;

10 ~~(20) (19)~~ Request for proposals means the documentation by which a
11 contracting agency solicits proposals; and

12 ~~(21) (20)~~ Request for qualifications means the documentation or
13 publication by which a contracting agency solicits qualifications.

14 **Sec. 69.** Section 39-2811, Revised Statutes Cumulative Supplement,
15 2024, is amended to read:

16 39-2811 The department shall adopt guidelines for entering into a
17 design-build contract, a progressive design-build contract, or
18 construction manager-general contractor contract. If a political
19 ~~subdivision an eligible county, a city of the metropolitan class, or a~~
20 ~~city of the primary class~~ intends to proceed with a design-build
21 contract, a progressive design-build contract, or a construction manager-
22 general contractor contract, the political subdivision eligible county,
23 ~~city of the metropolitan class, or city of the primary class~~ may adopt
24 the guidelines published by the department. The department's guidelines
25 shall include the following:

26 (1) Preparation and content of requests for qualifications;

27 (2) Preparation and content of requests for proposals;

28 (3) Qualification and short-listing of design-builders, progressive
29 design-builders, and construction managers. The guidelines shall provide
30 that the contracting agency will evaluate prospective design-builders,
31 progressive design-builders, and construction managers based on the

1 information submitted to the contracting agency in response to a request
2 for qualifications and will select a short list of design-builders,
3 progressive design-builders, or construction managers who shall be
4 considered qualified and eligible to respond to the request for
5 proposals;

6 (4) Preparation and submittal of proposals;

7 (5) Procedures and standards for evaluating proposals;

8 (6) Procedures for negotiations between the contracting agency and
9 the design-builders, progressive design-builders, or construction
10 managers submitting proposals prior to the acceptance of a proposal if
11 any such negotiations are contemplated; and

12 (7) Procedures for the evaluation of construction under a design-
13 build contract or a progressive design-build contract to determine
14 adherence to the project performance criteria; and -

15 (8) Procedures for the receipt and evaluation of an unsolicited
16 proposal pursuant to section 70 of this act.

17 **Sec. 70.** (1) The procedures used by the department when evaluating
18 an unsolicited proposal shall include a requirement that, if the
19 department determines that there is sufficient merit to pursue an
20 unsolicited proposal, a reasonable opportunity shall be provided for
21 other entities to submit competing proposals for consideration. The
22 department may charge and retain an administrative fee of not more than
23 five hundred dollars for:

24 (a) The initial evaluation and detailed review of an unsolicited
25 project proposal; and

26 (b) The review of any competing proposal to the unsolicited
27 proposal.

28 (2) The department may:

29 (a) Spend money appropriated to the department for the purpose of
30 reviewing, developing, and implementing any unsolicited proposal; and

31 (b) Enter into any contract for a proposal deemed by the department

1 to be in the best interest of the State of Nebraska.

2 (3) It is the intent of the Legislature that the department favor
3 any creative or innovative unsolicited proposal that will provide a
4 material benefit to the State of Nebraska beyond the traditional
5 procurement and project delivery methods.

6 **Sec. 71.** Section 39-2814, Revised Statutes Cumulative Supplement,
7 2024, is amended to read:

8 39-2814 A contracting agency shall prepare a request for proposals
9 for each design-build or progressive design-build contract. The request
10 for proposals shall contain, at a minimum, the following elements:

11 (1) The guidelines adopted in accordance with section 39-2811. The
12 identification of a publicly accessible location of the guidelines,
13 either physical or electronic, shall be considered compliance with this
14 subdivision;

15 (2) The proposed terms and conditions of the design-build or
16 progressive design-build contract, including any terms and conditions
17 which are subject to further negotiation;

18 (3) A project statement which contains information about the scope
19 and nature of the project;

20 (4) If applicable, a statement regarding alternative technical
21 concepts including the process and time period in which such concepts may
22 be submitted, confidentiality of the concepts, and ownership of the
23 rights to the intellectual property contained in such concepts;

24 (5) Project performance criteria;

25 (6) Budget parameters for the project;

26 (7) Any bonding and insurance required by law or as may be
27 additionally required by the contracting agency;

28 (8) The criteria for evaluation of proposals and the relative weight
29 of each criterion. For both design-build and progressive design-build
30 contracts, the criteria shall include, but are not limited to,
31 construction experience, design experience, and the financial, personnel,

1 and equipment resources available for the project. For design-build
2 contracts only, the criteria shall also include the cost of the work. For
3 ~~progressive design-build contracts only, the criteria shall also include~~
4 ~~consideration of the historic reasonableness of the progressive design-~~
5 ~~builder's costs and expenses when bidding and completing projects,~~
6 ~~whether such projects were completed using the progressive design-build~~
7 ~~process or another bidding and contracting process.~~ The relative weight
8 to apply to any criterion shall be at the discretion of the contracting
9 agency based on each project, except that for all design-build contracts,
10 the cost of the work shall be given a relative weight of at least fifty
11 percent;

12 (9) A requirement that the design-builder or progressive design-
13 builder provide a written statement of the design-builder's or
14 progressive design-builder's proposed approach to the design and
15 construction of the project, which may include graphic materials
16 illustrating the proposed approach to design and construction;

17 (10) A requirement that the design-builder or progressive design-
18 builder agree to the following conditions:

19 (a) At the time of the design-build or progressive design-build
20 proposal, the design-builder or progressive design-builder must furnish
21 to the contracting agency a written statement identifying the architect
22 or engineer who will perform the architectural or engineering work for
23 the project. The architect or engineer engaged by the design-builder or
24 progressive design-builder to perform the architectural or engineering
25 work with respect to the project must have direct supervision of such
26 work and may not be removed by the design-builder or progressive design-
27 builder prior to the completion of the project without the written
28 consent of the contracting agency;

29 (b) At the time of the design-build or progressive design-build
30 proposal, the design-builder or progressive design-builder must furnish
31 to the contracting agency a written statement identifying the general

1 contractor who will provide the labor, material, supplies, equipment, and
2 construction services. The general contractor identified by the design-
3 builder or progressive design-builder may not be removed by the design-
4 builder or progressive design-builder prior to completion of the project
5 without the written consent of the contracting agency;

6 (c) A design-builder or progressive design-builder offering design-
7 build or progressive design-build services with its own employees who are
8 design professionals licensed to practice in Nebraska must (i) comply
9 with the Engineers and Architects Regulation Act by procuring a
10 certificate of authorization to practice architecture or engineering and
11 (ii) submit proof of sufficient professional liability insurance in the
12 amount required by the contracting agency; and

13 (d) The rendering of architectural or engineering services by a
14 licensed architect or engineer employed by the design-builder or
15 progressive design-builder must conform to the Engineers and Architects
16 Regulation Act;

17 (11) The amount and terms of the stipend required pursuant to
18 section 39-2815, if any; and

19 (12) Other information or requirements which the contracting agency,
20 in its discretion, chooses to include in the request for proposals.

21 **Sec. 72.** Section 39-2824, Revised Statutes Cumulative Supplement,
22 2024, is amended to read:

23 39-2824 The department may adopt and promulgate rules and
24 regulations to carry out the Transportation Innovation Act. A political
25 subdivision ~~An eligible county, a city of the metropolitan class, or a~~
26 ~~city of the primary class~~ may adopt a resolution or an ordinance
27 establishing rules to carry out the act.

28 **Sec. 73.** Section 39-2825, Revised Statutes Cumulative Supplement,
29 2024, is amended to read:

30 39-2825 (1) A public-private partnership delivery method may be used
31 for projects under the Transportation Innovation Act and other

1 transportation projects deemed appropriate at the discretion of the
2 Director-State Engineer in the case of the department, or the governing
3 body of any other contracting agency, as provided in this section and
4 rules and regulations adopted and promulgated pursuant to this section
5 only to the extent allowed under the Constitution of Nebraska. State
6 contracts using this method shall be awarded by competitive negotiation.
7 The department shall not use or accept an unsolicited proposal that
8 includes minor maintenance, restoration, rehabilitation, or resurfacing
9 of bridges or highways.

10 (2) A contracting agency utilizing a public-private partnership
11 shall continue to be responsible for oversight of any function that is
12 delegated to or otherwise performed by a private partner.

13 (3) ~~The On or before July 1, 2023,~~ the Director-State Engineer shall
14 adopt and promulgate rules and regulations setting forth criteria to be
15 used in determining when a public-private partnership is to be used for a
16 particular project. The rules and regulations shall reflect the intent of
17 the Legislature to promote and encourage the use of public-private
18 partnerships in the State of Nebraska. The Director-State Engineer shall
19 consult with design-builders, progressive design-builders, construction
20 managers, other contractors and design professionals, including engineers
21 and architects, and other appropriate professionals during the
22 development of the rules and regulations.

