

AMENDMENTS TO LB590

Introduced by Natural Resources.

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

3           **Section 1.** Section 39-891, Revised Statutes Cumulative Supplement,  
4 2024, is amended to read:

5           39-891 (1) Recognizing that obstructions on or near the boundary of  
6 the State of Nebraska impede commerce and travel between the State of  
7 Nebraska and adjoining states, the Legislature hereby declares that  
8 bridges over these obstructions are essential to the general welfare of  
9 the State of Nebraska.

10          (2) Providing bridges over these obstructions and for the safe and  
11 efficient operation of such bridges is deemed an urgent problem that is  
12 the proper concern of legislative action.

13          (3) Such bridges, properly planned, designated, and managed, provide  
14 a safe passage for highway traffic to and from the state highway system  
15 and encourage commerce and travel between the State of Nebraska and  
16 adjoining states which increase the social and economic progress and  
17 general welfare of the state.

18          (4) It is recognized that bridges between the State of Nebraska and  
19 adjoining states are not and cannot be the sole concern of the State of  
20 Nebraska. The nature of such bridges requires that a high degree of  
21 cooperation be exercised between the State of Nebraska and adjoining  
22 states in all phases of planning, construction, maintenance, and  
23 operation if proper benefits are to be realized.

24          (5) It is also recognized that parties other than the State of  
25 Nebraska may wish to erect and control bridges between the State of  
26 Nebraska and adjoining states and that the construction, operation, and  
27 financing of such bridges have previously been authorized by the

1 Legislature. Such bridges also benefit the State of Nebraska, and it is  
2 not the intent of the Legislature to abolish such power previously  
3 granted.

4 (6) To this end, it is the intention of the Legislature to  
5 supplement sections 39-1301 to ~~39-1362~~ and 39-1393 and section 5 of this  
6 act, relating to state highways, in order that the powers and authority  
7 of the department relating to the planning, construction, maintenance,  
8 acquisition, and operation of interstate bridges upon the state highway  
9 system may be clarified within a single act.

10 (7) Acting under the direction of the Director-State Engineer, the  
11 department, with the advice of the State Highway Commission and the  
12 consent of the Governor, is given the power to enter into agreements with  
13 the United States and adjoining states, subject to the limitations  
14 imposed by the Constitution and the provisions of the Interstate Bridge  
15 Act of 1959.

16 (8) The Legislature intends to place a high degree of trust in the  
17 hands of those officials whose duty it may be to enter into agreements  
18 with adjoining states and the United States for the planning,  
19 development, construction, acquisition, operation, maintenance, and  
20 protection of interstate bridges.

21 (9) In order that the persons concerned may understand the  
22 limitations and responsibilities for planning, constructing, acquiring,  
23 operating, and maintaining interstate bridges upon the state highway  
24 system, it is necessary that the responsibilities for such work shall be  
25 fixed, but it is intended that the department, acting under the Director-  
26 State Engineer, shall have sufficient freedom to enter into agreements  
27 with adjoining states regarding any phase of planning, constructing,  
28 acquiring, maintaining, and operating interstate bridges upon the state  
29 highway system in order that the best interests of the State of Nebraska  
30 may always be served. The authority of the department to enter into  
31 agreements with adjoining states, as granted in the act, is therefor

1 essential.

2 (10) The Legislature hereby determines and declares that the  
3 provisions of the act are necessary for the preservation of the public  
4 peace, health, and safety, for the promotion of the general welfare, and  
5 as a contribution to the national defense.

6 **Sec. 2.** Section 39-893, Revised Statutes Cumulative Supplement,  
7 2024, is amended to read:

8 39-893 The provisions of the Interstate Bridge Act of 1959 are  
9 intended to be cumulative to, and not amendatory of, sections 39-1301 to  
10 ~~39-1362 and 39-1393~~ and section 5 of this act.

