

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 339

FINAL READING

Introduced by Friesen, 34; at the request of the Governor.

Read first time January 12, 2017

Committee: Transportation and Telecommunications

1 A BILL FOR AN ACT relating to government; to amend sections 3-101, 3-102,
2 3-103, 3-104, 3-105, 3-107, 3-108, 3-109, 3-110, 3-111, 3-113,
3 3-114, 3-115, 3-116, 3-117, 3-118, 3-119, 3-120, 3-121, 3-123,
4 3-124, 3-125, 3-126, 3-127, 3-128, 3-131, 3-133, 3-134, 3-135,
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6 3-147, 3-148, 3-149, 3-152, 3-154, 3-155, 3-156, 3-157, 3-158,
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8 3-403, 3-404, 3-405, 3-407, 3-409, 12-1205, 13-912, 13-1203,
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1 60-631, 60-658.01, 60-680, 60-695, 60-699, 60-6,101, 60-6,102,
2 60-6,103, 60-6,106, 60-6,107, 60-6,115, 60-6,118, 60-6,120,
3 60-6,126.01, 60-6,129, 60-6,130, 60-6,137, 60-6,138, 60-6,139,
4 60-6,145, 60-6,159, 60-6,164, 60-6,166, 60-6,167, 60-6,171,
5 60-6,176, 60-6,177, 60-6,186, 60-6,188, 60-6,189, 60-6,190,
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8 66-822, 69-1701, 70-309, 72-108, 72-221, 72-221.01, 72-817, 74-1310,
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11 75-713, 75-716, 76-1224, 79-604, 81-101, 81-102, 81-161.04,
12 81-188.01, 81-701.01, 81-701.02, 81-701.03, 81-701.04, 81-701.05,
13 81-710, 81-916, 81-917, 81-1108.22, 81-1114, 81-1711, 81-2801,
14 82-120, 82-505, 83-137, 85-1008, 86-707, 90-238, and 90-260, Reissue
15 Revised Statutes of Nebraska, and sections 3-106, 3-159, 3-303,
16 3-407.01, 3-408, 13-520, 13-1210, 13-1212, 49-617, 57-1407, 60-507,
17 60-6,144, 60-6,153, 60-6,154, 60-6,230, 60-6,267, 60-6,288,
18 60-6,294, 60-6,297, 60-6,298, 60-6,299, 60-6,378, 60-6,380, 60-3101,
19 66-489.02, 66-4,100, 66-4,144, 66-738, 73-507, 77-3442, 77-3443,
20 81-8,310, 81-1108.15, 81-1108.43, and 81-3711.01, Revised Statutes
21 Cumulative Supplement, 2016; to merge the Department of Aeronautics
22 into the Department of Roads; to create the Division of Aeronautics;
23 to rename the Department of Roads as the Department of
24 Transportation; to provide for transfer of powers, duties,
25 personnel, funds, rights, and property as prescribed; to rename an
26 act and funds; to eliminate the Department of Aeronautics; to
27 harmonize provisions; to provide an operative date; to repeal the
28 original sections; and to declare an emergency.
29 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 3-101, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 3-101 ~~(1)~~ For purposes of the State Aeronautics Act and the purpose
4 ~~of~~ the laws of this state relating to aeronautics, the following words,
5 terms, and phrases shall have the meanings given in this section, unless
6 otherwise specifically defined or unless another intention clearly
7 appears or the context otherwise requires: -

8 (1) ~~(2)~~ Aeronautics means transportation by aircraft; the operation,
9 construction, repair, or maintenance of aircraft, aircraft power plants,
10 and accessories, including the repair, packing, and maintenance of
11 parachutes; and the design, establishment, construction, extension,
12 operation, improvement, repair, or maintenance of airports, restricted
13 landing areas, or other air navigation facilities, and air instruction; -

14 (2) ~~(3)~~ Aircraft means any contrivance now known, hereafter
15 invented, used, or designed for navigation of or flight in the air; -

16 ~~(4)~~ Public aircraft means an aircraft used exclusively in the
17 service of any government or of any political subdivision thereof,
18 including the government of any state, territory, or possession of the
19 United States or the District of Columbia, but not including any
20 government-owned aircraft engaged in carrying persons or property for
21 commercial purposes.

22 ~~(5)~~ Civil aircraft means any aircraft other than a public aircraft.

23 (3) ~~(6)~~ Airport means (a) any area of land or water, except a
24 restricted landing area, which is designed for the landing and takeoff of
25 aircraft, whether or not facilities are provided for the sheltering,
26 servicing, or repairing of aircraft or for receiving or discharging
27 passengers or cargo, (b) all appurtenant areas used or suitable for
28 airport buildings or other airport facilities, and (c) all appurtenant
29 rights-of-way, whether heretofore or hereafter established; -

30 ~~(7)~~ Department means the Department of Aeronautics, commission means
31 the Nebraska Aeronautics Commission, commissioner means any member of the

1 ~~commission, director means the Director of Aeronautics, and state or this~~
2 ~~state means the State of Nebraska.~~

3 ~~(8) Restricted landing area means any area of land, water, or both,~~
4 ~~which is used or is made available for the landing and takeoff of~~
5 ~~aircraft, the use of which shall, except in case of emergency, be only as~~
6 ~~provided from time to time by the commission.~~

7 ~~(4) (9) Air navigation facility means any facility, other than one~~
8 ~~owned or controlled by the federal government, used in, available for use~~
9 ~~in, or designed for use in aid of air navigation, including airports,~~
10 ~~restricted landing areas, and any structures, mechanisms, lights,~~
11 ~~beacons, marks, communicating systems, or other instrumentalities or~~
12 ~~devices used or useful as an aid or constituting an advantage or~~
13 ~~convenience to the safe takeoff, navigation, and landing of aircraft, or~~
14 ~~the safe and efficient operation or maintenance of an airport or~~
15 ~~restricted landing area and any combination of any or all of such~~
16 ~~facilities; -~~

17 ~~(5) (10) Air navigation means the operation or navigation of~~
18 ~~aircraft in the air space over this state or upon any airport or~~
19 ~~restricted landing area within this state; -~~

20 ~~(11) Operation of aircraft or operate aircraft means the use of~~
21 ~~aircraft for the purpose of air navigation and includes the navigation or~~
22 ~~piloting of aircraft. Any person who causes or authorizes the operation~~
23 ~~of aircraft, whether with or without the right of legal control, in the~~
24 ~~capacity of owner, lessee, or otherwise, of the aircraft, shall be deemed~~
25 ~~to be engaged in the operation of aircraft within the meaning of the~~
26 ~~statutes of this state.~~

27 ~~(6) (12) Airman means any individual who engages, as the person in~~
28 ~~command, or as pilot, mechanic, or member of the crew, in the navigation~~
29 ~~of aircraft while under way and (excepting individuals employed outside~~
30 ~~the United States, any individual employed by a manufacturer of aircraft,~~
31 ~~aircraft engines, propellers, or appliances to perform duties as~~

1 inspector or mechanic in connection therewith, and any individual
2 performing inspection or mechanical duties in connection with aircraft
3 owned or operated by him or her) any individual who is directly in charge
4 of the inspection, maintenance, overhauling, or repair of aircraft
5 engines, propellers, or appliances and any individual who serves in the
6 capacity of aircraft dispatcher or air traffic control-tower operator; -

7 ~~(7)~~ (13) Air instruction means the imparting of aeronautical
8 information by any aeronautics instructor or in or by any air school or
9 flying club; -

10 ~~(8)~~ (14) Aeronautics instructor means any individual engaged in
11 giving instruction, or offering to give instruction, in aeronautics,
12 either in flying or ground subjects, or both, for hire or reward, without
13 advertising such occupation, without calling his or her facilities an air
14 school or anything equivalent thereto, and without employing or using
15 other instructors. It does not include any instructor in any public
16 school or university of this state or any institution of higher learning
17 duly accredited and approved for carrying on collegiate work while
18 engaged in his or her duties as such instructor; -

19 ~~(15) Flying club means any person, other than an individual, who,~~
20 ~~neither for profit nor reward, owns, leases, or uses one or more aircraft~~
21 ~~for the purpose of instruction or pleasure or both.~~

22 ~~(16) Person means any individual, firm, partnership, limited~~
23 ~~liability company, corporation, company, association, joint stock~~
24 ~~association, or body politic and includes any trustee, receiver,~~
25 ~~assignee, or other similar representative thereof.~~

26 ~~(17) State airway means a route in the navigable air space over and~~
27 ~~above the lands or waters of this state, designated by the department as~~
28 ~~a route suitable for air navigation.~~

29 ~~(18) Navigable air space means air space above the minimum altitudes~~
30 ~~of flight prescribed by the laws of this state or by the regulations of~~
31 ~~the department consistent therewith.~~

1 ~~(19) Municipality means any county, city, village, or town of this~~
2 ~~state and any other political subdivision, public corporation, authority,~~
3 ~~or district in this state which is or may be authorized by law to~~
4 ~~acquire, establish, construct, maintain, improve, and operate airports~~
5 ~~and other air navigation facilities.~~

6 (9) (20) Airport protection privileges means easements through or
7 other interests in air space over land or water, interests in airport
8 hazards outside the boundaries of airports or restricted landing areas,
9 and other protection privileges, the acquisition or control of which is
10 necessary to insure safe approaches to the landing areas of airports and
11 restricted landing areas and the safe and efficient operation thereof; -

12 (10) (21) Airport hazard means any structure, object of natural
13 growth, or use of land which obstructs the air space required for the
14 flight of aircraft in landing or taking off at any airport or restricted
15 landing area or is otherwise hazardous to such landing or taking off; -

16 (11) Civil aircraft means any aircraft other than a public aircraft;

17 (12) Commission means the Nebraska Aeronautics Commission;

18 (13) Director means the Director of Aeronautics;

19 (14) Division means the Division of Aeronautics of the Department of
20 Transportation;

21 (15) Flying club means any person, other than an individual, who,
22 neither for profit nor reward, owns, leases, or uses one or more aircraft
23 for the purpose of instruction or pleasure or both;

24 ~~(22) The singular includes the plural and the plural the singular.~~
25 ~~The masculine gender includes the feminine.~~

26 (16) (23) Location means the general vicinity to be served by a
27 specific airport; -

28 (17) Municipality means any county, city, village, or town of this
29 state and any other political subdivision, public corporation, authority,
30 or district in this state which is or may be authorized by law to
31 acquire, establish, construct, maintain, improve, and operate airports

1 and other air navigation facilities;

2 (18) Navigable air space means air space above the minimum altitudes
3 of flight prescribed by the laws of this state or by the rules and
4 regulations adopted and promulgated by the division consistent therewith;

5 (19) Operation of aircraft or operate aircraft means the use of
6 aircraft for the purpose of air navigation and includes the navigation or
7 piloting of aircraft. Any person who causes or authorizes the operation
8 of aircraft, whether with or without the right of legal control, in the
9 capacity of owner, lessee, or otherwise, of the aircraft, shall be deemed
10 to be engaged in the operation of aircraft within the meaning of the
11 statutes of this state;

12 ~~(24) Site means the specific land area to be used as an airport.~~

13 (20) (25) Privately owned public use airport means any airport owned
14 by a person which is primarily engaged in the business of providing
15 necessary services and facilities for the operation of civil aircraft and
16 which (a) has at least one paved runway, (b) is engaged in the retail
17 sale of aviation gasoline or aviation jet fuel, and (c) possesses
18 facilities for the sheltering, servicing, or repair of aircraft; -

19 (21) Public aircraft means an aircraft used exclusively in the
20 service of any government or of any political subdivision thereof,
21 including the government of any state, territory, or possession of the
22 United States or the District of Columbia, but not including any
23 government-owned aircraft engaged in carrying persons or property for
24 commercial purposes;

25 (22) Restricted landing area means any area of land, water, or both,
26 which is used or is made available for the landing and takeoff of
27 aircraft, the use of which shall, except in case of emergency, be only as
28 provided from time to time by the commission;

29 (23) Site means the specific land area to be used as an airport; and

30 (24) State airway means a route in the navigable air space over and
31 above the lands or waters of this state, designated by the division as a

1 route suitable for air navigation.

2 Sec. 2. Section 3-102, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 3-102 The purpose of the State Aeronautics Act ~~It is hereby~~
5 ~~declared that the purpose of sections 3-101 to 3-154~~ is to further the
6 public interest and aeronautical progress by (1) providing for the
7 protection and promotion of safety in aeronautics, (2) cooperating in
8 effecting a uniformity of the laws relating to the development and
9 regulation of aeronautics in the several states, (3) revising existing
10 statutes relative to the development and regulation of aeronautics so as
11 to grant such powers to and impose such duties upon the division ~~a state~~
12 ~~agency~~ in order that the state may properly perform its functions
13 relative to aeronautics and effectively exercise its jurisdiction over
14 persons and property within such jurisdiction, may assist in the
15 promotion of a statewide system of airports, may cooperate with and
16 assist the political subdivisions of this state and others engaged in
17 aeronautics, and may encourage and develop aeronautics, (4) establishing
18 uniform regulations, consistent with federal regulations and those of
19 other states, in order that those engaged in aeronautics of every
20 character may so engage with the least possible restriction, consistent
21 with the safety and the rights of others, and (5) providing for
22 cooperation with the federal authorities in the development of a national
23 system of civil aviation and for coordination of the aeronautical
24 activities of those authorities and the authorities of this state by
25 assisting in accomplishing the purposes of federal legislation and
26 eliminating costly and unnecessary duplication of functions properly in
27 the province of federal agencies.

28 Sec. 3. Section 3-103, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 3-103 (1) The Division ~~There is hereby created a department of~~
31 ~~government to be known as the Department of Aeronautics shall be a~~

1 division of the Department of Transportation.

2 (2)(a) Until December 31, 2017, the The chief administrative officer
3 of the division ~~department~~ shall be the director, to be known as the
4 Director of Aeronautics, and ~~The Director of Aeronautics~~ shall be
5 appointed by the Governor, subject to confirmation by the Legislature,
6 with due regard to his or her fitness through aeronautical education and
7 by knowledge of and recent practical experience in aeronautics. The
8 director shall devote full time to the performance of his or her official
9 duties and shall not have any pecuniary interest in, stock in, or bonds
10 of any civil aeronautics enterprise. The director shall, before assuming
11 the duties of the office, take and subscribe an oath, such as is required
12 by state officers. The director shall be bonded or insured as required by
13 section 11-201. The director shall receive such compensation as the
14 Governor, with the approval of the commission, shall determine, subject
15 to the provisions of the legislative appropriations bill.

16 (b) Beginning January 1, 2018, the chief administrative officer of
17 the division shall be the Director of Aeronautics who shall be appointed
18 by and report directly to the Director-State Engineer, subject to
19 confirmation by the Legislature, with due regard to his or her fitness
20 through aeronautical education and by knowledge of and recent practical
21 experience in aeronautics. The director shall devote full time to the
22 performance of his or her official duties and shall not have any
23 pecuniary interest in, stock in, or bonds of any civil aeronautics
24 enterprise. The director shall, before assuming the duties of the office,
25 take and subscribe an oath, such as is required by state officers.

26 Sec. 4. Section 3-104, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 3-104 (1) There is hereby created the Nebraska Aeronautics
29 Commission which shall consist of five members, who shall be appointed by
30 the Governor. The terms of office of the members of the commission
31 initially appointed shall expire on March 1 of the years 1946, 1947,

1 1948, 1949, and 1950, as designated by the Governor in making the
2 respective appointments. As the terms of members expire, the Governor
3 shall, on or before March 1 of each year, appoint a member of the
4 commission for a term of five years to succeed the member whose term
5 expires. Each member shall serve until the appointment and qualification
6 of his or her successor. In case of a vacancy occurring prior to the
7 expiration of the term of a member, the appointment shall be made only
8 for the remainder of the term. All members of the commission shall be
9 citizens and bona fide residents of the state and, in making such an
10 appointment, the Governor shall take into consideration the interest or
11 training of the appointee in some one or all branches of aviation. The
12 commission shall, in December of each year, select a chairperson for the
13 ensuing year. The Director of Aeronautics shall serve as secretary as set
14 forth in section 3-127. Three members shall constitute a quorum, and no
15 action shall be taken by less than a majority of the commission.

16 (2) The commission shall meet upon the written call of the
17 chairperson, the director, or any two members of the commission. Regular
18 meetings shall be held at the office of the division ~~department~~ but,
19 whenever the convenience of the public or of the parties may be promoted
20 or delay or expense may be prevented, the commission ~~it~~ may hold meetings
21 or proceedings at any other place designated by it. All meetings of the
22 commission shall be open to the public. No member shall receive any
23 salary for his or her service, but each shall be reimbursed for actual
24 and necessary expenses incurred by him or her in the performance of his
25 or her duties as provided in sections 81-1174 to 81-1177.

26 (3)(a) Until December 31, 2017, it ~~It~~ shall be the duty of the
27 commission to advise the Governor relative to the appointment of the
28 Director of Aeronautics, and the commission ~~a director and it~~ shall
29 report to the Governor whenever it feels that the Director of Aeronautics
30 ~~director~~ is not properly fulfilling his or her duties.

31 (b) Beginning January 1, 2018, the commission shall advise the

1 Director-State Engineer relative to the appointment of the Director of
2 Aeronautics, and the commission shall report to the Director-State
3 Engineer whenever the commission feels that the Director of Aeronautics
4 is not properly fulfilling his or her duties. The commission shall also
5 advise the Governor on the general status and state of aviation in
6 Nebraska.

7 (c) The commission ~~It~~ shall further act in an advisory capacity to
8 the Director of Aeronautics and Director-State Engineer ~~director~~.

9 (4) The commission shall have, in addition, the following specific
10 duties: (a) (1) To allocate state funds and approve the use of federal
11 funds to be spent for the construction or maintenance of airports; (b)
12 (2) to designate the locations and approve sites of airports; (c) (3) to
13 arrange and authorize the purchase of aircraft upon behalf of the state;
14 (d) (4) to select and approve pilots to be employed by the state, if any;
15 and (e) (5) to assist the Director of Aeronautics ~~director~~ in formulating
16 the regulations and policies to be carried out by the division ~~department~~
17 under the terms of the State Aeronautics ~~Department~~ Act. The commission
18 may allocate state funds for the promotion of aviation as defined for the
19 purpose of this section by the division ~~department~~ by rule and
20 regulation. The director may designate one or more members of the
21 commission to represent the division ~~department~~ in conferences with
22 officials of the federal government, of other states, of other agencies
23 or municipalities of this state, or of persons owning privately owned
24 public use airports.

25 Sec. 5. Section 3-105, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 3-105 The division ~~department~~ shall, ~~within thirty days after its~~
28 ~~creation,~~ adopt a seal and adopt and promulgate ~~make such~~ rules and
29 regulations for its administration. All rules, regulations, and orders of
30 the Department of Aeronautics adopted prior to July 1, 2017, in
31 connection with the powers, duties, and functions transferred to the

1 Division of Aeronautics of the Department of Transportation pursuant to
2 this legislative bill, shall continue to be effective until revised,
3 amended, repealed, or nullified pursuant to law , not inconsistent
4 herewith, as it may deem expedient. It may, from time to time, amend such
5 rules and regulations. The fiscal year of the department shall conform to
6 the fiscal year of the state.

7 Sec. 6. Section 3-106, Revised Statutes Cumulative Supplement, 2016,
8 is amended to read:

9 3-106 ~~(1) Suitable offices shall be provided for the department in~~
10 ~~the State Capitol. It may maintain offices at such other places in the~~
11 ~~state as it may designate and may incur the necessary expense for office~~
12 ~~furniture, stationery, printing, and other incidental or necessary~~
13 ~~expenses for the enforcement of the State Aeronautics Department Act and~~
14 ~~the general promotion of aeronautics within the state.~~

15 (1) (2) The division department may purchase aircraft for the use of
16 state government and may sell any state aircraft that is not needed or
17 suitable for state uses. State aircraft shall be subject at all times to
18 the written orders of the Governor for use and service in any branch of
19 the state government. The division department shall establish an hourly
20 rate for use of a state aircraft by a state official or agency. The
21 hourly rate shall not include an amount to recover the cost of
22 acquisition by purchase, but shall include amounts for items such as
23 variable fuel and oil costs, routine maintenance costs, landing fees, and
24 preventive maintenance reserves. Such funds shall only be expended for
25 the purposes provided for by this section.

26 ~~(3) The department may employ such clerical and other employees and~~
27 ~~assistants as it may deem necessary for the proper transaction of its~~
28 ~~business.~~

29 (2) (4) It is the intent of the Legislature that the use of state-
30 owned, chartered, or rented aircraft by the division department shall be
31 for the sole purpose of state business. The division department shall

1 electronically file with the Clerk of the Legislature a quarterly report
2 on the ~~department's~~ use of all state-owned, chartered, or rented aircraft
3 by the division that includes the following information for each trip:
4 The name of the agency or other entity traveling; the name of each
5 individual passenger; all purposes of the trip; the destination and
6 intermediate stops; the miles flown; and the duration of the trip.

7 Sec. 7. Section 3-107, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 3-107 The division ~~department~~ shall have general supervision over
10 aeronautics within this state. It is empowered and directed to encourage,
11 foster, and assist in the development of aeronautics in this state and
12 encourage the establishment of airports and other air navigation
13 facilities. No state funds ~~herein appropriated or made available~~ for the
14 acquisition, engineering, construction, improvement, or maintenance of
15 airports shall be expended upon any project or for any work upon any such
16 project which is not done under the supervision of the division
17 ~~department~~. When any airport which has received state grant funds
18 pursuant to ~~the provisions of the State Aeronautics Department Act~~ ceases
19 to be an airport or a privately owned public use airport, the division
20 ~~department~~ shall, consistent with all other provisions of state and
21 federal law, seek to recover so much of the state funds provided to the
22 airport as it may and shall deposit any such funds so recovered into the
23 ~~Department of Aeronautics Cash Fund~~.

24 Sec. 8. Section 3-108, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 3-108 The division ~~It~~ shall cooperate with and assist the federal
27 government, the political subdivisions of this state, and others engaged
28 in aeronautics or the promotion of aeronautics, and seek to coordinate
29 the aeronautical activities of these bodies. To this end, the division
30 ~~department~~ is empowered to confer with or to hold joint hearings with any
31 federal aeronautical agency in connection with any matter arising under

1 ~~the State Aeronautics Act sections 3-101 to 3-154~~, or relating to the
2 sound development of aeronautics, and to avail itself of the cooperation,
3 services, records, and facilities of such federal agencies, as fully as
4 may be practicable, in the administration and enforcement of the act
5 ~~sections 3-101 to 3-154~~. The division ~~It~~ shall reciprocate by furnishing
6 to the federal agencies its cooperation, services, records, and
7 facilities, insofar as may be practicable. The division ~~It~~ shall report
8 to the appropriate federal agency all accidents in aeronautics in this
9 state of which it is informed and preserve, protect, and prevent the
10 removal of the component parts of any aircraft involved in an accident
11 being investigated by it until a federal agency institutes an
12 investigation. The division ~~and~~ shall report to the appropriate federal
13 agency all refusals to register federal licenses, certificates, or
14 permits and all revocations of certificates of registration, and the
15 reasons therefor, and all penalties, of which it has knowledge, imposed
16 upon airmen for violations of the laws of this state relating to
17 aeronautics or for violations of the rules, regulations, or orders of the
18 division ~~department~~.

19 Sec. 9. Section 3-109, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 3-109 The division ~~It~~ may (1) perform such acts, (2) issue and
22 amend such orders, (3) adopt and make, promulgate, ~~and amend~~ such
23 reasonable general or special rules, regulations, and procedure, and (4)
24 establish such minimum standards, consistent with the State Aeronautics
25 Act provisions of sections 3-101 to 3-154, as it shall deem necessary to
26 carry out the act provisions of sections 3-101 to 3-154 and to perform
27 its duties under the act as hereunder; ~~all~~ commensurate with and for the
28 purpose of protecting and insuring the general public interest and
29 safety, the safety of persons receiving instruction concerning, or
30 operating, using, or traveling in aircraft, and of persons and property
31 on land or water, and to develop and promote aeronautics in this state.

1 No rule or regulation of the division ~~department~~ shall apply to airports
2 or other air navigation facilities owned or controlled by the federal
3 government within this state.

4 Sec. 10. Section 3-110, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 3-110 All rules and regulations adopted and promulgated by the
7 division ~~, prescribed by the department~~ under the authority of the State
8 Aeronautics Act ~~sections 3-101 to 3-154,~~ shall be kept in conformity, as
9 nearly as may be, with the then current federal legislation governing
10 aeronautics, the regulations duly promulgated thereunder, and rules and
11 standards issued from time to time pursuant thereto.

12 Sec. 11. Section 3-111, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 3-111 The division ~~It~~ shall keep on file with the Secretary of
15 State and at the principal office of the division ~~department~~ a copy of
16 all its rules and regulations for public inspection.

17 Sec. 12. Section 3-113, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 3-113 The division ~~department~~ may, insofar as is reasonably
20 possible, offer its engineering or other technical services, without
21 charge, to any municipality or to any person owning a privately owned
22 public use airport desiring them in connection with the construction,
23 maintenance, or operation or the proposed construction, maintenance, or
24 operation of an airport or restricted landing area.

25 Sec. 13. Section 3-114, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 3-114 The division ~~It~~ may ~~draft and recommend necessary legislation~~
28 ~~to advance the interests of the state in aeronautics and~~ represent the
29 state in aeronautical matters before federal agencies and other state
30 agencies.

31 Sec. 14. Section 3-115, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 3-115 The division ~~It~~ may participate as party plaintiff or
3 defendant, or as intervenor on behalf of this ~~the~~ state, or any
4 municipality or citizen thereof, in any controversy having to do with any
5 claimed encroachment by the federal government or any foreign state upon
6 any state or individual rights pertaining to aeronautics.

7 Sec. 15. Section 3-116, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 3-116 The division, the director ~~It shall be the duty of the~~
10 ~~department, the Director of Aeronautics,~~ and every state, county, and
11 municipal officer, charged with the enforcement of state and municipal
12 laws, shall ~~to~~ enforce and assist in the enforcement of the State
13 Aeronautics ~~Department~~ Act, all rules and regulations adopted and
14 promulgated ~~issued~~ pursuant thereto, and all other laws of this state
15 relating to aeronautics. In the aid of such enforcement, general police
16 powers are hereby conferred upon the director ~~Director of Aeronautics,~~
17 and such of the officers and employees of the division ~~department~~ as may
18 be designated by it, to exercise such powers. The division ~~department~~ is
19 further authorized, in the name of this state, to enforce the act and the
20 rules and regulations adopted and promulgated ~~issued~~ pursuant thereto by
21 injunction in the courts of this state. Municipalities and persons owning
22 privately owned public use airports are authorized to cooperate with the
23 division ~~department~~ in the development of aeronautics and aeronautical
24 facilities in this state. The division ~~department~~ may use the facilities
25 and services of other agencies of the state to the utmost extent possible
26 and such agencies are authorized and directed to make available such
27 facilities and services. ~~The department may also, with the approval of~~
28 ~~the Governor, contract with or employ the Department of Roads to maintain~~
29 ~~airports or perform necessary engineering service in carrying out the~~
30 ~~act.~~

31 Sec. 16. Section 3-117, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 3-117 The director ~~Director of Aeronautics~~, or any officer or
3 employee of the division ~~department~~ designated by it, shall have the
4 power to hold investigations, inquiries, and hearings concerning matters
5 covered by the State Aeronautics Act ~~provisions of sections 3-101 to~~
6 ~~3-154~~ and orders, rules, and regulations of the division ~~department~~ and
7 concerning accidents in aeronautics within this state. All hearings so
8 conducted shall be open to the public. The director ~~Director of~~
9 ~~Aeronautics~~, and every officer or employee of the division ~~department~~
10 designated by it to hold any inquiry, investigation, or hearing, shall
11 have power to administer oaths and affirmations, certify to all official
12 acts, issue subpoenas, and compel the attendance and testimony of
13 witnesses, and the production of papers, books, and documents. In case of
14 a failure to comply with any subpoena or order issued under the authority
15 of the act ~~sections 3-101 to 3-154~~, the division ~~department~~ or its
16 authorized representative may invoke the aid of any court of this state
17 of general jurisdiction. The court may thereupon order the witness to
18 comply with the requirements of the subpoena or order or to give evidence
19 touching the matter in question. Any failure to obey the order of the
20 court may be punished by the court as a contempt thereof.

21 Sec. 17. Section 3-118, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 3-118 In order to facilitate the making of investigations by the
24 division ~~department~~, in the interest of public safety and the promotion
25 of aeronautics, the public interest requires, and it is, therefor,
26 provided, that the reports of investigations or hearings, or any part
27 thereof, shall not be admitted in evidence or used for any purpose in any
28 suit, action, or proceeding, growing out of any matter referred to in the
29 ~~said~~ investigation, hearing, or report thereof, except in case of
30 criminal or other proceedings instituted on behalf of the division
31 ~~department~~ or this state under the State Aeronautics Act ~~provisions of~~

1 ~~sections 3-101 to 3-154~~ and other laws of this state relating to
2 aeronautics, nor shall any member of the commission, the director
3 ~~commissioner, the Director of Aeronautics,~~ or any officer or employee of
4 the division department be required to testify to any facts ascertained
5 in, or information gained by reason of, his or her official capacity, or
6 be required to testify as an expert witness in any suit, action, or
7 proceeding involving any aircraft. Subject to the foregoing provisions,
8 the division department may, in its discretion, make available to
9 appropriate federal and state agencies information and material developed
10 in the course of its hearings and investigations.

11 Sec. 18. Section 3-119, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 3-119 The division department may render assistance in the
14 acquisition, development, operation, or maintenance of privately owned
15 public use airports or airports owned, controlled, or operated or to be
16 owned, controlled, or operated by municipalities in this state out of
17 appropriations made by the Legislature for that purpose.

18 Sec. 19. Section 3-120, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 3-120 The division ~~It~~ may enter into any contracts necessary to the
21 execution of the powers granted it by the State Aeronautics Act ~~sections~~
22 ~~3-101 to 3-154.~~

23 Sec. 20. Section 3-121, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 3-121 The division ~~It~~ shall grant no exclusive right for the use of
26 any airway, airport, restricted landing area, or other air navigation
27 facility under its jurisdiction. This section shall not prevent the
28 making of leases in accordance with other provisions of the State
29 Aeronautics Act ~~sections 3-101 to 3-154.~~

30 Sec. 21. Section 3-123, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 3-123 The division ~~department~~ is authorized to cooperate with the
2 government of the United States, and any agency or department thereof, in
3 the acquisition, construction, improvement, maintenance, and operation of
4 airports and other air navigation facilities in this state, and to comply
5 with the provisions of the laws of the United States and any regulations
6 made thereunder for the expenditure of federal money upon such airports
7 and other navigation facilities.

8 Sec. 22. Section 3-124, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 3-124 The division ~~department~~ is authorized to accept federal and
11 other money, either public or private, for and on behalf of this state,
12 any municipality, or any person owning a privately owned public use
13 airport, for the acquisition, construction, improvement, maintenance, and
14 operation of airports and other air navigation facilities, whether such
15 work is to be done by the state, by such municipalities, or by any person
16 owning a privately owned public use airport, or jointly, aided by grants
17 of aid from the United States, upon such terms and conditions as are or
18 may be prescribed by the laws of the United States and any ~~rules or~~
19 regulations made thereunder. The division ~~department~~ may act as agent of
20 any municipality of this state or any person owning a privately owned
21 public use airport, upon the request of such municipality or person, in
22 accepting such money in its behalf for airports or other air navigation
23 facility purposes, and in contracting for the acquisition, construction,
24 improvement, maintenance, or operation of airports or other air
25 navigation facilities, financed either in whole or in part by federal
26 money, and such person or the governing body of any such municipality is
27 authorized to designate the division ~~department~~ as its agent for such
28 purposes and to enter into an agreement with the division ~~it~~ prescribing
29 the terms and conditions of such agency in accordance with federal laws,
30 rules, and regulations and with the State Aeronautics ~~Department~~ Act.
31 Such money as is paid over by the United States Government shall be

1 retained by the state or paid over to the municipalities or persons under
2 such terms and conditions as may be imposed by the United States
3 Government in making such grants.

4 Sec. 23. Section 3-125, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 3-125 All contracts for the acquisition, construction, improvement,
7 maintenance, and operation of airports or other air navigation facilities
8 made by the division ~~department~~, either as the agent of this state, as
9 the agent of any municipality, or as the agent of any person owning a
10 privately owned public use airport, shall be made pursuant to the laws of
11 this state governing the making of like contracts. When the acquisition,
12 construction, improvement, maintenance, and operation of any airport,
13 landing strip, or other air navigation facility is financed wholly or
14 partially with federal money, the division ~~department~~, as agent of the
15 state, of any municipality, or of any person owning a privately owned
16 public use airport, may let contracts in the manner prescribed by the
17 federal authorities, acting under the laws of the United States, and any
18 rules or regulations made thereunder, notwithstanding any other state law
19 to the contrary.

20 Sec. 24. Section 3-126, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 3-126 The ~~Department~~ of Aeronautics Cash Fund is created. All money
23 received by the division ~~department~~ pursuant to the State Aeronautics
24 ~~Department~~ Act shall be remitted to the State Treasurer for credit to the
25 fund. The division ~~department~~ is authorized, whether acting for this
26 state, as the agent of any of its municipalities, or as the agent of any
27 person owning a privately owned public use airport, or when requested by
28 the United States Government or any agency or department thereof, to
29 disburse such money. ~~Transfers may be made from the fund to the General~~
30 ~~Fund at the direction of the Legislature through June 30, 2011.~~ Any money
31 in the ~~Department~~ of Aeronautics Cash Fund available for investment shall

1 be invested by the state investment officer pursuant to the Nebraska
2 Capital Expansion Act and the Nebraska State Funds Investment Act. The
3 State Treasurer shall transfer any money in the Department of Aeronautics
4 Cash Fund on the operative date of this act to the Aeronautics Cash Fund.

5 Sec. 25. Section 3-127, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 3-127 The director shall (1) ~~be the administrative officer of the~~
8 ~~department,~~ (2) administer the State Aeronautics Act, provisions of
9 ~~sections 3-101 to 3-154 and the rules and~~ regulations adopted and
10 promulgated under the act, and orders established under the act,
11 ~~thereunder~~ and all other laws of the state relative to aeronautics, (2)
12 ~~(3)~~ attend and serve as secretary, but not vote, at all meetings of the
13 commission, (3) ~~(4)~~ appoint, subject to the ~~provisions of~~ section 3-104,
14 such experts, field and office assistants, clerks, and other employees as
15 may be required and authorized for the proper discharge of the functions
16 of the division ~~department~~ and for whose services funds have been
17 appropriated, (4) ~~(5)~~ be in charge of the offices of the division
18 ~~department~~ and responsible for the preparation of reports and collection
19 and dissemination of data and other public information relating to
20 aeronautics, and (5) ~~(6)~~ execute all contracts entered into by the
21 division ~~department~~ which are legally authorized and for which funds are
22 appropriated ~~provided in any appropriation act.~~

23 Sec. 26. Section 3-128, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 3-128 In order to safeguard and promote the general public interest
26 and safety, the safety of persons using or traveling in aircraft and of
27 persons and property on the ground, and the interest of aeronautical
28 progress requiring that airports, restricted landing areas, and air
29 navigation facilities be suitable for the purposes for which they are
30 designed and to carry out the purposes of the State Aeronautics
31 ~~Department~~ Act, the division ~~department~~ may: Recommend airport and

1 restricted landing area sites; license airports, restricted landing
2 areas, or other air navigation facilities; and provide for the renewal
3 and revocation of such licenses in accordance with rules and regulations
4 adopted and promulgated by the division ~~department~~.

5 Sec. 27. Section 3-131, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 3-131 The federal license, certificate, or permit, and the evidence
8 of registration in this or another state, if any, required for an airman
9 shall be kept in the personal possession of the airman when the airman ~~he~~
10 is operating within this state and must be presented for inspection upon
11 the demand of any passenger, peace officer of this state, authorized
12 official or employee of the division ~~department~~, or official, manager, or
13 person in charge of any airport in this state upon which the airman ~~he~~
14 shall land or the reasonable request of any other person. The federal
15 aircraft license, certificate, or permit, required for aircraft must be
16 carried in every aircraft operating in this state at all times and must
17 be conspicuously posted therein where it may readily be seen by
18 passengers or inspectors and must be presented for inspection upon the
19 demand of any passenger, peace officer of this state, authorized official
20 or employee of the division ~~department~~, or official, manager, or person
21 in charge of any airport in this state upon which the airman ~~it~~ shall
22 land or the reasonable request of any person.