23 (4) A request for proposals for a project utilizing a public-private
24 partnership or an unsolicited proposal from any private partner that is
25 outside of a request for proposal process shall include at a minimum:

26 (a) The parameters of the proposed public-private partnership
27 agreement;

28 (b) The duties and responsibilities to be performed by the private
29 partner or private partners;

30 (c) The methods of oversight to be employed by the contracting
31 agency;

1 (d) The duties and responsibilities that are to be performed by the
2 contracting agency and any other parties to the contract;

3 (e) The evaluation factors and the relative weight of each factor to
4 be used in the scoring of awards;

5 (f) How the private partner plans to finance and operate ~~Plans for~~
6 ~~financing and operating~~ the project and the project or operating revenue,
7 service or availability payments, bond financings, and ~~appropriations of~~
8 public funds that are anticipated to be needed in the future for the
9 qualifying project, subject to appropriation by the Legislature;

10 (g) The private partner's proposal for the availability and
11 performance standards that would be used to determine qualification for
12 receiving availability payments from the contracting agency;

13 (h) ~~(g)~~ Comprehensive documentation of the experience, capabilities,
14 capitalization and financial condition, and other relevant qualifications
15 of the private entity submitting the proposal;

16 (i) ~~(h)~~ The ability of a private partner or private partners to
17 quickly respond to the needs presented in the request for proposals and
18 the importance of economic development opportunities represented by the
19 project. In evaluating proposals, preference shall be given to a plan
20 that includes the involvement of small businesses as subcontractors, to
21 the extent that small businesses can provide services in a competitive
22 manner, unless any preference interferes with the qualification for
23 federal or other funds; and

24 (j) ~~(i)~~ Other information required by the contracting agency to
25 evaluate the proposals submitted and the overall proposed public-private
26 partnership.

27 (5) A private entity desiring to be a private partner shall
28 demonstrate to the satisfaction of the contracting agency that it is
29 capable of performing any duty, responsibility, or function it may be
30 authorized or directed to perform as a term or condition of the public-
31 private partnership agreement.

1 (6) A request for proposals may be canceled, or all proposals may be
2 rejected, if it is determined in writing that such action is taken in the
3 best interest of the State of Nebraska and approved by the purchasing
4 officer.

5 (7) Upon execution of a public-private partnership agreement, the
6 contracting agency shall ensure that the contract clearly identifies that
7 a public-private partnership is being utilized.

8 (8) The department shall:

9 (a) Adhere to the rules and regulations adopted and promulgated
10 under this section when utilizing a public-private partnership for
11 financing capital projects; and

12 (b) Electronically report annually to the Appropriations Committee
13 of the Legislature and the Transportation and Telecommunications
14 Committee of the Legislature regarding private-public partnerships which
15 have been considered or are approved pursuant to this section.

16 **Sec. 74.** Section 60-462, Revised Statutes Cumulative Supplement,
17 2024, is amended to read:

18 60-462 Sections 60-462 to 60-4,189 and section 75 of this act shall
19 be known and may be cited as the Motor Vehicle Operator's License Act.

20 **Sec. 75.** (1) For purposes of this section, commercial motor vehicle
21 driver training means any training course or educational program that is
22 offered in this state for the purpose of teaching or training any person
23 how to operate a commercial motor vehicle.

24 (2) The curriculum for any commercial motor vehicle driver training
25 that begins on or after January 1, 2027, shall include a minimum of
26 thirty minutes of human trafficking training as prescribed by the
27 Attorney General.

28 (3)(a) No later than December 1, 2026, the Attorney General shall
29 prescribe the curriculum and training materials for the human trafficking
30 training that is required under subsection (2) of this section.

31 (b) The Attorney General shall review and update such curriculum and

1 training materials at least once every three years to account for changes
2 and trends in human trafficking.

3 (4) The Attorney General may collaborate with any organization that
4 specializes in and offers training materials about the recognition,
5 prevention, and reporting of human trafficking for commercial motor
6 vehicle drivers.

7 (5) The Attorney General may adopt and promulgate rules and
8 regulations to carry out this section.

9 **Sec. 76.** Section 60-507, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 60-507 (1)(a) Within ninety days after the receipt by the Department
12 of Transportation of a report of a motor vehicle accident within this
13 state which has resulted in bodily injury or death, or damage to the
14 property of any one person, including such operator, to an apparent
15 extent of two thousand ~~one thousand five hundred~~ dollars or more, the
16 Department of Motor Vehicles shall suspend (i) the license of each
17 operator of a motor vehicle in any manner involved in such accident and
18 (ii) the privilege, if such operator is a nonresident, of operating a
19 motor vehicle within this state, unless such operator deposits security
20 in a sum which shall be sufficient, in the judgment of the Department of
21 Motor Vehicles, to satisfy any judgment or judgments for damages
22 resulting from such accident which may be recovered against such operator
23 and unless such operator gives proof of financial responsibility. Notice
24 of such suspension shall be sent by the Department of Motor Vehicles by
25 regular United States mail to such operator not less than twenty days
26 prior to the effective date of such suspension at his or her last-known
27 mailing address as shown by the records of the department and shall state
28 the amount required as security and the requirement of proof of financial
29 responsibility.

30 (b) In the event a person involved in a motor vehicle accident
31 within this state fails to make a report to the Department of Motor

1 Vehicles indicating the extent of his or her injuries or the damage to
2 his or her property within thirty days after the accident, and the
3 department does not have sufficient information on which to base an
4 evaluation of such injury or damage, the department, after reasonable
5 notice to such person, may not require any deposit of security for the
6 benefit or protection of such person.

7 (c) If the operator fails to respond to the notice on or before
8 twenty days after the date of the notice, the director shall summarily
9 suspend the operator's license or privilege and issue an order of
10 suspension.

11 (2) The order of suspension provided for in subsection (1) of this
12 section shall not be entered by the Department of Motor Vehicles if the
13 department determines that in its judgment there is no reasonable
14 possibility of a judgment being rendered against such operator.

15 (3) In determining whether there is a reasonable possibility of
16 judgment being rendered against such operator, the department shall
17 consider all reports and information filed in connection with the
18 accident.

19 (4) The order of suspension provided for in subsection (1) of this
20 section shall advise the operator that he or she has a right to appeal
21 the order of suspension in accordance with section 60-503.

22 (5) The order of suspension provided for in subsection (1) of this
23 section shall be sent by regular United States mail to the operator's
24 last-known mailing address as shown by the records of the department.

25 **Sec. 77.** Section 60-513, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 60-513 The security required by the Motor Vehicle Safety
28 Responsibility Act shall be in such form and in such amount as the
29 department may require but in no case less than two thousand ~~one thousand~~
30 ~~five hundred~~ dollars nor in excess of the limits specified in section
31 60-509. The person depositing security shall specify in writing the

1 person or persons on whose behalf the deposit is made and, at any time
2 while such deposit is in the custody of the department or State
3 Treasurer, the person depositing it may, in writing, amend the
4 specification of the person or persons on whose behalf the deposit is
5 made to include an additional person or persons, except that a single
6 deposit of security shall be applicable only on behalf of persons
7 required to furnish security because of the same accident. The department
8 may increase or reduce the amount of security ordered in any case at any
9 time after the date of the accident if, in the judgment of the director,
10 the amount ordered is inadequate or excessive. In case the security
11 originally ordered has been deposited, the excess deposited over the
12 reduced amount ordered shall be returned to the depositor or his or her
13 personal representative immediately, notwithstanding section 60-514. If
14 any additional security ordered is not deposited within ten days, the
15 department shall proceed under section 60-507.

16 **Sec. 78.** Section 60-601, Revised Statutes Supplement, 2025, is
17 amended to read:

18 60-601 Sections 60-601 to 60-6,383 and section 80 of this act shall
19 be known and may be cited as the Nebraska Rules of the Road.

20 **Sec. 79.** Section 60-605, Revised Statutes Supplement, 2025, is
21 amended to read:

22 60-605 For purposes of the Nebraska Rules of the Road, the
23 definitions found in sections 60-606 to 60-676.01 and section 80 of this
24 act shall be used.

25 **Sec. 80.** Superload means a vehicle, or vehicle combination that is
26 transporting a nondivisible load, that is in excess of:

- 27 (1) Sixteen feet in width;
28 (2) One hundred ninety-one inches in height;
29 (3) One hundred fifty feet in length; or
30 (4) One hundred sixty thousand pounds in gross weight.

31 **Sec. 81.** Section 60-695, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 60-695 Any peace officer who investigates any traffic accident in
3 the performance of his or her official duties shall, in all instances of
4 an accident resulting in injury or death to any person or in which
5 estimated damage equals or exceeds two thousand ~~one thousand five hundred~~
6 dollars to the property of any one person, submit an original report of
7 such investigation to the Department of Transportation within ten days
8 after each such accident. The department shall have authority to collect
9 accident information it deems necessary and shall prescribe and furnish
10 appropriate forms for reporting.