11 **Sec. 3.** Section 39-1301, Revised Statutes Cumulative Supplement,  
12 2024, is amended to read:

13 39-1301 (1) Recognizing that safe and efficient highway  
14 transportation is a matter of important interest to all of the people in  
15 the state, the Legislature hereby determines and declares that an  
16 integrated system of highways is essential to the general welfare of the  
17 State of Nebraska.

18 (2) Providing such a system of facilities and the efficient  
19 management, operation, and control thereof are recognized as urgent  
20 problems and the proper objectives of highway legislation.

21 (3) Adequate highways provide for the free flow of traffic, result  
22 in low cost of motor vehicle operation, protect the health and safety of  
23 the citizens of the state, increase property values, and generally  
24 promote economic and social progress of the state.

25 (4) It is the intent of the Legislature to consider of paramount  
26 importance the convenience and safety of the traveling public in the  
27 location, relocation, or abandonment of highways.

28 (5) In designating the highway system of this state, as provided by  
29 sections 39-1301 to ~~39-1362 and 39-1393~~ and section 5 of this act, the  
30 Legislature places a high degree of trust in the hands of those officials  
31 whose duty it shall be, within the limits of available funds, to plan,

1 develop, construct, operate, maintain, and protect the highway facilities  
2 of this state, for present as well as for future uses.

3 (6) The design, construction, maintenance, operation, and protection  
4 of adequate state highway facilities sufficient to meet the present  
5 demands as well as future requirements will, of necessity, require  
6 careful organization, with lines of authority definitely fixed, and basic  
7 rules of procedure established by the Legislature.

8 (7) To this end, it is the intent of the Legislature, subject to the  
9 limitations of the Constitution and such mandates as the Legislature may  
10 impose by ~~the provisions of such sections 39-1301 to 39-1393 and section~~  
11 5 of this act, to designate the Director-State Engineer and the  
12 department, acting under the direction of the Director-State Engineer, as  
13 direct custodian of the state highway system, with full authority in all  
14 departmental administrative details, in all matters of engineering  
15 design, and in all matters having to do with the construction,  
16 maintenance, operation, and protection of the state highway system.

17 (8) The Legislature intends to declare, in general terms, the powers  
18 and duties of the Director-State Engineer, leaving specific details to be  
19 determined by reasonable rules and regulations which may be promulgated  
20 by him or her. It is the intent of the Legislature to grant authority to  
21 the Director-State Engineer to exercise sufficient power and authority to  
22 enable him or her and the department to carry out the broad objectives  
23 stated in this section.

24 (9) While it is necessary to fix responsibilities for the  
25 construction, maintenance, and operation of the several systems of  
26 highways, it is intended that the State of Nebraska shall have an  
27 integrated system of all roads and streets to provide safe and efficient  
28 highway transportation throughout the state. The authority granted in  
29 sections 39-1301 to ~~39-1362 and 39-1393 and section 5 of this act~~ to the  
30 Director-State Engineer and to the political or governmental subdivisions  
31 or public corporations of this state to assist and cooperate with each

1 other is therefor essential.

2 (10) The Legislature hereby determines and declares that such  
3 sections 39-1301 to 39-1393 and section 5 of this act are necessary for  
4 the preservation of the public peace, health, and safety, for promotion  
5 of the general welfare, and as a contribution to the national defense.

6 **Sec. 4.** Section 39-1302, Revised Statutes Cumulative Supplement,  
7 2024, is amended to read:

8 39-1302 For purposes of sections 39-1301 to 39-1393 and section 5 of  
9 this act, unless the context otherwise requires:

10 (1) Abandon means to reject all or part of the department's rights  
11 and responsibilities relating to all or part of a fragment, section, or  
12 route on the state highway system;

13 (2) Alley means an established passageway for vehicles and  
14 pedestrians affording a secondary means of access in the rear to  
15 properties abutting on a street or highway;