23 Sec. 28. Section 3-133, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 3-133 Any proposed airport or restricted landing area shall be first
26 licensed by the division ~~department~~ before such airport or area shall be
27 used or operated. Any municipality or person acquiring property for the
28 purpose of constructing or establishing an airport or restricted landing
29 area shall, prior to such acquisition, make application to the division
30 ~~department~~ for a certificate of approval of the site selected and the
31 general purpose or purposes for which the property is to be acquired, to

1 insure that the property and its use shall conform to minimum standards
2 of safety and shall serve the public interest. It shall be unlawful for
3 any municipality or officer or employee thereof, or for any person, to
4 operate an airport or restricted landing area for which a license has not
5 been issued by the division ~~department~~.

6 Sec. 29. Section 3-134, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 3-134 Whenever the division ~~Department of Aeronautics~~ makes an order
9 granting or denying a certificate of approval of an airport or a
10 restricted landing area, or an original license to use or operate an
11 airport, restricted landing area, or other air navigation facility, and
12 the applicant or any interested municipality, within fifteen days after
13 notice of such order has been sent the applicant by registered or
14 certified mail, demands a public hearing, or whenever the division
15 ~~department~~ desires to hold a public hearing, before making an order, such
16 a public hearing in relation thereto shall be held in the municipality
17 applying for the certificate of approval or license or, in case the
18 application was made by anyone other than a municipality, at the county
19 seat of the county in which the proposed airport, restricted landing
20 area, or other air navigation facility is proposed to be situated, or the
21 major portion thereof, if located in more than one county, at which
22 hearing all parties in interest and other persons shall have an
23 opportunity to be heard. Notice of the hearing shall be published by the
24 division ~~department~~ in a legal newspaper published in or of general
25 circulation in the county in which the hearing is to be held, at least
26 twice, the first publication to be at least fifteen days prior to the
27 date of hearing. After a proper and timely demand has been made, the
28 order shall be stayed until after the hearing, when the division
29 ~~department~~ may affirm, modify, or reverse it, or make a new order. If no
30 hearing is demanded, ~~as herein provided,~~ the order shall become effective
31 upon the expiration of the time permitted for making a demand. Where a

1 certificate of approval of an airport or restricted landing area has been
2 issued by the division ~~department~~, it may grant a license for its
3 operation and use, and no hearing may be demanded thereon.

4 Sec. 30. Section 3-135, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 3-135 In determining whether to ~~it shall~~ issue a certificate of
7 approval or license for the use or operation of any proposed airport or
8 restricted landing area, the division ~~department~~ shall take into
9 consideration (1) its proposed location, size, and layout, (2) the
10 relationship of the proposed airport or restricted landing area to a
11 comprehensive plan for statewide and nationwide development, (3) whether
12 there are safe areas available for expansion purposes, (4) whether the
13 adjoining area is free from obstructions based on a proper glide ratio,
14 (5) the nature of the terrain, (6) the nature of the uses to which the
15 proposed airport or restricted landing area will be put, and (7) the
16 possibilities for future development.

17 Sec. 31. Section 3-137, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 3-137 The division ~~department~~ is empowered to temporarily or
20 permanently revoke any certificate of approval or license issued by it
21 when it shall determine that an airport, restricted landing area, or
22 other navigation facility is not being maintained or used in accordance
23 with the State Aeronautics Act ~~provisions of sections 3-101 to 3-154~~ and
24 the rules and regulations lawfully adopted and promulgated pursuant
25 thereto.

26 Sec. 32. Section 3-139, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 3-139 If the division ~~In any case where the Department of~~
29 ~~Aeronautics~~ refuses to (1) issue a certificate of approval of a license
30 or the renewal of a license for an airport, restricted landing area, or
31 other air navigation facility, or (2) permit the registration of any

1 license, certificate, or permit, the division ~~it~~ shall set forth its
2 reasons therefor and shall state the requirements to be met before such
3 approval will be given, registration permitted, license granted, or order
4 modified or changed. Any order, made by the division ~~department~~ pursuant
5 to the State Aeronautics Act ~~provisions of sections 3-101 to 3-154~~, shall
6 be served upon the interested persons by either registered or certified
7 mail or in person. To carry out the act, ~~provisions of sections 3-101 to~~
8 ~~3-154~~ the director, officers, and employees of the division ~~department~~
9 and any officers, state or municipal, charged with the duty of enforcing
10 the act ~~sections 3-101 to 3-154~~ may inspect and examine at reasonable
11 hours any premises, and the buildings and other structures thereon, where
12 airports, restricted landing areas, flying clubs, or other air navigation
13 facilities or aeronautical activities are operated or carried on.

14 Sec. 33. Section 3-140, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 3-140 Any person aggrieved by an order of the division ~~department~~ or
17 by the granting or denial of any license, certificate, or registration
18 may appeal the order or such granting or denial, and the appeal shall be
19 in accordance with the Administrative Procedure Act.

20 Sec. 34. Section 3-141, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 3-141 The division ~~department~~ is authorized and empowered, on behalf
23 of and in the name of this state, within the limitation of available
24 appropriations, to (1) acquire, by purchase, gift, devise, lease,
25 condemnation proceedings, or otherwise, real or personal property for the
26 purpose of establishing and constructing airports, restricted landing
27 areas, and other air navigation facilities, (2) acquire in like manner,
28 own, control, establish, construct, enlarge, improve, maintain, equip,
29 operate, regulate, and police such airports, restricted landing areas,
30 and other air navigation facilities either within or without this state,
31 (3) make, prior to any such acquisition, investigations, surveys, and

1 plans, (4) erect, install, construct, and maintain at such airports
2 facilities for the servicing of aircraft and for the comfort and
3 accommodation of air travelers, and (5) dispose of any such property,
4 airport, or restricted landing area or any other air navigation facility
5 by sale, lease, or otherwise, in accordance with the laws of this state
6 governing the disposition of other like property of the state. The
7 division ~~It~~ may not, however, acquire or take over any airport,
8 restricted landing area, or other air navigation facility owned or
9 controlled by a municipality of this state without the consent of such
10 municipality. The division ~~It~~ may erect, equip, operate, and maintain on
11 any airport such buildings and equipment as are necessary and proper to
12 establish, maintain, and conduct such airport and air navigation
13 facilities connected therewith.

14 Sec. 35. Section 3-142, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 3-142 Where necessary, in order to provide unobstructed air space
17 for the landing and taking off of aircraft utilizing airports and
18 restricted landing areas acquired or operated under the State Aeronautics
19 Act, ~~the division may provisions of sections 3-101 to 3-154, it is hereby~~
20 ~~granted authority to~~ acquire, in the same manner as is provided for the
21 acquisition of property for airport purposes, easements through or other
22 interests in air space over land or water, interest in airport hazards
23 outside the boundaries of the airports or restricted landing areas, and
24 such other airport protection privileges as are necessary to insure safe
25 approaches to the landing areas of the said airports and restricted
26 landing areas and the safe and efficient operation thereof. The division
27 may ~~It is also hereby authorized to~~ acquire, in the same manner, the
28 right or easement, for a term of years or perpetually, to place or
29 maintain suitable marks for the daytime marking and suitable lights for
30 the nighttime marking of airport hazards, including the right of ingress
31 and egress to or from such airport hazards for the purpose of maintaining

1 and repairing such lights and marks. This authority shall not be so
2 construed as to limit the right, power, or authority of the state or any
3 municipality to zone property adjacent to any airport or restricted
4 landing area pursuant to any law of this state.

5 Sec. 36. Section 3-143, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 3-143 The division ~~department~~ may engage in all activities jointly
8 with the United States, with other states, with municipalities or other
9 agencies of this state, and with persons owning privately owned public
10 use airports.

11 Sec. 37. Section 3-144, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 3-144 The division ~~department~~ may exercise the right of eminent
14 domain, in the name of the state, for the purpose of acquiring any
15 property which it is ~~herein~~ authorized to acquire by condemnation. The
16 procedure to condemn property shall be exercised in the manner set forth
17 in sections 76-704 to 76-724. The fact that the property so needed has
18 been acquired by the owner under power of eminent domain shall not
19 prevent its acquisition by the division ~~such department~~ by the exercise
20 of the right of eminent domain ~~herein~~ conferred in the State Aeronautics
21 Act. The division ~~It~~ shall not be precluded from abandoning the
22 condemnation of any such property in any case where possession thereof
23 has not been taken. Nothing in the State Aeronautics ~~Department~~ Act shall
24 be construed as granting to privately owned public use airports the
25 authority to exercise the power of eminent domain nor shall anything in
26 the State Aeronautics ~~Department~~ Act be construed as granting to the
27 division ~~department~~ or any municipality the authority to exercise the
28 right of eminent domain for the purpose of acquiring lands or easements
29 for the sole use or benefit of privately owned public use airports.

30 Sec. 38. Section 3-145, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 3-145 The division ~~It~~ may (1) lease, for a term not exceeding ten
2 years, such airports, other air navigation facilities, or real property
3 acquired or set apart for airport purposes, to private parties, any
4 municipal or state government, the national government, or any department
5 of any such government for operation, (2) lease or assign, for a term not
6 exceeding ten years, to private parties, any municipal or state
7 government, the national government, or any department of any such
8 government for operation or other use consistent with the purposes of the
9 State Aeronautics Act sections 3-101 to 3-154, space, area, improvements,
10 or equipment on such airports, (3) sell any part of such airports, other
11 air navigation facilities, or real property to any municipal or state
12 government, or to the United States or any department or instrumentality
13 thereof, for aeronautical purposes or purposes incidental thereto, and
14 (4) confer the privilege or concession of supplying, upon the airports,
15 goods, commodities, things, services, and facilities, so long as ;
16 ~~Provided, that~~ in each case in so doing the public is not deprived of its
17 rightful, equal, and uniform use thereof.

18 Sec. 39. Section 3-146, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 3-146 The division may ~~It shall have the authority to~~ determine the
21 charges or rental for the use of any properties and the charges for any
22 service or accommodations under its control and the terms and conditions
23 under which such properties may be used, so long as ; ~~Provided, that~~ in
24 all cases the public shall not be deprived of its rightful, equal, and
25 uniform use of such property. Charges shall be reasonable and uniform for
26 the same class of service and established with due regard to the property
27 and improvements used and the expenses of operation to the state. To
28 enforce the payment of charges, the state shall have a lien which the
29 division ~~department~~ may enforce, substantially as is provided by law for
30 liens and the enforcement thereof, for repairs to or the improvement,
31 storage, or care of any personal property.

1 Sec. 40. Section 3-147, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 3-147 The acquisition of any lands for the purpose of establishing
4 airports or other air navigation facilities; the acquisition of any
5 airport protection privileges; the acquisition, establishment,
6 construction, enlargement, improvement, maintenance, equipment, and
7 operation of airports and other air navigation facilities, whether by the
8 state separately or jointly with any municipality, municipalities, or any
9 person owning a privately owned public use airport; the assistance of
10 this state in any such acquisition, establishment, construction,
11 enlargement, improvement, maintenance, equipment, and operation; and the
12 exercise of any other powers ~~herein~~ granted to the division ~~department~~
13 are hereby declared to be public and governmental functions exercised for
14 a public purpose and matters of public necessity. Such lands and other
15 property and privileges acquired are declared to be public property.

16 Sec. 41. Section 3-148, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 3-148 There is hereby imposed a tax of five cents per gallon upon
19 aviation gasoline and a tax of three cents per gallon upon aviation jet
20 fuel purchased for and used in aircraft within the State of Nebraska.
21 Such aircraft tax shall be levied, collected, and refunded in the manner
22 provided in Chapter 66, article 4, with reference to other motor fuel.
23 The State Treasurer shall credit the aircraft tax and fees so collected
24 and remitted to a special fund to be known as the Aircraft Fuel Tax Fund,
25 which fund shall be distributed as provided in this section. The State
26 Treasurer shall make all refunds as provided in sections 3-150 and 3-151
27 from the fund, and the balance of the aircraft tax shall be credited to
28 the ~~Department~~ of Aeronautics Cash Fund.

29 For purposes of this section, aviation gasoline means ~~shall mean~~
30 fuel used in aircraft meeting the criteria established for motor vehicle
31 fuel in section 66-482. The terms aviation fuel and aircraft fuel as used

1 in the statutes ~~shall~~ include both aviation gasoline and aviation jet
2 fuel.

3 Sec. 42. Section 3-149, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 3-149 The suppliers, distributors, wholesalers, and importers
6 defined in Chapter 66, article 4, shall collect the tax as prescribed in
7 section 3-148, keep an account thereof separately from other fuel tax,
8 and remit the tax collected accordingly to the Tax Commissioner. The Tax
9 Commissioner shall remit the tax to the State Treasurer in the same
10 manner as is provided by law for the collection and remittance of motor
11 vehicle fuel tax. No other or different tax shall be imposed for fuel
12 bought for and used in aircraft. Such tax shall be used for the purposes
13 set forth in the State Aeronautics ~~Department~~ Act. The penalty for
14 violation of the provisions of this section relating to the collection
15 and remittance of the tax shall be the same as set forth for the
16 violation of the law with reference to the motor fuel tax contained in
17 Chapter 66, article 7, and the right of enforcement and the penalties
18 shall be likewise applicable as set forth therein.

19 Sec. 43. Section 3-152, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 3-152 Any person violating any of the provisions of the State
22 Aeronautics Act sections 3-101 to 3-154, or any of the rules,
23 regulations, or orders adopted, promulgated, or issued pursuant thereto,
24 shall be guilty of a Class II misdemeanor.

25 Sec. 44. Section 3-154, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 3-154 Sections 3-101 to 3-159 and sections 50 to 54 of this act
28 shall be known and 3-154 may be cited as the State Aeronautics ~~Department~~
29 Act.

30 Sec. 45. Section 3-155, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 3-155 (1) The ~~division~~ Department of Aeronautics is hereby
2 authorized and directed to dispose of all real property held by the
3 ~~division~~ department and formerly used by the United States as army
4 airfields, and which is not required for airport operational use
5 purposes. The ~~division~~ department shall seek approval from the Federal
6 Aviation Administration to dispose of such property. The property may be
7 platted and subdivided into lots or parcels to be sold separately so as
8 to obtain the greatest total sale price.

9 (2) The ~~division~~ department shall dedicate the necessary roads for
10 airport access and shall reserve such easements for access, utilities,
11 drainage, and other purposes as may be necessary or convenient to
12 maintain the airports as operational. The sales may be made subject to
13 such terms, conditions, and restrictions as may be required by the deeds
14 by which such property was conveyed to the State of Nebraska by the
15 Federal Aviation Administration. When approval is received, the ~~division~~
16 ~~department~~ shall have such property appraised by noninterested appraisers
17 qualified to make appraisals based on experience and who have
18 professional status as appraisers of real property. The appraisers shall
19 be selected by the ~~division~~ department based on competitive bids received
20 after three weeks' notice of invitation for bids has been published in at
21 least two newspapers of general circulation throughout the state. The
22 notice shall state that the selection shall be made of the lowest and
23 best qualified bidders, and that the ~~division~~ department reserves the
24 right to reject any and all bids and to readvertise for further bids.

25 (3) Each appraiser's report shall contain (a) (1) an opinion as to
26 the fair market value of the lands appraised, showing a segregation of
27 actual land value, elements and basis of damage, and depreciated in place
28 value of buildings and improvements, if any, (b) (2) a report of income
29 derived from the land in recent years, (c) (3) the adaptability of the
30 land, including the most profitable or highest and best use, (d) (4) a
31 report of a personal inspection of the lands appraised, including a

1 detailed description of their physical characteristics and conditions,
2 (e) ~~(5)~~ the general history of the property and its environs, and a
3 statement of the character of the area surrounding the land being
4 appraised, indicating any of the favorable and unfavorable influences,
5 (f) ~~(6)~~ a listing of recent sales of similar property in the area,
6 showing seller, purchaser, date of sale, selling price, acreage involved,
7 buildings and improvements involved, if any, and an estimate of the value
8 of such improvements, and if there is a difference in value between
9 comparable sales and the property appraised, a discussion of the
10 difference in value to be included, (g) ~~(7)~~ a listing of recent offerings
11 for sale of property in the same general area, including the property
12 being appraised, if recently offered, and the prices quoted, if any, (h)
13 ~~(8)~~ a trend of land values in the area and current land or real estate
14 market conditions, (i) ~~(9)~~ the actual valuation of real property in the
15 community, (j) ~~(10)~~ the effective date of valuation, (k) ~~(11)~~ a statement
16 of the qualifications of the appraiser including a statement by the
17 appraiser that he or she has no personal interest, present or
18 prospective, in the land being appraised, and (l) ~~(12)~~ the signature of
19 the appraiser and date of report.

20 (4) Such property shall be sold to the highest bidder, but in no
21 case shall such property be sold at less than the appraised value. Notice
22 of such sale and time and place where the same will be held shall be
23 given as provided in section 72-258. When the highest bid is less than
24 the appraised value, the sale shall be canceled and except for property
25 leased pursuant to section 3-157 the property shall be offered for sale
26 again within one year after the date of the previous offering.

27 Sec. 46. Section 3-156, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 3-156 The ~~Department~~ of Aeronautics Trust Fund is created. The
30 necessary expenses incurred in the sale of property under section 3-155
31 shall be paid from the ~~Department~~ of Aeronautics Cash Fund, and the

1 proceeds from the sale of such property shall be credited to the
2 ~~Department of Aeronautics Trust Fund~~ after reimbursement of costs of sale
3 have been made to the ~~Department of Aeronautics Cash Fund~~. The net
4 proceeds from the disposal of such property shall be used by the division
5 ~~Department of Aeronautics~~ in conformance with any agreements upon which
6 the Federal Aviation Administration conditions its consent to the sale of
7 the aforementioned land and the quit claim deeds (1) filed in the office
8 of the register of deeds of Dodge County on November 17, 1947, and
9 recorded in Deeds Record 89 on page 342 and September 16, 1948, and
10 recorded in Deeds Record 89 on page 578, (2) filed in the office of the
11 register of deeds of Red Willow County on September 16, 1948, in Deeds
12 Record 71 on page 17, September 14, 1966, in Deeds Record 91 on page 281,
13 and December 17, 1968, in Deeds Record 93 on page 549, (3) filed in the
14 office of the register of deeds of Clay County on November 17, 1947, in
15 Deeds Record 86 on page 561, September 16, 1948, in Deeds Record 87 on
16 page 148, and March 14, 1968, in Deeds Record 95 on page 321, (4) filed
17 in the office of the register of deeds of Fillmore County on September
18 16, 1948, in Deeds Record 39 on page 229, February 21, 1968, in Deeds
19 Record 25 on page 90, January 26, 1948, in Deeds Record 39 on page 189,
20 September 21, 1948, in Deeds Record 39 on page 236, and February 13,
21 1968, in Deeds Record 25 on page 83, and (5) filed in the office of the
22 register of deeds of Thayer County on January 31, 1948, in Deeds Record
23 48 on page 493, September 16, 1948, in Deeds Record 48 on page 581, and
24 December 29, 1967, in Deeds Record 58 on page 531, and the rules and
25 regulations of the Federal Aviation Administration, part 155, adopted
26 December 7, 1962. Any money in the ~~Department of Aeronautics Trust Fund~~
27 available for investment shall be invested by the state investment
28 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska
29 State Funds Investment Act. The State Treasurer shall transfer any money
30 in the Department of Aeronautics Trust Fund on the operative date of this
31 act to the Aeronautics Trust Fund.

1 Sec. 47. Section 3-157, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 3-157 The division ~~Department of Aeronautics~~ may lease for a period
4 not exceeding twelve years real property held by the division ~~department~~
5 that has been offered for sale for two consecutive years and has not been
6 sold. The lease shall provide for annual rental payments based on fair
7 rental value. The rental payments shall be deposited in the ~~Department of~~
8 Aeronautics Cash Fund. The division ~~department~~ shall cause reappraisals
9 to be made of the land under lease when it deems it necessary due to
10 changes in buildings or improvements, changes in the land, or for other
11 reasons. The division ~~department~~ may, after the expiration of any lease,
12 offer such land for sale by public auction as set forth in section 3-155
13 or may enter into another lease.

14 Sec. 48. Section 3-158, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 3-158 Any person who in the ordinary course of his or her business
17 rents an aircraft to another person shall deliver to the renter a written
18 notice stating the nature and extent of insurance coverage provided, if
19 any, for the renter against loss of or damage to the hull of the aircraft
20 or liability arising out of the ownership, maintenance, or use of the
21 aircraft. The notice shall contain the name of the person giving the
22 notice and shall be in the form prescribed by rule or regulation which
23 the division ~~Department of Aeronautics~~ shall adopt and promulgate.

24 Sec. 49. Section 3-159, Revised Statutes Cumulative Supplement,
25 2016, is amended to read:

26 3-159 The Executive Board of the Legislative Council pursuant to the
27 authority granted in Laws 2013, LB194, section 9, commissioned an
28 independent study to enable the Legislature to determine whether the
29 state should purchase or otherwise acquire an aircraft for state purposes
30 and what type of aircraft should be acquired, if any. After completion
31 and review of the study, the Legislature authorized ~~authorizes~~ the

1 Department of Aeronautics to purchase a new aircraft in 2014. It is the
2 intent of the Legislature to fund the purchase with General Funds and
3 other funds. The Legislature also directed ~~directs~~ the department, upon
4 taking possession of a new aircraft, to sell the state's 1982 Piper
5 Cheyenne aircraft, with the proceeds retained ~~by the department~~ for use
6 for preventive maintenance funding for the new aircraft.

7 Sec. 50. On and after July 1, 2017, positions of employment in the
8 Department of Aeronautics related to the powers, duties, and functions
9 transferred pursuant to this legislative bill are transferred to the
10 Division of Aeronautics of the Department of Transportation. For purposes
11 of the transition, employees of the Department of Aeronautics shall be
12 considered employees of the Department of Transportation and shall retain
13 their rights under the state personnel system or pertinent bargaining
14 agreement, and their service shall be deemed continuous. This section
15 does not grant employees any new rights or benefits not otherwise
16 provided by law or bargaining agreement or preclude the division or the
17 director from exercising any of the prerogatives of management set forth
18 in section 81-1311 or as otherwise provided by law. This section is not
19 an amendment to or substitute for the provisions of any existing
20 bargaining agreements.

21 Sec. 51. On and after July 1, 2017, whenever the Department of
22 Aeronautics is referred to or designated by any contract or other
23 document in connection with the duties and functions transferred to the
24 Division of Aeronautics of the Department of Transportation pursuant to
25 this legislative bill, such reference or designation shall apply to such
26 division. All contracts entered into by the Department of Aeronautics
27 prior to July 1, 2017, in connection with the duties and functions
28 transferred to the division are hereby recognized, with the division
29 succeeding to all rights and obligations under such contracts. Any cash
30 funds, custodial funds, gifts, trusts, grants, and any appropriations of
31 funds from prior fiscal years available to satisfy obligations incurred

1 under such contracts shall be transferred and appropriated to the
2 division for the payments of such obligations. All documents and records
3 transferred, or copies of the same, may be authenticated or certified by
4 the division for all legal purposes.

5 Sec. 52. No suit, action, or other proceeding, judicial or
6 administrative, lawfully commenced prior to July 1, 2017, or which could
7 have been commenced prior to that date, by or against the Department of
8 Aeronautics, or the director or any employee thereof in such director's
9 or employee's official capacity or in relation to the discharge of his or
10 her official duties, shall abate by reason of the transfer of duties and
11 functions from the Department of Aeronautics to the Division of
12 Aeronautics of the Department of Transportation.

13 Sec. 53. On and after July 1, 2017, unless otherwise specified,
14 whenever any provision of law refers to the Department of Aeronautics in
15 connection with duties and functions transferred to the Division of
16 Aeronautics of the Department of Transportation, such law shall be
17 construed as referring to such division.

18 Sec. 54. On July 1, 2017, all items of property, real and personal,
19 including office furniture and fixtures, books, documents, and records of
20 the Department of Aeronautics pertaining to the duties and functions
21 transferred to the Division of Aeronautics of the Department of
22 Transportation pursuant to this legislative bill shall become the
23 property of such division.

24 Any appropriation and salary limit provided in any legislative bill
25 enacted by the One Hundred Fifth Legislature, First Session, to Agency
26 No. 17, Department of Aeronautics, in the following program
27 classifications, shall be null and void, and any such amounts are hereby
28 appropriated to Agency No. 27, Department of Transportation: Program No.
29 26, Administration and Services; Program No. 301, Public Airports; and
30 Program No. 596, State-Owned Aircraft. Any financial obligations of the
31 Department of Aeronautics that remain unpaid as of June 30, 2017, and

1 that are subsequently certified as valid encumbrances to the accounting
2 division of the Department of Administrative Services pursuant to
3 sections 81-138.01 to 81-138.04, shall be paid by the Division of
4 Aeronautics of the Department of Transportation from the unexpended
5 balance of appropriations existing in such program classifications on
6 June 30, 2017.

7 Sec. 55. Section 3-201, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 3-201 For the purpose of the Revised Airports Act, unless herein
10 specifically otherwise provided in the act, the definitions of words,
11 terms, and phrases appearing in the State Aeronautics ~~Department~~ Act of
12 ~~this state~~ are hereby adopted. The following words, terms, and phrases
13 shall in the Revised Airports Act ~~act~~ have the meanings herein given in
14 this section, unless otherwise specifically defined, or unless another
15 intention clearly appears, or the context otherwise requires: (1)
16 Municipality means any county, city, or village of this state or any city
17 airport authority established pursuant to the Cities Airport Authorities
18 Act and (2) airport purposes means and includes airport, restricted
19 landing area, and other air navigation facility purposes.

20 Sec. 56. Section 3-201.01, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 3-201.01 Any proposed airport, restricted landing area, or other air
23 navigation facility which will be in existence for less than thirty
24 consecutive days shall first be approved by the Division ~~Department~~ of
25 Aeronautics of the Department of Transportation before any such airport,
26 landing area, or other facility shall be used or operated. Any
27 municipality or person proposing the use of property for such purpose
28 shall first make application for a temporary permit for the site selected
29 and the general purpose or purposes for which the property will be used,
30 to insure that the property and its use shall conform to minimum
31 standards of safety and shall serve the public interest. Designation of

1 the location and approval of sites for the proposed temporary airports,
2 restricted landing areas, and other air navigation facilities as provided
3 in section 3-104 may be delegated to the division ~~department~~ by the
4 Nebraska Aeronautics Commission. The provisions of this section shall not
5 apply to restricted landing areas designated for personal use pursuant to
6 section 3-136.

7 Sec. 57. Section 3-215, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 3-215 In addition to the general power conferred in the Revised
10 Airports Act sections 3-201 to 3-238 and section 18-1502 conferred, and
11 without limitation thereof, a municipality which has established or may
12 hereafter establish airports, restricted landing areas, or other air
13 navigation facilities, or which has acquired or set apart or may
14 hereafter acquire or set apart real property for such purpose or
15 purposes, is hereby authorized:

16 (1) To vest authority for the construction, enlargement,
17 improvement, maintenance, equipment, operation, and regulation thereof in
18 an officer, a board, or a body of such municipality by ordinance or
19 resolution which shall prescribe the powers and duties of such officer,
20 board, or body. The expense of such construction, enlargement,
21 improvement, maintenance, equipment, operation, and regulation shall be a
22 responsibility of the municipality;

23 (2) To adopt and amend all needful rules, regulations, and
24 ordinances for the management, government, and use of any properties
25 under its control, whether within or without the territorial limits of
26 the municipality; to appoint airport guards or police, with full police
27 powers; to fix by ordinance or resolution, as may be appropriate,
28 penalties for the violation of the said rules, regulations, and
29 ordinances, and enforce the said penalties in the same manner in which
30 penalties prescribed by other rules, regulations, and ordinances of the
31 municipality are enforced. For the purposes of such management,

1 government, and direction of public use, such part of all highways,
2 roads, streets, avenues, boulevards, and territory as adjoins, or lies
3 within five hundred feet of the limits of any airport or restricted
4 landing area acquired or maintained under the Revised Airports Act
5 ~~provisions of sections 3-201 to 3-238~~ and section 18-1502 shall be under
6 like control and management of the municipality. It may also adopt and
7 enact rules, regulations, and ordinances designed to safeguard the public
8 upon or beyond the limits of private airports or landing strips within
9 such municipality or its police jurisdiction against the perils and
10 hazards of instrumentalities used in aerial navigation. Rules,
11 regulations, and ordinances shall be published as provided by general law
12 or the charter of the municipality for the publication of similar rules,
13 regulations, and ordinances. They must conform to and be consistent with
14 the laws of this state and the rules and regulations of the Division
15 ~~Department~~ of Aeronautics of the Department of Transportation state and
16 shall be kept in conformity, as nearly as may be, with the then current
17 federal legislation governing aeronautics and the regulations duly
18 promulgated thereunder and rules and standards issued from time to time
19 pursuant thereto;

20 (3) To lease for a term not exceeding ten years such airports, other
21 air navigation facilities, or real property acquired or set apart for
22 airport purposes to private parties, any municipal or state government,
23 the national government, or any department of any such government for
24 operation; to lease or assign space, area, improvements, or equipment on
25 such airports for a term not exceeding ten years to private parties, any
26 municipal or state government, the national government, or any department
27 of any such government for operation or use consistent with the purposes
28 of the Revised Airports Act sections 3-201 to 3-238 and section 18-1502;
29 to sell any part of such airports, other air navigation facilities, or
30 real property to any municipal or state government, or to the United
31 States or any department or instrumentality thereof, for aeronautical

1 purposes or purposes incidental thereto, and to confer the privileges or
2 concessions of supplying upon its airports goods, commodities, things,
3 services, and facilities, so long as, ~~; Provided, that~~ in each case, the
4 public is not thereby deprived of its rightful, equal, and uniform use
5 thereof;

6 (4) To sell or lease any real or personal property, acquired for
7 airport purposes and belonging to the municipality, which, in the
8 judgment of its governing body, may not be required for aeronautic
9 purposes, in accordance with the laws of this state, or the provisions of
10 the charter of the municipality, governing the sale or leasing of similar
11 municipally owned property. The proceeds of the sale of any property the
12 purchase price of which was obtained by the sale of bonds shall be
13 deposited in the sinking fund from which funds have been authorized to be
14 taken to finance such bonds. In the event all the proceeds of such sale
15 are not needed to pay the principal of the said bonds remaining unpaid,
16 the remainder shall be paid into the general fund of the municipality.
17 The proceeds of sales of property the purchase price of which was paid
18 from appropriations shall be paid into the general fund of the
19 municipality;

20 (5) To determine the charges or rental for the use of any properties
21 under its control and the charges for any services or accommodations, and
22 the terms and conditions under which such properties may be used, so long
23 as ~~; Provided, that~~ in all cases the public shall not be deprived of its
24 rightful, equal, and uniform use of such property. Charges shall be
25 reasonable and uniform for the same class of service and established with
26 due regard to the property and improvements used and the expense of
27 operation to the municipality. To enforce the payment of charges, the
28 municipality shall have a lien and may enforce it, substantially as is
29 provided by law for liens and the enforcement thereof, for repairs to or
30 the improvement, storage, or care of any personal property; and

31 (6) To exercise all powers necessarily incidental to the exercise of

1 the general and special powers herein granted in the Revised Airports
2 Act.

3 Sec. 58. Section 3-218, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 3-218 All contracts for the acquisition, construction, enlargement,
6 improvement, maintenance, equipment, or operation of airports or other
7 air navigation facilities, made by the municipality itself or through the
8 agency of the Division Department of Aeronautics of the Department of
9 Transportation, shall be made pursuant to the laws of this state
10 governing the making of like contracts, except ; ~~Provided, however,~~ that
11 where such acquisition, construction, improvement, enlargement,
12 maintenance, equipment, or operation is financed wholly or partly with
13 federal money, the municipality, or the division Department of
14 Aeronautics as its agent, may let contracts in the manner prescribed by
15 the federal authorities, acting under the laws of the United States, and
16 any rules or regulations made thereunder.

17 Sec. 59. Section 3-222, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 3-222 For the purposes of sections 3-221 to 3-232 only, unless
20 another intention clearly appears or the context otherwise requires, this
21 state shall be included in the term municipality, and all the powers
22 conferred upon municipalities in the Revised Airports Act sections 3-201
23 to 3-238 and section 18-1502, if not otherwise conferred by law, are
24 hereby conferred upon this state when acting jointly with any
25 municipality or municipalities. Where reference is made to the governing
26 body of a municipality, that term shall mean, as to the state, the
27 Division its Department of Aeronautics of the Department of
28 Transportation.

29 Sec. 60. Section 3-227, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 3-227 Such board may exercise, on behalf of the municipalities

1 acting jointly by which it is appointed, all the powers of each of such
2 municipalities granted by the Revised Airports Act, except as otherwise
3 ~~herein provided in the act~~. Real property, airports, restricted landing
4 areas, air protection privileges, or personal property costing in excess
5 of a sum to be fixed by the joint agreement, may be acquired, and
6 condemnation proceedings may be instituted, only by authority of the
7 governing bodies of each of the municipalities involved. The total amount
8 of expenditures to be made by the board for any purpose in any calendar
9 year shall be determined by the municipalities involved by the approval
10 by each on or before the preceding May 1 first, of a budget for the
11 ensuing fiscal year. Rules and regulations provided for by subdivision
12 (2) of section 3-215 shall become effective only upon approval of each of
13 the appointing governing bodies and the Division Department of
14 Aeronautics of the Department of Transportation. No real property and no
15 airport, other air navigation facility, or air protection privilege,
16 owned jointly, shall be disposed of by the board, by sale, lease, or
17 otherwise, except by authority of all the appointing governing bodies,
18 but the board may lease space, area, or improvements and grant
19 concessions on airports for aeronautical purposes or purposes incidental
20 thereto, subject to ~~the provisions of~~ subdivision (3) of section 3-215.
21 This section shall not be construed to affect the obligation of a lessee
22 to pay taxes if taxes are due under sections 77-202, 77-202.11, and
23 77-202.12.

24 Sec. 61. Section 3-228, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 3-228 Each municipality, acting jointly with another, pursuant to
27 the Revised Airports Act ~~provisions of sections 3-221 to 3-232~~, is
28 authorized and empowered to enact, concurrently with the other
29 municipalities involved, such ordinances as are provided for by
30 subdivision (2) of section 3-215, and to fix by such ordinances penalties
31 for the violation thereof. Such ordinances, when so concurrently adopted,

1 shall have the same force and effect within the municipalities and on any
2 property jointly controlled by them or adjacent thereto, whether within
3 or without the territorial limits of either or any of them, as ordinances
4 of each municipality involved, and may be enforced in any one of the said
5 municipalities in like manner as are its individual ordinances. The
6 consent of the Division ~~Department~~ of Aeronautics of the Department of
7 Transportation to any such ordinance, where the state is a party to the
8 joint venture, shall be equivalent to the enactment of the ordinance by a
9 municipality. The publication provided for in subdivision (2) of section
10 3-215, ~~aforsaid,~~ shall be made in each municipality involved in the
11 manner provided by law or charter for publication of its individual
12 ordinances.

13 Sec. 62. Section 3-239, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 3-239 (1) No city airport authority, county airport authority, joint
16 airport authority, or municipality in this state, whether acting alone or
17 jointly with another city airport authority, county airport authority,
18 joint airport authority, or municipality, or with the state, shall submit
19 to any federal agency or department any project application under the
20 provisions of any act of Congress which provides airport planning or
21 airport construction and development funds for the expansion and
22 improvement of the airport system, unless the project and the project
23 application have been first approved by the Division ~~Department~~
24 Aeronautics of the Department of Transportation.