11 **Sec. 82.** Section 60-699, Revised Statutes Cumulative Supplement,
12 2024, is amended to read:

13 60-699 (1) The operator of any vehicle involved in an accident
14 resulting in injuries or death to any person or damage to the property of
15 any one person, including such operator, to an apparent extent that
16 equals or exceeds two thousand ~~one thousand five hundred~~ dollars shall
17 within ten days forward a report of such accident to the Department of
18 Transportation. Such report shall not be required if the accident is
19 investigated by a peace officer. If the operator is physically incapable
20 of making the report, the owner of the motor vehicle involved in the
21 accident shall, within ten days from the time he or she learns of the
22 accident, report the matter in writing to the Department of
23 Transportation. The Department of Transportation or Department of Motor
24 Vehicles may require operators involved in accidents to file supplemental
25 reports of accidents upon forms furnished by it whenever the original
26 report is insufficient in the opinion of either department. The operator
27 or the owner of the motor vehicle shall make such other and additional
28 reports relating to the accident as either department requires. Such
29 records shall be retained for the period of time specified by the State
30 Records Administrator pursuant to the Records Management Act.

31 (2) The report of accident required by this section shall be in two

1 parts. Part I shall be in such form as the Department of Transportation
2 may prescribe and shall disclose full information concerning the
3 accident. Part II shall be in such form as the Department of Motor
4 Vehicles may prescribe and shall disclose sufficient information to
5 disclose whether or not the financial responsibility requirements of the
6 Motor Vehicle Safety Responsibility Act are met through the carrying of
7 liability insurance.

8 (3) Upon receipt of a report of accident, the Department of
9 Transportation shall determine the reportability and classification of
10 the accident and enter all information into a computerized database. Upon
11 completion, the Department of Transportation shall electronically send
12 Part II of the report to the Department of Motor Vehicles for purposes of
13 section 60-506.01.

14 (4) Such reports shall be without prejudice. Except as provided in
15 section 84-712.05, a report regarding an accident made by a peace
16 officer, made to or filed with a peace officer in the peace officer's
17 office or department, or filed with or made by or to any other law
18 enforcement agency of the state shall be open to public inspection, but
19 an accident report filed by the operator or owner of a motor vehicle
20 pursuant to this section shall not be open to public inspection. Age Date
21 of birth information, excluding the year of birth, and operator's license
22 number information of an operator or owner included in any report
23 required under this section shall be confidential and shall not be a
24 public record under section 84-712.01. Year of birth or age information
25 of an operator or owner included in any report required under this
26 section shall not be confidential, and such age information may be
27 separately disclosed under section 84-712.01. ~~shall be a public record~~
28 ~~under section 84-712.01.~~ Nothing in this section prohibits a peace
29 officer or a law enforcement agency from disclosing the age of an
30 operator or owner included in any report required under this section. The
31 fact that a report by an operator or owner has been so made shall be

1 admissible in evidence solely to prove compliance with this section, but
2 no such report or any part of or statement contained in the report shall
3 be admissible in evidence for any other purpose in any trial, civil or
4 criminal, arising out of such accidents nor shall the report be referred
5 to in any way or be any evidence of the negligence or due care of either
6 party at the trial of any action at law to recover damages.

7 (5) The failure by any person to report an accident as provided in
8 this section or to correctly give the information required in connection
9 with the report shall be a Class V misdemeanor.

10 **Sec. 83.** Section 60-6,123, Revised Statutes Cumulative Supplement,
11 2024, is amended to read:

12 60-6,123 Whenever traffic is controlled by traffic control signals
13 exhibiting different colored lights or colored lighted arrows,
14 successively one at a time or in combination, only the colors green, red,
15 and yellow shall be used, except for special pedestrian signals carrying
16 a word legend, number, or symbol, and such lights shall indicate and
17 apply to drivers of vehicles, ~~and pedestrians,~~ and operators of bicycles
18 as follows:

19 (1)(a) Vehicular traffic facing a circular green indication may
20 proceed straight through or turn right or left unless a sign at such
21 place prohibits either such turn, but vehicular traffic, including
22 vehicles turning right or left, shall yield the right-of-way to other
23 vehicles and to pedestrians lawfully within the intersection or an
24 adjacent crosswalk at the time such indication is exhibited;

25 (b) Vehicular traffic facing a green arrow indication, shown alone
26 or in combination with another indication, may cautiously enter the
27 intersection only to make the movement indicated by such arrow or such
28 other movement as is permitted by other indications shown at the same
29 time, and such vehicular traffic shall yield the right-of-way to
30 pedestrians lawfully within an adjacent crosswalk and to other traffic
31 lawfully using the intersection; and

1 (c) Unless otherwise directed by a pedestrian-control signal,
2 pedestrians facing any green indication, except when the sole green
3 indication is a turn arrow, may proceed across the roadway within any
4 marked or unmarked crosswalk;

5 (2)(a) Vehicular traffic facing a steady yellow indication is
6 thereby warned that the related green movement is being terminated or
7 that a red indication will be exhibited immediately thereafter when
8 vehicular traffic shall not enter the intersection, and upon display of a
9 steady yellow indication, vehicular traffic shall stop before entering
10 the nearest crosswalk at the intersection, but if such stop cannot be
11 made in safety, a vehicle may be driven cautiously through the
12 intersection;

13 (b) Vehicular traffic facing a flashing yellow arrow indication may
14 cautiously enter the intersection only to make the movement indicated by
15 such arrow, and such vehicular traffic shall yield the right-of-way to
16 pedestrians lawfully within an adjacent crosswalk and to other traffic
17 lawfully using the intersection; and

18 (c) Pedestrians facing a steady yellow indication, unless otherwise
19 directed by a pedestrian-control signal, are thereby advised that there
20 is insufficient time to cross the roadway before a red indication is
21 shown and no pedestrian shall then start to cross the roadway;

22 (3)(a) Vehicular traffic facing a steady circular red indication
23 alone shall stop at a clearly marked stop line or shall stop, if there is
24 no such line, before entering the crosswalk on the near side of the
25 intersection or, if there is no crosswalk, before entering the
26 intersection. The traffic shall remain standing until an indication to
27 proceed is shown except as provided in subdivisions (3)(b) and (3)(c) of
28 this section;

29 (b) Except where a traffic control device is in place prohibiting a
30 turn, vehicular traffic facing a steady circular red indication may
31 cautiously enter the intersection to make a right turn after stopping as

1 required by subdivision (3)(a) of this section. Such vehicular traffic
2 shall yield the right-of-way to pedestrians lawfully within an adjacent
3 crosswalk and to other traffic lawfully using the intersection;

4 (c) Except where a traffic control device is in place prohibiting a
5 turn, vehicular traffic facing a steady circular red indication at the
6 intersection of two one-way streets may cautiously enter the intersection
7 to make a left turn after stopping as required by subdivision (3)(a) of
8 this section. Such vehicular traffic shall yield the right-of-way to
9 pedestrians lawfully within an adjacent crosswalk and to other traffic
10 lawfully using the intersection;

11 (d) Vehicular traffic facing a steady red arrow indication alone
12 shall stop at a clearly marked stop line or shall stop, if there is no
13 such line, before entering the crosswalk on the near side of the
14 intersection or, if there is no crosswalk, before entering the
15 intersection. The traffic shall not enter the intersection to make the
16 movement indicated by the arrow and shall remain standing until an
17 indication to proceed is shown; and

18 (e) Unless otherwise directed by a pedestrian-control signal,
19 pedestrians facing a steady red indication alone shall not enter the
20 roadway;

21 (4) If a traffic control signal is erected and maintained at a place
22 other than an intersection, the provisions of this section shall be
23 applicable except as to those provisions which by their nature can have
24 no application. Any stop required shall be made at a sign or marking on
25 the pavement indicating where the stop shall be made, but in the absence
26 of any such sign or marking, the stop shall be made at the signal; and

27 (5)(a) If a traffic control signal at an intersection is not
28 operating because of a power failure or other cause and no peace officer,
29 flagperson, or other traffic control device is providing direction for
30 traffic at the intersection, the intersection shall be treated as a
31 multi-way stop; and

1 (b) If a traffic control signal is not in service and the signal
2 heads are turned away from traffic or covered with opaque material,
3 subdivision (a) of this subdivision shall not apply; and -

4 (6)(a) Bicycle traffic facing a steady green bicycle indication may
5 proceed straight through or turn right or left unless a sign at such
6 place prohibits either such turn, but bicycle traffic, including bicycles
7 turning right or left, shall yield the right-of-way to other bicycles and
8 to pedestrians lawfully within the intersection or an adjacent crosswalk
9 at the time such indication is exhibited;

