

LEGISLATURE OF NEBRASKA

ONE HUNDRED THIRD LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 698

Final Reading

Introduced by Larson, 40; Bloomfield, 17; Davis, 43; Hansen, 42;
Wallman, 30; Watermeier, 1; Wightman, 36; Kintner, 2.

Read first time January 08, 2014

Committee: Transportation and Telecommunications

A BILL

1 FOR AN ACT relating to highways; to amend section 39-1359.01, Reissue
2 Revised Statutes of Nebraska; to change provisions
3 relating to the mowing and harvesting of hay on the
4 right-of-way of highways; and to repeal the original
5 section.

6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 39-1359.01, Reissue Revised Statutes
2 of Nebraska, is amended to read:

3 39-1359.01 For purposes of this section, the definitions
4 in section 39-1302 apply.

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

1 Sec. 2. Original section 39-1359.01, Reissue Revised
2 Statutes of Nebraska, is repealed.