25 (2) Except as provided in subsection (3) of this section, no city
26 airport authority, county airport authority, joint airport authority, or
27 municipality shall directly accept, receive, receipt for, or disburse any
28 funds granted by the United States under any act of Congress pursuant to
29 subsection (1) of this section, but it shall designate the division
30 ~~Department of Aeronautics~~ as its agent and in its behalf to accept,
31 receive, receipt for, and disburse such funds. Such authorities and

1 municipalities shall enter into an agreement with the ~~division department~~
2 prescribing the terms and conditions of such agency in accordance with
3 federal laws, rules, and regulations, and applicable laws of this state.
4 Such money as is paid by the United States shall be retained by the state
5 or paid over to the city airport authority, county airport authority,
6 joint airport authority, or municipality under such terms and conditions
7 as may be imposed by the United States in making such grant.

8 (3) Any city airport authority, county airport authority, joint
9 airport authority, or municipality operating a primary airport may
10 directly accept, receive, receipt for, and disburse any funds granted by
11 the United States for the primary airport under the provisions of any act
12 of Congress pursuant to subsection (1) of this section by informing the
13 ~~division department~~, in writing, of its intent to do so. If an airport
14 loses its status as a primary airport before signing a grant agreement
15 with the United States, the airport shall be subject to ~~the provisions of~~
16 subsection (2) of this section.

17 (4) For purposes of this section:

18 (a) City airport authority means an authority established pursuant
19 to the Cities Airport Authorities Act;

20 (b) County airport authority means an authority established under
21 sections 3-601 to 3-622;

22 (c) Joint airport authority means an authority established under the
23 Joint Airport Authorities Act;

24 (d) Municipality means any county, city, or village, ~~or town~~ of this
25 state and any other political subdivision, public corporation, authority,
26 or district in this state which is or may be authorized by law to
27 acquire, establish, construct, maintain, improve, and operate airports
28 and other air navigation facilities; and

29 (e) Primary airport means any airport which:

30 (i) Receives scheduled passenger air service;

31 (ii) Has at least ten thousand revenue passenger enplanements or

1 boardings, as officially recorded by the United States, in at least one
2 of the most recent five calendar years for which official numbers are
3 available; and

4 (iii) Does not receive any funds apportioned by the United States
5 for nonprimary airports.

6 Sec. 63. Section 3-303, Revised Statutes Cumulative Supplement,
7 2016, is amended to read:

8 3-303 In order to prevent the creation or establishment of airport
9 hazards, every political subdivision that has an airport hazard area
10 within the area of its zoning jurisdiction shall adopt, administer, and
11 enforce, under the police power and in the manner and upon the conditions
12 prescribed in the Airport Zoning Act, airport zoning regulations for such
13 airport hazard area. The regulations shall meet the minimum regulations
14 as prescribed by the Division Department of Aeronautics of the Department
15 of Transportation and may divide such area into zones and, within such
16 zones, specify the land uses permitted and regulate and restrict the
17 height to which structures may be erected and trees allowed to grow,
18 except that a political subdivision or a joint airport zoning board
19 provided for in section 3-304 may include modifications or exceptions to
20 the airport zoning regulations adopted under the Airport Zoning Act that
21 the political subdivision or joint airport zoning board deems
22 appropriate. Such modifications and exceptions shall not be considered a
23 conflict for the purposes of section 3-306. The authority of a political
24 subdivision to adopt airport zoning regulations shall not be conditional
25 upon prior adoption of a comprehensive development plan or a
26 comprehensive zoning ordinance.

27 Sec. 64. Section 3-332, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 3-332 The Division Department of Aeronautics of the Department of
30 Transportation may ~~State of Nebraska is authorized~~ to aid and assist
31 municipalities and other political subdivisions of the state in planning,

1 developing, and carrying out programs for airport zoning in order to
2 secure uniformity therein as far as possible.

3 Sec. 65. Section 3-403, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 3-403 It shall be unlawful for any person, firm, or corporation,
6 without having first applied for and obtained a permit in writing from
7 the Division ~~Department~~ of Aeronautics of the Department of
8 Transportation ~~State of Nebraska~~, to build, erect, or maintain any
9 structure within the State of Nebraska, the height of which exceeds one
10 hundred fifty feet above the surface of the ground at point of
11 installation.

12 Sec. 66. Section 3-404, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 3-404 The application for the permit, required by section 3-403,
15 shall be made in writing on forms prescribed by the Division ~~Department~~
16 of Aeronautics of the Department of Transportation and shall contain or
17 be accompanied by details as to the location, construction, height, and
18 dimensions of the proposed structure, the nature of its intended use, and
19 such other information as the Director of Aeronautics may require. Upon
20 the filing of such application, the director shall make an investigation
21 and an aeronautical study of such proposed construction and its effect,
22 if any, upon air navigation, and the health, welfare, and safety of the
23 public. If the director, upon such investigation, shall determine that
24 such proposed structure will not constitute a hazard to air navigation
25 and will not interfere unduly with the public right of freedom of transit
26 in commerce through the air space affected thereby, the director he shall
27 issue to the applicant a permit, required by section 3-403, authorizing
28 the erection and construction of such structure, subject to such
29 conditions as to marking and lighting as the division ~~department~~ may
30 prescribe by its rules and regulations, authorized by section 3-407. If
31 the director he does not so determine, the director he shall deny the

1 application. In making such investigation, aeronautical study, and
2 determination, the director shall consider (1) the character of flying
3 operations expected to be conducted in the area concerned, (2) the nature
4 of the terrain, (3) the character of the neighborhood, (4) the uses to
5 which the property concerned is devoted or adaptable, (5) the proximity
6 to existing airports, airways, control areas, and control zones, (6) the
7 height of existing, adjacent structures, and (7) all the facts and
8 circumstances existing. The director He shall impose only such
9 restrictions or requirements as may be reasonably necessary to effectuate
10 the purposes ~~purpose~~ of sections 3-401 to 3-409.

11 Sec. 67. Section 3-405, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 3-405 Any person aggrieved by any action of the Division ~~Department~~
14 of Aeronautics of the Department of Transportation in granting or denying
15 a permit under the terms of sections 3-401 to 3-409 may appeal the
16 action, and the appeal shall be in accordance with the Administrative
17 Procedure Act.

18 Sec. 68. Section 3-407, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 3-407 All structures outside the corporate limits of cities and
21 villages, exceeding a height of two hundred feet above the surface of the
22 ground, and all structures within the corporate limits of cities and
23 villages exceeding a height of five hundred feet shall be marked and
24 lighted in accordance with rules and regulations adopted and promulgated
25 by the Division of Aeronautics of the Department of Transportation. The
26 division may established by the Department of Aeronautics. The department
27 ~~is authorized to~~ adopt and promulgate rules and regulations for the
28 marking and lighting of such structures in a manner calculated to prevent
29 collisions with such structures by aircraft. It shall be the duty of the
30 persons, firms, and corporations owning, maintaining, or using such
31 structures to provide and maintain such marking and lighting.

1 Sec. 69. Section 3-407.01, Revised Statutes Cumulative Supplement,
2 2016, is amended to read:

3 3-407.01 (1) A meteorological evaluation tower, the height of which
4 is at least fifty feet above the surface of the ground at point of
5 installation, shall be marked according to subsection (2) of this
6 section. This section applies to a meteorological evaluation tower that
7 is located outside the corporate limits of a city or village.

8 (2) A meteorological evaluation tower described in subsection (1) of
9 this section shall: (a) Be painted in seven equal-width and alternating
10 bands of aviation orange and white beginning with orange at the top of
11 the tower and ending with orange at the base; (b) have two or more
12 spherical marker balls at least twenty-one inches in diameter that are
13 aviation orange in color and attached to each outer guy wire connected to
14 the tower with the top ball no further than twenty feet from the top wire
15 connection and the remaining ball or balls at or below the midpoint of
16 the tower on the outer guy wires; and (c) have yellow safety sleeves
17 installed on each outer guy wire extending at least fourteen feet above
18 the anchor point of the guy wire.

19 (3) The owner of a meteorological evaluation tower subject to this
20 section shall, not less than ten business days prior to erecting the
21 tower, register with the Division Department of Aeronautics of the
22 Department of Transportation the name and address of the owner, the
23 height and location of the tower, and any other information that the
24 division department deems necessary for aviation safety. The owner of a
25 tower subject to this section shall also report the removal of the tower
26 to the division department not more than thirty business days after its
27 removal. The division department shall make the information received
28 pursuant to this subsection available to the public within five business
29 days.

30 (4) The owner of a meteorological evaluation tower described in
31 subsection (1) of this section that was erected prior to May 28, 2015,

1 and which is either lighted, marked with balls at least twenty-one inches
2 in diameter, painted, or modified in some other manner so it is
3 recognizable in clear air during daylight hours from a distance of not
4 less than two thousand feet, shall mark the tower as required by
5 subsection (2) of this section within two years after May 28, 2015, or at
6 such time the tower is taken down for maintenance or other purposes,
7 whichever comes first, except that the owner of a tower erected prior to
8 May 28, 2015, which is not lighted, marked, painted, or modified as
9 described in this subsection shall mark such tower as required by
10 subsection (2) of this section within ninety days after May 28, 2015. The
11 registration requirements of subsection (3) of this section shall be
12 performed by the owner of a tower erected prior to May 28, 2015, within
13 fifteen business days after May 28, 2015.

14 (5) A material failure to comply with the marking and registration
15 requirements of this section shall be admissible as evidence of
16 negligence on the part of an owner of a meteorological evaluation tower
17 in an action in tort for property damage, bodily injury, or death
18 resulting from an aerial collision with such unmarked or unregistered
19 tower.

20 (6) The division ~~department~~ may adopt and promulgate rules and
21 regulations for carrying out the purposes of this section.

22 Sec. 70. Section 3-408, Revised Statutes Cumulative Supplement,
23 2016, is amended to read:

24 3-408 Any person, firm, or corporation (1) violating any of the
25 provisions of sections 3-401 to 3-409, (2) submitting false information
26 in the application for a permit, (3) violating any rule or regulation
27 adopted and promulgated by the Division ~~Department~~ of Aeronautics of the
28 Department of Transportation pursuant to sections 3-401 to 3-409, (4)
29 failing to do and perform any act required by sections 3-401 to 3-409, or
30 (5) violating the terms of any permit issued pursuant to sections 3-401
31 to 3-409, shall be guilty of a Class III misdemeanor. Each day any

1 violation continues or any structure erected in violation of sections
2 3-401 to 3-409 shall continue in existence shall constitute a separate
3 offense.

4 Sec. 71. Section 3-409, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 3-409 In addition to the penalties provided for by section 3-408,
7 the erection and maintenance of any structure in violation of ~~the~~
8 ~~provisions of~~ sections 3-401 to 3-409 may be enjoined by any court of
9 competent jurisdiction in an action for that purpose commenced by the
10 Division Department of Aeronautics of the Department of Transportation or
11 any other interested person. The erection of such structure and
12 permitting the same to stand or remain, in violation of ~~the provisions of~~
13 sections 3-401 to 3-409, is hereby declared to be a nuisance and the
14 division department, or its authorized agent, is authorized to go upon
15 the premises and abate such nuisance by removing such structure after
16 five days' notice to the interested parties, to be served by mail
17 addressed to them at their last-known place of business or residence. The
18 expense incident to the removal of such structure shall be paid by the
19 owners thereof, and if the division department removes such structures as
20 provided in this section, the expense incurred by the division department
21 may be recovered from the sale of the structure or its salvage material.

22 Sec. 72. Section 12-1205, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 12-1205 (1) Any person who encounters or discovers human skeletal
25 remains or burial goods associated with an unmarked human burial in or on
26 the ground shall immediately cease any activity which may cause further
27 disturbance of the unmarked human burial and shall within forty-eight
28 hours report the presence and location of such remains or goods to a
29 local law enforcement officer in the county in which the remains or goods
30 are found. Any person who knowingly fails to make such a report shall be
31 guilty of a Class III misdemeanor.

1 (2) If human skeletal remains or burial goods associated with an
2 unmarked human burial in or on the ground are discovered by any employee,
3 contractor, or agent of the Department of Transportation ~~Roads~~ in
4 conjunction with highway construction, any construction in the area
5 immediately adjacent to such remains or goods shall cease. The department
6 or any of its employees, contractors, or agents shall within forty-eight
7 hours of the discovery of the remains or goods report the presence and
8 location of the remains or goods to a local law enforcement officer in
9 the county in which the remains or goods are found. Any remains or goods
10 may then be removed from the site following an examination by the
11 appropriate agency in accordance with section 39-1363 and any applicable
12 federal requirements. Following removal, the remains or goods shall be
13 disposed of in accordance with the Unmarked Human Burial Sites and
14 Skeletal Remains Protection Act. The construction project may continue
15 once the remains or goods have been removed.

16 Sec. 73. Section 13-520, Revised Statutes Cumulative Supplement,
17 2016, is amended to read:

18 13-520 The limitations in section 13-519 shall not apply to (1)
19 restricted funds budgeted for capital improvements, (2) restricted funds
20 expended from a qualified sinking fund for acquisition or replacement of
21 tangible personal property with a useful life of five years or more, (3)
22 restricted funds pledged to retire bonded indebtedness, used by a public
23 airport to retire interest-free loans from the Division ~~Department~~ of
24 Aeronautics of the Department of Transportation in lieu of bonded
25 indebtedness at a lower cost to the public airport, or used to pay other
26 financial instruments that are approved and agreed to before July 1,
27 1999, in the same manner as bonds by a governing body created under
28 section 35-501, (4) restricted funds budgeted in support of a service
29 which is the subject of an agreement or a modification of an existing
30 agreement whether operated by one of the parties to the agreement or by
31 an independent joint entity or joint public agency, (5) restricted funds

1 budgeted to pay for repairs to infrastructure damaged by a natural
2 disaster which is declared a disaster emergency pursuant to the Emergency
3 Management Act, (6) restricted funds budgeted to pay for judgments,
4 except judgments or orders from the Commission of Industrial Relations,
5 obtained against a governmental unit which require or obligate a
6 governmental unit to pay such judgment, to the extent such judgment is
7 not paid by liability insurance coverage of a governmental unit, or (7)
8 the dollar amount by which restricted funds budgeted by a natural
9 resources district to administer and implement ground water management
10 activities and integrated management activities under the Nebraska Ground
11 Water Management and Protection Act exceed its restricted funds budgeted
12 to administer and implement ground water management activities and
13 integrated management activities for FY2003-04.

14 Sec. 74. Section 13-912, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 13-912 If any person suffers personal injury or loss of life, or
17 damage to his or her property by means of insufficiency or want of repair
18 of a highway or bridge or other public thoroughfare, which a political
19 subdivision is liable to keep in repair, the person sustaining the loss
20 or damage, or his or her personal representative, may recover in an
21 action against the political subdivision, and if damages accrue in
22 consequence of the insufficiency or want of repair of a road or bridge or
23 other public thoroughfare, erected and maintained by two or more
24 political subdivisions, the action can be brought against all of the
25 political subdivisions liable for the repairs of the same; and damages
26 and costs shall be paid by the political subdivisions in proportion as
27 they are liable for the repairs. The procedure for filing such claims and
28 bringing suit shall be the same for claims under this section as for
29 other claims under the Political Subdivisions Tort Claims Act and
30 sections 16-727, 16-728, 23-175, 39-809, and 79-610. No political
31 subdivision shall be liable for damages occasioned by defects in state

1 highways and bridges thereon which the Department of Transportation Roads
2 is required to maintain, but the political subdivision shall not be
3 relieved of liability until the state has actually undertaken
4 construction or maintenance of such highways. It is the intent of the
5 Legislature that minimum maintenance highways and roads shall not be
6 deemed to be insufficient or in want of repair when they meet the minimum
7 standards for such highways and roads pursuant to section 39-2109.

8 Sec. 75. Section 13-1203, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 13-1203 For purposes of the Nebraska Public Transportation Act,
11 unless the context otherwise requires:

12 (1) Public transportation shall mean the transport of passengers on
13 a regular and continuing basis by motor carrier for hire, whether over
14 regular or irregular routes, over any public road in this state,
15 including city bus systems, intercity bus systems, special public
16 transportation systems to include portal-to-portal escorted service for
17 the elderly or handicapped, taxi, subscription, dial-a-ride, or other
18 demand-responsive systems, and those motor carriers for hire which may
19 carry elderly or handicapped individuals for a set fare, a donation, or
20 at no cost to such individuals. Public transportation shall not include
21 motor carriers for hire when engaged in the transportation of school
22 children and teachers to and from school and school-related activities
23 and shall not include private car pools;

24 (2) Department shall mean the Department of Transportation Roads;

25 (3) Director shall mean the Director-State Engineer;

26 (4) Elderly shall mean any person sixty-two years of age or older
27 who is drawing social security and every person sixty-five years of age
28 and older;

29 (5) Handicapped shall mean any individual who is unable without
30 special facilities or special planning or design to utilize public
31 transportation facilities and services;

1 (6) Municipality shall mean any village or incorporated city, except
2 cities of the metropolitan class operating under home rule charter;

3 (7) Qualified public-purpose organization shall mean an incorporated
4 private not-for-profit group or agency which:

5 (a) Has operated or proposes to operate only motor vehicles having a
6 seating capacity of twenty or less for the transportation of passengers
7 in the state;

8 (b) Has been approved as capable of providing public transportation
9 services by the appropriate city or county governing body; and

10 (c) Operates or proposes to operate a public transportation service
11 in an area which the department has identified as not being adequately
12 served by existing public or private transportation services pursuant to
13 section 13-1205; and

14 (8) Intercity bus system shall mean a system of regularly scheduled
15 bus service for the general public which operates with limited stops over
16 fixed routes connecting two or more communities or areas not in close
17 proximity which support public transportation service. At least one
18 terminus of the intercity bus system shall be in an area that makes
19 meaningful connections with intercity service to more distant points.

20 Sec. 76. Section 13-1210, Revised Statutes Cumulative Supplement,
21 2016, is amended to read:

22 13-1210 (1) The department ~~Department of Roads~~ shall annually
23 certify the amount of capital acquisition and operating costs eligible
24 for funding under the public transportation assistance program
25 established under section 13-1209.

26 (2) The department shall submit an annual report to the chairperson
27 of the Appropriations Committee of the Legislature on or before December
28 1 of each year regarding funds requested by each applicant for eligible
29 capital acquisition and operating costs in the current fiscal year
30 pursuant to subsection (2) of section 13-1209 and the total amount of
31 state grants projected to be awarded in the current fiscal year pursuant

1 to the public transportation assistance program. The report submitted to
2 the committee shall be submitted electronically. The report shall
3 separate into two categories the requests and grants awarded for
4 handicapped vans, otherwise known as paratransit vehicles, and requests
5 and grants awarded for handicapped-accessible fixed-route bus systems.

6 Sec. 77. Section 13-1212, Revised Statutes Cumulative Supplement,
7 2016, is amended to read:

8 13-1212 (1) The department ~~Department of Roads~~ shall administer
9 sections 13-1209 to 13-1212, and shall adopt and promulgate such rules
10 and regulations pursuant to the Administrative Procedure Act as are
11 necessary, including but not limited to defining eligible capital
12 acquisition and operating costs, establishing contractual and other
13 requirements including standardized accounting and reporting
14 requirements, which shall include the applicant's proposed service area,
15 the type of service proposed, all routes and schedules, and any further
16 information needed for recipients to ensure the maximum feasible
17 coordination and use of state funds, establishing application procedures,
18 and developing a policy for apportioning funds made available for this
19 program should they be insufficient to cover all eligible projects.
20 Priority on the allocation of all funds shall be given to those proposed
21 projects best suited to serve the needs of the elderly and handicapped
22 and to proposed projects with federal funding participation.

23 (2) Any public-purpose organization proposing to provide public
24 transportation denied financial assistance as a result of a determination
25 by the department ~~Department of Roads~~ that an area is adequately served
26 by existing transportation services may submit a petition to the
27 department requesting the department to reclassify the proposed service
28 area as not being adequately served by existing public transportation
29 services. The petition submitted to the department by the public-purpose
30 organization shall bear the signatures of at least fifty registered
31 voters residing in the proposed service area. Upon receipt of the

1 petition the department shall hold a public hearing in the proposed
2 service area and after such hearing shall determine whether the proposed
3 service area is already adequately served. In carrying out its duties
4 under this section the department shall comply with the provisions of the
5 Administrative Procedure Act. The department shall not be required to
6 conduct a reevaluation hearing for an area more frequently than once a
7 year.

8 Sec. 78. Section 14-2113, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 14-2113 The board of directors of the metropolitan utilities
11 district shall have general charge, supervision, and control of all
12 matters pertaining to the natural gas supply and the water supply of the
13 district for domestic, mechanical, public, and fire purposes. This shall
14 include the general charge, supervision, and control of the design,
15 construction, operation, maintenance, and extension or improvement of the
16 necessary plant to supply natural gas, to develop power, and to pump
17 water. It shall have the authority to enter upon and utilize streets,
18 alleys, and public grounds therefor upon due notice to the proper
19 authorities controlling same, subject to the provisions of sections
20 39-1361 and 39-1362, except that while any permit hereafter granted by
21 the Department of Transportation ~~Roads~~ under such provisions shall not be
22 construed to be a contract as referred to within the provisions of
23 section 39-1304.02, such parties may separately contract in relation to
24 relocation of facilities and reimbursement therefor. The board shall also
25 have the power to appropriate private property required by the district
26 for natural gas and water service, to purchase and contract for necessary
27 materials, labor, and supplies, and to supply water and natural gas
28 without the district upon such terms and conditions as it may deem
29 proper. The authority and power conferred in this section upon the board
30 of directors shall extend as far beyond the corporate limits of the
31 metropolitan utilities district as the board may deem necessary.

1 Sec. 79. Section 18-601, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 18-601 Any city or village shall have power by ordinance to avail
4 itself of federal funds for the construction within the city or village
5 limits of subways, viaducts, and approaches thereto, over or under
6 railroad tracks, and may authorize agreements with the Department of
7 Transportation ~~Roads~~ to construct such viaducts or subways, which shall
8 be paid for out of funds furnished by the federal government. The
9 ordinance shall approve detailed plans and specifications for such
10 construction, including a map showing the exact location that such
11 viaduct or subway is to occupy, which shall then and thereafter be kept
12 on file with the city or village clerk and be open to public inspection.
13 The ordinance shall make provision for the assumption of liability and
14 payment of consequential damages to property owners resulting from such
15 proposed construction and payment of damages for property taken therefor.
16 The procedure to condemn property shall be exercised in the manner set
17 forth in sections 76-704 to 76-724.

18 Sec. 80. Section 18-613, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 18-613 The Department of Transportation ~~Roads~~ shall be authorized to
21 enter into contracts for the construction of such viaduct or subway, in
22 accordance with such plans and specifications, immediately upon the
23 approval by the voters of such issuing of bonds.

24 Sec. 81. Section 25-2501, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 25-2501 It is the intent and purpose of sections 25-2501 to 25-2506
27 to establish a uniform procedure to be used in acquiring private property
28 for a public purpose by the State of Nebraska and its political
29 subdivisions and by all privately owned public utility corporations and
30 common carriers which have been granted the power of eminent domain. Such
31 sections shall not apply to:

1 (1) Water transmission and distribution pipelines and their
2 appurtenances and common carrier pipelines and their appurtenances;

3 (2) Public utilities and cities of all classes and villages when
4 acquiring property for a proposed project involving the acquisition of
5 rights or interests in ten or fewer separately owned tracts or when the
6 acquisition is within the corporate limits of any city or village;

7 (3) Sanitary and improvement districts organized under sections
8 31-727 to 31-762 when acquiring easements for a proposed project
9 involving the acquisition of rights or interests in ten or fewer
10 separately owned tracts;

11 (4) Counties and municipalities which acquire property through the
12 process of platting or subdivision or for street or highway construction
13 or improvements;

14 (5) Common carriers subject to regulation by the Federal Railroad
15 Administration of the United States Department of Transportation; or

16 (6) The Nebraska Department of Transportation Roads when acquiring
17 property for highway construction or improvements.

18 Sec. 82. Section 31-925, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 31-925 Where the cleaning of a ditch or watercourse involves a state
21 highway, the county board is authorized to make any contract with the
22 Department of Transportation Roads with reference to bridges or culverts
23 or, if unable to agree therein, to bring any action necessary to force
24 the state to participate in such ~~said~~ improvement.

25 Sec. 83. Section 39-102, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 39-102 In order to promote public safety, to preserve and protect
28 state highways, and to prevent immoderate and destructive use of state
29 highways, the Department of Transportation Roads may formulate, adopt,
30 and promulgate rules and regulations in regard to the use of and travel
31 upon the state highways consistent with Chapter 39 and the Nebraska Rules

1 of the Road. Such rules and regulations may include specifications,
2 standards, limitations, conditions, requirements, definitions,
3 enumerations, descriptions, procedures, prohibitions, restrictions,
4 instructions, controls, guidelines, and classifications relative to the
5 following:

6 (1) The issuance or denial of special permits for the travel of
7 vehicles or objects exceeding statutory size and weight capacities upon
8 the highways as authorized by section 60-6,298;

9 (2) Qualification and prequalification of contractors, including,
10 but not limited to, maximum and minimum qualifications, ratings,
11 classifications, classes of contractors or classes of work, or both, and
12 procedures to be followed;

13 (3) The setting of special load restrictions as provided in Chapter
14 39 and the Nebraska Rules of the Road;

15 (4) The placing, location, occupancy, erection, construction, or
16 maintenance, upon any highway or area within the right-of-way, of any
17 pole line, pipeline, or other utility located above, on, or under the
18 level of the ground in such area;

19 (5) Protection and preservation of trees, shrubbery, plantings,
20 buildings, structures, and all other things located upon any highway or
21 any portion of the right-of-way of any highway by the department;

22 (6) Applications for the location of, and location of, private
23 driveways, commercial approach roads, facilities, things, or
24 appurtenances upon the right-of-way of state highways, including, but not
25 limited to, procedures for applications for permits therefor and
26 standards for the issuance or denial of such permits, based on highway
27 traffic safety, and the foregoing may include reapplication for permits
28 and applications for permits for existing facilities, and in any event,
29 issuance of permits may also be conditioned upon approval of the design
30 of such facilities;

31 (7) Outdoor advertising signs, displays, and devices in areas where

1 the department is authorized by law to exercise such controls; and

2 (8) The Grade Crossing Protection Fund provided for in section
3 74-1317, including, but not limited to, authority for application,
4 procedures on application, effect of application, procedures for and
5 effect of granting such applications, and standards and specifications
6 governing the type of control thereunder.

7 This section shall not amend or derogate any other grant of power or
8 authority to the department to make or promulgate rules and regulations
9 but shall be additional and supplementary thereto.

10 Sec. 84. Section 39-103, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 39-103 Any person who operates a vehicle upon any highway in
13 violation of the rules and regulations of the Department of
14 Transportation ~~Roads~~ governing the use of state highways shall be guilty
15 of a Class III misdemeanor.

16 Sec. 85. Section 39-202, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 39-202 (1) Except as provided in sections 39-202 to 39-205, 39-215,
19 39-216, and 39-220, the erection or maintenance of any advertising sign,
20 display, or device beyond six hundred sixty feet of the right-of-way of
21 the National System of Interstate and Defense Highways and visible from
22 the main-traveled way of such highway system is prohibited.

23 (2) The following signs shall be permitted:

24 (a) Directional and official signs to include, but not be limited
25 to, signs and notices pertaining to natural wonders, scenic attractions,
26 and historical attractions. Such signs shall comply with standards and
27 criteria established by regulations of the Department of Transportation
28 ~~Roads~~ as promulgated from time to time;

29 (b) Signs, displays, and devices advertising the sale or lease of
30 property upon which such media are located;

31 (c) Signs, displays, and devices advertising activities conducted on

1 the property on which such media are located; and

2 (d) Signs in existence in accordance with sections 39-212 to 39-222,
3 to include landmark signs, signs on farm structures, markers, and plaques
4 of historical or artistic significance.

5 (3) For purposes of this section, visible shall mean the message or
6 advertising content of an advertising sign, display, or device is capable
7 of being seen without visual aid by a person of normal visual acuity. A
8 sign shall be considered visible even though the message or advertising
9 content may be seen but not read.

10 Sec. 86. Section 39-203, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 39-203 Just compensation shall be paid upon the removal of any
13 advertising sign, display, or device lawfully erected or in existence
14 prior to May 27, 1975, and not conforming to the provisions of sections
15 39-202 to 39-205, 39-215, 39-216, and 39-220 except as otherwise
16 authorized by such sections. The Department of Transportation ~~Roads~~ shall
17 not be required to expend any funds under the provisions of such sections
18 unless and until federal-aid matching funds are made available for this
19 purpose.

20 Sec. 87. Section 39-204, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 39-204 (1) Signs, displays, and devices giving specific information
23 of interest to the traveling public shall be erected by or at the
24 direction of the Department of Transportation ~~Roads~~ and maintained within
25 the right-of-way at appropriate distances from interchanges on the
26 National System of Interstate and Defense Highways and from roads of the
27 state primary system as shall conform with the rules and regulations
28 adopted and promulgated by the department to carry out this section and
29 section 39-205. Such rules and regulations shall be consistent with
30 national standards promulgated from time to time by the appropriate
31 authority of the federal government pursuant to 23 U.S.C. 131(f).

1 (2) For purposes of this section, specific information of interest
2 to the traveling public shall mean only information about camping,
3 lodging, food, attractions, and motor fuel and associated services,
4 including trade names.

5 (3) The minimum service that is required to be available for each
6 type of service shall include:

7 (a) Motor fuel services including:

8 (i) Vehicle services, which shall include fuel, oil, and water;

9 (ii) Restroom facilities and drinking water;

10 (iii) Continuous operation of such services for at least sixteen
11 hours per day, seven days per week, for freeways and expressways and
12 continuous operation of such services for at least twelve hours per day,
13 seven days per week, for conventional roads; and

14 (iv) Telephone services;

15 (b) Attraction services including:

16 (i) An attraction of regional significance with the primary purpose
17 of providing amusement, historical, cultural, or leisure activity to the
18 public;

19 (ii) Restroom facilities and drinking water; and

20 (iii) Adequate parking accommodations;

21 (c) Food services including:

22 (i) Licensing or approval of such services, when required;

23 (ii) Continuous operation of such services to serve at least two
24 meals per day, six days per week;

25 (iii) Modern sanitary facilities; and

26 (iv) Telephone services;

27 (d) Lodging services including:

28 (i) Licensing or approval of such services, when required;

29 (ii) Adequate sleeping accommodations; and

30 (iii) Telephone services; and

31 (e) Camping services including:

- 1 (i) Licensing or approval of such services, when required;
- 2 (ii) Adequate parking accommodations; and
- 3 (iii) Modern sanitary facilities and drinking water.

4 Sec. 88. Section 39-205, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 39-205 (1) Applicants for business signs shall furnish business
7 signs to the Department of Transportation ~~Roads~~ and shall pay to the
8 department an annual fee for posting each business sign and the actual
9 cost of material for, fabrication of, and erecting the specific
10 information sign panels where specific information sign panels have not
11 been installed.

12 (2) Upon receipt of the business signs and the annual fee, the
13 department shall post or cause to be posted the business signs where
14 specific information sign panels have been installed. The applicant shall
15 not be required to remove any advertising device to qualify for a
16 business sign except any advertising device which was unlawfully erected
17 or in violation of section 39-202, 39-203, 39-204, 39-205, 39-206,
18 39-215, 39-216, or 39-220, any rule or regulation of the department, or
19 any federal rule or regulation relating to informational signs. The
20 specific information sign panels and business signs shall conform to the
21 requirements of the Federal Beautification Act and the Manual on Uniform
22 Traffic Control Devices adopted pursuant to section 60-6,118.

23 (3) All revenue received for the posting or erecting of business
24 signs or specific information sign panels pursuant to this section shall
25 be deposited in the Highway Cash Fund, except that any revenue received
26 from the annual fee and for posting or erecting such signs in excess of
27 the state's costs shall be deposited in the General Fund.

28 (4) For purposes of this section, unless the context otherwise
29 requires:

30 (a) Business sign means a sign displaying a commercial brand,
31 symbol, trademark, or name, or combination thereof, designating a

1 motorist service. Business signs shall be mounted on a rectangular
2 information panel; and

3 (b) Specific information sign panel means a rectangular sign panel
4 with:

5 (i) The word gas, food, attraction, lodging, or camping;

6 (ii) Directional information; and

7 (iii) One or more business signs.

8 (5) The department shall provide notice of space available for
9 business signs on any specific information sign panel at least ninety
10 days prior to accepting or approving the posting of any business sign.

11 Sec. 89. Section 39-206, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 39-206 It is the intent of sections 39-204 and 39-205 to allow the
14 erection of specific information sign panels on the right-of-way of the
15 state highways under the following conditions:

16 (1) No state funds shall be used for the erection, maintenance, or
17 servicing of such signs;

18 (2) Such signs shall be erected in accordance with federal standards
19 and the rules and regulations adopted and promulgated by the Department
20 of Transportation Roads;

21 (3) Such signs may be erected by the department or by a contractor
22 selected through the competitive bidding process; and

23 (4) The department shall charge an annual fee in an amount equal to
24 the fair market rental value of the sign site and any other cost to the
25 state associated with the erection, maintenance, or servicing of specific
26 information sign panels. If such sign is erected by a contractor, the
27 annual fee shall be limited to the fair market rental value of the sign
28 site.

29 Sec. 90. Section 39-207, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 39-207 Tourist-oriented directional sign panels shall be erected and

1 maintained by or at the direction of the Department of Transportation
2 ~~Roads~~ within the right-of-way of rural highways which are part of the
3 state highway system to provide tourist-oriented information to the
4 traveling public in accordance with sections 39-207 to 39-211.

5 For purposes of such sections:

6 (1) Rural highways means (a) all public highways and roads outside
7 the limits of an incorporated municipality exclusive of freeways and
8 interchanges on expressways and (b) all public highways and roads within
9 incorporated municipalities having a population of forty thousand people
10 or less exclusive of freeways and interchanges on expressways.
11 Expressway, freeway, and interchange are used in this subdivision as they
12 are defined in section 39-1302; and

13 (2) Sign panel means one or more individual signs mounted as an
14 assembly on the same supports.

15 Sec. 91. Section 39-208, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 39-208 (1) The Department of Transportation ~~Roads~~ shall erect
18 tourist-oriented directional sign panels on the right-of-way of the rural
19 highways pursuant to section 39-207 under the following conditions:

20 (a) No state funds shall be used for the erection, maintenance, or
21 servicing of the sign panels;

22 (b) The sign panels shall be erected in accordance with federal
23 standards and the rules and regulations adopted and promulgated by the
24 department;

25 (c) The sign panels may be erected by the department or by a
26 contractor selected by the department through the competitive negotiation
27 process;

28 (d) No more than three sign panels shall be installed on the
29 approach to an intersection; and

30 (e) The department shall charge an annual fee in an amount equal to
31 the fair market rental value of the sign panel site and any other cost to

1 the state associated with the erection, maintenance, or servicing of
2 tourist-oriented directional sign panels. If the sign panel is erected by
3 a contractor, the annual fee to the department shall be limited to the
4 fair market rental value of the sign panel site.

5 (2) All revenue received for the posting or erecting of tourist-
6 oriented directional sign panels pursuant to this section shall be
7 deposited in the Highway Cash Fund, except that any revenue received from
8 the annual fee and for posting or erecting such sign panels in excess of
9 the state's costs shall be deposited in the General Fund.

10 Sec. 92. Section 39-210, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 39-210 To qualify to appear on a tourist-oriented directional sign
13 panel, an activity shall be licensed and approved by the state and local
14 agencies if required by law and be open to the public at least eight
15 hours per day, five days per week, including Saturdays or Sundays, during
16 the normal season of the activity, except that if the activity is a
17 winery, the winery shall be open at least twenty hours per week. The
18 activity, before qualifying to appear on a sign panel, shall provide to
19 the Department of Transportation ~~Roads~~ assurance of its conformity with
20 all applicable laws relating to discrimination based on race, creed,
21 color, sex, national origin, ancestry, political affiliation, or
22 religion. If the activity violates any of such laws, it shall lose its
23 eligibility to appear on a tourist-oriented directional sign panel. In
24 addition, the qualifying activity shall be required to remove any
25 advertising device which was unlawfully erected or which is in violation
26 of section 39-202, 39-203, 39-204, 39-205, 39-206, 39-215, 39-216, or
27 39-220, any rule or regulation of the department, or any federal rule or
28 regulation relating to tourist-oriented directional sign panels. The
29 tourist-oriented directional sign panels shall conform to the
30 requirements of the Federal Beautification Act and the Manual on Uniform
31 Traffic Control Devices as adopted pursuant to section 60-6,118.