10 (b) Bicycle traffic facing a steady yellow bicycle indication is
11 thereby warned that the related green movement is being terminated or
12 that a red indication will be exhibited immediately thereafter when
13 bicycle traffic shall not enter the intersection. Upon display of a
14 steady yellow bicycle indication, bicycle traffic shall stop before
15 entering the nearest crosswalk at the intersection, but if such stop
16 cannot be made in safety, a bicycle may be driven cautiously through the
17 intersection;

18 (c) Bicycle traffic facing a steady red bicycle indication alone
19 shall stop at a clearly marked stop line or shall stop, if there is no
20 such line, before entering the crosswalk on the near side of the
21 intersection or, if there is no crosswalk, before entering the
22 intersection. The traffic shall remain standing until an indication to
23 proceed is shown except as provided in subdivisions (6)(d) and (6)(e) of
24 this section;

25 (d) Except where a traffic control device is in place prohibiting a
26 turn, bicycle traffic facing a steady red bicycle indication may
27 cautiously enter the intersection to make a right turn after stopping as
28 required by subdivision (6)(c) of this section. Such bicycle traffic
29 shall yield the right-of-way to pedestrians lawfully within an adjacent
30 crosswalk and to other traffic lawfully using the intersection; and

31 (e) Except where a traffic control device is in place prohibiting a

1 turn, bicycle traffic facing a steady red bicycle indication at the
2 intersection of two one-way streets may cautiously enter the intersection
3 to make a left turn after stopping as required by subdivision (6)(c) of
4 this section. Such bicycle traffic shall yield the right-of-way to
5 pedestrians lawfully within an adjacent crosswalk and to other traffic
6 lawfully using the intersection.

7 **Sec. 84.** Section 60-6,298, Revised Statutes Supplement, 2025, is
8 amended to read:

9 60-6,298 (1)(a) Except as provided in subdivision (b) of this
10 subsection, the ~~The~~ Department of Transportation or the Nebraska State
11 Patrol, with respect to highways under its jurisdiction including the
12 National System of Interstate and Defense Highways, and local
13 authorities, with respect to highways under their jurisdiction, may in
14 their discretion upon application and good cause being shown therefor
15 issue a special, continuing, or continuous permit in writing authorizing
16 the applicant or his or her designee:

17 (i) To operate or move a vehicle, a combination of vehicles, or
18 objects of a size or weight of vehicle or load exceeding the maximum
19 specified by law when such permit is necessary:

20 (A) To further the national defense or the general welfare;

21 (B) To permit movement of cost-saving equipment to be used in
22 highway or other public construction or in agricultural land treatment;
23 or

24 (C) Because of an emergency, an unusual circumstance, or a very
25 special situation;

26 (ii) To operate vehicles, for a distance up to one hundred twenty
27 miles, loaded up to fifteen percent greater than the maximum weight
28 specified by law, or up to ten percent greater than the maximum length
29 specified by law, or both, except that any combination with two or more
30 cargo-carrying units, not including the truck-tractor, also known as a
31 longer combination vehicle, may only operate for a distance up to seventy

1 miles loaded up to fifteen percent greater than the maximum weight
2 specified by law, or up to ten percent greater than the maximum length
3 specified by law, or both, when carrying grain or other seasonally
4 harvested products from the field where such grain or products are
5 harvested to storage, market, or stockpile in the field or from stockpile
6 or farm storage to market or factory when failure to move such grain or
7 products in abundant quantities would cause an economic loss to the
8 person or persons whose grain or products are being transported or when
9 failure to move such grain or products in as large quantities as possible
10 would not be in the best interests of the national defense or general
11 welfare. The distance limitation may be waived for vehicles when carrying
12 dry beans or dry peas and lentils from the field where harvested to
13 storage or market when dry beans or dry peas and lentils are not normally
14 stored, purchased, or used within the permittee's local area and must be
15 transported more than one hundred twenty miles to an available marketing
16 or storage destination. No permit shall authorize a weight greater than
17 twenty thousand pounds on any single axle;

18 (iii) To transport an implement of husbandry which does not exceed
19 twelve and one-half feet in width during daylight hours, except that the
20 permit shall not allow transport on holidays;

21 (iv) To operate one or more recreational vehicles, as defined in
22 section 71-4603, exceeding the maximum width specified by law if movement
23 of the recreational vehicles is prior to retail sale and the recreational
24 vehicles comply with subdivision (2)(k) of section 60-6,288;

25 (v) To operate an emergency vehicle for purposes of sale,
26 demonstration, exhibit, or delivery, if the applicant or his or her
27 designee is a manufacturer or sales agent of the emergency vehicle. No
28 permit shall be issued for an emergency vehicle which weighs over sixty
29 thousand pounds on the tandem axle;

30 (vi) To transport during daylight hours divisible loads of livestock
31 forage in bale form which do not exceed twelve feet in width, except that

1 the permit shall not allow transport on holidays; or

2 (vii) To operate overweight raw-milk vehicles carrying raw milk from
3 a dairy farm to a processing facility for such raw milk in accordance
4 with section 60-6,294.02.

5 (b) No permit shall be issued under subdivision (a)(i) of this
6 subsection:

7 (i) For ~~for~~ a vehicle carrying a load unless such vehicle is loaded
8 with an object which exceeds the size or weight limitations, which cannot
9 be dismantled or reduced in size or weight without great difficulty, and
10 which of necessity must be moved over the highways to reach its intended
11 destination; or -

12 (ii) By the Department of Transportation or the Nebraska State
13 Patrol for the operation of a vehicle, a combination of vehicles, or an
14 object on any highway:

15 (A) That is not a part of the state highway system; or

16 (B) That is a county road or city street.

17 (c) No permit shall be required for the temporary movement on
18 highways other than dustless-surfaced state highways and for necessary
19 access to points on such highways during daylight hours of cost-saving
20 equipment to be used in highway or other public construction or in
21 agricultural land treatment when such temporary movement is necessary and
22 for a reasonable distance.

23 (2) The application for any such permit shall specifically describe
24 the vehicle, the load to be operated or moved, whenever possible the
25 particular highways for which permit to operate is requested, and whether
26 such permit is requested for a single trip or for continuous or
27 continuing operation. The permit shall include a signed affirmation under
28 oath that, for any load sixteen feet high or higher, the applicant has
29 contacted any and all electric utilities that have high voltage
30 conductors and infrastructure that cross over the roadway affected by the
31 move and made arrangements with such electric utilities for the safe

1 movement of the load under any high voltage conductors owned by such
2 electric utilities.

3 (3) The department or local authority is authorized to issue or
4 withhold such permit at its discretion or, if such permit is issued, to
5 limit the number of days during which the permit is valid, to limit the
6 number of trips, to establish seasonal or other time limitations within
7 which the vehicles described may be operated on the highways indicated,
8 or to issue a continuous or continuing permit for use on all highways,
9 including the National System of Interstate and Defense Highways. The
10 permits are subject to reasonable conditions as to periodic renewal of
11 such permit and as to operation or movement of such vehicles. The
12 department or local authority may otherwise limit or prescribe conditions
13 of operation of such vehicle or vehicles, when necessary to assure
14 against undue damage to the road foundations, surfaces, or structures or
15 undue danger to the public safety. The department or local authority may
16 require such undertaking or other security as may be deemed necessary to
17 compensate for any injury to any roadway or road structure.

18 (4) Every such permit shall be carried in the vehicle to which it
19 refers and shall be open to inspection by any peace officer, carrier
20 enforcement officer, or authorized agent of any authority granting such
21 permit. Each such permit shall state the maximum weight permissible on a
22 single axle or combination of axles and the total gross weight allowed.
23 No person shall violate any of the terms or conditions of such special
24 permit. In case of any violation, the permit shall be deemed
25 automatically revoked and the penalty of the original limitations shall
26 be applied unless:

27 (a) The violation consists solely of exceeding the size or weight
28 specified by the permit, in which case only the penalty of the original
29 size or weight limitation exceeded shall be applied;

30 (b) The total gross load is within the maximum authorized by the
31 permit, no axle is more than ten percent in excess of the maximum load

1 for such axle or group of axles authorized by the permit, and such load
2 can be shifted to meet the weight limitations of wheel and axle loads
3 authorized by such permit. Such shift may be made without penalty if it
4 is made at the state or commercial scale designated in the permit. The
5 vehicle may travel from its point of origin to such designated scale
6 without penalty, and a scale ticket from such scale, showing the vehicle
7 to be properly loaded and within the gross and axle weights authorized by
8 the permit, shall be reasonable evidence of compliance with the terms of
9 the permit; or

10 (c) Such permit is an overweight raw-milk vehicle permit and the
11 overweight raw-milk vehicle violated subsection (3) of section
12 60-6,294.02.

13 (5) The department or local authority issuing a permit as provided
14 in this section may adopt and promulgate rules and regulations with
15 respect to the issuance of permits provided for in this section.

