

LEGISLATURE OF NEBRASKA

ONE HUNDREDTH LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 43

FINAL READING

Introduced by Heidemann, 1; Christensen, 44; Erdman, 47; Fischer,
43; Flood, 19; Langemeier, 23; Pahls, 31; Stuthman,
22

Read first time January 4, 2007

Committee: Transportation and Telecommunications

A BILL

- 1 FOR AN ACT relating to highways; to provide for mowing and hay
- 2 harvesting permits for right-of-ways; to provide fees;
- 3 and to provide duties for the Department of Roads.
- 4 Be it enacted by the people of the State of Nebraska,

1 Section 1. For purposes of this section, the definitions
2 in section 39-1302 apply.

3 The Department of Roads shall issue permits which
4 authorize and regulate the mowing and harvesting of hay on the
5 right-of-way of highways of the state highway system. The applicant
6 for a permit shall be informed in writing and shall sign a
7 release acknowledging (1) that he or she will assume all risk
8 and liability for hay quality and for any accidents and damages
9 that may occur as a result of the work and (2) that the State
10 of Nebraska assumes no liability for the hay quality or for work
11 done by the permittee. The applicant shall show proof of liability
12 insurance of at least one million dollars. The owner or the owner's
13 assignee of land abutting the right-of-way shall have priority to
14 receive a permit for such land under this section until July 30 of
15 each year. Applicants who are not owners of abutting land shall
16 be limited to a permit for five miles of right-of-way per year.
17 The department shall allow mowing and hay harvesting on or after
18 July 15 of every other year unless haying was completed the year
19 prior due to drought or other declaration. The department shall
20 charge a permit fee in an amount calculated to defray the costs of
21 administering this section. All fees received under this section
22 shall be remitted to the State Treasurer for credit to the Highway
23 Cash Fund. The department shall adopt and promulgate rules and
24 regulations to carry out this section.