1 Sec. 93. Section 39-211, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 39-211 The Department of Transportation ~~Roads~~ shall adopt and
4 promulgate rules and regulations deemed necessary by the department to
5 carry out sections 39-207 to 39-211.

6 Sec. 94. Section 39-212, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 39-212 (1) The Department of Transportation ~~Roads~~ may acquire the
9 interest in real or personal property necessary to exercise the power
10 authorized by subdivision (2)(m) of section 39-1320 and to pay just
11 compensation upon removal of the following outdoor advertising signs,
12 displays, and devices, as well as just compensation for the disconnection
13 and removal of electrical service to the same:

14 (a) Those lawfully erected or in existence prior to March 27, 1972,
15 and not conforming to the provisions of sections 39-212 to 39-222 except
16 as otherwise authorized by such sections; and

17 (b) Those lawfully erected after March 27, 1972, which become
18 nonconforming after being erected.

19 (2) Such compensation for removal of such signs, displays, and
20 devices is authorized to be paid only for the following:

21 (a) The taking from the owner of such sign, display, or device or of
22 all right, title, leasehold, and interest in connection with such sign,
23 display, or device, or both; and

24 (b) The taking from the owner of the real property on which the
25 sign, display, or device is located of the right to erect and maintain
26 such signs, displays, and devices thereon.

27 (3) In all instances where signs, displays, or devices which are
28 served electrically are taken under subdivision (2)(a) of this section,
29 the department shall pay just compensation to the supplier of electricity
30 for supportable costs of disconnection and removal of such service to the
31 nearest distribution line or, in the event such sign, display, or device

1 is relocated, just compensation for removal of such service to the point
2 of relocation.

3 Except for expenditures for the removal of nonconforming signs
4 erected between April 16, 1982, and May 27, 1983, the department shall
5 not be required to expend any funds under sections 39-212 to 39-222 and
6 39-1320 unless and until federal-aid matching funds are made available
7 for this purpose.

8 Sec. 95. Section 39-213, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 39-213 (1) In order that this state may qualify for the payments
11 authorized in 23 U.S.C. 131(c) and (e), and to comply with the provisions
12 of 23 U.S.C. 131 as revised and amended on October 22, 1965, by Public
13 Law 89-285, the Nebraska Department of Transportation Roads, for and in
14 the name of the State of Nebraska, is authorized to enter into an
15 agreement, or agreements, with the Secretary of Transportation of the
16 United States, which agreement or agreements shall include provisions for
17 regulation and control of the erection and maintenance of advertising
18 signs, displays, and other advertising devices and may include, among
19 other things, provisions for preservation of natural beauty, prevention
20 of erosion, landscaping, reforestation, development of viewpoints for
21 scenic attractions that are accessible to the public without charge, and
22 the erection of markers, signs, or plaques, and development of areas in
23 appreciation of sites of historical significance.

24 (2) It is the intention of the Legislature that the state shall be
25 and is hereby empowered and directed to continue to qualify for and
26 accept bonus payments pursuant to 23 U.S.C. 131(j) and subsequent
27 amendments as amended in the Federal Aid Highway Acts of 1968 and 1970
28 for controlling outdoor advertising within the area adjacent to and
29 within six hundred sixty feet of the edge of the right-of-way of the
30 National System of Interstate and Defense Highways constructed upon any
31 part of the right-of-way the entire width of which is acquired subsequent

1 to July 1, 1956, and, to this end, to continue any agreements with, and
2 make any new agreements with the Secretary of Transportation, to
3 accomplish the same. Such agreement or agreements shall also provide for
4 excluding from application of the national standards segments of the
5 National System of Interstate and Defense Highways which traverse
6 commercial or industrial zones within the boundaries of incorporated
7 municipalities as they existed on September 21, 1959, wherein the use of
8 real property adjacent to the National System of Interstate and Defense
9 Highways is subject to municipal regulation or control, or which traverse
10 other areas where the land use, as of September 21, 1959, is clearly
11 established by state law as industrial or commercial.

12 (3) It is also the intention of the Legislature that the state shall
13 comply with 23 U.S.C. 131, as revised and amended on October 22, 1965, by
14 Public Law 89-285, in order that the state not be penalized by the
15 provisions of subsection (b) thereof, and that the Nebraska Department of
16 Transportation ~~department~~ shall be and is hereby empowered and directed
17 to make rules and regulations in accord with the agreement between the
18 Nebraska Department of Transportation ~~department~~ and the United States
19 Department of Transportation dated October 29, 1968.

20 Sec. 96. Section 39-214, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 39-214 Whenever advertising rights are acquired by the Department of
23 Transportation ~~department~~ pursuant to subdivision (2)(m) of section
24 39-1320 or an agreement has been entered into as authorized by section
25 39-213, it shall be the duty of the department ~~Department of Roads~~ to
26 adopt and promulgate reasonable rules and regulations for the control of
27 outdoor advertising within the area specified in such subdivision, which
28 rules and regulations shall have as their minimum requirements the
29 provisions of 23 U.S.C. 131 and regulations adopted pursuant thereto, as
30 amended on March 27, 1972.

31 Sec. 97. Section 39-216, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 39-216 It shall be unlawful for any person to place or cause to be
3 placed any advertising sign, display, or device which is visible from the
4 main-traveled way of the Highway Beautification Control System or upon
5 land not owned by such person, without first procuring a written lease
6 from the owner of such land and a permit from the Department of
7 Transportation Roads authorizing such display or device to be erected as
8 permitted by the advertising laws, rules, and regulations of this state.

9 Sec. 98. Section 39-217, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 39-217 (1) The Department of Transportation Roads may designate
12 portions of the state highway system as a scenic byway when the highway
13 corridor possesses unusual, exceptional, or distinctive scenic, historic,
14 recreational, cultural, or archeological features. The department shall
15 adopt and promulgate rules and regulations establishing the procedure and
16 criteria to be utilized in making scenic byway designations.

17 (2) Any portion of a highway designated as a scenic byway which is
18 located within the limits of any incorporated municipality shall not be
19 designated as part of the scenic byway, except when such route possesses
20 intrinsic scenic, historic, recreational, cultural, or archeological
21 features which support designation of the route as a scenic byway.

22 Sec. 99. Section 39-218, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 39-218 No sign shall be erected which is visible from the main-
25 traveled way of any scenic byway except (1) directional and official
26 signs to include, but not be limited to, signs and notices pertaining to
27 natural wonders, scenic attractions, and historical attractions, (2)
28 signs, displays, and devices advertising the sale or lease of property
29 upon which such media are located, and (3) signs, displays, and devices
30 advertising activities conducted on the property on which such media are
31 located. Signs which are allowed shall comply with the standards and

1 criteria established by rules and regulations of the Department of
2 Transportation Roads.

3 Sec. 100. Section 39-219, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 39-219 Outdoor advertising signs, displays, and devices erected
6 prior to March 27, 1972, may continue in zoned or unzoned commercial or
7 industrial areas, notwithstanding the fact that such outdoor advertising
8 signs, displays, and devices do not comply with standards and criteria
9 established by sections 39-212 to 39-222 or rules and regulations of the
10 Department of Transportation Roads.

11 Sec. 101. Section 39-220, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 39-220 The Department of Transportation Roads may at its discretion
14 require permits for advertising signs, displays, or devices which are
15 placed or allowed to exist along or upon any interstate or primary
16 highway or at any point visible from the main-traveled way, except for
17 signs located within an area of fifty feet of any commercial or
18 industrial building on the premises. Such permits shall be renewed
19 biennially. Each sign shall bear on the side facing the highway the
20 permit number in a readily observable place for inspection purposes from
21 the highway right-of-way. The department is authorized to charge a fee to
22 be not less than twenty-five cents or not to exceed fifteen dollars for
23 each permit and renewal permit for each individual sign. The department
24 shall promulgate rules and regulations establishing, and from time to
25 time adjusting, the annual fees for the permits to cover the costs of
26 administering sections 39-212 to 39-226 and may by rule and regulation
27 provide exceptions from the payment of fees for signs advertising
28 eleemosynary or nonprofit public service activities, signs designating
29 historical sites, and farm and ranch directional signs. The department
30 may revoke the permit for noncompliance reasons and remove the sign if,
31 after thirty days' notification to the sign owner, the sign remains in

1 noncompliance. Printed sale bills not exceeding two hundred sixteen
2 square inches in size shall not require a permit if otherwise conforming.

3 Sec. 102. Section 39-221, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 39-221 Any person, firm, company, or corporation violating any of
6 the provisions of sections 39-212 to 39-222 shall be guilty of a Class V
7 misdemeanor. In addition to any other available remedies, the Director-
8 State Engineer, for the Department of Transportation Roads and in the
9 name of the State of Nebraska, may apply to the district court having
10 jurisdiction for an injunction to force compliance with any of the
11 provisions of such sections or rules and regulations promulgated
12 thereunder. When any person, firm, company, or corporation deems its
13 property rights have been adversely affected by the application of the
14 provisions of such sections, such person, firm, company, or corporation
15 shall have the right to have damages ascertained and determined pursuant
16 to Chapter 76, article 7.

17 Sec. 103. Section 39-222, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 39-222 Sections 39-212 to 39-221 shall not be construed to prevent
20 the Department of Transportation Roads from (1) exercising the power of
21 eminent domain to accomplish the removal of any sign or signs or (2)
22 acquiring any interest in real or personal property necessary to exercise
23 the powers authorized by such sections whether within or without zoned or
24 unzoned commercial or industrial areas.

25 Sec. 104. Section 39-223, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 39-223 Any community, board of county commissioners, municipality,
28 county, city, a specific region or area of the state, or other
29 governmental or quasi-governmental agency which is part of a specific
30 economic area located along the Highway Beautification Control System of
31 the State of Nebraska may petition the Department of Transportation Roads

1 for an exemption from mandatory removal of any legal, nonconforming
2 directional signs, displays, or devices as defined by 23 U.S.C. 131(o),
3 which signs, displays, or devices were in existence on May 5, 1976. The
4 petitioning agency shall supply such documents as are supportive of its
5 petition for exemption.

6 The Department of Transportation Roads is hereby authorized to seek
7 the exemptions authorized by 23 U.S.C. 131(o) in accordance with the
8 federal regulations promulgated thereunder, 23 C.F.R., part 750, subpart
9 E, if the petitioning agency shall supply the necessary documents to
10 justify such exemptions.

11 Sec. 105. Section 39-224, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 39-224 Upon receipt of a ~~such~~ petition under section 39-223, the
14 Nebraska Department of Transportation Roads shall make request of the
15 United States Department of Transportation for permission to retain the
16 directional signs, displays, or devices which provide information for the
17 specific economic area responsible for the petition.

18 Sec. 106. Section 39-225, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 39-225 The Department of Transportation Roads shall adopt future
21 programs to assure that removal of directional signs, displays, or
22 devices, providing directional information about goods and services in
23 the interest of the traveling public, not otherwise exempted by economic
24 hardship, be deferred until all other nonconforming signs, on a statewide
25 basis, are removed.

26 Sec. 107. Section 39-308, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 39-308 It shall be the duty of the owner of real property to remove
29 from such property any tree, plant, shrub, or other obstruction, or part
30 thereof, which, by obstructing the view of any driver, constitutes a
31 traffic hazard. When the Department of Transportation Roads or any local

1 authority determines upon the basis of engineering and traffic
2 investigation that such a traffic hazard exists, it shall notify the
3 owner and order that the hazard be removed within ten days. Failure of
4 the owner to remove such traffic hazard within ten days shall constitute
5 a Class V misdemeanor, and every day such owner fails to remove it shall
6 be a separate offense.

7 Sec. 108. Section 39-311, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 39-311 (1) No person shall throw or deposit upon any highway:

10 (a) Any glass bottle, glass, nails, tacks, wire, cans, or other
11 substance likely to injure any person or animal or damage any vehicle
12 upon such highway; or

13 (b) Any burning material.

14 (2) Any person who deposits or permits to be deposited upon any
15 highway any destructive or injurious material shall immediately remove
16 such or cause it to be removed.

17 (3) Any person who removes a wrecked or damaged vehicle from a
18 highway shall remove any glass or other injurious substance deposited on
19 the highway from such vehicle.

20 (4) The Department of Transportation ~~Roads~~ or a local authority as
21 defined in section 60-628 may procure and place at reasonable intervals
22 on the side of highways under its respective jurisdiction appropriate
23 signs showing the penalty for violating this section. Such signs shall be
24 of such size and design as to be easily read by persons on such highways,
25 but the absence of such a sign shall not excuse a violation of this
26 section.

27 (5) It shall be the duty of all Nebraska State Patrol officers,
28 conservation officers, sheriffs, deputy sheriffs, and other law
29 enforcement officers to enforce this section and to make prompt
30 investigation of any violations of this section reported by any person.

31 (6) Any person who violates any provision of this section shall be

1 guilty of (a) a Class III misdemeanor for the first offense, (b) a Class
2 II misdemeanor for the second offense, and (c) a Class I misdemeanor for
3 the third or subsequent offense.

4 Sec. 109. Section 39-312, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 39-312 It shall be unlawful to camp on any state or county public
7 highway, roadside area, park, or other property acquired for highway or
8 roadside park purposes except at such places as are designated campsites
9 by the Department of Transportation ~~Roads~~ or the county or other legal
10 entity of government owning or controlling such places. This provision
11 shall not apply to lands originally acquired for highway purposes which
12 have been transferred or leased to the Game and Parks Commission or a
13 natural resources district or to other lands owned or controlled by the
14 Game and Parks Commission where camping shall be controlled by the
15 provisions of section 37-305 or by a natural resources district where
16 camping shall be controlled by the provisions of section 2-3292.

17 For purposes of this section, camping means temporary lodging out of
18 doors and presupposes the occupancy of a shelter designed or used for
19 such purposes, such as a sleeping bag, tent, trailer, station wagon,
20 pickup camper, camper-bus, or other vehicle, and the use of camping
21 equipment and camper means an occupant of any such shelter.

22 Any person who camps on any state or county public highway, roadside
23 area, park, or other property acquired for highway or roadside park
24 purposes, which has not been properly designated as a campsite, or any
25 person who violates any lawfully promulgated rules or regulations
26 properly posted to regulate camping at designated campsites shall be
27 guilty of a Class V misdemeanor and shall be ordered to pay any amount as
28 determined by the court which may be necessary to reimburse the
29 department or the county for the expense of repairing any damage to such
30 campsite resulting from such violation.

31 Sec. 110. Section 39-805, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 39-805 Whenever any public highway within this state shall cross or
3 be crossed by any ditch or channel of any public drainage or irrigation
4 district, it shall be the duty of the governing board of the drainage or
5 irrigation district and the governing board of the county or municipal
6 corporation involved to negotiate and agree for the building and
7 maintenance of bridges and approaches thereto on such terms as shall be
8 equitable, all things considered, between such drainage or irrigation
9 district and such county or municipality. If such boards for any reason
10 shall fail to agree with reference to such ~~said~~ matter, it shall be the
11 duty of the drainage or irrigation district to build the necessary
12 bridges and approaches, and restore the highway in question to its former
13 state as nearly as may be as it was laid out prior to the construction of
14 the ditch or channel in question, and it shall be the duty of the county
15 or municipal corporation involved to maintain the ~~said~~ bridges and
16 approaches. Where ; ~~Provided, where~~ more than seventy-five percent of the
17 water passing through any such ditch or channel is used by any person,
18 firm, or corporation for purposes other than irrigation or drainage, it
19 shall be the duty of such person, firm, or corporation, so using such
20 seventy-five percent or more of such water, to build and maintain solely
21 at the his, their or its expense of such person, firm, or corporation,
22 all such bridges and approaches thereto. Any bridge that may be built by
23 any drainage or irrigation district or by any person, firm, or
24 corporation under the provisions of this section shall be constructed
25 under the supervision of the Department of Transportation Roads, if on a
26 state highway, and under the supervision of the county board or governing
27 body of a municipality, if under the jurisdiction of such board or
28 governing body of such municipality.

29 Sec. 111. Section 39-822, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 39-822 The county board shall keep in the office of the county clerk

1 of the county a sufficient supply of the prints of the plans and the
2 printed copies of the specifications and estimates of the cost of
3 construction mentioned in section 39-821, to be furnished by the
4 Director-State Engineer for distribution to prospective bidders and
5 taxpayers of the county. No contract shall be entered into under the
6 provisions of sections 39-810 to 39-826 for the construction or erection
7 of any bridge or bridges unless, for the period of thirty days
8 immediately preceding the time of entering into such contract, there
9 shall have been available for distribution by the county clerk such ~~the~~
10 plans and specifications ~~as aforesaid~~. The county boards of the several
11 counties shall prepare and transmit to the Department of Transportation
12 ~~Roads~~ a statement accompanied by the plans and specifications, showing
13 the cost of all bridges built in their counties under the provisions of
14 such ~~said~~ sections, and state therein whether they were built under a
15 contract or by the county.

16 Sec. 112. Section 39-826.01, Reissue Revised Statutes of Nebraska,
17 is amended to read:

18 39-826.01 The Department of Transportation ~~Roads~~ or the county board
19 shall, prior to the design or construction of a new bridge or culvert in
20 a new or existing highway or road within its jurisdiction, notify in
21 writing, by first-class mail, the natural resources district in which
22 such bridge or culvert will be located. The natural resources district
23 shall, pursuant to section 39-826.02, determine whether it would be
24 beneficial to the district to have a dam constructed in lieu of the
25 proposed bridge or culvert. If the district shall determine that a dam
26 would be more beneficial, the department ~~Department of Roads~~ or the
27 county board and the natural resources district shall jointly determine
28 the feasibility of constructing a dam to support the road in lieu of a
29 bridge or culvert. If the department ~~Department of Roads~~ or the county
30 board and the natural resources district cannot agree regarding the
31 feasibility of a dam, the decision of the department ~~Department of Roads~~,

1 in the case of the state highway system, or the county board, in the case
2 of the county road system, shall be controlling.

3 Sec. 113. Section 39-826.02, Reissue Revised Statutes of Nebraska,
4 is amended to read:

5 39-826.02 If a natural resources district shall receive notice of a
6 proposed bridge or culvert, pursuant to section 39-826.01, the district
7 shall make a study to determine whether it would be practicable to
8 construct a dam at or near the proposed site which could be used to
9 support a highway or road. In making the study, such district shall
10 consider the benefit which would be derived and the feasibility of such a
11 dam. After it has made its determination, the natural resources district
12 shall notify the Department of Transportation Roads or the county board
13 and shall, if the district favors such a dam, assist in the joint
14 feasibility study and provide any other assistance which may be required.

15 Sec. 114. Section 39-847, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 39-847 (1) Any county board may apply, in writing, to the Department
18 of Transportation Roads for state aid in the replacement of any bridge
19 under the jurisdiction of such board. The application shall contain a
20 description of the bridge, with a preliminary estimate of the cost of
21 replacement thereof, and a certified copy of the resolution of such
22 board, pledging such county to furnish fifty percent of the cost of
23 replacement of such bridge. The county's share of replacement cost may be
24 from any source except the State Aid Bridge Fund, except ~~; Provided,~~ that
25 where there is any bridge which is the responsibility of two counties,
26 either county may make application to the department and, if the
27 application is approved by the department, such county and the department
28 may replace such bridge and recover, by suit, one-half of the county's
29 cost of such bridge from the county failing or refusing to join in such
30 application. All requests for bridge replacement under sections 39-846 to
31 39-847.01 shall be forwarded by the department to the Board of Public

1 Roads Classifications and Standards. Such board shall establish
2 priorities for bridge replacement based on critical needs. The board
3 shall, in June and December of each year, consider such applications and
4 establish priorities for a period of time consistent with sections
5 39-2115 to 39-2119. The board shall return the applications to the
6 department with the established priorities.

7 (2) The plans and specifications for each bridge shall be furnished
8 by the department ~~Department of Roads~~ and replacement shall be under the
9 supervision of the department ~~Department of Roads~~ and the county board.

10 (3) Any contract for the replacement of any such bridge shall be
11 made by the department ~~Department of Roads~~ consistent with procedures for
12 contracts for state highways and federal-aid secondary roads.

13 (4) After the replacement of any such bridge and the acceptance
14 thereof by the department ~~Department of Roads~~, any county having
15 jurisdiction over it shall have sole responsibility for maintenance.

16 Sec. 115. Section 39-847.01, Reissue Revised Statutes of Nebraska,
17 is amended to read:

18 39-847.01 The State Treasurer shall transfer monthly thirty-two
19 thousand dollars from the ~~Department of Roads'~~ share of the Department of
20 Transportation of the Highway Trust Fund and thirty-two thousand dollars
21 from the counties' share of the Highway Trust Fund which is allocated to
22 bridges to the State Aid Bridge Fund.

23 Sec. 116. Section 39-892, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 39-892 For purposes of the Interstate Bridge Act of 1959, unless the
26 context otherwise requires:

27 (1) Approach shall mean that portion of any interstate bridge which
28 allows the highway access to the bridge structure. It shall be measured
29 along the centerline of the highway from the end of the bridge structure
30 to the nearest right-of-way line of the closest street or road where
31 traffic may leave the highway to avoid crossing the bridge, but in no

1 event shall such approach exceed a distance of one mile. The term shall
2 be construed to include all embankments, fills, grades, supports,
3 drainage facilities, and appurtenances necessary therefor;

4 (2) Appurtenances shall include, but not be limited to, sidewalks,
5 storm sewers, guardrails, handrails, steps, curb or grate inlets, fire
6 plugs, retaining walls, lighting fixtures, and all other items of a
7 similar nature which the department deems necessary for the proper
8 operation of any interstate bridge or for the safety and convenience of
9 the traveling public;

10 (3) Boundary line bridge shall mean any bridge upon which no toll,
11 fee, or other consideration is charged for passage thereon and which
12 connects the state highway systems of the State of Nebraska and an
13 adjoining state in the same manner as an interstate bridge. Such bridges
14 shall be composed of right-of-way, bridge structure, approaches, and road
15 in the same manner as an interstate bridge but shall be distinguished
16 from an interstate bridge in that no part of such bridge shall be a part
17 of the state highway system, the title to such bridge being vested in a
18 person other than the State of Nebraska, or the State of Nebraska and an
19 adjoining state jointly. Any boundary line bridge purchased or acquired
20 by the department, or the department and an adjoining state jointly, and
21 added to the state highway system shall be deemed an interstate bridge;

22 (4) Boundary line toll bridge shall mean any boundary line bridge
23 upon which a fee, toll, or other consideration is charged traffic for the
24 use thereof. Any boundary line toll bridge purchased or acquired by the
25 department, or by the department and an adjoining state jointly, and
26 added to the state highway system shall be deemed an interstate bridge;

27 (5) Bridge structure shall mean the superstructure and substructure
28 of any interstate bridge having a span of not less than twenty feet
29 between undercopings of extreme end abutments, or extreme ends of
30 openings of multiple boxes, when measured along the centerline of the
31 highway thereon, and shall be construed to include the supports therefor

1 and all appurtenances deemed necessary by the department;

2 (6) Construction shall mean the erection, fabrication, or alteration
3 of the whole or any part of any interstate bridge. For purposes of this
4 subdivision, alteration shall be construed to be the performance of
5 construction by which the form or design of any interstate bridge is
6 changed or modified;

7 (7) Department shall mean the Department of Transportation Roads;

8 (8) Emergency shall include, but not be limited to, acts of God,
9 invasion, enemy attack, war, flood, fire, storm, traffic accidents, or
10 other actions of similar nature which usually occur suddenly and cause,
11 or threaten to cause, damage requiring immediate attention;

12 (9) Expressway shall be defined in the manner provided by section
13 39-1302;

14 (10) Freeway shall be defined in the manner provided by section
15 39-1302;

16 (11) Highway shall mean a road, street, expressway, or freeway,
17 including the entire area within the right-of-way, which has been
18 designated a part of the state highway system;

19 (12) Interstate bridge shall mean the right-of-way, approaches,
20 bridge structure, and highway necessary to form a passageway for highway
21 traffic over the boundary line of the State of Nebraska from a point
22 within the State of Nebraska to a point within an adjoining state for the
23 purpose of spanning any obstruction or obstructions which would otherwise
24 hinder the free and safe flow of traffic between such points, such bridge
25 being a part of the state highway system with title vested in the State
26 of Nebraska or in the State of Nebraska and an adjoining state jointly;

27 (13) Interstate bridge purposes shall include, but not be limited
28 to, the applicable provisions of subdivisions (2)(a) through (1) of
29 section 39-1320;

30 (14) Maintenance shall mean the act, operation, or continuous
31 process of repair, reconstruction, or preservation of the whole or any

1 part of any interstate bridge for the purpose of keeping it at or near
2 its original standard of usefulness and shall include the performance of
3 traffic services for the safety and convenience of the traveling public.
4 For purposes of this subdivision, reconstruction shall be construed to be
5 the repairing or replacing of any part of any interstate bridge without
6 changing or modifying the form or design of such bridge;

7 (15) Person shall include bodies politic and corporate, societies,
8 communities, the public generally, individuals, partnerships, limited
9 liability companies, joint-stock companies, and associations;

10 (16) Right-of-way shall mean land, property, or interest therein,
11 usually in a strip, acquired for or devoted to an interstate bridge;

12 (17) State highway system shall mean the highways within the State
13 of Nebraska as shown on the map provided for in section 39-1311 and as
14 defined by section 39-1302;

15 (18) Street shall be defined in the manner provided by section
16 39-1302;

17 (19) Title shall mean the evidence of right to property or the right
18 itself; and

19 (20) Traffic services shall mean the operation of an interstate
20 bridge facility, and the services incidental thereto, to provide for the
21 safe and convenient flow of traffic over such bridge. Such services shall
22 include, but not be limited to, erection of snow fence, snow and ice
23 removal, painting, repairing, and replacing signs, guardrails, traffic
24 signals, lighting standards, pavement stripes and markings, adding
25 conventional traffic control devices, furnishing power for road lighting
26 and traffic control devices, and replacement of parts.

27 Sec. 117. Section 39-1010, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 39-1010 (1) Except as otherwise provided in this subsection, all
30 mailboxes shall be placed such that no part of the mailbox extends beyond
31 the shoulder line of any highway and the mailbox support shall be placed

1 a minimum of one foot outside the shoulder line of any gravel-surfaced
2 highway, and of any hard-surfaced highway having a shoulder width of six
3 feet or more as measured from the edge of the hard surfacing. Along hard-
4 surfaced highways having a shoulder width of less than six feet, the
5 Department of Transportation ~~Roads~~ shall, on new construction or
6 reconstruction, where feasible, provide a shoulder width of not less than
7 six feet, or provide for a minimum clear traffic lane of ten feet in
8 width at mailbox turnouts. On highways built before October 9, 1961,
9 having a shoulder width of less than six feet, the department ~~Department~~
10 ~~of Roads~~ may, where feasible and deemed advisable, provide a shoulder
11 width of not less than six feet or provide for minimum clear traffic lane
12 of ten feet in width at mailbox turnouts. For a hard-surfaced highway
13 having either a mailbox turnout or a hard-surfaced shoulder width of
14 eight feet or more, the mailbox shall be placed such that no part of the
15 mailbox extends beyond the outside edge of the mailbox turnout or hard-
16 surfaced portion of the shoulder and the mailbox support shall be placed
17 a minimum of one foot outside the outside edge of the mailbox turnout or
18 hard-surfaced portion of the shoulder.

19 (2) It shall be the duty of the department ~~Department of Roads~~ to
20 notify the owner of all mailboxes in violation of the provisions of this
21 section, and the department may remove such mailboxes if the owner fails
22 or refuses to remove the same after a reasonable time after he or she is
23 notified of such violations.

24 Sec. 118. Section 39-1011, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 39-1011 The Department of Transportation ~~Roads~~ shall provide and
27 maintain gravel, crushed-rock, or hard-surface turnouts for delivery of
28 mail to all mailboxes placed on the highway rights-of-way to conform with
29 ~~the provisions of~~ section 39-1010.

30 Sec. 119. Section 39-1101, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 39-1101 There is hereby created in the Department of Transportation
2 ~~Roads~~ a State Highway Commission which shall consist of eight members to
3 be appointed by the Governor with the consent of a majority of all the
4 members of the Legislature. One member shall at all times be appointed
5 from each of the eight districts designated in section 39-1102. Each
6 member of the commission shall be (1) a citizen of the United States, (2)
7 not less than thirty years of age, and (3) a bona fide resident of the
8 State of Nebraska and of the district from which he or she is appointed
9 for at least three years immediately preceding his or her appointment.
10 Not more than four members shall be of the same political party. The
11 Director-State Engineer shall be an ex officio member of the commission
12 who shall vote in case of a tie.

13 Sec. 120. Section 39-1110, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 39-1110 (1) It shall be the duty of the State Highway Commission:

16 (a) To conduct studies and investigations and to act in an advisory
17 capacity to the Director-State Engineer in the establishment of broad
18 policies for carrying out the duties and responsibilities of the
19 Department of Transportation ~~Roads~~;

20 (b) To advise the public regarding the policies, conditions, and
21 activities of the department ~~Department of Roads~~;

22 (c) To hold hearings, make investigations, studies, and inspections,
23 and do all other things necessary to carry out the duties imposed upon it
24 by law;

25 (d) To advance information and advice conducive to providing
26 adequate and safe highways in the state;

27 (e) When called upon by the Governor, to advise him or her relative
28 to the appointment of the Director-State Engineer; and

29 (f) To submit to the Governor its written advice regarding the
30 feasibility of each relinquishment or abandonment of a fragment of a
31 route, section of a route, or a route on the state highway system

1 proposed by the department. The chairperson of the commission shall
2 designate one or more of the members of the commission, prior to
3 submitting such advice, to personally inspect the fragment of a route,
4 section of a route, or a route to be relinquished or abandoned, who shall
5 take into consideration the following factors: Cost to the state for
6 maintenance, estimated cost to the state for future improvements, whether
7 traffic service provided is primarily local or otherwise, whether other
8 facilities provide comparable service, and the relationship to an
9 integrated state highway system. The department shall furnish to the
10 commission all needed assistance in making its inspection and study. If
11 the commission, after making such inspection and study, shall fail to
12 reach a decision as to whether or not the fragment of a route, section of
13 a route, or a route should be relinquished or abandoned, it may hold a
14 public hearing on such proposed relinquishment or abandonment. The
15 commission shall give a written notice of the time and place of such
16 hearing, not less than two weeks prior to the time of the hearing, to the
17 political or governmental subdivisions or public corporations wherein
18 such portion of the state highway system is proposed to be relinquished
19 or abandoned. The commission shall submit to the Governor, within two
20 weeks after such hearing, its written advice upon such proposed
21 relinquishment or abandonment.

22 (2) All funds rendered available by law to the department ~~Department~~
23 ~~of Roads~~, including funds already collected for such purposes, may be
24 used by the State Highway Commission in administering and effecting such
25 purposes, to be paid upon approval by the Director-State Engineer.

26 (3) All data and information of the department ~~Department of Roads~~
27 shall be available to the State Highway Commission.

28 (4) The State Highway Commission may issue bonds under the Nebraska
29 Highway Bond Act.

30 Sec. 121. Section 39-1302, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 39-1302 For purposes of sections 39-1301 to 39-1393, unless the
2 context otherwise requires:

3 (1) Abandon shall mean to reject all or part of the department's
4 rights and responsibilities relating to all or part of a fragment,
5 section, or route on the state highway system;

6 (2) Alley shall mean an established passageway for vehicles and
7 pedestrians affording a secondary means of access in the rear to
8 properties abutting on a street or highway;

9 (3) Approach or exit road shall mean any highway or ramp designed
10 and used solely for the purpose of providing ingress or egress to or from
11 an interchange or rest area of a highway. An approach road shall begin at
12 the point where it intersects with any highway not a part of the highway
13 for which such approach road provides access and shall terminate at the
14 point where it merges with an acceleration lane of a highway. An exit
15 road shall begin at the point where it intersects with a deceleration
16 lane of a highway and shall terminate at the point where it intersects
17 any highway not a part of a highway from which the exit road provides
18 egress;

19 (4) Arterial highway shall mean a highway primarily for through
20 traffic, usually on a continuous route;

21 (5) Beltway shall mean the roads and streets not designated as a
22 part of the state highway system and that are under the primary authority
23 of a county or municipality, if the location of the beltway has been
24 approved by (a) record of decision or finding of no significant impact by
25 the federal highway administration and (b) the applicable local planning
26 authority as a part of the comprehensive plan;

27 (6) Business shall mean any lawful activity conducted primarily for
28 the purchase and resale, manufacture, processing, or marketing of
29 products, commodities, or other personal property or for the sale of
30 services to the public or by a nonprofit corporation;

31 (7) Channel shall mean a natural or artificial watercourse;

1 (8) Commercial activity shall mean those activities generally
2 recognized as commercial by zoning authorities in this state, and
3 industrial activity shall mean those activities generally recognized as
4 industrial by zoning authorities in this state, except that none of the
5 following shall be considered commercial or industrial:

6 (a) Outdoor advertising structures;

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

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

11 (d) Activities conducted in a building principally used as a
12 residence;

13 (e) Railroad tracks and minor sidings; and

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

16 (9) Connecting link shall mean the roads, streets, and highways
17 designated as part of the state highway system and which are within the
18 corporate limits of any city or village in this state;

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

26 (11) Department shall mean the Department of Transportation Roads;

27 (12) Displaced person shall mean any individual, family, business,
28 or farm operation which moves from real property acquired for state
29 highway purposes or for a federal-aid highway;

30 (13) Easement shall mean a right acquired by public authority to use
31 or control property for a designated highway purpose;

1 (14) Expressway shall mean a divided arterial highway for through
2 traffic with full or partial control of access which may have grade
3 separations at intersections;

4 (15) Family shall mean two or more persons living together in the
5 same dwelling unit who are related to each other by blood, marriage,
6 adoption, or legal guardianship;

7 (16) Farm operation shall mean any activity conducted primarily for
8 the production of one or more agricultural products or commodities for
9 sale and home use and customarily producing such products or commodities
10 in sufficient quantity to be capable of contributing materially to the
11 operator's support;

12 (17) Federal-aid primary roads shall mean roads, streets, and
13 highways, whether a part of the state highway system, county road
14 systems, or city streets, which have been designated as federal-aid
15 primary roads by the Nebraska Department of Transportation ~~department~~ and
16 approved by the United States Secretary of Transportation and shown on
17 the maps provided for in section 39-1311;

18 (18) Freeway shall mean an expressway with full control of access;

19 (19) Frontage road shall mean a local street or road auxiliary to an
20 arterial highway for service to abutting property and adjacent areas and
21 for control of access;

22 (20) Full control of access shall mean that the right of owners or
23 occupants of abutting land or other persons to access or view is fully
24 controlled by public authority having jurisdiction and that such control
25 is exercised to give preference to through traffic by providing access
26 connections with selected public roads only and by prohibiting crossings
27 or intersections at grade or direct private driveway connections;

28 (21) Grade separation shall mean a crossing of two highways at
29 different levels;

30 (22) Highway shall mean a road or street, including the entire area
31 within the right-of-way, which has been designated a part of the state

1 highway system;

2 (23) Individual shall mean a person who is not a member of a family;

3 (24) Interchange shall mean a grade-separated intersection with one
4 or more turning roadways for travel between any of the highways radiating
5 from and forming part of such intersection;

6 (25) Map shall mean a drawing or other illustration or a series of
7 drawings or illustrations which may be considered together to complete a
8 representation;

9 (26) Mileage shall mean the aggregate distance in miles without
10 counting double mileage where there are one-way or divided roads,
11 streets, or highways;

12 (27) Parking lane shall mean an auxiliary lane primarily for the
13 parking of vehicles;

14 (28) Parkway shall mean an arterial highway for noncommercial
15 traffic, with full or partial control of access, and usually located
16 within a park or a ribbon of park-like development;

17 (29) Relinquish shall mean to surrender all or part of the rights
18 and responsibilities relating to all or part of a fragment, section, or
19 route on the state highway system to a political or governmental
20 subdivision or public corporation of Nebraska;

21 (30) Right of access shall mean the rights of ingress and egress to
22 or from a road, street, or highway and the rights of owners or occupants
23 of land abutting a road, street, or highway or other persons to a way or
24 means of approach, light, air, or view;

25 (31) Right-of-way shall mean land, property, or interest therein,
26 usually in a strip, acquired for or devoted to a road, street, or
27 highway;

28 (32) Road shall mean a public way for the purposes of vehicular
29 travel, including the entire area within the right-of-way. A road
30 designated as part of the state highway system may be called a highway,
31 while a road in an urban area may be called a street;

1 (33) Roadside shall mean the area adjoining the outer edge of the
2 roadway. Extensive areas between the roadways of a divided highway may
3 also be considered roadside;

4 (34) Roadway shall mean the portion of a highway, including
5 shoulders, for vehicular use;

6 (35) Separation structure shall mean that part of any bridge or road
7 which is directly overhead of the roadway of any part of a highway;

8 (36) State highway purposes shall have the meaning set forth in
9 subsection (2) of section 39-1320;

10 (37) State highway system shall mean the roads, streets, and
11 highways shown on the map provided for in section 39-1311 as forming a
12 group of highway transportation lines for which the Nebraska Department
13 of Transportation ~~department~~ shall be the primary authority. The state
14 highway system shall include, but not be limited to, rights-of-way,
15 connecting links, drainage facilities, and the bridges, appurtenances,
16 easements, and structures used in conjunction with such roads, streets,
17 and highways;

18 (38) Street shall mean a public way for the purposes of vehicular
19 travel in a city or village and shall include the entire area within the
20 right-of-way;

21 (39) Structure shall mean anything constructed or erected, the use
22 of which requires permanent location on the ground or attachment to
23 something having a permanent location;

24 (40) Title shall mean the evidence of a person's right to property
25 or the right itself;

26 (41) Traveled way shall mean the portion of the roadway for the
27 movement of vehicles, exclusive of shoulders and auxiliary lanes;

28 (42) Unzoned commercial or industrial area for purposes of control
29 of outdoor advertising shall mean all areas within six hundred sixty feet
30 of the nearest edge of the right-of-way of the interstate and federal-aid
31 primary systems which are not zoned by state or local law, regulation, or

1 ordinance and on which there is located one or more permanent structures
2 devoted to a business or industrial activity or on which a commercial or
3 industrial activity is conducted, whether or not a permanent structure is
4 located thereon, the area between such activity and the highway, and the
5 area along the highway extending outward six hundred feet from and beyond
6 each edge of such activity and, in the case of the primary system, may
7 include the unzoned lands on both sides of such road or highway to the
8 extent of the same dimensions if those lands on the opposite side of the
9 highway are not deemed scenic or having aesthetic value as determined by
10 the department. In determining such an area, measurements shall be made
11 from the furthest or outermost edges of the regularly used area of the
12 commercial or industrial activity, structures, normal points of ingress
13 and egress, parking lots, and storage and processing areas constituting
14 an integral part of such commercial or industrial activity;

15 (43) Visible, for purposes of section 39-1320, in reference to
16 advertising signs, displays, or devices, shall mean the message or
17 advertising content of such sign, display, or device is capable of being
18 seen without visual aid by a person of normal visual acuity. A sign shall
19 be considered visible even though the message or advertising content may
20 be seen but not read;

21 (44) Written instrument shall mean a deed or any other document that
22 states a contract, agreement, gift, or transfer of property; and

23 (45) Zoned commercial or industrial areas shall mean those areas
24 within six hundred sixty feet of the nearest edge of the right-of-way of
25 the Highway Beautification Control System defined in section 39-201.01,
26 zoned by state or local zoning authorities for industrial or commercial
27 activities.