16 (6) The department shall make available applications for permits
17 authorized pursuant to subdivisions (1)(a)(ii) and (1)(a)(iii) of this
18 section in the office of each county treasurer. The department may make
19 available applications for all other permits authorized by this section
20 to the office of the county treasurer and may make available applications
21 for all permits authorized by this section to any other location chosen
22 by the department.

23 (7) The department or local authority issuing a permit may require a
24 permit fee of not to exceed fifty ~~twenty-five~~ dollars, except that:

25 (a) The fee for a continuous or continuing permit shall ~~may~~ not
26 exceed fifty ~~twenty-five~~ dollars for a ninety-day period, one hundred
27 ~~fifty~~ dollars for a one-hundred-eighty-day period, or two hundred ~~one~~
28 ~~hundred~~ dollars for a one-year period; and

29 (b) The fee for permits issued pursuant to subdivision (1)(a)(ii) of
30 this section shall not exceed fifty ~~be twenty-five~~ dollars. Permits
31 issued pursuant to such subdivision shall be valid for thirty days and

1 shall be renewable four times for a total number of days not to exceed
2 one hundred fifty days per calendar year; and -

3 (c)(i) The fee for a single trip permit for a superload shall not
4 exceed:

5 (A) Two hundred fifty dollars for a superload that weighs three
6 hundred thousand pounds or less;

7 (B) Four hundred dollars for a superload that weighs more than three
8 hundred thousand pounds, but not more than five hundred thousand pounds;
9 and

10 (C) Eight hundred dollars for a superload that weighs more than five
11 hundred thousand pounds.

12 (ii) In addition to the permit fee that may be required under
13 subdivision (c)(i) of this subsection, the department may charge a fee
14 equal to the direct costs incurred by the department for issuing the
15 permit. Such direct costs may include compensation for the time spent by
16 department personnel in issuing the permit, and any third-party expense
17 related to the issuance of the permit.

18 (8) A vehicle or combination of vehicles for which an application
19 for a permit is requested pursuant to this section shall be registered
20 under section 60-3,147 or 60-3,198 for the maximum gross vehicle weight
21 that is permitted pursuant to section 60-6,294 before a permit shall be
22 issued.

23 **Sec. 85.** Section 60-6,299, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 60-6,299 (1) The Department of Transportation may issue permits for
26 vehicles moving a building or objects requiring specialized moving
27 dollies. Such permits shall allow the vehicles transporting buildings or
28 objects requiring specialized dollies to operate on highways under the
29 jurisdiction of the department, excluding any portion of the National
30 System of Interstate and Defense Highways. Such permit shall specify the
31 maximum allowable width, length, height, and weight of the building to be

1 transported, the route to be used, and the hours during which such
2 building or object may be transported. Such permit shall clearly state
3 that the applicant is not authorized to manipulate overhead high voltage
4 lines or conductors or other such components, including electric utility
5 poles, and that the applicant shall be guilty of a Class II misdemeanor
6 for any violation of this section or of the notification requirements of
7 section 60-6,288.01. Any vehicle moving a building or object requiring
8 specialized moving dollies shall be escorted by another vehicle or
9 vehicles in the manner determined by the department. Such vehicles shall
10 travel at a speed which is not in excess of five miles per hour when
11 carrying loads which are in excess of the maximum gross weight specified
12 by law by more than twenty-five percent. The permit shall not be issued
13 for travel on a state highway containing a bridge or structure which is
14 structurally inadequate to carry such building or object as determined by
15 the department. The department may prescribe conditions of operation of
16 such vehicle when necessary to assure against damage to the road
17 foundations, surfaces, or structures and require such security as may be
18 deemed necessary to compensate for any injury to any roadway or road
19 structure.

20 (2) The application for any such permit shall (a) specifically
21 describe the vehicle, (b) specifically describe the load to be moved, (c)
22 include a signed affirmation under oath that, for any load sixteen feet
23 high or higher, the applicant has contacted any and all electric
24 utilities that have high voltage conductors and infrastructure that cross
25 over the roadway affected by the move and made arrangements with such
26 electric utilities for the safe movement of the load under any high
27 voltage conductors owned by such electric utilities, and (d) whenever
28 possible, describe the particular highways for which the permit is
29 requested. The company or individual shall maintain a copy of the permit
30 in each vehicle moving a building or object requiring specialized moving
31 dollies which shall be open to inspection by any peace officer, carrier

1 enforcement officer, or authorized agent of any authority granting such
2 permit. The fee for such permit shall not exceed fifty ~~be ten~~ dollars.

3 (3) The department shall adopt and promulgate rules and regulations
4 governing the issuance of the permits. Such rules and regulations shall
5 include, but not be limited to, driver qualifications, equipment
6 selection, hours of operation, weather conditions, road conditions,
7 determination of any damage caused to highways or bridges, cutting or
8 trimming of trees, removal or relocation of signs or other property of
9 the state, raising or lowering of electric supply and communication
10 lines, and such other safety considerations as the department deems
11 necessary.

12 (4) Any person who violates the terms of a permit issued pursuant to
13 this section or otherwise violates this section shall be guilty of a
14 Class II misdemeanor.

15 **Sec. 86.** Section 75-118, Revised Statutes Cumulative Supplement,
16 2024, is amended to read:

17 75-118 The commission shall:

18 ~~(1) Until July 1, 2021, fix all necessary rates, charges, and~~
19 ~~regulations governing and regulating the transportation, storage, or~~
20 ~~handling of household goods by any common carrier in Nebraska intrastate~~
21 ~~commerce;~~

22 (1) ~~(2)~~ Fix all necessary rates, charges, and regulations governing
23 and regulating the transportation of passengers by any common carrier in
24 Nebraska intrastate commerce;

25 ~~(3) Until July 1, 2021, make all necessary classifications of~~
26 ~~household goods that may be transported, stored, or handled by any common~~
27 ~~carrier in Nebraska intrastate commerce, such classifications applying to~~
28 ~~and being the same for all common carriers;~~

29 (2) ~~(4)~~ Authorize the transportation of (a) household goods under a
30 license issued pursuant to section 75-304.03 or (b) employees of a
31 railroad carrier under a license issued pursuant to section 75-304.04;

1 (3) ~~(5)~~ Prevent and correct the unjust discriminations set forth in
2 section 75-126;

3 (4) ~~(6)~~ Enforce all statutes and commission regulations pertaining
4 to rates and, if necessary, institute actions in the appropriate court of
5 any county in which the common carrier involved operates except actions
6 instituted pursuant to sections 75-140 and 75-156 to 75-158. All suits
7 shall be brought and penalties recovered in the name of the state by or
8 under the direction of the Attorney General; ~~and~~

9 (5) ~~(7)~~ Enforce the Major Oil Pipeline Siting Act and the State
10 Natural Gas Regulation Act; ~~and~~ -

11 (6) Issue licenses that authorize intrastate medicaid nonemergency
12 medical transportation services pursuant to section 75-311.

13 **Sec. 87.** Section 75-126, Revised Statutes Supplement, 2025, is
14 amended to read:

15 75-126 (1) Except as otherwise provided in this section, no common
16 carrier shall:

17 (a) Charge, demand, collect, or receive from any person a greater or
18 lesser compensation for any services rendered than it charges, demands,
19 collects, or receives from any other person for doing a like or
20 contemporaneous service;

21 (b) Make or give any undue or unreasonable preference or advantage
22 to any particular person;

23 (c) Subject any type of traffic to any undue or unreasonable
24 prejudice, delay, or disadvantage in any respect whatsoever;

25 (d) Charge or receive any greater compensation in the aggregate for
26 the transportation of a like kind of property or passengers for a shorter
27 than for a longer distance over the same line or route, except as the
28 commission may prescribe in special cases to prevent manifest injuries,
29 except that no manifest injustice shall be imposed upon any person at
30 intermediate points. This section shall not prevent the commission from
31 making group or emergency rates;

1 (e) Demand, charge, or collect, by any device whatsoever, a lesser
2 or greater compensation for any service rendered than that filed with or
3 prescribed by the commission; or

4 (f) Change any rate, schedule, or classification in any manner
5 whatsoever before application has been made to the commission and
6 permission granted for that purpose, except as otherwise provided in
7 section 86-155.

8 (2) This section shall not prohibit any common carrier from, and a
9 common carrier shall not be subject to any fine, penalty, or forfeiture
10 for, performing services free or at reduced rates to:

11 (a) The United States, the State of Nebraska, or any governmental
12 subdivision thereof;

13 (b) The employees, both present and retired, of such common carrier;

14 (c) Any person when the object is to provide relief in case of any
15 disaster;

16 (d) Any person who transports property for charitable purposes;

17 (e) Ministers and others giving their entire time to religious or
18 charitable work;

19 (f) Any person who is legally blind or visually handicapped; or

20 (g) Any person who is sixty-five years of age or older.

21 (3) The rates for services that are provided by motor carriers,
22 regulated motor carriers, and transportation network companies, as such
23 terms are defined in section 75-302, are not subject to regulation by the
24 Public Service Commission for any rate that is determined by an agreement
25 with a state agency.