16 (3) Approach or exit road means any highway or ramp designed and  
17 used solely for the purpose of providing ingress or egress to or from an  
18 interchange or rest area of a highway. An approach road shall begin at  
19 the point where it intersects with any highway not a part of the highway  
20 for which such approach road provides access and shall terminate at the  
21 point where it merges with an acceleration lane of a highway. An exit  
22 road shall begin at the point where it intersects with a deceleration  
23 lane of a highway and shall terminate at the point where it intersects  
24 any highway not a part of a highway from which the exit road provides  
25 egress;

26 (4) Arterial highway means a highway primarily for through traffic,  
27 usually on a continuous route;

28 (5) Beltway means the roads and streets not designated as a part of  
29 the state highway system and that are under the primary authority of a  
30 county or municipality, if the location of the beltway has been approved  
31 by (a) record of decision or finding of no significant impact and (b) the

1 applicable local planning authority as a part of the comprehensive plan;

2 (6) Business means any lawful activity conducted primarily for the  
3 purchase and resale, manufacture, processing, or marketing of products,  
4 commodities, or other personal property or for the sale of services to  
5 the public or by a nonprofit corporation;

6 (7) Channel means a natural or artificial watercourse;

7 (8) Commercial activity means those activities generally recognized  
8 as commercial by zoning authorities in this state, and industrial  
9 activity means those activities generally recognized as industrial by  
10 zoning authorities in this state, except that none of the following shall  
11 be considered commercial or industrial:

12 (a) Outdoor advertising structures;

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

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

17 (d) Activities conducted in a building principally used as a  
18 residence;

19 (e) Railroad tracks and minor sidings; and

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

22 (9) Connecting link means the roads, streets, and highways  
23 designated as part of the state highway system and which are within the  
24 corporate limits of any city or village in this state;

25 (10) Controlled-access facility means a highway or street especially  
26 designed for through traffic and over, from, or to which owners or  
27 occupants of abutting land or other persons have no right or easement or  
28 only a controlled right or easement of access, light, air, or view by  
29 reason of the fact that their property abuts upon such controlled-access  
30 facility or for any other reason. Such highways or streets may be  
31 freeways, or they may be parkways;

1 (11) Department means the Department of Transportation;

2 (12) Displaced person means any individual, family, business, or  
3 farm operation which moves from real property acquired for state highway  
4 purposes or for a federal-aid highway;

5 (13) Easement means a right acquired by public authority to use or  
6 control property for a designated highway purpose;

7 (14) Expressway means a divided arterial highway for through traffic  
8 with full or partial control of access which may have grade separations  
9 at intersections;

10 (15) Extreme weather event means a weather event that generates  
11 extraordinary costs related to such event for construction,  
12 reconstruction, relocation, improvement, or maintenance occurring on or  
13 after January 1, 2023, resulting from weather conditions including, but  
14 not limited to, snow, rain, drought, flood, storm, extreme heat, or  
15 extreme cold;

16 (16) Family means two or more persons living together in the same  
17 dwelling unit who are related to each other by blood, marriage, adoption,  
18 or legal guardianship;

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

24 (18) Faulty engineering means a defect in the design of,  
25 construction of, workmanship on, or the materials or systems used on a  
26 project that results in failure of a component part or the structural  
27 integrity of a structure and that such failure causes damage;

28 (19) Federal-aid primary roads means roads, streets, and highways,  
29 whether a part of the state highway system, county road systems, or city  
30 streets, which have been designated as federal-aid primary roads by the  
31 Nebraska Department of Transportation and approved by the United States

1 Secretary of Transportation and shown on the maps provided for in section  
2 39-1311;

3 (20) Freeway means an expressway with full control of access;

4 (21) Frontage road means a local street or road auxiliary to an  
5 arterial highway for service to abutting property and adjacent areas and  
6 for control of access;

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

13 (23) Grade separation means a crossing of two highways at different  
14 levels;