28 Sec. 122. Section 39-1306.01, Reissue Revised Statutes of Nebraska,
29 is amended to read:

30 39-1306.01 Unused funds shall be made available by the department
31 ~~Department of Roads~~ to other political or governmental subdivisions or

1 public corporations for an additional period of six months. The
2 department shall likewise make available unused funds from allotments
3 which have been made prior to December 25, 1969. The department shall
4 separately classify all unused funds referred to in section 39-1306 from
5 their sources on the basis of the type of political or governmental
6 subdivision or public corporation to which they were allotted. It is the
7 intent of the Legislature that such funds which were allotted to counties
8 and were unused be made available to other counties, and that such funds
9 which were allotted to cities and villages and were unused be made
10 available to other cities and villages. The funds in each classification
11 shall be made available by the department to other subdivisions which
12 have utilized all of the federal funds available to them, and shall be
13 subject to the same conditions as apply to funds received under section
14 39-1306. Such funds shall be reallocated upon application therefor by the
15 subdivisions.

16 Sec. 123. Section 39-1306.02, Reissue Revised Statutes of Nebraska,
17 is amended to read:

18 39-1306.02 When any political or governmental subdivision or any
19 public corporation of this state has an allotment of federal-aid funds
20 made available to it by the federal government, the department ~~Department~~
21 ~~of Roads~~ shall give notice to the political or governmental subdivision
22 of the amount of such funds the department has allotted to it, and, that
23 the duration of the allotment to the political or governmental
24 subdivision or public corporation is for not less than an eighteen-month
25 period, which notice shall state the last date of such allotment to the
26 subdivision or political corporation. The department shall give notice a
27 second time six months before the last date of such allotment of the
28 impending six months expiration of the allotment and of the amount of
29 funds remaining.

30 Sec. 124. Section 39-1311, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 39-1311 (1) The department ~~Department of Roads~~ at all times shall
2 maintain a current map of the state, which shall show all the roads,
3 highways, and connecting links which have been designated, located,
4 created, or constituted as part of the state highway system, including
5 all corridors. All changes in designation or location of highways
6 constituting the state highway system, or additions thereto, shall be
7 indicated upon the map. The department shall also maintain six separate
8 and additional maps. These maps shall include (a) the roads, highways,
9 and streets designated as federal-aid primary roads as of March 27, 1972,
10 (b) the National System of Interstate and Defense Highways, (c) the roads
11 designated as the federal-aid primary system as it existed on June 1,
12 1991, (d) the National Highway System, (e) the Highway Beautification
13 Control System as defined in section 39-201.01, and (f) scenic byways as
14 defined in section 39-201.01. The National Highway System is the system
15 designated as such under the federal Intermodal Surface Transportation
16 Efficiency Act. The maps shall be available at all times for public
17 inspection at the offices of the Director-State Engineer and shall be
18 filed with the Legislature of the State of Nebraska each biennium.

19 (2) Whenever the department has received a corridor location
20 approval for a proposed state highway or proposed beltway to be located
21 in any county or municipality, it shall prepare a map of such corridor
22 sufficient to show the location of such corridor on each parcel of land
23 to be traversed. If the county or municipality in which such corridor is
24 located does not have a requirement for the review and approval of a
25 preliminary subdivision plat or a requirement that a building permit be
26 obtained prior to commencement of a structure, the department shall send
27 notice of the approval of such corridor by certified mail to the owner of
28 each parcel traversed by the corridor at the address shown for such owner
29 on the county tax records. Such notice shall advise the owner of the
30 requirement of sections 39-1311 to 39-1311.05 for preliminary subdivision
31 plats and for building permits.

1 (3) For any beltway proposed under sections 39-1311 to 39-1311.05,
2 the duties of the department shall be assumed by the county or
3 municipality that received approval for the beltway project.

4 Sec. 125. Section 39-1320, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 39-1320 (1) The department ~~Department of Roads~~ is hereby authorized
7 to acquire, either temporarily or permanently, lands, real or personal
8 property or any interests therein, or any easements deemed to be
9 necessary or desirable for present or future state highway purposes by
10 gift, agreement, purchase, exchange, condemnation, or otherwise. Such
11 lands or real property may be acquired in fee simple or in any lesser
12 estate. It is the intention of the Legislature that all property leased
13 or purchased from the owner shall receive a fair price.

14 (2) State highway purposes, as referred to in subsection (1) of this
15 section or otherwise in sections 39-1301 to 39-1362 and 39-1393, shall
16 include provision for, but shall not be limited to, the following:

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

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

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

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

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

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

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

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

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

7 (j) The construction and maintenance of stock trails and cattle
8 passes;

9 (k) The erection and maintenance of marking and warning signs and
10 traffic signals;

11 (l) The construction and maintenance of sidewalks and highway
12 illumination;

13 (m) The control of outdoor advertising which is visible from the
14 nearest edge of the right-of-way of the Highway Beautification Control
15 System as defined in section 39-201.01 to comply with the provisions of
16 23 U.S.C. 131, as amended;

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

20 (o) The establishment and maintenance of wetlands to replace or to
21 mitigate damage to wetlands affected by highway construction,
22 reconstruction, or maintenance. The replacement lands shall be capable of
23 being used to create wetlands comparable to the wetlands area affected.
24 The area of the replacement lands may exceed the wetlands area affected.
25 Lands may be acquired to establish a large or composite wetlands area,
26 sometimes called a wetlands bank, not larger than an area which is one
27 hundred fifty percent of the lands reasonably expected to be necessary
28 for the mitigation of future impact on wetlands brought about by highway
29 construction, reconstruction, or maintenance during the six-year plan as
30 required by sections 39-2115 to 39-2117, an annual plan under section
31 39-2119, or an annual metropolitan transportation improvement program

1 under section 39-2119.01 in effect upon acquisition of the lands. For
2 purposes of this section, wetlands shall have the definition found in 33
3 C.F.R. 328.3(c) ~~328.3(b)~~.

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

8 Sec. 126. Section 39-1323.01, Reissue Revised Statutes of Nebraska,
9 is amended to read:

10 39-1323.01 The Nebraska Department of Transportation Roads, subject
11 to the approval of the Governor, and the United States Department of
12 Transportation if such department has a financial interest, is authorized
13 to lease, rent, or permit for use, any area, or land and the buildings
14 thereon, which area or land was acquired for highway purposes. The
15 Director-State Engineer, for the Nebraska Department of Transportation
16 ~~department~~, and in the name of the State of Nebraska, may execute all
17 leases, permits, and other instruments necessary to accomplish the
18 foregoing. Such instruments may contain any conditions, covenants,
19 exceptions, and reservations which the department deems to be in the
20 public interest, including, but not limited to, the provision that upon
21 notice that such property is needed for highway purposes the use and
22 occupancy thereof shall cease. If so leased, rented, or permitted to be
23 used by a municipality, the property may be used for such governmental or
24 proprietary purpose as the governing body of the municipality shall
25 determine, and such governing body may let the property to bid by private
26 operators for proprietary uses. All money received as rent shall be
27 deposited in the state treasury and by the State Treasurer placed in the
28 Highway Cash Fund, subject to reimbursement, if requested, to the United
29 States Department of Transportation for its proportionate financial
30 contribution.

31 Sec. 127. Section 39-1328.01, Reissue Revised Statutes of Nebraska,

1 is amended to read:

2 39-1328.01 Whenever a highway not a freeway, which formerly
3 traversed the corporate limits of a municipality of not more than five
4 thousand inhabitants, is relocated and is made a controlled-access
5 facility, and the department ~~Department of Roads~~ is or is not providing
6 any frontage road as authorized by section 39-1328, near an intersection
7 with a roadway connecting with such municipality, the department shall,
8 when consistent with requirements of traffic safety, and when the cost of
9 drainage structures does not exceed five thousand dollars, and upon the
10 conditions hereinafter set out construct such frontage roads if requested
11 to do so by such municipality, by the county, or by the owners of sixty
12 percent of the property abutting on such relocated highway if such
13 request is made prior to the purchase, lease, or lease with option to
14 purchase of right-of-way by the department. The quadrant of such
15 intersection in which the frontage road or roads shall be located shall
16 be designated by the governing board of such municipality. The department
17 shall at the request of the county or municipality procure the right-of-
18 way for such frontage road by lease or lease-option to buy or in the same
19 manner as though it were for state highway purposes after receiving from
20 the county or municipality reasonable assurance of reimbursement for such
21 right-of-way costs. The responsibility for the maintenance of such
22 frontage road shall be as provided in section 39-1372.

23 Sec. 128. Section 39-1328.02, Reissue Revised Statutes of Nebraska,
24 is amended to read:

25 39-1328.02 Whenever a highway not a freeway, which formerly
26 traversed the corporate limits of a municipality, has been relocated
27 since January 1, 1960, and has been made or will be made a controlled-
28 access facility, and the department ~~Department of Roads~~ has not provided
29 any frontage road as authorized by section 39-1328, near an intersection
30 with a roadway connecting with such municipality, the department shall,
31 when consistent with requirements of traffic safety, and when the cost of

1 drainage structures does not exceed five thousand dollars, and upon the
2 conditions hereinafter set out construct such frontage roads if requested
3 to do so by such municipality, the county, or by the owners of sixty
4 percent of the property abutting on such relocated highway within two
5 years after November 18, 1965, or within two years after the highway is
6 made a controlled-access facility. If agreements exist with the federal
7 government requiring its consent to the relinquishment of control of
8 access, the department shall make a bona fide effort to secure such
9 consent, but upon failure to obtain such consent, the frontage road shall
10 not be constructed, or, if conditions are imposed by the federal
11 government, the department shall construct such frontage roads only in
12 accordance with such conditions. The ; ~~Provided, that the~~ municipality,
13 county, or owners requesting such frontage road shall reimburse the
14 department for any damages which it paid for such control of access and
15 also for payment to the federal government of such sum, if any, demanded
16 by it for the relinquishment of the access control. The quadrant of such
17 intersection in which the frontage road may be located shall be
18 designated by the governing board of such municipality. The department
19 shall at the request of the county or municipality procure the right-of-
20 way for such frontage road in the same manner as though it were for state
21 highway purposes after receiving from the county or municipality
22 reasonable assurance of reimbursement for such right-of-way costs. The
23 responsibility for the maintenance of such frontage road shall be as
24 provided in section 39-1372.

25 Sec. 129. Section 39-1345.01, Reissue Revised Statutes of Nebraska,
26 is amended to read:

27 39-1345.01 Whenever the department ~~Department of Roads~~, under the
28 authority of section 39-1345, permits the public use of a highway
29 undergoing construction, repair, or maintenance in lieu of a detour
30 route, the contractor shall not be held responsible for damages to those
31 portions of the project upon which the department has permitted public

1 use, when such damages are the result of no proximate act or failure to
2 act on the part of the contractor.

3 Sec. 130. Section 39-1350, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 39-1350 The department shall have the authority to act for any
6 political or governmental subdivision or public corporation of this state
7 for the purpose of taking bids or letting contracts for the construction,
8 reconstruction, improvement, maintenance, or repair of roads, bridges,
9 and their appurtenances. The department, while so acting, may take such
10 bids and let such contracts at the offices of the department in
11 ~~Department of Roads~~, Lincoln, Nebraska, or at such other location as
12 designated by the department if the department has the written consent of
13 the political or governmental subdivision or public corporation where the
14 work is to be done.

15 Sec. 131. Section 39-1353, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 39-1353 (1) Proposal forms for submitting bids on any contract for
18 the construction, reconstruction, improvement, maintenance, or repair of
19 roads, bridges, and their appurtenances to be let by the department shall
20 be issued by the department at the offices of the department in
21 ~~Department of Roads~~, Lincoln, Nebraska, or at such other location as
22 designated by the department not later than 5 p.m. of the day before the
23 letting of the contract.

24 (2) Such proposal forms shall be issued only to those persons
25 previously qualified by the department and bids shall be accepted only
26 from such qualified persons. This subsection shall not apply to any
27 contract granted an exemption from prequalification requirements pursuant
28 to subsection (2) of section 39-1351.

29 Sec. 132. Section 39-1359.01, Reissue Revised Statutes of Nebraska,
30 is amended to read:

31 39-1359.01 For purposes of this section, the definitions in section

1 39-1302 apply.

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

21 Sec. 133. Section 39-1363, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 39-1363 To more effectually preserve the historical, archeological,
24 and paleontological remains of the state, the department ~~Department of~~
25 ~~Roads~~ is authorized to enter into agreements with the appropriate
26 agencies of the state charged with preserving historical, archeological,
27 and paleontological remains to have these agencies remove and preserve
28 such remains disturbed or to be disturbed by highway construction and to
29 use highway funds, when appropriated, for this purpose. This authority
30 specifically extends to highways which are part of the National System of
31 Interstate and Defense Highways as defined in the Federal Aid Highway Act

1 of 1956, Public Law 627, 84th Congress, and the use of state funds on a
2 matching basis with federal funds therein.

3 Sec. 134. Section 39-1364, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 39-1364 The department ~~Department of Roads~~ shall, upon the request
6 of any citizen of this state, disclose to such citizen full information
7 concerning any highway construction, alteration, maintenance, or repair
8 project in this state, whether completed, presently in process, or
9 contemplated for future action, and permit an examination of the plans,
10 specifications, and records concerning such project, except that ÷
11 ~~Provided~~, any information received by the department as confidential by
12 the laws of this state shall not be disclosed. Any person who willfully
13 fails to comply with the provisions of this section shall be guilty of
14 official misconduct. By the provisions of this section, the officials of
15 the department ~~Department of Roads~~ will not be required to furnish
16 information on the right-of-way of any proposed highway until such
17 information can be made available to the general public.

18 Sec. 135. Section 39-1365.01, Reissue Revised Statutes of Nebraska,
19 is amended to read:

20 39-1365.01 The department ~~Department of Roads~~ shall be responsible
21 for developing a specific and long-range state highway system plan. The
22 department shall annually formulate plans to meet the state highway
23 system needs of all facets of the state and shall assign priorities for
24 such needs. The department shall, on or before December 1 of each year,
25 present such plans to the Legislature. The plans shall be referred to the
26 appropriate standing committees of the Legislature for review. The
27 department shall consider the preservation of the existing state highway
28 system asset as its primary priority except as may otherwise be provided
29 in state or federal law. In establishing secondary priorities, the
30 department shall consider a variety of factors, including, but not
31 limited to, current and projected traffic volume, safety requirements,

1 economic development needs, current and projected demographic trends, and
2 enhancement of the quality of life for all Nebraska citizens. The state
3 highway system plan shall include the designation of those portions of
4 the state highway system which shall be expressways.

5 Sec. 136. Section 39-1365.02, Reissue Revised Statutes of Nebraska,
6 is amended to read:

7 39-1365.02 (1) The department ~~Department of Roads~~ shall apply for
8 and make maximum use of available federal funding, including
9 discretionary funding, on all highway construction projects which are
10 eligible for such assistance.

11 (2) The department ~~Department of Roads~~ shall transmit electronically
12 to the Legislature, by December 1 of each year, a report on the needs of
13 the state highway system, the department's planning procedures, and the
14 progress being made on the expressway system. Such report shall include:

15 (a) The criteria by which highway needs are determined;

16 (b) The standards established for each classification of highways;

17 (c) An assessment of current and projected needs of the state
18 highway system, such needs to be defined by category of improvement
19 required to bring each segment up to standards. Projected fund
20 availability shall not be a consideration by which needs are determined;

21 (d) Criteria and data, including factors enumerated in section
22 39-1365.01, upon which decisions may be made on possible special priority
23 highways for commercial growth;

24 (e) A review of the department's procedure for selection of projects
25 for the annual construction program, the five-year planning program, and
26 extended planning programs;

27 (f) A review of the progress being made toward completion of the
28 expressway system, as such system was designated on January 1, 2016, and
29 whether such work is on pace for completion prior to June 30, 2033;

30 (g) A review of the Transportation Infrastructure Bank Fund and the
31 fund's component programs under sections 39-2803 to 39-2807. This review

1 shall include a listing of projects funded and planned to be funded under
2 each of the three component programs; and

3 (h) A review of the outcomes of the Economic Opportunity Program,
4 including the growth in permanent jobs and related income and the net
5 increase in overall business activity.

6 Sec. 137. Section 39-1390, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 39-1390 The State Recreation Road Fund is created. The money in the
9 fund shall be transferred by the State Treasurer, on the first day of
10 each month, to the department ~~Department of Roads~~ and shall be expended
11 by the Director-State Engineer with the approval of the Governor for
12 construction and maintenance of dustless-surface roads to be designated
13 as state recreation roads as provided in this section, except that (1)
14 transfers may be made from the fund to the State Park Cash Revolving Fund
15 at the direction of the Legislature through July 31, 2016, and (2) if the
16 balance in the State Recreation Road Fund exceeds fourteen million
17 dollars on the first day of each month, the State Treasurer shall
18 transfer the amount greater than fourteen million dollars to the Game and
19 Parks State Park Improvement and Maintenance Fund. Except as to roads
20 under contract as of March 15, 1972, those roads, excluding state
21 highways, giving direct and immediate access to or located within state
22 parks, state recreation areas, or other recreational or historical areas,
23 shall be eligible for designation as state recreation roads. Such
24 eligibility shall be determined by the Game and Parks Commission and
25 certified to the Director-State Engineer, who shall, after receiving such
26 certification, be authorized to commence construction on such recreation
27 roads as funds are available. In addition, those roads, excluding state
28 highways, giving direct and immediate access to a state veteran cemetery
29 are state recreation roads. After construction of such roads they shall
30 be shown on the map provided by section 39-1311. Preference in
31 construction shall be based on existing or potential traffic use by other

1 than local residents. Unless the State Highway Commission otherwise
2 recommends, such roads upon completion of construction shall be
3 incorporated into the state highway system. If such a road is not
4 incorporated into the state highway system, the ~~department~~ ~~Department of~~
5 ~~Roads~~ and the county within which such road is located shall enter into a
6 maintenance agreement establishing the responsibility for maintenance of
7 the road, the maintenance standards to be met, and the responsibility for
8 maintenance costs. Any money in the State Recreation Road Fund available
9 for investment shall be invested by the state investment officer pursuant
10 to the Nebraska Capital Expansion Act and the Nebraska State Funds
11 Investment Act.

12 Sec. 138. Section 39-1392, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 39-1392 The ~~department~~ ~~Department of Roads~~ shall develop and file
15 with the Governor and the Legislature a one-year and a long-range five-
16 year plan of scheduled design, construction, and improvement for all
17 exterior access roads and interior service roads as certified to it by
18 the Game and Parks Commission. The first such plans shall be filed on or
19 before January 1, 1974. The plans shall be reviewed and extended
20 annually, on or before January 1 of each year, so that there shall always
21 be a current one-year and five-year plan on file. The plans submitted to
22 the Legislature shall be submitted electronically. The department shall
23 also, at the time it files such plans and extensions thereof, report the
24 design, construction, and improvement accomplished during each of the two
25 immediately preceding calendar years.

26 Sec. 139. Section 39-1407, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 39-1407 Whenever contracts are to be let for road improvements, it
29 shall be the duty of the county board to cause to be prepared and filed
30 with the county clerk an estimate of the nature of the work and the cost
31 thereof. After such estimate has been filed, bids for such contracts

1 shall be advertised by publication of a notice thereof once a week for
2 three consecutive weeks in a legal newspaper of the county prior to the
3 date set for receiving bids. Bids shall be let to the lowest responsible
4 bidder. The board shall have the discretionary power to reject any and
5 all bids for sufficient cause. If all bids are rejected, the county board
6 shall have the power to negotiate any contract for road improvements, but
7 the county board shall adhere to all specifications that were required
8 for the initial bids on contracts. The board shall have the discretionary
9 power to authorize the Department of Transportation ~~Roads~~ to take and let
10 bids on behalf of the county at the offices of the department in Lincoln,
11 Nebraska. When the bid is accepted the bidder shall enter into a
12 sufficient bond for the use and benefit of the county, precinct, or
13 township, for the faithful performance of the contract, and for the
14 payment of all laborers employed in the performance of the work, and for
15 the payment of all damages which the county, precinct, or township may
16 sustain by reason of any failure to perform the work in the manner
17 stipulated. It shall be the duty of the county to determine whether or
18 not the work is performed in keeping with such contract before paying for
19 the same.

20 Sec. 140. Section 39-1503, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 39-1503 It shall be the duty of the county board in commissioner-
23 type counties having a county highway superintendent and in township-type
24 counties having adopted a county road unit system to:

25 (1) Give notice to the public of the date set for public hearings
26 upon the proposed county highway program of the county highway
27 superintendent for the forthcoming year by publication once a week for
28 three consecutive weeks in a legal newspaper published in the county or,
29 if none is published in the county, in a legal newspaper of general
30 circulation in the county. The notice shall clearly state the purpose,
31 time, and place of such public hearings;

1 (2) Adopt a county highway annual program no later than March 1 of
2 each year which shall include a schedule of construction, repair, and
3 maintenance projects and the order of priority of such projects to be
4 undertaken and carried out by the county and a list of equipment to be
5 purchased and the priority of such purchases, within the limits of the
6 estimated funds available during the next twelve months;

7 (3) Adopt standards to be applied in road and bridge repair,
8 maintenance, and construction;

9 (4) Advertise for and take and let bids for all or any portion of
10 the county road work when letting bids, except that when the Department
11 of Transportation Roads takes bids on behalf of the county, the county
12 shall have authority to permit such bids to be taken and let at the
13 offices of the department in ~~Department of Roads~~, Lincoln, Nebraska; and

14 (5) Cause investigations, studies, and inspections to be made, hold
15 public hearings, and do all other things necessary to carry out the
16 duties imposed upon it by law.

17 Sec. 141. Section 39-1703, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 39-1703 The county board of any county and the governing authority
20 of any city or village may acquire land owned, occupied, or controlled by
21 the state or any state institution, board, agency, or commission,
22 whenever such land is necessary to construct, reconstruct, improve,
23 relocate, or maintain a county road or a city or village street or to
24 provide adequate drainage for such roads or streets. The procedure for
25 such acquisition shall, as nearly as possible, be that provided in
26 sections 72-224.02 and 72-224.03. Prior to taking any land for any such
27 ~~of the above~~ purposes, a certificate that the taking of such land is in
28 the public interest must be obtained from the Governor and from the
29 Department of Transportation Roads, and be filed in the office of the
30 Department of Administrative Services and a copy thereof in the office of
31 the Board of Educational Lands and Funds. The damages assessed in such

1 proceedings shall be paid to the Board of Educational Lands and Funds,
2 and shall be remitted by that board to the State Treasurer for credit to
3 the proper account.

4 Sec. 142. Section 39-1713, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 39-1713 (1) When any person presents to the county board an
7 affidavit satisfying it (a) that he or she is the owner of the real
8 estate described therein located within the county, (b) that such real
9 estate is shut out from all public access, other than a waterway, by
10 being surrounded on all sides by real estate belonging to other persons,
11 or by such real estate and by water, (c) that he or she is unable to
12 purchase from any of such persons the right-of-way over or through the
13 same to a public road or that it cannot be purchased except at an
14 exorbitant price, stating the lowest price for which the same can be
15 purchased by him or her, and (d) asking that an access road be provided
16 in accordance with section 39-1716, the county board shall appoint a time
17 and place for hearing the matter, which hearing shall be not more than
18 thirty days after the receipt of such affidavit. The application for an
19 access road may be included in a separate petition instead of in such
20 affidavit.

21 (2) For purposes of sections 39-1713 to 39-1719:

22 (a) Access road means a right-of-way open to the general public for
23 ingress to and egress from a tract of isolated land provided in
24 accordance with section 39-1716; and

25 (b) State of Nebraska includes the Board of Educational Lands and
26 Funds, Board of Regents of the University of Nebraska, Board of Trustees
27 of the Nebraska State Colleges, Department of Transportation Roads,
28 ~~Department of Aeronautics~~, Department of Administrative Services, and
29 Game and Parks Commission and all other state agencies, boards,
30 departments, and commissions.

31 Sec. 143. Section 39-1901, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 39-1901 All damages caused by the laying out, altering, opening, or
3 discontinuing of any county road shall be paid by warrant on the general
4 fund of the county in which such road is located, except ~~;~~ ~~Provided,~~ that
5 the Department of Transportation ~~Roads~~ shall pay the damages, if any,
6 which a person sustains and is legally entitled to recover because of the
7 barricading of a county or township road pursuant to ~~the provisions of~~
8 section 39-1728. Upon the failure of the party damaged and the county to
9 agree upon the amount of damages, the damaged party, in addition to any
10 other available remedy, may file a petition as provided for in section
11 76-705.

12 Sec. 144. Section 39-2001, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 39-2001 (1) The county board of each county shall select and
15 designate, from the laid out and platted public roads within the county,
16 certain roads to be known as primary and secondary county roads. Primary
17 county roads shall include (a) direct highways leading to and from rural
18 schools where ten or more grades are being taught, (b) highways
19 connecting cities, villages, and market centers, (c) rural mail route and
20 star mail route roads, (d) main-traveled ~~main-traveled~~ roads, and (e)
21 such other roads as are designated as such by the county board. All
22 county roads not designated as primary county roads shall be secondary
23 county roads.

24 (2) As soon as the primary county roads are designated as provided
25 by subsection (1) of this section, the county board shall cause such
26 primary county roads to be plainly marked on a map to be deposited with
27 the county clerk and be open to public inspection. Upon filing the map
28 the county clerk shall at once fix a date of hearing thereon, which shall
29 not be more than twenty days nor less than ten days from the date of
30 filing. Notice of the filing of the ~~said~~ map and of the date of such
31 hearing shall be published prior to the hearing in one issue of each

1 newspaper published in the English language in the county.

2 (3) At any time before the hearing provided for by subsection (2) of
3 this section is concluded, any ten freeholders of the county may file a
4 petition with the county clerk asking for any change in the designated
5 primary county roads, setting forth the reason for the proposed change.
6 Such petition shall be accompanied by a plat showing such proposed
7 change.

8 (4) The roads designated on the map by the county board shall be
9 conclusively established as the primary roads. If ; ~~Provided, if~~ no
10 agreement is reached between the county board and the petitioners at the
11 hearing, the county clerk shall forward the map, together with all
12 petitions and plats, to the Department of Transportation Roads.

13 (5) The department shall, upon receipt of the ~~said~~ maps, petitions,
14 and plats, proceed to examine the same, and shall determine the lines to
15 be followed by the said county roads, having regard to volume of traffic,
16 continuity, and cost of construction. The department shall, not later
17 than twenty days from the receipt thereof, return the papers to the
18 county clerk, together with the decision of the department in writing,
19 duly certified, and accompanied by a plat showing the lines of the county
20 roads as finally determined. The county clerk shall file the papers and
21 record the decision, and the same shall be conclusive as to the lines of
22 the county roads established therein.

23 Sec. 145. Section 39-2002, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 39-2002 The county board of each county shall select and designate,
26 within six months from January 1, 1958, the roads which will be county
27 primary roads and which will constitute the county primary road system.
28 Such roads shall be selected from those roads which already have been
29 designated as primary county roads pursuant to ~~the provisions of~~ section
30 39-2001, or from those roads which were maintained by the Department of
31 Transportation Roads under ~~the provisions of~~ section 39-1309. The primary

1 county roads shall include only the more important county roads as
2 determined by the actual or potential traffic volumes and other traffic
3 survey data.

4 The county board of each county shall have authority to redesignate
5 the county primary roads from time to time by naming additional roads as
6 primary roads and by rescinding the designation of existing county
7 primary roads. ~~The ; Provided,~~ the county board shall follow the same
8 procedure for redesignation as is required by law for initially
9 designating the county primary roads. ~~The ; and provided further, that~~
10 ~~the~~ principle of designating only the more important county roads as
11 primary roads as determined by the actual or potential traffic volumes
12 and other traffic survey data shall be adhered to.

13 A copy of a current map of the county roads showing the location of
14 roads and bridges and reflecting the county primary road system as
15 designated in this section shall be kept on file and available to public
16 inspection at the office of the county clerk and with the department
17 ~~Department of Roads~~.

18 Sec. 146. Section 39-2105, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 39-2105 Jurisdictional responsibility for the various functional
21 classifications of public highways and streets shall be as follows:

22 (1) The state shall have the responsibility for the design,
23 construction, reconstruction, maintenance, and operation of all roads
24 classified under the category of rural highways as interstate,
25 expressway, and major arterial, and the municipal extensions thereof,
26 except that the state shall not be responsible for that portion of a
27 municipal extension which exceeds the design of the rural highway leading
28 into the municipality. When the design of a rural highway differs at the
29 different points where it leads into the municipality, the state's
30 responsibility for the municipal extension thereof shall be limited to
31 the lesser of the two designs. The state shall be responsible for the

1 entire interstate system under either the rural or municipal category and
2 for connecting links between the interstate and the nearest existing
3 state highway system in rural areas, except that if such a connecting
4 link has not been improved and a sufficient study by the Department of
5 Transportation Roads results in the determination that a link to an
6 alternate state highway would provide better service for the area
7 involved, the department shall have the option of providing the alternate
8 route, subject to satisfactory local participation in the additional cost
9 of the alternate route;

10 (2) The various counties shall have the responsibility for the
11 design, construction, reconstruction, maintenance, and operation of all
12 roads classified as other arterial, collector, local, minimum
13 maintenance, and remote residential under the rural highway category;

14 (3) The various incorporated municipalities shall have the
15 responsibility for the design, construction, reconstruction, maintenance,
16 and operation of all streets classified as expressway which are of a
17 purely local nature, that portion of municipal extensions of rural
18 expressways and major arterials which exceeds the design of the rural
19 portions of such systems, and responsibility for those streets classified
20 as other arterial, collector, and local within their corporate limits;
21 and

22 (4) Jurisdictional responsibility for all scenic-recreation roads
23 and highways shall remain with the governmental subdivision which had
24 jurisdictional responsibility for such road or highway prior to its
25 change in classification to scenic-recreation made pursuant to this
26 section and sections 39-2103, 39-2109, and 39-2113.

27 Sec. 147. Section 39-2106, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 39-2106 To assist in developing the functional classification
30 system, there is hereby established the Board of Public Roads
31 Classifications and Standards which shall consist of eleven members to be

1 appointed by the Governor with the approval of the Legislature. Of the
2 members of such board, two shall be representatives of the Department of
3 Transportation ~~Roads~~, three shall be representatives of the counties, one
4 of whom shall be a licensed county highway superintendent in good
5 standing and two of whom shall be county board members, three shall be
6 representatives of the municipalities who shall be either public works
7 directors or licensed city street superintendents in good standing, and
8 three shall be lay citizens who shall represent the three congressional
9 districts of the state. The county members on the board shall represent
10 the various classes of counties, as defined in section 23-1114.01, in the
11 following manner: One shall be a representative from either a Class 1 or
12 Class 2 county; one shall be a representative from either a Class 3 or
13 Class 4 county; and one shall be a representative from either a Class 5,
14 Class 6, or Class 7 county. The municipal members of the board shall
15 represent municipalities of the following sizes by population: One shall
16 be a representative from a municipality of less than two thousand five
17 hundred population; one shall be a representative from a municipality of
18 two thousand five hundred to fifty thousand population; and one shall be
19 a representative from a municipality of over fifty thousand population.
20 In making such appointments, the Governor shall consult with the
21 Director-State Engineer and with the appropriate county and municipal
22 officials and may consult with organizations representing such officials
23 or representing counties or municipalities as may be appropriate. At the
24 expiration of existing term, one member from the county representatives,
25 the municipal representatives and the lay citizens shall be appointed for
26 a term of two years; two members from the county representatives, the
27 municipal representatives and the lay citizens shall be appointed for
28 terms of four years. One representative from the department ~~Department of~~
29 ~~Roads~~ shall be appointed for a two-year term and the other representative
30 shall be appointed for a four-year term. Thereafter, all such
31 appointments shall be for terms of four years each. Members of such board

1 shall receive no compensation for their services as such, except that the
2 lay members shall receive the same compensation as members of the State
3 Highway Commission, and all members shall be reimbursed for their actual
4 and necessary expenses incurred in the performance of their official
5 duties as provided in sections 81-1174 to 81-1177 for state employees.
6 All expenses of such board shall be paid by the department ~~Department of~~
7 ~~Roads~~.

8 Sec. 148. Section 39-2107, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 39-2107 The Department of Transportation ~~Roads~~ shall furnish the
11 Board of Public Roads Classifications and Standards with necessary office
12 space, furniture, equipment, and supplies as well as necessary
13 professional, technical, and clerical assistants.

14 Sec. 149. Section 39-2110, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 39-2110 Following adoption and publication of the specific criteria
17 required by section 39-2109, the Department of Transportation ~~Roads~~,
18 after consultation with the appropriate local authorities in each
19 instance, shall assign a functional classification to each segment of
20 highway, road, and street in this state. Before assigning any such
21 classification, the department shall make reasonable effort to resolve
22 any differences of opinion between the department and any county or
23 municipality. Whenever a new road or street is to be opened or an
24 existing road or street is to be extended, the department shall, upon a
25 request from the operating jurisdiction, assign a functional
26 classification to such segment in accordance with the specific criteria
27 established under section 39-2109.