26 **Sec. 88.** Section 75-302, Revised Statutes Cumulative Supplement,
27 2024, is amended to read:

28 75-302 For purposes of sections 75-301 to 75-343 and in all rules
29 and regulations adopted and promulgated by the commission pursuant to
30 such sections, unless the context otherwise requires:

31 (1) Attended services means an attendant or caregiver accompanying a

1 minor or a person who has a physical, mental, or developmental disability
2 and is unable to travel or wait without assistance or supervision;

3 (2) Carrier enforcement division means the carrier enforcement
4 division of the Nebraska State Patrol or the Nebraska State Patrol;

5 (3) Certificate means a certificate of public convenience and
6 necessity issued under Chapter 75, article 3, to common carriers by motor
7 vehicle;

8 (4) Civil penalty means any monetary penalty assessed by the
9 commission or carrier enforcement division due to a violation of Chapter
10 75, article 3, or section 75-126 as such section applies to any person or
11 carrier specified in Chapter 75, article 3; any term, condition, or
12 limitation of any certificate or permit issued pursuant to Chapter 75,
13 article 3; or any rule, regulation, or order of the commission, the
14 Division of Motor Carrier Services, or the carrier enforcement division
15 issued pursuant to Chapter 75, article 3;

16 (5) Commission means the Public Service Commission;

17 (6) Common carrier means any person who or which undertakes to
18 transport passengers ~~or, until July 1, 2021, household goods,~~ for the
19 general public in intrastate commerce by motor vehicle for hire, whether
20 over regular or irregular routes, upon the highways of this state. Common
21 ~~Beginning July 1, 2021, common~~ carrier does not include:

22 (a) A a motor carrier operating under a license issued pursuant to
23 section 75-304.03; and

24 (b) A motor carrier that is engaged in intrastate medicaid
25 nonemergency medical transportation services under a license that was
26 issued pursuant to section 75-311;

27 (7) Contract carrier means any motor carrier ~~that~~ which transports
28 passengers ~~or, until July 1, 2021, household goods,~~ for hire other than
29 as a common carrier designed to meet the distinct needs of each
30 individual customer or a specifically designated class of customers
31 without any limitation as to the number of customers it can serve within

1 the class. Contract Beginning on January 1, 2021, contract carrier does
2 not include:

3 (a) A a motor carrier operating under a license issued pursuant to
4 section 75-304.04; and

5 (b) A motor carrier that is engaged in intrastate medicaid
6 nonemergency medical transportation services under a license that was
7 issued pursuant to section 75-311;

8 (8) Division of Motor Carrier Services means the Division of Motor
9 Carrier Services of the Department of Motor Vehicles;

10 (9) Highway means the roads, highways, streets, and ways in this
11 state;

12 (10) Household goods means personal effects and property used or to
13 be used in a dwelling, when a part of the equipment or supply of such
14 dwelling, and similar property as the commission may provide by
15 regulation if the transportation of such effects or property, is:

16 (a) Arranged and paid for by the householder, including
17 transportation of property from a factory or store when the property is
18 purchased by the householder with the intent to use in his or her
19 dwelling; or

20 (b) Arranged and paid for by another party;

21 (11) Intrastate commerce means commerce between any place in this
22 state and any other place in this state and not in part through any other
23 state;

24 (12) License means a license issued to a motor carrier engaged in
25 the for-hire, intrastate transportation of:

26 (a) Household household goods under section 75-304.03; ~~or~~

27 (b) Employees employees of a railroad carrier engaged in interstate
28 commerce to or from their work locations under section 75-304.04; or

29 (c) Individuals, including contractors and agents of the Department
30 of Health and Human Services, for the purpose of providing intrastate
31 medicaid nonemergency medical transportation services under a license

1 that was issued pursuant to section 75-311;

2 (13) Licensed care transportation services means transportation
3 provided by an entity licensed by the Department of Health and Human
4 Services as a residential child-caring agency as defined in section
5 71-1926 or child-placing agency as defined in section 71-1926 or a child
6 care facility licensed under the Child Care Licensing Act to a client of
7 the entity or facility when the person providing transportation services
8 also assists and supervises the passenger or, if the client is a minor,
9 to a family member of a minor when it is necessary for agency or facility
10 staff to accompany or facilitate the transportation in order to provide
11 necessary services and support to the minor. Licensed care transportation
12 services must be incidental to and in furtherance of the social services
13 provided by the entity or facility to the transported client;

14 (14) Motor carrier means any person other than a regulated motor
15 carrier who or which owns, controls, manages, operates, or causes to be
16 operated any motor vehicle used to transport passengers or property over
17 any public highway in this state;

18 (15) Motor vehicle means any vehicle, machine, tractor, trailer, or
19 semitrailer propelled or drawn by mechanical power and used upon the
20 highways in the transportation of passengers or property but does not
21 include any vehicle, locomotive, or car operated exclusively on a rail or
22 rails;

23 (16) Permit means a permit issued under Chapter 75, article 3, to
24 contract carriers by motor vehicle;

25 (17) Person means any individual, firm, partnership, limited
26 liability company, corporation, company, association, or joint-stock
27 association and includes any trustee, receiver, assignee, or personal
28 representative thereof;

29 (18) Private carrier means any motor carrier which owns, controls,
30 manages, operates, or causes to be operated a motor vehicle to transport
31 passengers or property to or from its facility, plant, or place of

1 business or to deliver to purchasers its products, supplies, or raw
2 materials (a) when such transportation is within the scope of and
3 furthers a primary business of the carrier other than transportation and
4 (b) when not for hire. Nothing in sections 75-301 to 75-322 shall apply
5 to private carriers;

6 (19) Regulated motor carrier means any person who or which owns,
7 controls, manages, operates, or causes to be operated any motor vehicle
8 used to transport passengers, other than those excepted under section
9 75-303, ~~or, until July 1, 2021, household goods,~~ over any public highway
10 in this state. Regulated ~~Beginning July 1, 2021,~~ regulated motor carrier
11 does not include:

12 (a) A a motor carrier operating under a license issued pursuant to
13 section 75-304.03; ~~or~~

14 (b) A ~~Beginning on January 1, 2021, regulated motor carrier does not~~
15 ~~include~~ a motor carrier operating under a license issued pursuant to
16 section 75-304.04; and

17 (c) A motor carrier that is engaged in intrastate medicaid
18 nonemergency medical transportation services under a license that was
19 issued pursuant to section 75-311;

20 (20) Residential care means care for a minor or a person who is
21 physically, mentally, or developmentally disabled who resides in a
22 residential home or facility regulated by the Department of Health and
23 Human Services, including, but not limited to, a foster home, treatment
24 facility, residential child-caring agency, or shelter;

25 (21) Residential care transportation services means transportation
26 services to persons in residential care when such residential care
27 transportation services and residential care are provided as part of a
28 services contract with the Department of Health and Human Services or
29 pursuant to a subcontract entered into incident to a services contract
30 with the department;

31 (22) Supported transportation services means transportation services

1 to a minor or for a person who is physically, mentally, or
2 developmentally disabled when the person providing transportation
3 services also assists and supervises the passenger or transportation
4 services to a family member of a minor when it is necessary for provider
5 staff to accompany or facilitate the transportation in order to provide
6 necessary services and support to the minor. Supported transportation
7 services must be provided as part of a services contract with the
8 Department of Health and Human Services or pursuant to a subcontract
9 entered into incident to a services contract with the department, and the
10 driver must meet department requirements for (a) training or experience
11 working with minors or persons who are physically, mentally, or
12 developmentally disabled, (b) training with regard to the specific needs
13 of the client served, (c) reporting to the department, and (d) age.
14 Assisting and supervising the passenger shall not necessarily require the
15 person providing transportation services to stay with the passenger after
16 the transportation services have been provided; and

17 (23) Transportation network company has the definition found in
18 section 75-323. A transportation network company shall not own, control,
19 operate, or manage drivers' personal vehicles.

20 **Sec. 89.** Section 75-303.01, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 75-303.01 (1) The Department of Health and Human Services, a
23 medicaid-managed care organization under contract with the department, or
24 another agent working on the department's behalf may contract for
25 nonemergency medical transportation for medicaid clients with a motor
26 carrier or regulated motor carrier holding;

27 (a) A designation of authority issued pursuant to subsection (3)
28 of section 75-311 to provide medicaid nonemergency medical transportation
29 services; or

30 (b) A license that was issued pursuant to section 75-311 to engage
31 in intrastate medicaid nonemergency medical transportation services. that

1 ~~has been authorized to provide such services by the commission prior to~~
2 ~~April 28, 2017.~~

3 (2) While operating under such a designation of authority or such
4 license issued pursuant to ~~subsection (3) of section 75-311~~, a motor
5 carrier or regulated motor carrier shall comply with:

6 (a) ~~The~~ the requirements of the Department of Health and Human
7 Services to protect the safety and well-being of department clients,
8 including training, driver standards, background checks, and the
9 provision and quality of service; and

10 (b) ~~The~~ the rules and regulations adopted, promulgated, and enforced
11 by the commission governing insurance requirements, equipment standards,
12 and background checks.