15 (24) Highway means a road or street, including the entire area  
16 within the right-of-way, which has been designated a part of the state  
17 highway system;

18 (25) Highway approach means the portion of a county road located  
19 within the right-of-way of a highway;

20 (26) Individual means a person who is not a member of a family;

21 (27) Interchange means a grade-separated intersection with one or  
22 more turning roadways for travel between any of the highways radiating  
23 from and forming part of such intersection;

24 (28) Map means a drawing or other illustration or a series of  
25 drawings or illustrations which may be considered together to complete a  
26 representation;

27 (29) Mileage means the aggregate distance in miles without counting  
28 double mileage where there are one-way or divided roads, streets, or  
29 highways;

30 (30) Parking lane means an auxiliary lane primarily for the parking  
31 of vehicles;

1           (31) Parkway means an arterial highway for noncommercial traffic,  
2 with full or partial control of access, and usually located within a park  
3 or a ribbon of park-like development;

4           (32) Relinquish means to surrender all or part of the rights and  
5 responsibilities relating to all or part of a fragment, section, or route  
6 on the state highway system to a political or governmental subdivision or  
7 public corporation of Nebraska;

8           (33) Right of access means the rights of ingress and egress to or  
9 from a road, street, or highway and the rights of owners or occupants of  
10 land abutting a road, street, or highway or other persons to a way or  
11 means of approach, light, air, or view;

12           (34) Right-of-way means land, property, or interest therein, usually  
13 in a strip, acquired for or devoted to a road, street, or highway;

14           (35) Road means a public way for the purposes of vehicular travel,  
15 including the entire area within the right-of-way. A road designated as  
16 part of the state highway system may be called a highway, while a road in  
17 an urban area may be called a street;

18           (36) Roadside means the area adjoining the outer edge of the  
19 roadway. Extensive areas between the roadways of a divided highway may  
20 also be considered roadside;

21           (37) Roadway means the portion of a highway, including shoulders,  
22 for vehicular use;

23           (38) Separation structure means that part of any bridge or road  
24 which is directly overhead of the roadway of any part of a highway;

25           (39) State highway purposes has the same meaning set forth in  
26 subsection (2) of section 39-1320;

27           (40) State highway system means the roads, streets, and highways  
28 shown on the map provided for in section 39-1311 as forming a group of  
29 highway transportation lines for which the Nebraska Department of  
30 Transportation shall be the primary authority. The state highway system  
31 shall include, but not be limited to, rights-of-way, connecting links,

1 drainage facilities, and the bridges, appurtenances, easements, and  
2 structures used in conjunction with such roads, streets, and highways;

3 (41) Street means a public way for the purposes of vehicular travel  
4 in a city or village and shall include the entire area within the right-  
5 of-way;

6 (42) Structure means anything constructed or erected, the use of  
7 which requires permanent location on the ground or attachment to  
8 something having a permanent location;

9 (43) Title means the evidence of a person's right to property or the  
10 right itself;

11 (44) Traveled way means the portion of the roadway for the movement  
12 of vehicles, exclusive of shoulders and auxiliary lanes;

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

31 (46) Visible, for purposes of section 39-1320, in reference to

1 advertising signs, displays, or devices, means the message or advertising  
2 content of such sign, display, or device is capable of being seen without  
3 visual aid by a person of normal visual acuity. A sign shall be  
4 considered visible even though the message or advertising content may be  
5 seen but not read;

6 (47) Written instrument means a deed or any other document that  
7 states a contract, agreement, gift, or transfer of property; and

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

13 **Sec. 5. (1)** The department may establish, use, and operate a  
14 mitigation bank or an in-lieu-fee program in accordance with applicable  
15 state and federal laws.

16 (2) The purpose of the mitigation bank or in-lieu-fee program is to  
17 provide compensatory mitigation for the following when compensatory  
18 mitigation is required for any transportation project administered by the  
19 department:

20 (a) The taking of threatened or endangered species or such species'  
21 habitat;

22 (b) The dredging or filling of wetlands; and

23 (c) Restoration, creation, enhancement, or preservation of habitats,  
24 wetlands, or other resources.