28 Sec. 150. Section 39-2111, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 39-2111 The county or municipality may appeal to the Board of Public
31 Roads Classifications and Standards from any action taken by the

1 Department of Transportation Roads in assigning any functional
2 classification under ~~the provisions of~~ section 39-2110. Upon the taking
3 of such an appeal, the board shall review all information pertaining to
4 the assignment, hold a hearing thereon if deemed advisable, and render a
5 decision on the assigned classification. The decision of the board may be
6 appealed, and the appeal shall be in accordance with the Administrative
7 Procedure Act.

8 Sec. 151. Section 39-2112, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 39-2112 Any county or municipality may, based on changing traffic
11 patterns or volume or a change in jurisdiction, request the Department of
12 Transportation Roads to reclassify any segment of highway, road, or
13 street. Any county that wants to use the minimum maintenance, remote
14 residential, or scenic-recreation functional classification or wants to
15 return a road to its previous functional classification may request the
16 department to reclassify an applicable segment of highway or road. If a
17 county board wants a road or a segment of road to be classified as remote
18 residential, it shall hold a public hearing on the matter prior to
19 requesting the department to reclassify such road or segment of road. The
20 department shall review a request made under this section and either
21 grant or deny the reclassification in whole or in part. Any county or
22 municipality dissatisfied with the action taken by the department under
23 this section may appeal to the Board of Public Roads Classifications and
24 Standards in the manner provided in section 39-2111.

25 Sec. 152. Section 39-2113, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 39-2113 (1) In addition to the duties imposed upon it by section
28 39-2109, the Board of Public Roads Classifications and Standards shall
29 develop minimum standards of design, construction, and maintenance for
30 each functional classification set forth in sections 39-2103 and 39-2104.
31 Except for scenic-recreation road standards, such standards shall be such

1 as to assure that each segment of highway, road, or street will
2 satisfactorily meet the requirements of the area it serves and the
3 traffic patterns and volumes which it may reasonably be expected to bear.

4 (2) The standards for a scenic-recreation road and highway
5 classification shall insure a minimal amount of environmental disruption
6 practicable in the design, construction, and maintenance of such
7 highways, roads, and streets by the use of less restrictive, more
8 flexible design standards than other highway classifications. Design
9 elements of such a road or highway shall incorporate parkway-like
10 features which will allow the user-motorist to maintain a leisurely pace
11 and enjoy the scenic and recreational aspects of the route and include
12 rest areas and scenic overlooks with suitable facilities.

13 (3) The standards developed for a minimum maintenance road and
14 highway classification shall provide for a level of minimum maintenance
15 sufficient to serve farm machinery and the occasional or intermittent use
16 by passenger and commercial vehicles. The standards shall provide that
17 any defective bridges, culverts, or other such structures on, in, over,
18 under, or part of the minimum maintenance road may be removed by the
19 county in order to protect the public safety and need not be replaced by
20 equivalent structures except when deemed by the county board to be
21 essential for public safety or for the present or future transportation
22 needs of the county. The standards for such minimum maintenance roads
23 shall include the installation and maintenance by the county at entry
24 points to minimum maintenance roads and at regular intervals thereon of
25 appropriate signs to adequately warn the public that the designated
26 section of road has a lower level of maintenance effort than other public
27 roads and thoroughfares. Such signs shall conform to the requirements in
28 the Manual on Uniform Traffic Control Devices adopted pursuant to section
29 60-6,118.

30 (4) The standards developed for a remote residential road
31 classification shall provide for a level of maintenance sufficient to

1 provide access to remote residences, farms, and ranches by passenger and
2 commercial vehicles. The standards shall allow for one-lane traffic where
3 sight distance is adequate to warn motorists of oncoming traffic. The
4 standards for remote residential roads shall include the installation and
5 maintenance by the county at entry points to remote residential roads of
6 appropriate signs to adequately warn members of the public that they are
7 traveling on a one-lane road. Such signs shall conform to the
8 requirements in the Manual on Uniform Traffic Control Devices adopted
9 pursuant to section 60-6,118.

10 (5) The board shall by rule provide for the relaxation of standards
11 for any functional classification in those instances in which their
12 application is not feasible because of peculiar, special, or unique local
13 situations.

14 (6) Any county or municipality which believes that the application
15 of standards for any functional classification to any segment of highway,
16 road, or street would work a special hardship, or any other interested
17 party which believes that the application of standards for scenic-
18 recreation roads and highways to any segment of highway, road, or street
19 would defeat the purpose of the scenic-recreation functional
20 classification contained in section 39-2103, may request the board to
21 relax the standards for such segment. The Department of Transportation
22 ~~Roads~~, when it believes that the application of standards for any
23 functional classification to any segment of highway that is not hard
24 surfaced would work a special hardship, may request the board to relax
25 such standards. The board shall review any request made pursuant to this
26 section and either grant or deny it in whole or in part. This ~~The~~
27 ~~provisions of this~~ section shall not be construed to apply to removal of
28 a road or highway from the state highway system pursuant to section
29 39-1315.01.

30 Sec. 153. Section 39-2115, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 39-2115 The Department of Transportation Roads, and each county and
2 municipality shall develop and file with the Board of Public Roads
3 Classifications and Standards a long-range, six-year plan of highway,
4 road, and street improvements based on priority of needs and calculated
5 to contribute to the orderly development of an integrated statewide
6 system of highways, roads, and streets. Each such plan shall be filed
7 with the board promptly upon preparation but in no event later than March
8 1, 1971. If any county or municipality, or the department ~~Department of~~
9 ~~Roads~~, shall fail to file its plan on or before such date, the board
10 shall so notify the local governing board, the Governor, and the State
11 Treasurer, who shall suspend distribution of any highway-user revenue
12 allocated to such county or municipality, or the department ~~Department of~~
13 ~~Roads~~, until the plan has been filed. Such funds shall be held in escrow
14 for six months until the county or municipality complies. If the county
15 or municipality complies within the six-month period it shall receive the
16 money in escrow, but after six months, if the county or municipality
17 fails to comply, the money in the escrow account shall be lost to the
18 county or municipality.

19 Sec. 154. Section 39-2116, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 39-2116 The Board of Public Roads Classifications and Standards
22 shall review all six-year plans required by sections 39-2115 to 39-2117
23 or annual metropolitan transportation improvement programs under section
24 39-2119.01 submitted to it and make such recommendations for changes
25 therein as it believes necessary or desirable in order to achieve the
26 orderly development of an integrated system of highways, roads, and
27 streets, but in so doing the board shall take into account the fact that
28 individual priorities of needs may not lend themselves to immediate
29 integration. The Department of Transportation ~~department~~ and each county
30 and municipality shall give careful and serious consideration to any such
31 recommendations received from the board and shall not reject them except

1 for substantial or compelling reason.

2 Sec. 155. Section 39-2118, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 39-2118 The Department of Transportation ~~Roads~~ shall annually
5 prepare and file with the Board of Public Roads Classifications and
6 Standards a plan for specific highway improvements for the current year.
7 The annual plan shall be filed on or before July 1 of each year. In so
8 doing, the department shall take into account all federal funds which
9 will be available to the department for such year. The board shall review
10 each such annual plan to determine whether it is consistent with the
11 department's current six-year plan. The department shall be required to
12 justify any inconsistency with the six-year plan to the satisfaction of
13 the board.

14 Sec. 156. Section 39-2120, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 39-2120 The Auditor of Public Accounts and the Board of Public Roads
17 Classifications and Standards shall develop and schedule for
18 implementation a standardized system of annual reporting to the board by
19 the Department of Transportation ~~department~~ and by counties and
20 municipalities, which system shall include:

21 (1) A procedure for documenting and certifying that standards of
22 design, construction, and maintenance of roads and streets have been met;

23 (2) A procedure for documenting and certifying that all tax revenue
24 for road or street purposes has been expended in accordance with approved
25 plans and standards, to include county and municipal tax revenue, as well
26 as highway-user revenue allocations made by the state;

27 (3) A uniform system of accounting which clearly indicates, through
28 a system of reports, a comparison of receipts and expenditures to
29 approved budgets and programs;

30 (4) A system of budgeting which reflects uses and sources of funds
31 in terms of programs and accomplishments;

1 (5) An approved system of reporting an inventory of machinery,
2 equipment, and supplies; and

3 (6) An approved system of cost accounting of the operation of
4 equipment.

5 Sec. 157. Section 39-2121, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 39-2121 (1) The Department of Transportation ~~department~~ and each
8 county and municipality shall make the reports provided for by section
9 39-2120.

10 (2) If any county or municipality or the department ~~Department of~~
11 ~~Roads~~ fails to file such report on or before its due date, the Board of
12 Public Roads Classifications and Standards shall so notify the local
13 governing board, the Governor, and the State Treasurer who shall suspend
14 distribution of any highway-user revenue allocated to such county or
15 municipality or the department ~~Department of Roads~~ until the report has
16 been filed. Such funds shall be held in escrow for six months until the
17 county or municipality complies. If the county or municipality complies
18 within the six-month period it shall receive the money in escrow, but
19 after six months, if the county or municipality fails to comply, the
20 money in the escrow account shall be lost to the county or municipality.

21 (3) If any county or municipality either (a) files a materially
22 false report or (b) constructs any highway, road, or street below the
23 minimum standards developed under section 39-2113, without having
24 received prior approval thereof, such county's or municipality's share of
25 highway-user revenue allocated during the following calendar year shall
26 be reduced by ten percent and the amount of any such reduction shall be
27 distributed among the other counties or municipalities, as appropriate,
28 in the manner provided by law for allocation of highway-user revenue. The
29 penalty for filing a materially false report and the penalty for
30 constructing a highway, road, or street below established minimum
31 standards without prior approval shall be assessed by the board only

1 after a review of the facts involved in such case and the holding of a
2 public hearing on the matter. The decision thereafter rendered by the
3 board may be appealed, and the appeal shall be in accordance with the
4 Administrative Procedure Act.

5 Sec. 158. Section 39-2124, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 39-2124 It is the intent of the Legislature to recognize the
8 responsibilities of the Department of Transportation Roads, of the
9 counties, and of the municipalities in their planning programs as
10 authorized by state law and by home rule charter and to encourage the
11 acceptance and implementation of comprehensive, continuing, cooperative,
12 and coordinated planning by the state, the counties, and the
13 municipalities. Sections 13-914 and 39-2101 to 39-2125 are not intended
14 to prohibit or inhibit the actions of the counties and of the
15 municipalities in their planning programs and their subdivision
16 regulations, nor are sections 13-914 and 39-2101 to 39-2125 intended to
17 restrict the actions of the municipalities in their creation of street
18 improvement districts and in their assessment of property for special
19 benefits as authorized by state law or by home rule charter.

20 Sec. 159. Section 39-2215, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 39-2215 (1) There is hereby created in the state treasury a special
23 fund to be known as the Highway Trust Fund.

24 (2) All funds credited to the Highway Trust Fund pursuant to
25 sections 66-489.02, 66-499, 66-4,140, 66-4,147, 66-6,108, and
26 66-6,109.02, and related penalties and interest, shall be allocated as
27 provided in such sections.

28 (3) All other motor vehicle fuel taxes, diesel fuel taxes,
29 compressed fuel taxes, and alternative fuel fees related to highway use
30 retained by the state, all motor vehicle registration fees retained by
31 the state other than those fees credited to the State Recreation Road

1 Fund pursuant to subdivision (3) of section 60-3,156, and other highway-
2 user taxes imposed by state law and allocated to the Highway Trust Fund,
3 except for the proceeds of the sales and use taxes derived from motor
4 vehicles, trailers, and semitrailers credited to the fund pursuant to
5 section 77-27,132, are hereby irrevocably pledged for the terms of the
6 bonds issued prior to January 1, 1988, to the payment of the principal,
7 interest, and redemption premium, if any, of such bonds as they mature
8 and become due at maturity or prior redemption and for any reserves
9 therefor and shall, as received by the State Treasurer, be deposited in
10 the fund for such purpose.

11 (4) Of the money in the fund specified in subsection (3) of this
12 section which is not required for the use specified in such subsection,
13 (a) an amount to be determined annually by the Legislature through the
14 appropriations process may be transferred to the Motor Fuel Tax
15 Enforcement and Collection Cash Fund for use as provided in section
16 66-738 on a monthly or other less frequent basis as determined by the
17 appropriation language, (b) an amount to be determined annually by the
18 Legislature through the appropriations process shall be transferred to
19 the License Plate Cash Fund as certified by the Director of Motor
20 Vehicles, and (c) the remaining money may be used for the purchase for
21 retirement of the bonds issued prior to January 1, 1988, in the open
22 market.

23 (5) The State Treasurer shall monthly transfer, from the proceeds of
24 the sales and use taxes credited to the Highway Trust Fund and any money
25 remaining in the fund after the requirements of subsections (2) through
26 (4) of this section are satisfied, thirty thousand dollars to the Grade
27 Crossing Protection Fund.

28 (6) Except as provided in subsection (7) of this section, the
29 balance of the Highway Trust Fund shall be allocated fifty-three and one-
30 third percent, less the amount provided for in section 39-847.01, to the
31 Department of Transportation Roads, twenty-three and one-third percent,

1 less the amount provided for in section 39-847.01, to the various
2 counties for road purposes, and twenty-three and one-third percent to the
3 various municipalities for street purposes. If bonds are issued pursuant
4 to subsection (2) of section 39-2223, the portion allocated to the
5 department ~~Department of Roads~~ shall be credited monthly to the Highway
6 Restoration and Improvement Bond Fund, and if no bonds are issued
7 pursuant to such subsection, the portion allocated to the department
8 shall be credited monthly to the Highway Cash Fund. The portions
9 allocated to the counties and municipalities shall be credited monthly to
10 the Highway Allocation Fund and distributed monthly as provided by law.
11 Vehicles accorded prorated registration pursuant to section 60-3,198
12 shall not be included in any formula involving motor vehicle
13 registrations used to determine the allocation and distribution of state
14 funds for highway purposes to political subdivisions.

15 (7) If it is determined by December 20 of any year that a county
16 will receive from its allocation of state-collected highway revenue and
17 from any funds relinquished to it by municipalities within its boundaries
18 an amount in such year which is less than such county received in state-
19 collected highway revenue in calendar year 1969, based upon the 1976 tax
20 rates for highway-user fuels and registration fees, the department
21 ~~Department of Roads~~ shall notify the State Treasurer that an amount equal
22 to the sum necessary to provide such county with funds equal to such
23 county's 1969 highway allocation for such year shall be transferred to
24 such county from the Highway Trust Fund. Such makeup funds shall be
25 matched by the county as provided in sections 39-2501 to 39-2510. The
26 balance remaining in the fund after such transfer shall then be
27 reallocated as provided in subsection (6) of this section.

28 (8) The State Treasurer shall disburse the money in the Highway
29 Trust Fund as directed by resolution of the commission. All disbursements
30 from the fund shall be made upon warrants drawn by the Director of
31 Administrative Services. Any money in the fund available for investment

1 shall be invested by the state investment officer pursuant to the
2 Nebraska Capital Expansion Act and the Nebraska State Funds Investment
3 Act and the earnings, if any, credited to the fund.

4 Sec. 160. Section 39-2224, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 39-2224 (1) The proceeds of the sale of bonds authorized by
7 subsection (1) of section 39-2223 are hereby appropriated to the Highway
8 Cash Fund of the Department of Transportation Roads, for the biennium
9 ending June 30, 1977, for expenditure for the construction of highways.

10 (2) The proceeds of the sale of bonds authorized by subsection (2)
11 of section 39-2223 are hereby appropriated to the Highway Cash Fund of
12 the Department of Transportation Roads for expenditure for highway
13 construction, resurfacing, reconstruction, rehabilitation, and
14 restoration and for the elimination or alleviation of cash-flow problems
15 resulting from the receipt of federal funds.

16 Sec. 161. Section 39-2305, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 39-2305 The board of examiners shall be furnished necessary office
19 space, furniture, equipment, stationery, and clerical assistance by the
20 Department of Transportation Roads. The board shall organize itself by
21 selecting from among its members a chairperson and such other officers as
22 it may find desirable. The board shall meet at such times at the
23 ~~Department of Roads~~ headquarters of the department in Lincoln, Nebraska,
24 as may be necessary for the administration of the County Highway and City
25 Street Superintendents Act.

26 Sec. 162. Section 39-2310, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 39-2310 All funds received under the County Highway and City Street
29 Superintendents Act shall be remitted to the State Treasurer for credit
30 to the Highway Cash Fund. Expenses of the members of the board of
31 examiners as provided in section 39-2304 shall be paid by the Department

1 of Transportation Roads from the Highway Cash Fund.

2 Sec. 163. Section 39-2504, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 39-2504 (1) A reduced incentive payment shall be made to any county
5 or municipal county having in its employ either (a) a licensed county
6 highway superintendent for only a portion of the calendar year preceding
7 the year in which the payment is made or (b) two or more successive
8 licensed county highway superintendents for the calendar year preceding
9 the year in which the payment is made. Such reduced payment shall be in
10 the proportion of the payment amounts listed in section 39-2503 as the
11 number of full months each such licensed superintendent was employed is
12 of twelve.

13 (2) Any county or municipal county that contracts for the services
14 of a consulting engineer licensed under the County Highway and City
15 Street Superintendents Act or any other person licensed under the act to
16 perform the duties outlined in section 39-2502 rather than employing a
17 licensed county highway superintendent shall be entitled to an incentive
18 payment equal to two-thirds the payment amount provided in section
19 39-2503 or two-thirds of the reduced incentive payment provided in
20 subsection (1) of this section, as determined by the Department of
21 Transportation Roads pursuant to section 39-2505.

22 (3) Any county or municipal county that contracts with another
23 county or municipal county or with any city or village for the services
24 of a licensed county highway superintendent as provided in section
25 39-2114 shall be entitled to the incentive payment provided in section
26 39-2503 or the reduced incentive payment provided in subsection (1) of
27 this section.

28 Sec. 164. Section 39-2505, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 39-2505 The Department of Transportation Roads shall, in January of
31 each year commencing in 1970, determine and certify to the State

1 Treasurer the amount of each incentive payment to be made under the
2 provisions of sections 39-2501 to 39-2505. The State Treasurer shall, on
3 or before February 15, make the incentive payments in accordance with
4 such certification.

5 Sec. 165. Section 39-2507, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 39-2507 The following factors and weights shall be used in
8 determining the amount to be allocated to each of the counties or
9 municipal counties for road purposes each year:

10 (1) Rural population of each county or municipal county, as
11 determined by the most recent federal census, twenty percent;

12 (2) Total population of each county or municipal county, as
13 determined by the most recent federal census, ten percent;

14 (3) Lineal feet of bridges twenty feet or more in length and all
15 overpasses in each county or municipal county, as determined by the most
16 recent inventory available within the Department of Transportation Roads,
17 ten percent, and for purposes of this subdivision a bridge or overpass
18 located partly in one county or municipal county and partly in another
19 shall be considered as being located one-half in each county or municipal
20 county;

21 (4) Total motor vehicle registrations, other than prorated
22 commercial vehicles, in the rural areas of each county or municipal
23 county, as determined from the most recent information available from the
24 Department of Motor Vehicles, twenty percent;

25 (5) Total motor vehicle registrations, other than prorated
26 commercial vehicles, in each county or municipal county as determined
27 from the most recent information available from the Department of Motor
28 Vehicles, ten percent;

29 (6) Total miles of county or municipal county and township roads
30 within each county or municipal county, as determined by the most recent
31 inventory available within the Department of Transportation Roads, twenty

1 percent; and

2 (7) Value of farm products sold from each county or municipal
3 county, as determined from the most recent federal Census of Agriculture,
4 ten percent.

5 Sec. 166. Section 39-2508, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 39-2508 The Department of Transportation ~~Roads~~ shall compute the
8 amount allocated to each county or municipal county under each of the
9 factors listed in section 39-2507 and shall then compute the total
10 allocation to each such county or municipal county and transmit such
11 information to the local governing board and the State Treasurer, who
12 shall disburse funds accordingly.

13 Sec. 167. Section 39-2514, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 39-2514 (1) A reduced incentive payment shall be made to any
16 municipality or municipal county having in its employ either (a) a
17 licensed city street superintendent for only a portion of the calendar
18 year preceding the year in which the payment is made or (b) two or more
19 successive licensed city street superintendents for the calendar year
20 preceding the year in which the payment is made. Such reduced payment
21 shall be in the proportion of the payment amounts listed in section
22 39-2513 as the number of full months each such licensed superintendent
23 was employed is of twelve.

24 (2) Any municipality or municipal county that contracts for the
25 services of a consulting engineer licensed under the County Highway and
26 City Street Superintendents Act or any other person licensed under the
27 act to perform the duties outlined in section 39-2512 rather than
28 employing a licensed city street superintendent shall be entitled to an
29 incentive payment as provided in section 39-2513 or to the reduced
30 incentive payment provided in subsection (1) of this section, as
31 determined by the Department of Transportation ~~Roads~~ pursuant to section

1 39-2515.

2 (3) Any municipality or municipal county that contracts with another
3 municipality, county, or municipal county for the services of a licensed
4 city street superintendent as provided in section 39-2114 shall be
5 entitled to the incentive payment provided in section 39-2513 or the
6 reduced incentive payment provided in subsection (1) of this section.

7 Sec. 168. Section 39-2515, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 39-2515 The Department of Transportation ~~Roads~~ shall, in January of
10 each year commencing in 1970, determine and certify to the State
11 Treasurer the amount of each incentive payment to be made under the
12 provisions of sections 39-2511 to 39-2520. The State Treasurer shall, on
13 or before February 15, make the incentive payments in accordance with
14 such certification.

15 Sec. 169. Section 39-2517, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 39-2517 The following factors and weights shall be used in
18 determining the amount to be allocated to each of the municipalities or
19 municipal counties for street purposes each year:

20 (1) Total population of each incorporated municipality or the
21 urbanized area of a municipal county, as determined by the most recent
22 federal census figures certified by the Tax Commissioner as provided in
23 section 77-3,119, fifty percent;

24 (2) Total motor vehicle registrations, other than prorated
25 commercial vehicles, in each incorporated municipality or the urbanized
26 area of a municipal county, as determined from the most recent
27 information available from the Department of Motor Vehicles, thirty
28 percent; and

29 (3) Total number of miles of traffic lanes of streets in each
30 incorporated municipality or the urbanized area of a municipal county, as
31 determined by the most recent inventory available within the Department

1 of Transportation Roads, twenty percent.

2 Sec. 170. Section 39-2518, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 39-2518 The Department of Transportation Roads shall compute the
5 amount allocated to each municipality or municipal county under the
6 factors listed in section 39-2517 and shall then compute the total
7 allocation to each such municipality or municipal county and transmit
8 such information to the local governing body and the State Treasurer, who
9 shall disburse funds accordingly.

10 Sec. 171. Section 39-2602, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 39-2602 For purposes of sections 39-2601 to 39-2612, unless the
13 context otherwise requires:

14 (1) Junk means old or scrap copper, brass, rope, rags, batteries,
15 paper, trash, rubber debris, waste or junked, dismantled, or wrecked
16 automobiles, or parts thereof, iron, steel, and other old or scrap
17 ferrous or nonferrous material;

18 (2) Automobile graveyard means any establishment or place of
19 business which is maintained, operated, or used for storing, keeping,
20 buying, or selling wrecked, scrapped, ruined, or dismantled motor
21 vehicles or motor vehicle parts;

22 (3) Junkyard means an establishment or place of business which is
23 maintained, operated, or used for storing, keeping, buying, or selling
24 junk or for the maintenance or operation of an automobile graveyard, and
25 includes garbage dumps and sanitary fills;

26 (4) Highway Beautification Control System has the same meaning as in
27 section 39-201.01;

28 (5) Scenic byway has the same meaning as in section 39-201.01;

29 (6) Main-traveled way means the traveled portion of an interstate or
30 primary highway on which through traffic is carried and, in the case of a
31 divided highway, the traveled portion of each of the separated roadways;

1 (7) Person means any natural person, partnership, limited liability
2 company, association, corporation, or governmental subdivision; and

3 (8) Department means the Department of Transportation Roads.

4 Sec. 172. Section 39-2702, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 39-2702 For purposes of the Build Nebraska Act:

7 (1) Department means the Department of Transportation Roads;

8 (2) Fund means the State Highway Capital Improvement Fund; and

9 (3) Surface transportation project means (a) expansion or
10 reconstruction of a road or highway which is part of the state highway
11 system, (b) expansion or reconstruction of a bridge which is part of the
12 state highway system, or (c) construction of a new road, highway, or
13 bridge which, if built, would be a part of the state highway system.

14 Sec. 173. Section 39-2802, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 39-2802 For purposes of the Transportation Innovation Act:

17 (1) Alternative technical concept means changes suggested by a
18 qualified, eligible, short-listed design-builder to the department's
19 basic configurations, project scope, design, or construction criteria;

20 (2) Best value-based selection process means a process of selecting
21 a design-builder using price, schedule, and qualifications for evaluation
22 factors;

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

26 (4) Construction manager-general contractor contract means a
27 contract which is subject to a qualification-based selection process
28 between the department and a construction manager to furnish
29 preconstruction services during the design development phase of the
30 project and, if an agreement can be reached which is satisfactory to the
31 department, construction services for the construction phase of the

1 project;

2 (5) Construction services means activities associated with building
3 the project;

4 (6) Department means the Department of Transportation Roads;

5 (7) Design-build contract means a contract between the department
6 and a design-builder which is subject to a best value-based selection
7 process to furnish (a) architectural, engineering, and related design
8 services and (b) labor, materials, supplies, equipment, and construction
9 services;

10 (8) Design-builder means the legal entity which proposes to enter
11 into a design-build contract;

12 (9) Multimodal transportation network means the interconnected
13 system of highways, roads, streets, rail lines, river ports, and transit
14 systems which facilitates the movement of people and freight to enhance
15 Nebraska's economy;

16 (10) Preconstruction services means all nonconstruction-related
17 services that a construction manager performs in relation to the design
18 of the project before execution of a contract for construction services.
19 Preconstruction services includes, but is not limited to, cost
20 estimating, value engineering studies, constructability reviews, delivery
21 schedule assessments, and life-cycle analysis;

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

31 (12) Proposal means an offer in response to a request for proposals

1 (a) by a design-builder to enter into a design-build contract or (b) by a
2 construction manager to enter into a construction manager-general
3 contractor contract;

4 (13) Qualification-based selection process means a process of
5 selecting a construction manager based on qualifications;

6 (14) Request for proposals means the documentation by which the
7 department solicits proposals; and

8 (15) Request for qualifications means the documentation or
9 publication by which the department solicits qualifications.

10 Sec. 174. Section 39-2806, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 39-2806 The Economic Opportunity Program is created. The Department
13 of Transportation ~~Roads~~ shall administer the program in consultation with
14 the Department of Economic Development using funds from the
15 Transportation Infrastructure Bank Fund, except that no more than twenty
16 million dollars shall be expended for this program. The purpose of the
17 program is to finance transportation improvements to attract and support
18 new businesses and business expansions by successfully connecting such
19 businesses to Nebraska's multimodal transportation network and to
20 increase employment, create high-quality jobs, increase business
21 investment, and revitalize rural and other distressed areas of the state.
22 The Department of Transportation ~~Roads~~ shall develop the program,
23 including the application process, criteria for providing funding,
24 matching requirements, and provisions for recapturing funds awarded for
25 projects with unmet obligations, in consultation with statewide
26 associations representing municipal and county officials, economic
27 developers, and the Department of Economic Development. No project shall
28 be approved through the Economic Opportunity Program without an economic
29 impact analysis proving positive economic impact. The details of the
30 program shall be presented to the Appropriations Committee and the
31 Transportation and Telecommunications Committee of the Legislature on or

1 before December 1, 2016.

2 Sec. 175. Section 46-251, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 46-251 All persons desirous of constructing any of the works
5 provided for in sections 46-244 to 46-250 shall have the right to occupy
6 state lands and obtain right-of-way over and across any highway in this
7 state for such purpose without compensation, except public school lands.
8 All bridges or crossings over such ditches, laterals, and canals shall be
9 constructed under the supervision of the Department of Transportation
10 ~~Roads~~, if on a state highway, and under the supervision of the county
11 board or governing body of a municipality, if on a highway under the
12 jurisdiction of such board or governing body. All such persons may obtain
13 a right-of-way not to exceed sixteen feet in width, for a like purpose
14 along, parallel to, and upon one side of any highway by condemnation
15 proceedings where the same does not interfere with the proper drainage of
16 such highway. In such cases the abutting landowner and the county may
17 grant such right-of-way, or in case of their refusal notice shall be
18 served upon them and proceedings had as in other cases. Not more than one
19 such ditch or lateral shall be permitted along the side of the same
20 highway.

21 Sec. 176. Section 49-506, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 49-506 After the Secretary of State has made the distribution
24 provided by section 49-503, he or she shall deliver additional copies of
25 the session laws and the journal of the Legislature pursuant to this
26 section in print or electronic format as he or she determines, upon
27 recommendation by the Clerk of the Legislature and approval of the
28 Executive Board of the Legislative Council.

29 One copy of the session laws shall be delivered to the Lieutenant
30 Governor, the State Treasurer, the Auditor of Public Accounts, the
31 Reporter of the Supreme Court and Court of Appeals, the State Court

1 Administrator, the State Fire Marshal, the Department of Administrative
2 Services, ~~the Department of Aeronautics~~, the Department of Agriculture,
3 the Department of Banking and Finance, the State Department of Education,
4 the Department of Environmental Quality, the Department of Insurance, the
5 Department of Labor, the Department of Motor Vehicles, the Department of
6 Revenue, the Department of Transportation ~~Roads~~, the Department of
7 Veterans' Affairs, the Department of Natural Resources, the Military
8 Department, the Nebraska State Patrol, the Nebraska Commission on Law
9 Enforcement and Criminal Justice, each of the Nebraska state colleges,
10 the Game and Parks Commission, the Nebraska Library Commission, the
11 Nebraska Liquor Control Commission, the Nebraska Accountability and
12 Disclosure Commission, the Public Service Commission, the State Real
13 Estate Commission, the Nebraska State Historical Society, the Public
14 Employees Retirement Board, the Risk Manager, the Legislative Fiscal
15 Analyst, the Public Counsel, the materiel division of the Department of
16 Administrative Services, the State Records Administrator, the budget
17 division of the Department of Administrative Services, the Tax
18 Equalization and Review Commission, the inmate library at all state penal
19 and correctional institutions, the Commission on Public Advocacy, and the
20 Library of Congress; two copies to the Governor, the Secretary of State,
21 the Nebraska Workers' Compensation Court, the Commission of Industrial
22 Relations, and the Coordinating Commission for Postsecondary Education,
23 one of which shall be for use by the community colleges; three copies to
24 the Department of Health and Human Services; four copies to the Nebraska
25 Publications Clearinghouse; five copies to the Attorney General; nine
26 copies to the Revisor of Statutes; sixteen copies to the Supreme Court
27 and the Legislative Council; and thirty-five copies to the University of
28 Nebraska College of Law.

29 One copy of the journal of the Legislature shall be delivered to the
30 Governor, the Lieutenant Governor, the State Treasurer, the Auditor of
31 Public Accounts, the Reporter of the Supreme Court and Court of Appeals,

1 the State Court Administrator, the Nebraska State Historical Society, the
2 Legislative Fiscal Analyst, the Tax Equalization and Review Commission,
3 the Commission on Public Advocacy, and the Library of Congress; two
4 copies to the Secretary of State, the Commission of Industrial Relations,
5 and the Nebraska Workers' Compensation Court; four copies to the Nebraska
6 Publications Clearinghouse; five copies to the Attorney General and the
7 Revisor of Statutes; eight copies to the Clerk of the Legislature;
8 thirteen copies to the Supreme Court and the Legislative Council; and
9 thirty-five copies to the University of Nebraska College of Law. The
10 remaining copies shall be delivered to the State Librarian who shall use
11 the same, so far as required for exchange purposes, in building up the
12 State Library and in the manner specified in sections 49-507 to 49-509.

13 Sec. 177. Section 49-617, Revised Statutes Cumulative Supplement,
14 2016, is amended to read:

15 49-617 The Revisor of Statutes shall cause the statutes to be
16 printed. The printer shall deliver all completed copies to the Supreme
17 Court. These copies shall be held and disposed of by the court as
18 follows: Sixty copies to the State Library to exchange for statutes of
19 other states; five copies to the State Library to keep for daily use; not
20 to exceed twenty-five copies to the Legislative Council for bill drafting
21 and related services to the Legislature and executive state officers; as
22 many copies to the Attorney General as he or she has attorneys on his or
23 her staff; as many copies to the Commission on Public Advocacy as it has
24 attorneys on its staff; up to sixteen copies to the State Court
25 Administrator; thirteen copies to the Tax Commissioner; eight copies to
26 the Nebraska Publications Clearinghouse; six copies to the Public Service
27 Commission; four copies to the Secretary of State; three copies to the
28 Tax Equalization and Review Commission; four copies to the Clerk of the
29 Legislature for use in his or her office and three copies to be
30 maintained in the legislative chamber, one copy on each side of the
31 chamber and one copy at the desk of the Clerk of the Legislature, under

1 control of the sergeant at arms; three copies to the Department of Health
2 and Human Services; two copies each to the Governor of the state, the
3 Chief Justice and each judge of the Supreme Court, each judge of the
4 Court of Appeals, the Clerk of the Supreme Court, the Reporter of the
5 Supreme Court and Court of Appeals, the Commissioner of Labor, the
6 Auditor of Public Accounts, and the Revisor of Statutes; one copy each to
7 the Secretary of State of the United States, each Indian tribal court
8 located in the State of Nebraska, the library of the Supreme Court of the
9 United States, the Adjutant General, the Air National Guard, the
10 Commissioner of Education, the State Treasurer, the Board of Educational
11 Lands and Funds, the Director of Agriculture, the Director of
12 Administrative Services, ~~the Director of Aeronautics,~~ the Director of
13 Economic Development, the director of the Nebraska Public Employees
14 Retirement Systems, the Director-State Engineer, the Director of Banking
15 and Finance, the Director of Insurance, the Director of Motor Vehicles,
16 the Director of Veterans' Affairs, the Director of Natural Resources, the
17 Director of Correctional Services, the Nebraska Emergency Operating
18 Center, each judge of the Nebraska Workers' Compensation Court, each
19 commissioner of the Commission of Industrial Relations, the Nebraska
20 Liquor Control Commission, the State Real Estate Commission, the
21 secretary of the Game and Parks Commission, the Board of Pardons, each
22 state institution under the Department of Health and Human Services, each
23 state institution under the State Department of Education, the State
24 Surveyor, the Nebraska State Patrol, the materiel division of the
25 Department of Administrative Services, the personnel division of the
26 Department of Administrative Services, the Nebraska Motor Vehicle
27 Industry Licensing Board, the Board of Trustees of the Nebraska State
28 Colleges, each of the Nebraska state colleges, each district judge of the
29 State of Nebraska, each judge of the county court, each judge of a
30 separate juvenile court, the Lieutenant Governor, each United States
31 Senator from Nebraska, each United States Representative from Nebraska,

1 each clerk of the district court for the use of the district court, the
2 clerk of the Nebraska Workers' Compensation Court, each clerk of the
3 county court, each county attorney, each county public defender, each
4 county law library, and the inmate library at all state penal and
5 correctional institutions, and each member of the Legislature shall be
6 entitled to two complete sets, and two complete sets of such volumes as
7 are necessary to update previously issued volumes, but each member of the
8 Legislature and each judge of any court referred to in this section shall
9 be entitled, on request, to an additional complete set. Copies of the
10 statutes distributed without charge, as listed in this section, shall be
11 the property of the state or governmental subdivision of the state and
12 not the personal property of the particular person receiving a copy.
13 Distribution of statutes to the library of the College of Law of the
14 University of Nebraska shall be as provided in sections 85-176 and
15 85-177.

16 Sec. 178. Section 55-181, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 55-181 The Military Department may contract with the Nebraska Wing
19 of the Civil Air Patrol, the civilian auxiliary of the United States Air
20 Force, for the following purposes:

21 (1) To encourage and aid American citizens in the contribution of
22 their efforts, services, and resources in the development of aviation and
23 the maintenance of aerospace supremacy;

24 (2) To encourage and develop, by example, the voluntary contribution
25 of private citizens to the public welfare;

26 (3) To provide aviation and aerospace education and training;

27 (4) To foster and encourage civil aviation in local communities
28 throughout the state; and

29 (5) To assist in meeting emergencies within the state.