13 **Sec. 90.** Section 75-303.02, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 75-303.02 (1) The Department of Health and Human Services or any
16 agency organized under the Nebraska Community Aging Services Act may
17 contract for the transportation of clients with a contractor which does
18 not hold a certificate or which is not otherwise exempt under section
19 75-303 only if:

20 (a) The proposed contractor is the individual who will personally
21 drive the vehicle in question;

22 (b) The only compensation to the contractor for the transportation
23 is paid by the department at a rate no greater than that provided for
24 reimbursement of state employees pursuant to section 81-1176 for the
25 costs incurred in the transportation; and

26 (c)(i) There is no regulated motor carrier serving the area in which
27 the client needs transportation, (ii) the regulated motor carrier serving
28 the area is incapable of providing the specific service in question by
29 its own written statement or as determined by the commission upon
30 application of the regulated motor carrier or the department, or (iii)
31 the regulated carrier cannot or will not provide such service at the rate

1 specified in subsection (2) of section 75-303.03.

2 (2) This section does not apply to a motor carrier or regulated
3 motor carrier holding:

4 (a) A a designation of authority issued pursuant to subsection (3)
5 of section 75-311; or -

6 (b) A license that was issued pursuant to section 75-311 to engage
7 in intrastate medicaid nonemergency medical transportation services.

8 **Sec. 91.** Section 75-303.03, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 75-303.03 (1) The commission, in consultation with the Department of
11 Health and Human Services, shall adopt and promulgate rules and
12 regulations governing minimum liability insurance requirements, equipment
13 standards, driver qualification requirements, and the issuance and filing
14 of notice for any contractor utilized by the department or any agency
15 organized under the Nebraska Community Aging Services Act pursuant to
16 section 75-303.02.

17 (2) The Department of Health and Human Services or any agency
18 organized under the Nebraska Community Aging Services Act shall reimburse
19 common and contract carriers for transportation of passengers at a rate
20 not to exceed the rate of reimbursement pursuant to section 81-1176
21 multiplied by three. The maximum reimbursement rate provided for in this
22 subsection shall not apply when the carrier (a) transports such person
23 wholly within the corporate limits of the city or village where the
24 transportation of the person originated, (b) transports a disabled person
25 as defined by the federal Americans with Disabilities Act of 1990 in a
26 vehicle that is compliant with the regulations providing for the
27 transportation of such disabled person, or (c) provides nonemergency
28 medical transportation of medicaid clients pursuant to subsection (3) of
29 section 75-311.

30 (3)(a) ~~(3)~~ Rates for the following nonemergency medical
31 transportation service providers are not subject to regulation by the

1 commission:

2 (i) Any holder of with a designation of authority that was issued
3 pursuant to subsection (3) of section 75-311 are not subject to
4 commission regulation; , and

5 (ii) Any holder of a license that was issued pursuant to section
6 75-311 to engage in intrastate medicaid nonemergency medical
7 transportation services.

8 (b) Regulated regulated motor carriers with such a designation
9 reimbursed under this section are not subject to commission rate
10 regulation for such reimbursement rates.

11 (4)(a) The Department of Health and Human Services may reimburse an
12 individual for the costs incurred by such individual in the
13 transportation of a person eligible to receive transportation services
14 through the department if:

15 (i) The individual is under contract with the department and
16 provides transportation to the eligible person; and

17 (ii) The eligible person has chosen the individual to provide the
18 transportation.

19 (b) The department shall reimburse for the costs incurred in the
20 transportation at a rate no greater than that provided for reimbursement
21 of state employees pursuant to section 81-1176.

22 (c) Transportation provided to an eligible person by an individual
23 pursuant to this section does not constitute transportation for hire.

24 (d) The department may adopt and promulgate rules and regulations to
25 implement this subsection.

26 **Sec. 92.** Section 75-307, Revised Statutes Cumulative Supplement,
27 2024, is amended to read:

28 75-307 (1)(a) The following motor carriers and regulated motor
29 carriers shall comply with the rules and regulations described in
30 subdivision (b) of this subsection: (1) Certificated intrastate motor
31 carriers,

1 (i) Common including common and contract carriers; ~~τ~~

2 (ii) Any any motor carrier transporting household goods under a
3 license issued pursuant to section 75-304.03; ~~τ~~

4 (iii) Any and any motor carrier transporting employees of a railroad
5 carrier under a license issued pursuant to section 75-304.04; and

6 (iv) Any motor carrier holding a license that was issued pursuant to
7 section 75-311 to engage in intrastate medicaid nonemergency medical
8 transportation services.

9 (b) The commission may adopt and promulgate shall comply with
10 reasonable rules and regulations prescribed by the commission governing
11 the filing with the commission, the approval of the filings, and the
12 maintenance of proof at such carrier's principal place of business of
13 surety bonds, policies of insurance, qualifications as a self-insurer, or
14 other securities or agreements, in such reasonable amount as required by
15 the commission, conditioned to pay, within the amount of such surety
16 bonds, policies of insurance, qualifications as a self-insurer, or other
17 securities or agreements, any final judgment recovered against such motor
18 carrier for bodily injuries to or the death of any person resulting from
19 the negligent operation, maintenance, or use of motor vehicles under such
20 certificate, permit, or license or for loss or damage to property of
21 others.

22 (c)(i) Any ~~no~~ certificate, ~~or~~ permit, or license shall not be issued
23 to any of the following that does not comply with this section or the
24 rules and regulations adopted and promulgated pursuant to this section:

25 (A) Any a common or contract carrier;

26 (B) Any ~~τ~~ no license shall be issued to a motor carrier transporting
27 household goods under section 75-304.03;

28 (C) Any motor carrier transporting ~~or~~ employees of a railroad
29 carrier under section 75-304.04; or ~~τ~~

30 (D) Any motor carrier engaging in intrastate medicaid nonemergency
31 medical transportation services pursuant to section 75-311.

1 ~~(ii) Any nor shall such~~ certificate, permit, or license described in
2 this subdivision (c) that has been issued shall not remain in force
3 unless the such carrier complies with this section and the rules and
4 regulations adopted and promulgated ~~prescribed by the commission~~ pursuant
5 to this section.

6 (2)(a) The following motor carriers shall comply with the rules and
7 regulations described in subdivision (b) of this subsection: ~~(2) The~~
8 ~~commission may, in its discretion and under its rules and regulations,~~
9 ~~require~~

10 (i) Any any certificated carrier;

11 (ii) Any , any motor carrier transporting household goods under a
12 license issued pursuant to section 75-304.03;

13 (iii) Any , and any motor carrier transporting employees of a
14 railroad carrier under a license issued pursuant to section 75-304.04;
15 and

16 (iv) Any motor carrier holding a license that was issued pursuant to
17 section 75-311 to engage in intrastate medicaid nonemergency medical
18 transportation services.

19 (b) The commission may adopt and promulgate rules and regulations
20 that require the motor carriers described in subdivision (a) of this
21 subsection to file a surety bond, policies of insurance, qualifications
22 as a self-insurer, or other securities or agreements, in a sum to be
23 determined by the commission, to be conditioned upon such carrier making
24 compensation to shippers or consignees for all property belonging to
25 shippers or consignees and coming into the possession of such carrier in
26 connection with its transportation service.

27 (c) Any motor carrier that is which may be required by law to
28 compensate a shipper or consignee for any loss, damage, or default for
29 which a connecting motor common carrier is legally responsible shall be
30 subrogated to the rights of such shipper or consignee under any such
31 bond, policies of insurance, or other securities or agreements to the

1 extent of the sum so paid.

2 (3) In carrying out this section, the commission may classify motor
3 carriers and regulated motor carriers taking into consideration the
4 hazards of the operations of such carriers and the value of the household
5 goods carried. Nothing contained in this section shall be construed to
6 authorize the commission to compel motor carriers other than those
7 transporting household goods under section 75-309 or under a license
8 issued pursuant to section 75-304.03 to carry cargo insurance.

9 (4) This section does not apply to transportation network companies.

10 **Sec. 93.** Section 75-311, Revised Statutes Supplement, 2025, is
11 amended to read:

12 75-311 (1)(a) A certificate shall be issued to any qualified
13 applicant authorizing the whole or any part of the operations covered by
14 the application if it is found after notice and hearing that (i) the
15 applicant is fit, willing, and able properly to perform the service
16 proposed and to conform to the provisions of sections 75-301 to 75-322
17 and the requirements, rules, and regulations of the commission under such
18 sections and (ii) the proposed service, to the extent to be authorized by
19 the certificate, whether regular or irregular, is or will be required by
20 the present or future public convenience and necessity. Otherwise the
21 application shall be denied.