25 (3) State regulatory agencies shall make a good faith effort to use  
26 and give priority to the mitigation bank and in-lieu-fee program  
27 established by the department when consulting on or reviewing mitigation  
28 plans for the impacts of any transportation project administered by the  
29 department.

30 (4) If the department establishes a mitigation bank or an in-lieu-  
31 fee program pursuant to subsection (1) of this section, the department

1 may:

2 (a) Enter into one or more cooperative agreements with a state or  
3 local public agency or private party, including for-profit and not-for-  
4 profit entities, for the establishment, use, operation, and maintenance  
5 of the mitigation bank or in-lieu-fee program;

6 (b) Acquire title to real property through purchase, bequest,  
7 donation, or eminent domain for use with the mitigation bank or in-lieu-  
8 fee program to mitigate the impacts of any transportation project  
9 administered by the department;

10 (c) Establish or restore habitats, wetlands, and natural resources  
11 for threatened and endangered species and impacts to the environment and  
12 natural resources across Nebraska;

13 (d) Provide a consistent and simplified approach to address  
14 mitigation requirements associated with permits or authorizations issued  
15 by federal and state agencies;

16 (e) Streamline the permitting and consultation process, minimize  
17 delays in permit decisions, and decrease the burden on permit applicants  
18 regarding planning and performing compensatory mitigation for the  
19 following relating to any transportation project administered by the  
20 department:

21 (i) The taking of any threatened or endangered species;

22 (ii) The loss of any habitat of such species; and

23 (iii) Any adverse effect on any environmental or natural resources;

24 (f) Increase the ecological efficiency and effectiveness of  
25 compensatory mitigation;

26 (g) Replace impacted acres of land by providing for the  
27 establishment of a net increase in suitable acres, functions, and values  
28 for threatened and endangered species, habitats, wetlands, and other  
29 natural resources by using a fair, reasonable, and practicable ratio of  
30 compensatory mitigation acres to offset the impacts of any transportation  
31 project administered by the department;

1       (h) Achieve a net increase in conservation land functions and values  
2       for threatened and endangered species, habitats, wetlands, and other  
3       natural resources impacted by any transportation project administered by  
4       the department; and

5       (i) Provide research and educational opportunities to advance the  
6       understanding and conservation of threatened and endangered species,  
7       habitats, wetlands, and other natural resources impacted by any  
8       transportation project administered by the department.

9       (5) Any state agency, local agency, public party, or private party,  
10      including any for-profit or not-for-profit entity, that owns the  
11      mitigation bank acquired to restore, enhance, preserve, or create habitat  
12      or wetlands shall also pay a sum in lieu of ad valorem taxes lost by the  
13      county. This subsection (5) only applies to property acquired after July  
14      1, 2026.

15      (6) The department may adopt and promulgate rules and regulations to  
16      carry out this section.

17      **Sec. 6.** Section 39-1309, Revised Statutes Cumulative Supplement,  
18      2024, is amended to read:

19      39-1309 (1) The map prepared by the State Highway Commission showing  
20      a proposed state highway system in Nebraska, filed with the Clerk of the  
21      Legislature and referred to in the resolution filed with the Legislature  
22      on February 3, 1955, is hereby adopted by the Legislature as the state  
23      highway system on September 18, 1955, except that a highway from  
24      Rushville in Sheridan County going south on the most feasible and direct  
25      route to the Smith Lake State Recreation Grounds shall be known as state  
26      highway 250 and shall be a part of the state highway system.

