

LEGISLATURE OF NEBRASKA

ONE HUNDREDTH LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 43

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; and
3 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 in
2 section 39-1302 apply.

3 The Department of Roads shall issue permits which authorize
4 and regulate the mowing and harvesting of hay on the right-of-way of
5 highways of the state highway system. The applicant for a permit
6 shall be informed in writing and shall sign a release acknowledging
7 (1) that he or she will assume all risk and liability for hay quality
8 and for any accidents and damages that may occur as a result of the
9 work and (2) that the State of Nebraska assumes no liability for the
10 hay quality or for work done by the permittee. The owner or the
11 owner's assignee of land abutting the right-of-way shall have
12 priority to receive a permit for such land under this section. The
13 department shall establish the dates when mowing and harvesting are
14 allowed. The department shall charge a permit fee in an amount
15 calculated to defray the costs of administering this section. All
16 fees received under this section shall be remitted to the State
17 Treasurer for credit to the Highway Cash Fund. The department shall
18 adopt and promulgate rules and regulations to carry out this
19 section.