30 The Division of Aeronautics of the Department of Transportation
31 ~~Aeronautics~~ and the Military Department shall enter into an agreement

1 that will continue the funding of the contract under this section from
2 the ~~Department of Aeronautics~~ Cash Fund in an amount equal to the
3 appropriation by the Legislature for such purpose.

4 Sec. 179. Section 57-1102, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 57-1102 Any such person, company, corporation, or association, in
7 the laying, relaying, operation, and maintenance of any such pipeline
8 within the State of Nebraska, shall have the right to enter upon and
9 cross, with such pipeline, any public road or highway, under such
10 reasonable regulations and restrictions as may be prescribed by the
11 Department of Transportation Roads, if it is a state or federal highway,
12 or by the county board of each county, as to all other public roads and
13 highways within such county, and shall also have the right to lay, relay,
14 operate, and maintain such pipeline in and along any public road or
15 highway.

16 Sec. 180. Section 57-1407, Revised Statutes Cumulative Supplement,
17 2016, is amended to read:

18 57-1407 (1) After receipt of an application under section 57-1405,
19 the commission shall:

20 (a) Within sixty days, schedule a public hearing;

21 (b) Notify the pipeline carrier of the time, place, and purpose of
22 the public hearing;

23 (c) Publish a notice of the time, place, and purpose of the public
24 hearing in at least one newspaper of general circulation in each county
25 in which the major oil pipeline is to be constructed; and

26 (d) Serve notice of the public hearing upon the governing bodies of
27 the counties and municipalities through which the proposed route of the
28 major oil pipeline would be located as specified in subdivision (2)(d) of
29 section 57-1405.

30 (2) The commission may hold additional public meetings for the
31 purpose of receiving input from the public at locations as close as

1 practicable to the proposed route of the major oil pipeline. The
2 commission shall make the public input part of the record.

3 (3) If requested by the commission, the following agencies shall
4 file a report with the commission, prior to the hearing on the
5 application, regarding information within the respective agencies' area
6 of expertise relating to the impact of the major oil pipeline on any area
7 within the respective agencies' jurisdiction, including in such report
8 opinions regarding the advisability of approving, denying, or modifying
9 the location of the proposed route of the major oil pipeline: The
10 Department of Environmental Quality, the Department of Natural Resources,
11 the Department of Revenue, the Department of Transportation Roads, the
12 Game and Parks Commission, the Nebraska Oil and Gas Conservation
13 Commission, the Nebraska State Historical Society, the State Fire
14 Marshal, and the Board of Educational Lands and Funds. The agencies may
15 submit a request for reimbursement of reasonable and necessary expenses
16 incurred for any consultants hired pursuant to this subsection.

17 (4) An application under the Major Oil Pipeline Siting Act shall be
18 approved if the proposed route of the major oil pipeline is determined by
19 the Public Service Commission to be in the public interest. The pipeline
20 carrier shall have the burden to establish that the proposed route of the
21 major oil pipeline would serve the public interest. In determining
22 whether the pipeline carrier has met its burden, the commission shall not
23 evaluate safety considerations, including the risk or impact of spills or
24 leaks from the major oil pipeline, but the commission shall evaluate:

25 (a) Whether the pipeline carrier has demonstrated compliance with
26 all applicable state statutes, rules, and regulations and local
27 ordinances;

28 (b) Evidence of the impact due to intrusion upon natural resources
29 and not due to safety of the proposed route of the major oil pipeline to
30 the natural resources of Nebraska, including evidence regarding the
31 irreversible and irretrievable commitments of land areas and connected

1 natural resources and the depletion of beneficial uses of the natural
2 resources;

3 (c) Evidence of methods to minimize or mitigate the potential
4 impacts of the major oil pipeline to natural resources;

5 (d) Evidence regarding the economic and social impacts of the major
6 oil pipeline;

7 (e) Whether any other utility corridor exists that could feasibly
8 and beneficially be used for the route of the major oil pipeline;

9 (f) The impact of the major oil pipeline on the orderly development
10 of the area around the proposed route of the major oil pipeline;

11 (g) The reports of the agencies filed pursuant to subsection (3) of
12 this section; and

13 (h) The views of the governing bodies of the counties and
14 municipalities in the area around the proposed route of the major oil
15 pipeline.

16 Sec. 181. Section 60-507, Revised Statutes Cumulative Supplement,
17 2016, is amended to read:

18 60-507 (1) Within ninety days after the receipt by the Department of
19 Transportation Roads of a report of a motor vehicle accident within this
20 state which has resulted in bodily injury or death, or damage to the
21 property of any one person, including such operator, to an apparent
22 extent in excess of one thousand dollars, the Department of Motor
23 Vehicles shall suspend (a) the license of each operator of a motor
24 vehicle in any manner involved in such accident and (b) the privilege, if
25 such operator is a nonresident, of operating a motor vehicle within this
26 state, unless such operator deposits security in a sum which shall be
27 sufficient, in the judgment of the Department of Motor Vehicles, to
28 satisfy any judgment or judgments for damages resulting from such
29 accident which may be recovered against such operator and unless such
30 operator gives proof of financial responsibility.

31 Notice of such suspension shall be sent by the Department of Motor

1 Vehicles by regular United States mail to such operator not less than
2 twenty days prior to the effective date of such suspension at his or her
3 last-known mailing address as shown by the records of the department and
4 shall state the amount required as security and the requirement of proof
5 of financial responsibility. In the event a person involved in a motor
6 vehicle accident within this state fails to make a report to the
7 Department of Motor Vehicles indicating the extent of his or her injuries
8 or the damage to his or her property within thirty days after the
9 accident, and the department does not have sufficient information on
10 which to base an evaluation of such injury or damage, the department,
11 after reasonable notice to such person, may not require any deposit of
12 security for the benefit or protection of such person. If the operator
13 fails to respond to the notice on or before twenty days after the date of
14 the notice, the director shall summarily suspend the operator's license
15 or privilege and issue an order of suspension.

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

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

24 (4) The order of suspension provided for in subsection (1) of this
25 section shall advise the operator that he or she has a right to appeal
26 the order of suspension in accordance with the provisions set forth in
27 section 60-503.

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

31 Sec. 182. Section 60-631, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 60-631 Manual shall mean the Manual on Uniform Traffic Control
3 Devices adopted by the Department of Transportation ~~Roads~~ pursuant to
4 section 60-6,118.

5 Sec. 183. Section 60-658.01, Reissue Revised Statutes of Nebraska,
6 is amended to read:

7 60-658.01 School crossing zone means the area of a roadway
8 designated to the public by the Department of Transportation ~~Roads~~ or any
9 county, city, or village as a school crossing zone through the use of a
10 sign or traffic control device as specified by the department or any
11 county, city, or village in conformity with the manual but does not
12 include any area of a freeway. A school crossing zone starts at the
13 location of the first sign or traffic control device identifying the
14 school crossing zone and continues until a sign or traffic control device
15 indicates that the school crossing zone has ended.

16 Sec. 184. Section 60-680, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 60-680 (1) Any local authority with respect to highways under its
19 jurisdiction and within the reasonable exercise of the police power may:

20 (a) Regulate or prohibit stopping, standing, or parking;

21 (b) Regulate traffic by means of peace officers or traffic control
22 devices;

23 (c) Regulate or prohibit processions or assemblages on the highways;

24 (d) Designate highways or roadways for use by traffic moving in one
25 direction;

26 (e) Establish speed limits for vehicles in public parks;

27 (f) Designate any highway as a through highway or designate any
28 intersection as a stop or yield intersection;

29 (g) Restrict the use of highways as authorized in section 60-681;

30 (h) Regulate operation of bicycles and require registration and
31 inspection of such, including requirement of a registration fee;

1 (i) Regulate operation of electric personal assistive mobility
2 devices;

3 (j) Regulate or prohibit the turning of vehicles or specified types
4 of vehicles;

5 (k) Alter or establish speed limits authorized in the Nebraska Rules
6 of the Road;

7 (l) Designate no-passing zones;

8 (m) Prohibit or regulate use of controlled-access highways by any
9 class or kind of traffic except those highways which are a part of the
10 state highway system;

11 (n) Prohibit or regulate use of heavily traveled highways by any
12 class or kind of traffic it finds to be incompatible with the normal and
13 safe movement of traffic, except that such regulations shall not be
14 effective on any highway which is part of the state highway system unless
15 authorized by the Department of Transportation Roads;

16 (o) Establish minimum speed limits as authorized in the rules;

17 (p) Designate hazardous railroad grade crossings as authorized in
18 the rules;

19 (q) Designate and regulate traffic on play streets;

20 (r) Prohibit pedestrians from crossing a roadway in a business
21 district or any designated highway except in a crosswalk as authorized in
22 the rules;

23 (s) Restrict pedestrian crossings at unmarked crosswalks as
24 authorized in the rules;

25 (t) Regulate persons propelling push carts;

26 (u) Regulate persons upon skates, coasters, sleds, and other toy
27 vehicles;

28 (v) Notwithstanding any other provision of law, adopt and enforce an
29 ordinance or resolution prohibiting the use of engine brakes on the
30 National System of Interstate and Defense Highways that has a grade of
31 less than five degrees within its jurisdiction. For purposes of this

1 subdivision, engine brake means a device that converts a power producing
2 engine into a power-absorbing air compressor, resulting in a net energy
3 loss;

4 (w) Adopt and enforce such temporary or experimental regulations as
5 may be necessary to cover emergencies or special conditions; and

6 (x) Adopt other traffic regulations except as prohibited by state
7 law or contrary to state law.

8 (2) No local authority, except an incorporated city with more than
9 forty thousand inhabitants, shall erect or maintain any traffic control
10 device at any location so as to require the traffic on any state highway
11 or state-maintained freeway to stop before entering or crossing any
12 intersecting highway unless approval in writing has first been obtained
13 from the Department of Transportation Roads.

14 (3) No ordinance or regulation enacted under subdivision (1)(d),
15 (e), (f), (g), (j), (k), (l), (m), (n), (p), (q), or (s) of this section
16 shall be effective until traffic control devices giving notice of such
17 local traffic regulations are erected upon or at the entrances to such
18 affected highway or part thereof affected as may be most appropriate.

19 Sec. 185. Section 60-695, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 60-695 It shall be the duty of any peace officer who investigates
22 any traffic accident in the performance of his or her official duties in
23 all instances of an accident resulting in injury or death to any person
24 or in which estimated damage exceeds one thousand dollars to the property
25 of any one person to submit an original report of such investigation to
26 the Accident Records Bureau of the Department of Transportation Roads
27 within ten days after each such accident. The department shall have
28 authority to collect accident information it deems necessary and shall
29 prescribe and furnish appropriate forms for reporting.

30 Sec. 186. Section 60-699, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 60-699 (1) The operator of any vehicle involved in an accident
2 resulting in injuries or death to any person or damage to the property of
3 any one person, including such operator, to an apparent extent of more
4 than one thousand dollars shall within ten days forward a report of such
5 accident to the Department of Transportation Roads. If the operator is
6 physically incapable of making the report, the owner of the motor vehicle
7 involved in the accident shall, within ten days from the time he or she
8 learns of the accident, report the matter in writing to the Department of
9 Transportation Roads. The Department of Transportation Roads or
10 Department of Motor Vehicles may require operators involved in accidents
11 to file supplemental reports of accidents upon forms furnished by it
12 whenever the original report is insufficient in the opinion of either
13 department. The operator or the owner of the motor vehicle shall make
14 such other and additional reports relating to the accident as either
15 department requires. Such records shall be retained for the period of
16 time specified by the State Records Administrator pursuant to the Records
17 Management Act.

18 (2) The report of accident required by this section shall be in two
19 parts. Part I shall be in such form as the Department of Transportation
20 ~~Roads~~ may prescribe and shall disclose full information concerning the
21 accident. Part II shall be in such form as the Department of Motor
22 Vehicles may prescribe and shall disclose sufficient information to
23 disclose whether or not the financial responsibility requirements of the
24 Motor Vehicle Safety Responsibility Act are met through the carrying of
25 liability insurance. The form used for the report shall be so perforated
26 that the parts may be readily separated.

27 (3) Upon receipt of a report of accident, the Department of
28 Transportation Roads shall determine the reportability and classification
29 of the accident and enter all information into a computerized data base.
30 Upon completion, the department shall separate the parts of the accident
31 report and shall forward Part II of the report to the Department of Motor

1 Vehicles for processing as provided in section 60-506.01.

2 (4) Such reports shall be without prejudice. All reports made by
3 peace officers, made to or filed with peace officers in their respective
4 offices or departments, or filed with or made by or to any other law
5 enforcement agency of the state shall be open to public inspection, but
6 accident reports filed by the operator or owner of a motor vehicle
7 pursuant to this section shall not be open to public inspection. The fact
8 that a report by an operator or owner has been so made shall be
9 admissible in evidence solely to prove compliance with this section, but
10 no such report or any part of or statement contained in the report shall
11 be admissible in evidence for any other purpose in any trial, civil or
12 criminal, arising out of such accidents nor shall the report be referred
13 to in any way or be any evidence of the negligence or due care of either
14 party at the trial of any action at law to recover damages.

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

18 Sec. 187. Section 60-6,101, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 60-6,101 Any coroner or other official performing the duties of
21 coroner shall report in writing to the Department of Transportation ~~Roads~~
22 the death of any person within his or her jurisdiction as the result of
23 an accident involving a motor vehicle and the circumstances of such
24 accident. Such report by the coroner shall be made within ten days after
25 such death.

26 Sec. 188. Section 60-6,102, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 60-6,102 In the case of a driver who dies within four hours after
29 being in a motor vehicle accident, including a motor vehicle accident in
30 which one or more persons in addition to such driver is killed, and of a
31 pedestrian sixteen years of age or older who dies within four hours after

1 being struck by a motor vehicle, the coroner or other official performing
2 the duties of coroner shall examine the body and cause such tests to be
3 made as are necessary to determine the amount of alcohol or drugs in the
4 body of such driver or pedestrian. Such information shall be included in
5 each report submitted pursuant to sections 60-6,101 to 60-6,104 and shall
6 be tabulated on a monthly basis by the Department of Transportation
7 ~~Roads~~. Such information, including the identity of the deceased and any
8 such amount of alcohol or drugs, shall be public information and may be
9 released or disclosed as provided in rules and regulations of the
10 department.

11 Sec. 189. Section 60-6,103, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 60-6,103 Any surviving driver or pedestrian sixteen years of age or
14 older who is involved in a motor vehicle accident in which a person is
15 killed shall be requested, if he or she has not otherwise been directed
16 by a peace officer to submit to a chemical test under section 60-6,197,
17 to submit to a chemical test of blood, urine, or breath as the peace
18 officer directs for the purpose of determining the amount of alcohol or
19 drugs in his or her body fluid. The results of such test shall be
20 reported in writing to the Director-State Engineer who shall tabulate
21 such results on a monthly basis. Such information, including the identity
22 of such driver or pedestrian and any such amount of alcohol or drugs,
23 shall be public information and may be released or disclosed as provided
24 in rules and regulations of the Department of Transportation ~~Roads~~. The
25 provisions of sections 60-6,199, 60-6,200, and 60-6,202 shall, when
26 applicable, apply to the tests provided for in this section.

27 Sec. 190. Section 60-6,106, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 60-6,106 The Department of Transportation ~~Roads~~ shall reimburse any
30 county for expenses and costs incurred by the county pursuant to sections
31 60-6,101 to 60-6,105. The department shall provide the official in each

1 county with the appropriate reporting form.

2 Sec. 191. Section 60-6,107, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 60-6,107 (1) Except as provided in subsection (2) of this section,
5 the Department of Health and Human Services shall adopt necessary rules
6 and regulations for the administration of the provisions of sections
7 60-6,101 to 60-6,106.

8 (2) The Department of Transportation ~~Roads~~ shall adopt and
9 promulgate rules and regulations which shall provide for the release and
10 disclosure of the results of tests conducted under sections 60-6,102 and
11 60-6,103.

12 Sec. 192. Section 60-6,115, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 60-6,115 Notwithstanding the provisions of subsection (1) of section
15 60-6,119, when the Department of Transportation ~~Roads~~, any local
16 authority, or its authorized representative or permittee has closed, in
17 whole or in part, by barricade or otherwise, during repair or
18 construction, any portion of any highway, the restrictions upon the use
19 of such highway shall not apply to persons living along such closed
20 highway or to persons who would need to travel such highway during the
21 normal course of their operations if no other route of travel is
22 available to such person, but extreme care shall be exercised by such
23 persons on such highway.

24 Sec. 193. Section 60-6,118, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 60-6,118 Consistent with the provisions of the Nebraska Rules of the
27 Road, the Department of Transportation ~~Roads~~ may adopt and promulgate
28 rules and regulations adopting and implementing a manual providing a
29 uniform system of traffic control devices on all highways within this
30 state which, together with any supplements adopted by the department,
31 shall be known as the Manual on Uniform Traffic Control Devices.

1 Sec. 194. Section 60-6,120, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 60-6,120 (1) The Department of Transportation Roads shall place and
4 maintain, or provide for such placing and maintaining, such traffic
5 control devices, conforming to the manual, upon all state highways as it
6 deems necessary to indicate and to carry out the Nebraska Rules of the
7 Road or to regulate, warn, or guide traffic.

8 (2)(a) In incorporated cities and villages with less than forty
9 thousand inhabitants, the department shall have exclusive jurisdiction
10 regarding the erection and maintenance of traffic control devices on the
11 state highway system but shall not place traffic control devices on the
12 state highway system within incorporated cities and villages of more than
13 twenty-five hundred inhabitants without consultation with the proper city
14 officials.

15 (b) In incorporated cities of forty thousand or more inhabitants,
16 except on state-maintained freeways of the state highway system where the
17 department retains exclusive jurisdiction, the city shall have
18 jurisdiction regarding erection and maintenance of traffic control
19 devices on the state highway system after consultation with the
20 department, except that there shall be joint jurisdiction with the
21 department for such traffic control devices for which the department
22 accepts responsibility for the erection and maintenance.

23 (3) No local authority shall place or maintain any traffic control
24 device upon any highway under the jurisdiction of the department, except
25 by permission of the department, or on any state-maintained freeway of
26 the state highway system.

27 (4) The placing of traffic control devices by the department shall
28 not be a departmental rule, regulation, or order subject to the statutory
29 procedures for such rules, regulations, or orders but shall be considered
30 as establishing precepts extending the provisions of the Nebraska Rules
31 of the Road as necessary to regulate, warn, or guide traffic. Violation

1 of such traffic control devices shall be punishable as provided in the
2 rules.

3 Sec. 195. Section 60-6,126.01, Reissue Revised Statutes of Nebraska,
4 is amended to read:

5 60-6,126.01 Local authorities may place and maintain road name signs
6 on the same sign posts as signs under the jurisdiction of the Department
7 of Transportation Roads when highway visibility would not be impaired.
8 Local authorities may also place and maintain road name signs in the
9 right-of-way of any highway under the jurisdiction of the Department of
10 Transportation Roads when highway visibility would not be impaired.

11 Sec. 196. Section 60-6,129, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 60-6,129 (1) No person shall, without lawful authority, attempt to
14 or in fact alter, deface, injure, knock down, or remove any traffic
15 control device, any railroad sign or signal, or any part of such a
16 device, sign, or signal.

17 (2) Any person who moves, alters, damages, or destroys warning
18 devices placed upon roads which the Department of Transportation Roads or
19 any local authority or its representative has closed in whole or in part
20 for the protection of the public or for the protection of the highway
21 from damage during construction, improvement, or maintenance operation
22 and thereby causes injury or death to any person or damage to any
23 property, equipment, or material thereon shall be liable, subject to
24 sections 25-21,185 and 25-21,185.07 to 25-21,185.12, for the full or
25 allocated amount of such death, injury, or damage, and such amount may be
26 recovered by the injured or damaged party or his or her legal
27 representative in a civil action brought in any court of competent
28 jurisdiction.

29 Sec. 197. Section 60-6,130, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 60-6,130 (1) Any person who willfully or maliciously shoots upon the

1 public highway and injures, defaces, damages, or destroys any signs,
2 monuments, road markers, traffic control devices, traffic surveillance
3 devices, or other public notices lawfully placed upon such highways shall
4 be guilty of a Class III misdemeanor.

5 (2) No person shall willfully or maliciously injure, deface, alter,
6 or knock down any sign, traffic control device, or traffic surveillance
7 device.

8 (3) It shall be unlawful for any person, other than a duly
9 authorized representative of the Department of Transportation Roads, a
10 county, or a municipality, to remove any sign, traffic control device, or
11 traffic surveillance device placed along a highway for traffic control,
12 warning, or informational purposes by official action of the department,
13 county, or municipality. It shall be unlawful for any person to possess a
14 sign or device which has been removed in violation of this subsection.

15 (4) Any person violating subsection (2) or (3) of this section shall
16 be guilty of a Class II misdemeanor and shall be assessed liquidated
17 damages in the amount of the value of the sign, traffic control device,
18 or traffic surveillance device and the cost of replacing it.

19 Sec. 198. Section 60-6,137, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 60-6,137 (1) The Department of Transportation Roads and local
22 authorities may determine those portions of any highway under their
23 respective jurisdictions where overtaking and passing or driving to the
24 left of the center of the roadway would be especially hazardous and may
25 by appropriate signs or markings on the roadway indicate the beginning
26 and end of such zones. When such signs or markings are in place and
27 clearly visible to an ordinarily observant person, every driver of a
28 vehicle shall obey such indications.

29 (2) Where signs or markings are in place to define a no-passing
30 zone, no driver shall at any time drive on the left side of the roadway
31 within such no-passing zone or on the left side of any pavement striping

1 designed to mark such no-passing zone throughout its length.

2 (3) This section shall not apply (a) under the conditions described
3 in subdivision (1)(b) of section 60-6,131 or (b) to the driver of a
4 vehicle turning left into or from an alley, private road, or driveway
5 unless otherwise prohibited by signs.

6 Sec. 199. Section 60-6,138, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 60-6,138 (1) The Department of Transportation ~~Roads~~ and local
9 authorities with respect to highways under their respective jurisdictions
10 may designate any highway, roadway, part of a roadway, or specific lanes
11 upon which vehicular traffic shall proceed in one direction at all times
12 or at such times as shall be indicated by traffic control devices.

13 (2) Except for emergency vehicles, no vehicle shall be operated,
14 backed, pushed, or otherwise caused to move in a direction which is
15 opposite to the direction designated by competent authority on any
16 deceleration lane, acceleration lane, access ramp, shoulder, or roadway.

17 (3) A vehicle which passes around a rotary traffic island shall be
18 driven only to the right of such island.

19 Sec. 200. Section 60-6,139, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 60-6,139 Whenever any roadway has been divided into two or more
22 clearly marked lanes for traffic, the following rules, in addition to all
23 others consistent with this section, shall apply:

24 (1) A vehicle shall be driven as nearly as practicable within a
25 single lane and shall not be moved from such lane until the driver has
26 first ascertained that such movement can be made with safety;

27 (2) Upon a roadway which is divided into three lanes and provides
28 for two-way movement of traffic, a vehicle shall not be driven in the
29 center lane except (a) when overtaking and passing another vehicle
30 traveling in the same direction when such center lane is clear of traffic
31 within a safe distance, (b) in preparation for making a left turn, or (c)

1 when such center lane is at the time allocated exclusively to traffic
2 moving in the same direction that the vehicle is proceeding and such
3 allocation is designated by traffic control devices;

4 (3) Traffic control devices may be erected by the Department of
5 Transportation Roads or local authorities to direct specified traffic to
6 use a designated lane or to designate those lanes to be used by traffic
7 moving in a particular direction regardless of the center of the roadway
8 and drivers of vehicles shall obey the directions of every such device;
9 and

10 (4) Traffic control devices may be installed by the department or
11 local authorities to prohibit the changing of lanes on sections of
12 roadway and drivers of vehicles shall obey the directions of every such
13 device.

14 Sec. 201. Section 60-6,144, Revised Statutes Cumulative Supplement,
15 2016, is amended to read:

16 60-6,144 Use of a freeway and entry thereon by the following shall
17 be prohibited at all times except by permit from the Department of
18 Transportation Roads or from the local authority in the case of freeways
19 not under the jurisdiction of the department:

20 (1) Pedestrians except in areas specifically designated for that
21 purpose;

22 (2) Hitchhikers or walkers;

23 (3) Vehicles not self-propelled;

24 (4) Bicycles, motor-driven cycles, motor scooters not having motors
25 of more than ten horsepower, and electric personal assistive mobility
26 devices;

27 (5) Animals led, driven on the hoof, ridden, or drawing a vehicle;

28 (6) Funeral processions;

29 (7) Parades or demonstrations;

30 (8) Vehicles, except emergency vehicles, unable to maintain minimum
31 speed as provided in the Nebraska Rules of the Road;

1 (9) Construction equipment;

2 (10) Implements of husbandry, whether self-propelled or towed,
3 except as provided in section 60-6,383;

4 (11) Vehicles with improperly secured attachments or loads;

5 (12) Vehicles in tow, when the connection consists of a chain, rope,
6 or cable, except disabled vehicles which shall be removed from such
7 freeway at the nearest interchange;

8 (13) Vehicles with deflated pneumatic, metal, or solid tires or
9 continuous metal treads except maintenance vehicles;

10 (14) Any person standing on or near a roadway for the purpose of
11 soliciting or selling to an occupant of any vehicle; or

12 (15) Overdimensional vehicles.

13 Sec. 202. Section 60-6,145, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 60-6,145 The Department of Transportation ~~Roads~~ and local
16 authorities shall erect and maintain at appropriate locations official
17 signs on freeways under their respective jurisdictions apprising
18 motorists of the restrictions placed upon the use of such highways by the
19 Nebraska Rules of the Road. When the department or local authority posts
20 such signs, it need not follow the usual rules and procedure of posting
21 signs on or near freeways nor shall the department be required to conform
22 with the formalities of public hearings. When such signs are erected, no
23 person shall violate the restrictions stated on such signs.

24 Sec. 203. Section 60-6,153, Revised Statutes Cumulative Supplement,
25 2016, is amended to read:

26 60-6,153 (1) Except at a point where a pedestrian tunnel or overhead
27 pedestrian crossing has been provided, when traffic control signals are
28 not in place or not in operation, the driver of a vehicle shall yield the
29 right-of-way to a pedestrian crossing the roadway within a crosswalk who
30 is in the lane in which the driver is proceeding or is in the lane
31 immediately adjacent thereto by bringing his or her vehicle to a complete

1 stop.

2 (2) No pedestrian shall suddenly leave a curb or other place of
3 safety and walk or run into the path of a vehicle which is so close that
4 it is impossible for the driver to stop.

5 (3) Whenever any vehicle is stopped at a marked crosswalk or at any
6 unmarked crosswalk at an intersection to permit a pedestrian to cross the
7 roadway, the driver of any other vehicle approaching from the rear shall
8 not overtake and pass such stopped vehicle.

9 (4) At or adjacent to the intersection of two highways at which a
10 path designated for bicycles and pedestrians is controlled by a traffic
11 control signal, a pedestrian who lawfully enters a highway where the path
12 crosses the highway shall have the right-of-way within the crossing with
13 respect to vehicles and bicycles.

14 (5) The Department of Transportation ~~Roads~~ and local authorities in
15 their respective jurisdictions may, after an engineering and traffic
16 investigation, designate unmarked crosswalk locations where pedestrian
17 crossing is prohibited or where pedestrians shall yield the right-of-way
18 to vehicles. Such restrictions shall be effective only when traffic
19 control devices indicating such restrictions are in place.

20 Sec. 204. Section 60-6,154, Revised Statutes Cumulative Supplement,
21 2016, is amended to read:

22 60-6,154 (1) Every pedestrian who crosses a roadway at any point
23 other than within a marked crosswalk, or within an unmarked crosswalk at
24 an intersection, shall yield the right-of-way to all vehicles upon the
25 roadway.

26 (2) Any pedestrian who crosses a roadway at a point where a
27 pedestrian tunnel or overhead pedestrian crossing has been provided shall
28 yield the right-of-way to all vehicles upon the roadway.

29 (3) Between adjacent intersections at which traffic control signals
30 are in operation, pedestrians shall not cross at any place except in a
31 marked crosswalk.

1 (4) Where a path designated for bicycles and pedestrians crosses a
2 highway, a pedestrian who is in the crossing in accordance with the
3 traffic control device shall have the right-of-way within the crossing
4 with respect to vehicles and bicycles.

5 (5) No pedestrian shall cross a roadway intersection diagonally
6 unless authorized by traffic control devices, and when authorized to
7 cross diagonally, pedestrians shall cross only in accordance with the
8 traffic control devices pertaining to such crossing movements.

9 (6) Local authorities and the Department of Transportation ~~Roads~~, by
10 erecting appropriate official traffic control devices, may, within their
11 respective jurisdictions, prohibit pedestrians from crossing any roadway
12 in a business district or any designated highway except in a crosswalk.

13 Sec. 205. Section 60-6,159, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 60-6,159 (1) Both the approach for a right turn and a right turn
16 shall be made as close as practicable to the right-hand curb or edge of
17 the roadway.

18 (2) The driver of a vehicle intending to turn left at any
19 intersection shall approach the intersection in the extreme left-hand
20 lane lawfully available to traffic moving in the direction of travel of
21 such vehicle and, after entering the intersection, the left turn shall be
22 made so as to leave the intersection, as nearly as practicable, in the
23 extreme left-hand lane lawfully available to traffic moving in such
24 direction upon the roadway being entered. Whenever practicable, the left
25 turn shall be made in that portion of the intersection to the left of the
26 center of the intersection.

27 (3) The Department of Transportation ~~Roads~~ and local authorities in
28 their respective jurisdictions may cause traffic control devices to be
29 placed within or adjacent to intersections and thereby require and direct
30 that a different course from that specified in this section be traveled
31 by vehicles turning at an intersection, and when such devices are so

1 placed, no driver of a vehicle shall turn a vehicle at an intersection
2 other than as directed and required by such devices.

3 Sec. 206. Section 60-6,164, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 60-6,164 (1) No person shall stop, park, or leave standing any
6 vehicle, whether attended or unattended, upon a roadway outside of a
7 business or residential district when it is practicable to stop, park, or
8 leave such vehicle off such part of a highway, but in any event an
9 unobstructed width of the roadway opposite a standing vehicle shall be
10 left for the free passage of other vehicles and a clear view of such
11 stopped vehicle shall be available from a distance of two hundred feet in
12 each direction upon such highway. Such parking, stopping, or standing
13 shall in no event exceed twenty-four hours.

14 (2) No person shall stop, park, or leave standing any vehicle on a
15 freeway except in areas designated or unless so directed by a peace
16 officer, except that when a vehicle is disabled or inoperable or the
17 driver of the vehicle is ill or incapacitated, such vehicle shall be
18 permitted to park, stop, or stand on the shoulder facing in the direction
19 of travel with all wheels and projecting parts of such vehicle completely
20 clear of the traveled lanes, but in no event shall such parking,
21 standing, or stopping upon the shoulder of a freeway exceed twelve hours.

22 (3) No person, except law enforcement, fire department, emergency
23 management, public or private ambulance, or authorized Department of
24 Transportation ~~Roads~~ or local authority personnel, shall loiter or stand
25 or park any vehicle upon any bridge, highway, or structure which is
26 located above or below or crosses over or under the roadway of any
27 highway or approach or exit road thereto.

28 (4) Whenever a vehicle is disabled or inoperable in a roadway or for
29 any reason obstructs the regular flow of traffic for reasons other than
30 an accident, the driver shall move or cause the vehicle to be moved as
31 soon as practical so as to not obstruct the regular flow of traffic.

1 (5) This section does not apply to the driver of any vehicle which
2 is disabled while on the roadway in such manner and to such extent that
3 it is impossible to avoid stopping and temporarily leaving such disabled
4 vehicle in such position until such time as it can be removed pursuant to
5 subsection (4) of this section.

6 Sec. 207. Section 60-6,166, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 60-6,166 (1) Except when necessary to avoid conflict with other
9 traffic or when in compliance with law or the directions of a peace
10 officer or traffic control device, no person shall:

11 (a) Stop, stand, or park any vehicle:

12 (i) On the roadway side of any vehicle stopped or parked at the edge
13 or curb of a street;

14 (ii) On a sidewalk;

15 (iii) Within an intersection;

16 (iv) On a crosswalk;

17 (v) Between a safety zone and the adjacent curb or within thirty
18 feet of points on the curb immediately opposite the ends of a safety zone
19 unless the Department of Transportation Roads or the local authority
20 indicates a different length by signs or markings;

21 (vi) Alongside or opposite any street excavation or obstruction when
22 stopping, standing, or parking would obstruct traffic;

23 (vii) Upon any bridge or other elevated structure over a highway or
24 within a highway tunnel;

25 (viii) On any railroad track; or

26 (ix) At any place where official signs prohibit stopping;

27 (b) Stand or park a vehicle, whether occupied or not, except
28 momentarily to pick up or discharge a passenger or passengers:

29 (i) In front of a public or private driveway;

30 (ii) Within fifteen feet of a fire hydrant;

31 (iii) Within twenty feet of a crosswalk at an intersection;

1 (iv) Within thirty feet of any flashing signal, stop sign, yield
2 sign, or other traffic control device located at the side of a roadway;

3 (v) Within twenty feet of the driveway entrance to any fire station
4 and on the side of a street opposite the entrance to any fire station
5 within seventy-five feet of such entrance when properly signposted; or

6 (vi) At any place where official signs prohibit standing; or

7 (c) Park a vehicle, whether occupied or not, except temporarily for
8 the purpose of and while actually engaged in loading or unloading
9 merchandise or passengers:

10 (i) Within fifty feet of the nearest rail of a railroad crossing; or

11 (ii) At any place where official signs prohibit parking.

12 (2) No person shall move a vehicle not lawfully under his or her
13 control into any such prohibited area or away from a curb such a distance
14 as shall be unlawful.

15 Sec. 208. Section 60-6,167, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 60-6,167 (1) Except as otherwise provided in this section, any
18 vehicle stopped or parked upon a two-way roadway where parking is
19 permitted shall be so stopped or parked with the right-hand wheels
20 parallel to and within twelve inches of the right-hand curb or edge of
21 such roadway. No vehicle shall be parked upon a roadway when there is a
22 shoulder adjacent to the roadway which is available for parking.

23 (2) Except when otherwise provided by a local authority, every
24 vehicle stopped or parked upon a one-way roadway shall be so stopped or
25 parked parallel to the curb or edge of such roadway, in the direction of
26 authorized traffic movement, with its right-hand wheels within twelve
27 inches of the right-hand curb or edge of the roadway or its left-hand
28 wheels within twelve inches of the left-hand curb or edge of such
29 roadway.

30 (3) A local authority may permit angle or center parking on any
31 roadway, except that angle or center parking shall not be permitted on

1 any federal-aid highway or on any part of the state highway system unless
2 the Director-State Engineer has determined that such roadway is of
3 sufficient width to permit angle or center parking without interfering
4 with the free movement of traffic.

5 (4) The Department of Transportation Roads or a local authority may
6 prohibit or restrict stopping, standing, or parking on highways under its
7 respective jurisdiction outside the corporate limits of any city or
8 village and erect and maintain proper and adequate signs thereon. No
9 person shall stop, stand, or park any vehicle in violation of the
10 restrictions stated on such signs.

11 Sec. 209. Section 60-6,171, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 60-6,171 The Department of Transportation Roads and local
14 authorities on highways under their respective jurisdictions may
15 designate particularly dangerous highway grade crossings of railroads and
16 erect stop signs at the crossings. When such stop signs are erected, the
17 driver of any vehicle shall stop within fifty feet but not less than
18 fifteen feet from the nearest rail of such railroad and shall proceed
19 only upon exercising due care.

20 Sec. 210. Section 60-6,176, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 60-6,176 The Department of Transportation Roads shall by rule and
23 regulation adopt and promulgate uniform standards for school bus loading
24 area warning signs. Such standards shall include requirements for the
25 size, material, construction, and required wording. No school district
26 shall use a school bus loading area warning sign unless such sign
27 complies with all rules and regulations adopted and promulgated by the
28 department. The cost of any sign shall be an obligation of the school
29 district.