22 (b) The burden shall be on the applicant to show (i) that they are
23 fit, willing, and able properly to perform the service proposed and to
24 conform to the provisions of sections 75-301 to 75-322 and the
25 requirements, rules, and regulations of the commission and (ii) that the
26 proposed service will be responsive to a public demand or need.

27 (c) The burden shall be on any protestant to the application to show
28 that (i) existing carriers are currently meeting, or will meet, the
29 proposed need and (ii) that even if the applicant's service will be
30 responsive to a public demand or need, that applicant would not be able
31 to serve this need in a specified manner without endangering or impairing

1 the operations of existing carriers contrary to the public interest.

2 (2)(a) A permit shall be issued to any qualified applicant therefor
3 authorizing in whole or in part the operations covered by the application
4 if it appears after notice and hearing from the application or from any
5 hearing held on the application that (i) the applicant is fit, willing,
6 and able properly to perform the service of a contract carrier by motor
7 vehicle and to conform to the provisions of such sections and the lawful
8 requirements, rules, and regulations of the commission under such
9 sections and (ii) the proposed operation, to the extent authorized by the
10 permit, will be consistent with the public interest by providing services
11 designed to meet the distinct needs of each individual customer or a
12 specifically designated class of customers as described ~~defined~~ in
13 subdivision (7) of section 75-302. Otherwise the application shall be
14 denied.

15 (b) Prior to January 1, 2027, for ~~For~~ a designation of authority to
16 provide medicaid nonemergency medical transportation services pursuant to
17 a contract with (i) the Department of Health and Human Services, (ii) a
18 medicaid-managed care organization under contract with the department, or
19 (iii) another agent working on the department's behalf as provided under
20 section 75-303.01, in determining whether the authorization will be
21 consistent with the public interest, the commission shall consult with
22 the Director of Medicaid and Long-Term Care of the Division of Medicaid
23 and Long-Term Care of the department or his or her designee.

24 (3)(a) This subsection applies prior to January 1, 2027.

25 (b) ~~(3)(a)~~ A designation of authority shall be issued to any
26 regulated motor carrier holding a certificate under subsection (1) of
27 this section or a permit under subsection (2) of this section authorizing
28 such carrier to provide medicaid nonemergency medical transportation
29 services pursuant to a contract with (i) the Department of Health and
30 Human Services, (ii) a medicaid-managed care organization under contract
31 with the department, or (iii) another agent working on the department's

1 behalf as provided under section 75-303.01, if it is found after notice
2 and hearing from the application or from any hearing held on the
3 application that the authorization is or will be required by the present
4 or future convenience and necessity to serve the distinct needs of
5 medicaid clients.

6 (c) ~~(b)~~ The burden shall be on the applicant to show that the
7 proposed service will be responsive to a public demand or need. The
8 burden shall be on any protestant to the application to show that (i)
9 existing carriers are currently meeting, or will meet, the proposed need
10 and (ii) that even if the applicant's service will be responsive to a
11 public demand or need, that applicant would not be able to serve this
12 need in a specified manner without endangering or impairing the
13 operations of existing carriers contrary to the public interest.

14 (d) ~~(e)~~ In determining whether the authorization is or will be
15 required by the present or future convenience and necessity to serve the
16 distinct needs of medicaid clients, the commission shall consult with the
17 Director of Medicaid and Long-Term Care of the Division of Medicaid and
18 Long-Term Care of the department or his or her designee.

19 (4)(a) Beginning January 1, 2027, a person shall not engage in
20 intrastate medicaid nonemergency medical transportation services with any
21 of the following prior to being issued a license for such purpose by the
22 commission:

23 (i) The Department of Health and Human Services;

24 (ii) A medicaid-managed care organization under contract with the
25 Department of Health and Human Services; or

26 (iii) Any agent working on behalf of the Department of Health and
27 Human Services.

28 (b) Any person may apply to the commission for a license to engage
29 in intrastate medicaid nonemergency medical transportation services on a
30 form prescribed by the commission. The commission may approve any such
31 application if the commission determines that the applicant meets the

1 following qualifications:

2 (i) The applicant is fit, willing, and able to properly perform
3 intrastate medicaid nonemergency medical transportation services; and

4 (ii)(A) If the applicant is not a transportation network company,
5 the applicant is able to conform to sections 75-301 to 75-322 and the
6 rules and regulations that are adopted and promulgated by the commission
7 under such sections; or

8 (B) If the applicant is a transportation network company, the
9 applicant is able to conform to sections 75-323 to 75-342 and the rules
10 and regulations that are adopted and promulgated by the commission under
11 such sections.

12 (c) Prior to issuing a license to engage in intrastate medicaid
13 nonemergency medical transportation services, the commission may hold a
14 hearing to determine if the applicant meets the qualifications described
15 in subdivision (b) of this subsection.

16 (d) A license to engage in intrastate medicaid nonemergency medical
17 transportation services is valid for one year. Any such license may be
18 renewed annually.

19 (e) The fee for a license or renewal of a license shall be
20 established by the commission, but shall not exceed two hundred fifty
21 dollars. Such fee shall accompany the application for such license or
22 renewal of such license.

23 (f)(i) The commission may suspend or revoke any license to engage in
24 intrastate medicaid nonemergency medical transportation services of any:

25 (A) Motor carrier that does not comply with section 75-307;

26 (B) Transportation network company that does not comply with
27 sections 75-332 to 75-341; or

28 (C) Any motor carrier or transportation network company that does
29 not comply with any applicable rule or regulation that is adopted and
30 promulgated by the commission, or any applicable lawful order of the
31 commission.

1 (ii) Any such suspension or revocation is not valid unless the
2 commission:

3 (A) Provides to such person a written notice that describes such
4 suspension or revocation. Such written notice shall be provided at least
5 fifteen days prior to the hearing described in subdivision (f)(ii)(B) of
6 this subsection; and

7 (B) Holds a hearing to determine if such license shall be suspended
8 or revoked. Such person is not required to be present at the hearing.

9 (g) Except for a transportation network company holding a permit
10 under section 75-324, any person that is issued a license to engage in
11 intrastate medicaid nonemergency medical transportation services shall
12 comply with section 75-307.

13 (5) Subsections (1) through (3) of this ~~(4)~~ This section shall not
14 apply to transportation network companies holding a permit under section
15 75-324 or operations pursuant to a contract authorized by sections
16 75-303.02 and 75-303.03.

17 **Sec. 94.** Section 75-342, Revised Statutes Supplement, 2025, is
18 amended to read:

19 75-342 (1) ~~(1)~~ No transportation network company or participating driver
20 shall provide transportation for any person under contract with the
21 Department of Health and Human Services or any contractors of the
22 Department of Health and Human Services without specific authorization
23 from the commission. The commission shall grant specific authorization to
24 a requesting transportation network company or participating driver,
25 unless a protestant shows that (a) ~~(1)~~ existing carriers are currently
26 meeting, or will meet, the proposed need for the proposed service and (b)
27 ~~(2)~~ that even if the applicant's service will be responsive to a public
28 demand or need, ~~the that~~ applicant would not be able to serve such ~~this~~
29 need in a specified manner without endangering or impairing the
30 operations of existing carriers contrary to the public interest.

31 (2)(a) No transportation network company or participating driver

1 shall engage in intrastate medicaid nonemergency medical transportation
2 services unless such transportation network company or participating
3 driver holds a license to engage in such services under subsection (4) of
4 section 75-311.

5 (b) Subsection (1) of this section does not apply to a
6 transportation network company or participating driver that holds a
7 license under subsection (4) of section 75-311.

8 **Sec. 95.** Original sections 13-2901, 13-2902, 13-2903, 13-2904,
9 13-2905, 13-2911, 13-2912, 13-2914, 39-1638, 39-1639, 39-1640, 39-1641,
10 39-1642, 39-1643, 39-1644, 39-1645, 39-1646, 39-1647, 39-1648, 39-1649,
11 39-1650, 39-1651, 39-1652, 39-1653, 39-1655, 60-507, 60-513, 60-695,
12 60-6,299, 75-303.01, 75-303.02, and 75-303.03, Reissue Revised Statutes
13 of Nebraska, sections 39-1351, 39-2801, 39-2802, 39-2811, 39-2814,
14 39-2824, 39-2825, 60-462, 60-699, 60-6,123, 75-118, 75-302, and 75-307,
15 Revised Statutes Cumulative Supplement, 2024, and sections 60-601,
16 60-605, 60-6,298, 75-126, 75-311, and 75-342, Revised Statutes
17 Supplement, 2025, are repealed.

18 **Sec. 96.** The following section is outright repealed: Section
19 39-1654, Reissue Revised Statutes of Nebraska.