27      (2) The state highway system may be redesignated, relocated,  
28      redetermined, or recreated by the department with the written advice of  
29      the State Highway Commission and the consent of the Governor. In  
30      redesignating, relocating, redetermining, or recreating the several  
31      routes of the state highway system, the following factors, except as

1 provided in section 39-1309.01, shall be considered: (a) The actual or  
2 potential traffic volumes and other traffic survey data, (b) the relevant  
3 factors of construction, maintenance, right-of-way, and the costs  
4 thereof, (c) the safety and convenience of highway users, (d) the  
5 relative importance of each highway to existing business, industry,  
6 agriculture, enterprise, and recreation and to the development of natural  
7 resources, business, industry, agriculture, enterprise, and recreation,  
8 (e) the desirability of providing an integrated system to serve  
9 interstate travel, principal market centers, principal municipalities,  
10 county seat municipalities, and travel to places of statewide interest,  
11 (f) the desirability of connecting the state highway system with any  
12 state park, any state forest reserve, any state game reserve, the grounds  
13 of any state institution, or any recreational, scenic, or historic place  
14 owned or operated by the state or federal government, (g) the national  
15 defense, and (h) the general welfare of the people of the state.

16 (3) Any highways not designated as a part of the state highway  
17 system as provided by sections 39-1301 to ~~39-1362~~ and 39-1393 and section  
18 5 of this act shall be a part of the county road system, and the title to  
19 the right-of-way of such roads shall vest in the counties in which the  
20 roads are located.

21 **Sec. 7.** Section 39-1320, Revised Statutes Cumulative Supplement,  
22 2024, is amended to read:

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

31 (2) State highway purposes, as referred to in subsection (1) of this

1 section or otherwise in sections 39-1301 to ~~39-1362~~ and 39-1393 and  
2 section 5 of this act, shall include provision for, but shall not be  
3 limited to, the following:

4 (a) The construction, reconstruction, relocation, improvement, and  
5 maintenance of the state highway system and highway approaches. The  
6 right-of-way for such highways shall be of such width as is deemed  
7 necessary by the department;

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

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

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

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

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

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

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

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

26 (j) The construction and maintenance of stock trails and cattle  
27 passes;

28 (k) The erection and maintenance of marking and warning signs and  
29 traffic signals;

30 (l) The construction and maintenance of sidewalks and highway  
31 illumination;

1 (m) The control of outdoor advertising which is visible from the  
2 nearest edge of the right-of-way of the Highway Beautification Control  
3 System as defined in section 39-201.01 to comply with the provisions of  
4 23 U.S.C. 131, as amended;

5 (n) The relocation of or giving assistance in the relocation of  
6 individuals, families, businesses, or farm operations occupying premises  
7 acquired for state highway or federal-aid road purposes; and

8 (o) The establishment and maintenance of wetlands to replace or to  
9 mitigate damage to wetlands affected by highway construction,  
10 reconstruction, or maintenance. The replacement lands shall be capable of  
11 being used to create wetlands comparable to the wetlands area affected.  
12 The area of the replacement lands may exceed the wetlands area affected.  
13 Lands may be acquired to establish a large or composite wetlands area,  
14 sometimes called a wetlands bank, not larger than an area which is one  
15 hundred fifty percent of the lands reasonably expected to be necessary  
16 for the mitigation of future impact on wetlands brought about by highway  
17 construction, reconstruction, or maintenance during the six-year plan or  
18 program as required by section 39-2115 or an annual plan or program under  
19 section 39-2118. For purposes of this section, wetlands shall have the  
20 definition found in 33 C.F.R. 328.3(c).

21 (3) The procedure to condemn property authorized by subsection (1)  
22 of this section or elsewhere in sections 39-1301 to ~~39-1362~~ and 39-1393  
23 and section 5 of this act shall be exercised in the manner set forth in  
24 sections 76-704 to 76-724 or as provided by section 39-1323, as the case  
25 may be.

26 **Sec. 8.** Original sections 39-891, 39-893, 39-1301, 39-1302, 39-1309,  
27 and 39-1320, Revised Statutes Cumulative Supplement, 2024, are repealed.