30 Sec. 211. Section 60-6,177, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 60-6,177 The Department of Transportation Roads shall post on
2 highways of the state highway system outside of business and residential
3 districts signs to the effect that it is unlawful to pass school buses
4 stopped to load or unload children. Such signs shall be adequate in size
5 and number to properly inform the public of the provisions relative to
6 such passing.

7 Sec. 212. Section 60-6,186, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 60-6,186 (1) Except when a special hazard exists that requires lower
10 speed for compliance with section 60-6,185, the limits set forth in this
11 section and sections 60-6,187, 60-6,188, 60-6,305, and 60-6,313 shall be
12 the maximum lawful speeds unless reduced pursuant to subsection (2) of
13 this section, and no person shall drive a vehicle on a highway at a speed
14 in excess of such maximum limits:

15 (a) Twenty-five miles per hour in any residential district;

16 (b) Twenty miles per hour in any business district;

17 (c) Fifty miles per hour upon any highway that is not dustless
18 surfaced and not part of the state highway system;

19 (d) Fifty-five miles per hour upon any dustless-surfaced highway not
20 a part of the state highway system;

21 (e) Sixty miles per hour upon any part of the state highway system
22 other than an expressway or a freeway, except that the Department of
23 Transportation Roads may, where existing design and traffic conditions
24 allow, according to an engineering study, authorize a speed limit five
25 miles per hour greater;

26 (f) Sixty-five miles per hour upon an expressway that is part of the
27 state highway system;

28 (g) Sixty-five miles per hour upon a freeway that is part of the
29 state highway system but not part of the National System of Interstate
30 and Defense Highways; and

31 (h) Seventy-five miles per hour upon the National System of

1 Interstate and Defense Highways, except that the maximum speed limit
2 shall be sixty miles per hour for:

3 (i) Any portion of the National System of Interstate and Defense
4 Highways located in Douglas County; and

5 (ii) That portion of the National System of Interstate and Defense
6 Highways designated as Interstate 180 in Lancaster County and Interstate
7 129 in Dakota County.

8 (2) The maximum speed limits established in subsection (1) of this
9 section may be reduced by the Department of Transportation ~~Roads~~ or by
10 local authorities pursuant to section 60-6,188 or 60-6,190.

11 (3) The Department of Transportation ~~Roads~~ and local authorities may
12 erect and maintain suitable signs along highways under their respective
13 jurisdictions in such number and at such locations as they deem necessary
14 to give adequate notice of the speed limits established pursuant to
15 subsection (1) or (2) of this section upon such highways.

16 Sec. 213. Section 60-6,188, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 60-6,188 (1) The maximum speed limit through any maintenance,
19 repair, or construction zone on the state highway system shall be thirty-
20 five miles per hour in rural areas and twenty-five miles per hour in
21 urban areas.

22 (2) Such speed limits shall take effect only after appropriate signs
23 giving notice of the speed limit are erected or displayed in a
24 conspicuous place in advance of the area where the maintenance, repair,
25 or construction activity is or will be taking place. Such signs shall
26 conform to the manual and shall be regulatory signs imposing a legal
27 obligation and restriction on all traffic proceeding into the
28 maintenance, construction, or repair zone. The signs may be displayed
29 upon a fixed, variable, or movable stand. While maintenance,
30 construction, or repair is being performed, the signs may be mounted upon
31 moving Department of Transportation ~~Roads~~ vehicles displaying such signs

1 well in advance of the maintenance zone.

2 (3) The Director-State Engineer may increase the speed limit through
3 any highway maintenance, repair, or construction zone in increments of
4 five miles per hour if the speed set does not exceed the maximum speed
5 limits established in sections 60-6,186, 60-6,187, 60-6,189, 60-6,190,
6 60-6,305, and 60-6,313. The Director-State Engineer may delegate the
7 authority to raise speed limits through any maintenance, repair, or
8 construction zone to any department employee in a supervisory capacity or
9 may delegate such authority to a county, municipal, or local engineer who
10 has the duty to maintain the state highway system in such jurisdiction if
11 the maintenance is performed on behalf of the department by contract with
12 the local authority. Such increased speed limit through a maintenance,
13 repair, or construction zone shall be effective when the Director-State
14 Engineer or any officer to whom authority has been delegated gives a
15 written order for such increase and signs posting such speed limit are
16 erected or displayed.

17 (4) The Department of Transportation ~~Roads~~ shall post signs in
18 maintenance, repair, or construction zones which inform motorists that
19 the fine for exceeding the posted speed limit in such zones is doubled.

20 Sec. 214. Section 60-6,189, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 60-6,189 (1) No person shall drive a vehicle over any public bridge,
23 causeway, viaduct, or other elevated structure at a speed which is
24 greater than the maximum speed which can be maintained with safety
25 thereon when such structure is posted with signs as provided in
26 subsection (2) of this section.

27 (2) The Department of Transportation ~~Roads~~ or a local authority may
28 conduct an investigation of any bridge or other elevated structure
29 constituting a part of a highway under its jurisdiction, and if it finds
30 that such structure cannot safely withstand vehicles traveling at the
31 speed otherwise permissible, the department or local authority shall

1 determine and declare the maximum speed of vehicles which such structure
2 can safely withstand and shall cause suitable signs stating such maximum
3 speed to be erected and maintained before each end of such structure.

4 (3) Upon the trial of any person charged with a violation of
5 subsection (1) of this section, proof of such determination of the
6 maximum speed by the department or local authority and the existence of
7 such signs shall constitute conclusive evidence of the maximum speed
8 which can be maintained with safety on such bridge or structure.

9 Sec. 215. Section 60-6,190, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 60-6,190 (1) Whenever the Department of Transportation Roads
12 determines, upon the basis of an engineering and traffic investigation,
13 that any maximum speed limit is greater or less than is reasonable or
14 safe under the conditions found to exist at any intersection, place, or
15 part of the state highway system outside of the corporate limits of
16 cities and villages as well as inside the corporate limits of cities and
17 villages on freeways which are part of the state highway system, it may
18 determine and set a reasonable and safe maximum speed limit for such
19 intersection, place, or part of such highway which shall be the lawful
20 speed limit when appropriate signs giving notice thereof are erected at
21 such intersection, place, or part of the highway, except that the maximum
22 rural and freeway limits shall not be exceeded. Such a maximum speed
23 limit may be set to be effective at all times or at such times as are
24 indicated upon such signs.

25 (2) The speed limits set by the department shall not be a
26 departmental rule, regulation, or order subject to the statutory
27 procedures for such rules, regulations, or orders but shall be an
28 authorization over the signature of the Director-State Engineer and shall
29 be maintained on permanent file at the headquarters of the department.
30 Certified copies of such authorizations shall be available from the
31 department at a reasonable cost for duplication. Any change to such an

1 authorization shall be made by a new authorization which cancels the
2 previous authorization and establishes the new limit, but the new limit
3 shall not become effective until signs showing the new limit are erected
4 as provided in subsection (1) of this section.

5 (3) On county highways which are not part of the state highway
6 system or within the limits of any state institution or any area under
7 control of the Game and Parks Commission or a natural resources district
8 and which are outside of the corporate limits of cities and villages,
9 county boards shall have the same power and duty to alter the maximum
10 speed limits as the department if the change is based on an engineering
11 and traffic investigation comparable to that made by the department. The
12 limit outside of a business or residential district shall not be
13 decreased to less than thirty-five miles per hour.

14 (4) On all highways within their corporate limits, except on state-
15 maintained freeways which are part of the state highway system,
16 incorporated cities and villages shall have the same power and duty to
17 alter the maximum speed limits as the department if the change is based
18 on engineering and traffic investigation, except that no imposition of
19 speed limits on highways which are part of the state highway system in
20 cities and villages under forty thousand inhabitants shall be effective
21 without the approval of the department.

22 (5) The director of any state institution, the Game and Parks
23 Commission, or a natural resources district, with regard to highways
24 which are not a part of the state highway system, which are within the
25 limits of such institution or area under Game and Parks Commission or
26 natural resources district control, and which are outside the limits of
27 any incorporated city or village, shall have the same power and duty to
28 alter the maximum speed limits as the department if the change is based
29 on an engineering and traffic investigation comparable to that made by
30 the department.

31 (6) Not more than six such speed limits shall be set per mile along

1 a highway, except in the case of reduced limits at intersections. The
2 difference between adjacent speed limits along a highway shall not be
3 reduced by more than twenty miles per hour, and there shall be no limit
4 on the difference between adjacent speed limits for increasing speed
5 limits along a highway.

6 (7) When the department or a local authority determines by an
7 investigation that certain vehicles in addition to those specified in
8 sections 60-6,187, 60-6,305, and 60-6,313 cannot with safety travel at
9 the speeds provided in sections 60-6,186, 60-6,187, 60-6,189, 60-6,305,
10 and 60-6,313 or set pursuant to this section or section 60-6,188 or
11 60-6,189, the department or local authority may restrict the speed limit
12 for such vehicles on highways under its respective jurisdiction and post
13 proper and adequate signs.

14 Sec. 216. Section 60-6,193, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 60-6,193 (1) No person shall drive a motor vehicle at such a slow
17 speed as to impede the normal and reasonable movement of traffic except
18 when reduced speed is necessary for safe operation or in compliance with
19 law.

20 (2) On a freeway no motor vehicle, except emergency vehicles, shall
21 be operated at a speed of less than forty miles per hour or at such a
22 slow speed as to impede or block the normal and reasonable movement of
23 traffic except when reduced speed is necessary for the safe operation of
24 the motor vehicle because of weather, visibility, roadway, or traffic
25 conditions. All vehicles entering or leaving such freeway from an
26 acceleration or deceleration lane shall conform with the minimum speed
27 regulations while they are within the roadway of the freeway. The minimum
28 speed of forty miles per hour may be altered by the Department of
29 Transportation ~~Roads~~ or local authorities on freeways under their
30 respective jurisdictions.

31 (3) Whenever the department or any local authority within its

1 respective jurisdiction determines on the basis of an engineering and
2 traffic investigation that low speeds on any part of a highway
3 consistently impede the normal and reasonable movement of traffic, the
4 department or such local authority may determine and declare a minimum
5 speed limit below which no person shall drive a vehicle except when
6 necessary for safe operation or in compliance with law.

7 (4) Vehicular, animal, and pedestrian traffic prohibited on freeways
8 by the Nebraska Rules of the Road shall not travel on any other roadway
9 where minimum speed limits of twenty miles per hour or more are posted.

10 (5) Any minimum speed limit which is imposed under subsection (2) or
11 (3) of this section shall not be effective until appropriate and adequate
12 signs are erected along the roadway affected by such regulation apprising
13 motorists of such limitation.

14 (6) On any freeway, or other highway providing for two or more lanes
15 of travel in one direction, vehicles shall not intentionally impede the
16 normal flow of traffic by traveling side by side and at the same speed
17 while in adjacent lanes. This subsection shall not be construed to
18 prevent vehicles from traveling side by side in adjacent lanes because of
19 congested traffic conditions.

20 Sec. 217. Section 60-6,230, Revised Statutes Cumulative Supplement,
21 2016, is amended to read:

22 60-6,230 (1) Except as provided in this section and sections
23 60-6,231 to 60-6,233, no person shall operate any motor vehicle or any
24 equipment of any description on any highway in this state with any
25 rotating or flashing light.

26 (2) Except for stop lights and directional signals, which may be
27 red, yellow, or amber, no person shall display any color of light other
28 than red on the rear of any motor vehicle or any equipment of any kind on
29 any highway within this state.

30 (3) Amber rotating or flashing lights shall be displayed on vehicles
31 of the Military Department for purpose of convoy control when on any

1 state emergency mission.

2 (4) A single flashing white light may be displayed on the roof of
3 school transportation vehicles during extremely adverse weather
4 conditions.

5 (5) Blue and amber rotating or flashing lights may be displayed on
6 (a) vehicles when operated by the Department of Transportation Roads or
7 any local authority for the inspection, construction, repair, or
8 maintenance of highways, roads, or streets or (b) vehicles owned and
9 operated by any public utility for the construction, maintenance, and
10 repair of utility infrastructure on or near any highway.

11 Sec. 218. Section 60-6,250, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 60-6,250 (1) Every solid rubber tire on a vehicle moved on any
14 highway shall have rubber on its entire traction surface at least one
15 inch thick above the edge of the flange of the entire periphery.

16 (2) No tire on a vehicle moved on a highway shall have on its
17 periphery any clock, stud, flange, cleat, or spike or any other
18 protuberance of any material other than rubber which projects beyond the
19 tread of the traction surface of the tire, except that:

20 (a) This prohibition shall not apply to pneumatic tires with metal
21 or metal-type studs not exceeding five-sixteenths of an inch in diameter
22 inclusive of the stud-casing with an average protrusion beyond the tread
23 surface of not more than seven sixty-fourths of an inch between November
24 1 and April 1, except that school buses, mail carrier vehicles, and
25 emergency vehicles shall be permitted to use metal or metal-type studs at
26 any time during the year;

27 (b) It shall be permissible to use farm machinery with tires having
28 protuberances which will not injure the highway; and

29 (c) It shall be permissible to use tire chains of reasonable
30 proportions upon any vehicle when required for safety because of snow,
31 ice, or other condition tending to cause a vehicle to slide or skid.

1 (3) No person shall operate or move on any highway any motor
2 vehicle, trailer, or semitrailer (a) having any metal tire in contact
3 with the roadway or (b) equipped with solid rubber tires, except that
4 this subsection shall not apply to farm vehicles having a gross weight of
5 ten thousand pounds or less or to implements of husbandry.

6 (4) The Department of Transportation ~~Roads~~ and local authorities in
7 their respective jurisdictions may, in their discretion, issue special
8 permits authorizing the operation upon a highway of traction engines or
9 tractors having movable tracks with transverse corrugations upon the
10 periphery of such movable tracks or farm tractors or other farm
11 machinery.

12 Sec. 219. Section 60-6,267, Revised Statutes Cumulative Supplement,
13 2016, is amended to read:

14 60-6,267 (1) Any person in Nebraska who drives any motor vehicle
15 which has or is required to have an occupant protection system or a
16 three-point safety belt system shall ensure that all children up to six
17 years of age being transported by such vehicle use a child passenger
18 restraint system of a type which meets Federal Motor Vehicle Safety
19 Standard 213 as developed by the National Highway Traffic Safety
20 Administration, as such standard existed on January 1, 2009, and which is
21 correctly installed in such vehicle.

22 (2) Any person in Nebraska who drives any motor vehicle which has or
23 is required to have an occupant protection system or a three-point safety
24 belt system shall ensure that all children six years of age and less than
25 eighteen years of age being transported by such vehicle use an occupant
26 protection system.

27 (3) Subsections (1) and (2) of this section apply to autocycles and
28 to every motor vehicle which is equipped with an occupant protection
29 system or is required to be equipped with restraint systems pursuant to
30 Federal Motor Vehicle Safety Standard 208, as such standard existed on
31 January 1, 2009, except taxicabs, mopeds, motorcycles, and any motor

1 vehicle designated by the manufacturer as a 1963 year model or earlier
2 which is not equipped with an occupant protection system.

3 (4) Whenever any licensed physician determines, through accepted
4 medical procedures, that use of a child passenger restraint system by a
5 particular child would be harmful by reason of the child's weight,
6 physical condition, or other medical reason, the provisions of subsection
7 (1) or (2) of this section shall be waived. The driver of any vehicle
8 transporting such a child shall carry on his or her person or in the
9 vehicle a signed written statement of the physician identifying the child
10 and stating the grounds for such waiver.

11 (5) The drivers of authorized emergency vehicles shall not be
12 subject to the requirements of subsection (1) or (2) of this section when
13 operating such authorized emergency vehicles pursuant to their
14 employment.

15 (6) A driver of a motor vehicle shall not be subject to the
16 requirements of subsection (1) or (2) of this section if the motor
17 vehicle is being operated in a parade or exhibition and the parade or
18 exhibition is being conducted in accordance with applicable state law and
19 local ordinances and resolutions.

20 (7) The Department of Transportation ~~Roads~~ shall develop and
21 implement an ongoing statewide public information and education program
22 regarding the use of child passenger restraint systems and occupant
23 protection systems and the availability of distribution and discount
24 programs for child passenger restraint systems.

25 (8) All persons being transported by a motor vehicle operated by a
26 holder of a provisional operator's permit or a school permit shall use
27 such motor vehicle's occupant protection system or a three-point safety
28 belt system.

29 Sec. 220. Section 60-6,288, Revised Statutes Cumulative Supplement,
30 2016, is amended to read:

31 60-6,288 (1) No vehicle which exceeds a total outside width of one

1 hundred two inches, including any load but excluding designated safety
2 devices, shall be permitted on any portion of the National System of
3 Interstate and Defense Highways. The Director-State Engineer shall adopt
4 and promulgate rules and regulations, consistent with federal
5 requirements, designating safety devices which shall be excluded in
6 determining vehicle width.

7 (2) No vehicle which exceeds a total outside width of one hundred
8 two inches, including any load but excluding designated safety devices,
9 shall be permitted on any highway which is not a portion of the National
10 System of Interstate and Defense Highways, except that such prohibition
11 shall not apply to:

12 (a) Farm equipment in temporary movement, during daylight hours or
13 during hours of darkness when the clearance light requirements of section
14 60-6,235 are fully complied with, in the normal course of farm
15 operations;

16 (b) Combines eighteen feet or less in width, while in the normal
17 course of farm operations and while being driven during daylight hours or
18 during hours of darkness when the clearance light requirements of section
19 60-6,235 are fully complied with;

20 (c) Combines in excess of eighteen feet in width, while in the
21 normal course of farm operations, while being driven during daylight
22 hours for distances of twenty-five miles or less on highways and while
23 preceded by a well-lighted pilot vehicle or flagperson, except that such
24 combines may be driven on highways while in the normal course of farm
25 operations for distances of twenty-five miles or less and while preceded
26 by a well-lighted pilot vehicle or flagperson during hours of darkness
27 when the clearance light requirements of section 60-6,235 are fully
28 complied with;

29 (d) Combines and vehicles used in transporting combines or other
30 implements of husbandry, and only when transporting combines or other
31 implements of husbandry, to be engaged in harvesting or other

1 agricultural work, while being transported into or through the state
2 during daylight hours, when the total width including the width of the
3 combine or other implement of husbandry being transported does not exceed
4 fifteen feet, except that vehicles used in transporting combines or other
5 implements of husbandry may, when necessary to the harvesting operation
6 or other agricultural work, travel unloaded for distances not to exceed
7 twenty-five miles, while the combine or other implement of husbandry to
8 be transported is engaged in a harvesting operation or other agricultural
9 work;

10 (e) Farm equipment dealers or their representatives as authorized
11 under section 60-6,382 driving, delivering, or picking up farm equipment,
12 including portable livestock buildings not exceeding fourteen feet in
13 width, or implements of husbandry during daylight hours;

14 (f) Livestock forage vehicles loaded or unloaded that comply with
15 subsection (2) of section 60-6,305;

16 (g) During daylight hours only, vehicles en route to pick up,
17 delivering, or returning unloaded from delivery of baled livestock forage
18 which, including the load if any, may be twelve feet in width;

19 (h) Mobile homes or prefabricated livestock buildings not exceeding
20 sixteen feet in width and with an outside tire width dimension not
21 exceeding one hundred twenty inches moving during daylight hours;

22 (i) Self-propelled specialized mobile equipment with a fixed load
23 when:

24 (i) The self-propelled specialized mobile equipment will be
25 transported on a state highway, excluding any portion of the National
26 System of Interstate and Defense Highways, on a city street, or on a road
27 within the corporate limits of a city;

28 (ii) The city in which the self-propelled specialized mobile
29 equipment is intended to be transported has authorized a permit pursuant
30 to section 60-6,298 for the transportation of the self-propelled
31 specialized mobile equipment, specifying the route to be used and the

1 hours during which the self-propelled specialized mobile equipment can be
2 transported, except that no permit shall be issued by a city for travel
3 on a state highway containing a bridge or structure which is structurally
4 inadequate to carry the self-propelled specialized mobile equipment as
5 determined by the Department of Transportation Roads;

6 (iii) The self-propelled specialized mobile equipment's gross weight
7 does not exceed ninety-four thousand pounds if the self-propelled
8 specialized mobile equipment has four axles or seventy-two thousand
9 pounds if the self-propelled specialized mobile equipment has three
10 axles; and

11 (iv) If the self-propelled specialized mobile equipment has four
12 axles, the maximum weight on each set of tandem axles does not exceed
13 forty-seven thousand pounds, or if the self-propelled specialized mobile
14 equipment has three axles, the maximum weight on the front axle does not
15 exceed twenty-five thousand pounds and the total maximum weight on the
16 rear tandem axles does not exceed forty-seven thousand pounds;

17 (j) Vehicles which have been issued a permit pursuant to section
18 60-6,299; or

19 (k) A motor home or travel trailer, as those terms are defined in
20 section 71-4603, which may exceed one hundred and two inches if such
21 excess width is attributable to an appurtenance that extends no more than
22 six inches beyond the body of the vehicle. For purposes of this
23 subdivision, the term appurtenance includes (i) an awning and its support
24 hardware and (ii) any appendage that is intended to be an integral part
25 of a motor home or travel trailer and that is installed by the
26 manufacturer or dealer. The term appurtenance does not include any item
27 that is temporarily affixed or attached to the exterior of the motor home
28 or travel trailer for purposes of transporting the vehicular unit from
29 one location to another. Appurtenances shall not be considered in
30 calculating the gross trailer area as defined in section 71-4603.

31 (3) The Director-State Engineer, with respect to highways under his

1 or her jurisdiction, may designate certain highways upon which vehicles
2 of no more than ninety-six inches in width may be permitted to travel.
3 Highways so designated shall be limited to one or more of the following:

- 4 (a) Highways with traffic lanes of ten feet or less;
- 5 (b) Highways upon which are located narrow bridges; and
- 6 (c) Highways which because of sight distance, surfacing, unusual
7 curves, topographic conditions, or other unusual circumstances would not
8 in the opinion of the Director-State Engineer safely accommodate vehicles
9 of more than ninety-six inches in width.

10 Sec. 221. Section 60-6,292, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 60-6,292 (1) The Department of Transportation ~~Roads~~ may issue
13 permits for the use of extra-long vehicle combinations. Such permits
14 shall allow the extra-long vehicle combinations to operate only on the
15 National System of Interstate and Defense Highways and only if such
16 vehicles are empty and are being delivered for the manufacturer or
17 retailer, except that a highway located not more than six miles from the
18 National System of Interstate and Defense Highways may also be designated
19 in such permits if it is determined by the Director-State Engineer that
20 such designation is necessary for the permitholder to have access to the
21 National System of Interstate and Defense Highways. An annual permit for
22 such use may be issued to each qualified carrier company or individual.
23 The carrier company or individual shall maintain a copy of such annual
24 permit in each truck-tractor operating as a part of an extra-long vehicle
25 combination. The fee for such permit shall be two hundred fifty dollars
26 per year.

27 (2) The permit shall allow operation of the following extra-long
28 vehicle combinations of not more than three cargo units and not fewer
29 than six axles nor more than nine axles:

- 30 (a) A truck-tractor, a semitrailer, and two trailers having an
31 overall combination length of not more than one hundred five feet.

1 Semitrailers and trailers shall be of approximately equal lengths;

2 (b) A truck-tractor, semitrailer, and single trailer having an
3 overall length of not more than one hundred five feet. Semitrailers and
4 trailers shall be of approximately equal lengths; and

5 (c) A truck-tractor, semitrailer, or single trailer, one trailer of
6 which is not more than forty-eight feet long, the other trailer of which
7 is not more than twenty-eight feet long nor less than twenty-six feet
8 long, and the entire combination of which is not more than ninety-five
9 feet long. The shorter trailer shall be operated as the rear trailer.

10 For purposes of this subsection, a semitrailer used with a converter
11 dolly shall be considered a trailer.

12 (3) The department shall adopt and promulgate rules and regulations
13 governing the issuance of the permits, including, but not limited to,
14 selection of carriers, driver qualifications, equipment selection, hours
15 of operations, weather conditions, road conditions, and safety
16 considerations.

17 (4) Any person who violates this section shall be guilty of a Class
18 IV misdemeanor.

19 Sec. 222. Section 60-6,294, Revised Statutes Cumulative Supplement,
20 2016, is amended to read:

21 60-6,294 (1) Every vehicle, whether operated singly or in a
22 combination of vehicles, and every combination of vehicles shall comply
23 with subsections (2) and (3) of this section except as provided in
24 sections 60-6,294.01, 60-6,297, and 60-6,383. The limitations imposed by
25 this section shall be supplemental to all other provisions imposing
26 limitations upon the size and weight of vehicles.

27 (2) No wheel of a vehicle or trailer equipped with pneumatic or
28 solid rubber tires shall carry a gross load in excess of ten thousand
29 pounds on any highway nor shall any axle carry a gross load in excess of
30 twenty thousand pounds on any highway. An axle load shall be defined as
31 the total load transmitted to the highway by all wheels the centers of

1 which may be included between two parallel transverse vertical planes
2 forty inches apart extending across the full width of the vehicle.

3 (3) No group of two or more consecutive axles shall carry a load in
4 pounds in excess of the value given in the following table corresponding
5 to the distance in feet between the extreme axles of the group, measured
6 longitudinally to the nearest foot, except that the maximum load carried
7 on any group of two or more axles shall not exceed eighty thousand pounds
8 on the National System of Interstate and Defense Highways unless the
9 Director-State Engineer pursuant to section 60-6,295 authorizes a greater
10 weight.

11	Distance in feet	Maximum load in pounds carried					
12	between the	on any group of two or more					
13	extremes of	consecutive axles					
14	any group of						
15	two or more						
16	consecutive	Two	Three	Four	Five	Six	Seven
17	axles	Axles	Axles	Axles	Axles	Axles	Axles
18	4	34,000					
19	5	34,000					
20	6	34,000					
21	7	34,000					
22	8	34,000	42,000				
23	9	39,000	42,500				
24	10	40,000	43,500				
25	11		44,000				
26	12		45,000	50,000			
27	13		45,500	50,500			
28	14		46,500	51,500			
29	15		47,000	52,000			
30	16		48,000	52,500	58,000		

1	17	48,500	53,500	58,500		
2	18	49,500	54,000	59,000		
3	19	50,000	54,500	60,000		
4	20	51,000	55,500	60,500		
5	21	51,500	56,000	61,000		
6	22	52,500	56,500	61,500		
7	23	53,000	57,500	62,500		
8	24	54,000	58,000	63,000		
9	25	54,500	58,500	63,500	69,000	
10	26	55,500	59,500	64,000	69,500	
11	27	56,000	60,000	65,000	70,000	
12	28	57,000	60,500	65,500	71,000	
13	29	57,500	61,500	66,000	71,500	
14	30	58,500	62,000	66,500	72,000	
15	31	59,000	62,500	67,500	72,500	
16	32	60,000	63,500	68,000	73,000	
17	33		64,000	68,500	74,000	
18	34		64,500	69,000	74,500	
19	35		65,500	70,000	75,000	
20	36		66,000	70,500	75,500	
21	37		66,500	71,000	76,000	81,500
22	38		67,500	72,000	77,000	82,000
23	39		68,000	72,500	77,500	82,500
24	40		68,500	73,000	78,000	83,500
25	41		69,500	73,500	78,500	84,000
26	42		70,000	74,000	79,000	84,500
27	43		70,500	75,000	80,000	85,000
28	44		71,500	75,500	80,500	85,500
29	45		72,000	76,000	81,000	86,000
30	46		72,500	76,500	81,500	87,000

1	47	73,500	77,500	82,000	87,500
2	48	74,000	78,000	83,000	88,000
3	49	74,500	78,500	83,500	88,500
4	50	75,500	79,000	84,000	89,000
5	51	76,000	80,000	84,500	89,500
6	52	76,500	80,500	85,000	90,500
7	53	77,500	81,000	86,000	91,000
8	54	78,000	81,500	86,500	91,500
9	55	78,500	82,500	87,000	92,000
10	56	79,500	83,000	87,500	92,500
11	57	80,000	83,500	88,000	93,000
12	58		84,000	89,000	94,000
13	59		85,000	89,500	94,500
14	60		85,500	90,000	95,000

15 (4) The distance between axles shall be measured to the nearest
16 foot. When a fraction is exactly one-half foot, the next larger whole
17 number shall be used, except that:

18 (a) Any group of three axles shall be restricted to a maximum load
19 of thirty-four thousand pounds unless the distance between the extremes
20 of the first and third axles is at least ninety-six inches in fact; and

21 (b) The maximum gross load on any group of two axles, the distance
22 between the extremes of which is more than eight feet but less than eight
23 feet six inches, shall be thirty-eight thousand pounds.

24 (5) The limitations of subsections (2) through (4) of this section
25 shall apply as stated to all main, rural, and intercity highways but
26 shall not be construed as inhibiting heavier axle loads in metropolitan
27 areas, except on the National System of Interstate and Defense Highways,
28 if such loads are not prohibited by city ordinance.

29 (6) The weight limitations of wheel and axle loads as defined in
30 subsections (2) through (4) of this section shall be restricted to the
31 extent deemed necessary by the Department of Transportation Roads for a

1 reasonable period when road subgrades or pavements are weak or are
2 materially weakened by climatic conditions.

3 (7) Two consecutive sets of tandem axles may carry a gross load of
4 thirty-four thousand pounds each when the overall distance between the
5 first and last axles of such consecutive sets of tandem axles is thirty-
6 six, thirty-seven, or thirty-eight feet except as provided in section
7 60-6,297. Such vehicles shall be subject to section 60-6,301.

8 (8) If any vehicle crosses a bridge with a total gross load in
9 excess of the posted capacity of such bridge and as a result of such
10 crossing any damage results to the bridge, the owner of such vehicle
11 shall be responsible for all of such damage.

12 (9) Vehicles equipped with a greater number of axles than provided
13 in the tables in subsection (3) of this section shall be legal if they do
14 not exceed the maximum load upon any wheel or axle, the maximum load upon
15 any group of two or more consecutive axles, and the total gross weight,
16 or any of such weights as provided in subsections (2) and (3) of this
17 section.

18 (10) Subsections (1) through (9) of this section shall not apply to
19 a vehicle which has been issued a permit pursuant to section 60-6,299,
20 self-propelled specialized mobile equipment with a fixed load when the
21 requirements of subdivision (2)(i) of section 60-6,288 are met, or an
22 emergency vehicle when the requirements of subdivision (1)(a)(v) of
23 section 60-6,298 are met.

24 (11) Any two consecutive axles the centers of which are more than
25 forty inches and not more than ninety-six inches apart, measured to the
26 nearest inch between any two adjacent axles in the series, shall be
27 defined as tandem axles, and the gross weight transmitted to the road
28 surface through such series shall not exceed thirty-four thousand pounds.
29 No axle of the series shall exceed the maximum weight permitted under
30 this section for a single axle.

31 (12) Dummy axles shall be disregarded in determining the lawful

1 weight of a vehicle or vehicle combination for operation on the highway.
2 Dummy axle shall mean an axle attached to a vehicle or vehicle
3 combination in a manner so that it does not articulate or substantially
4 equalize the load and does not carry at least the lesser of eight
5 thousand pounds or eight percent of the gross weight of the vehicle or
6 vehicle combination.

7 (13) The maximum gross weight limit and the axle weight limit for
8 any vehicle or combination of vehicles equipped with idle reduction
9 technology may be increased by an amount necessary to compensate for the
10 additional weight of the idle reduction technology as provided in 23
11 U.S.C. 127(a)(12), as such section existed on July 18, 2008. The
12 additional amount of weight allowed by this subsection shall not exceed
13 four hundred pounds and shall not be construed to be in addition to the
14 five-percent-in-excess-of-maximum-load provision of subdivision (1) of
15 section 60-6,301.

16 Sec. 223. Section 60-6,297, Revised Statutes Cumulative Supplement,
17 2016, is amended to read:

18 60-6,297 (1) Subdivision (1)(b) of section 60-6,290 and subsections
19 (2) and (3) of section 60-6,294 shall not apply to a vehicle or
20 combination of vehicles disabled or wrecked on a highway or right-of-way
21 when the vehicle or combination of vehicles is towed to a place of secure
22 safekeeping by any wrecker or tow truck performing a wrecker or towing
23 service.

24 (2) Subdivision (1)(b) of section 60-6,290 and subsections (2) and
25 (3) of section 60-6,294 shall not apply to a single vehicle that is
26 disabled or wrecked when the single vehicle is towed by any wrecker or
27 tow truck to a place for repair or to a point of storage.

28 (3)(a) Section 60-6,288, subsection (1) of section 60-6,289,
29 subdivision (1)(b) of section 60-6,290, and subsections (2) and (3) of
30 section 60-6,294 shall not apply to a vehicle or combination of vehicles
31 permitted by the Department of Transportation Roads for overwidth,

1 overheight, overlength, or overweight operation that is disabled or
2 wrecked on a highway or right-of-way when the vehicle or combination of
3 vehicles is towed if the vehicle or combination of vehicles is towed by
4 any wrecker or tow truck performing a wrecker or towing service to the
5 first or nearest place of secure safekeeping off the traveled portion of
6 the highway that can accommodate the parking of such disabled vehicle or
7 combination of vehicles.

8 (b) After the vehicle or combination of vehicles has been towed to a
9 place of secure safekeeping, such vehicle or combination of vehicles
10 shall then be operated in compliance with section 60-6,288, subsection
11 (1) of section 60-6,289, subdivision (1)(b) of section 60-6,290, and
12 subsections (2) and (3) of section 60-6,294, or the vehicle or
13 combination of vehicles shall acquire a special single trip permit from
14 the department for the movement of the overwidth, overheight, overlength,
15 or overweight vehicle or combination of vehicles beyond the first or
16 nearest place of secure safekeeping to its intended destination.

17 (4) The owners, lessees, and operators of any wrecker or tow truck
18 exceeding the width, height, length, or weight restrictions while towing
19 a disabled or wrecked vehicle or combination of vehicles shall be jointly
20 and severally liable for any injury or damages that result from the
21 operation of the wrecker or tow truck while exceeding such restrictions.

22 (5) If a disabled or wrecked vehicle or combination of vehicles is
23 towed, the wrecker or tow truck shall be connected with the air brakes
24 and brake lights of the towed vehicle or combination of vehicles.

25 (6) For purposes of this section:

26 (a) Place of secure safekeeping means a location off the traveled
27 portion of the highway that can accommodate the parking of the disabled
28 or wrecked vehicle or combination of vehicles in order for the vehicle or
29 combination of vehicles to be repaired or moved to a point of storage;
30 and

31 (b) Wrecker or tow truck means an emergency commercial vehicle

1 equipped, designed, and used to assist or render aid and transport or tow
2 a disabled vehicle or combination of vehicles from a highway or right-of-
3 way to a place of secure safekeeping.

4 Sec. 224. Section 60-6,298, Revised Statutes Cumulative Supplement,
5 2016, is amended to read:

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

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

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

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

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

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

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

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

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

20 (v) To operate an emergency vehicle for purposes of sale,
21 demonstration, exhibit, or delivery, if the applicant or his or her
22 designee is a manufacturer or sales agent of the emergency vehicle. No
23 permit shall be issued for an emergency vehicle which weighs over sixty
24 thousand pounds on the tandem axle.

25 (b) No permit shall be issued under subdivision (a)(i) of this
26 subsection for a vehicle carrying a load unless such vehicle is loaded
27 with an object which exceeds the size or weight limitations, which cannot
28 be dismantled or reduced in size or weight without great difficulty, and
29 which of necessity must be moved over the highways to reach its intended
30 destination. No permit shall be required for the temporary movement on
31 highways other than dustless-surfaced state highways and for necessary

1 access to points on such highways during daylight hours of cost-saving
2 equipment to be used in highway or other public construction or in
3 agricultural land treatment when such temporary movement is necessary and
4 for a reasonable distance.

5 (2) The application for any such permit shall specifically describe
6 the vehicle, the load to be operated or moved, whenever possible the
7 particular highways for which permit to operate is requested, and whether
8 such permit is requested for a single trip or for continuous or
9 continuing operation. The permit shall include a signed affirmation under
10 oath that, for any load sixteen feet high or higher, the applicant has
11 contacted any and all electric utilities that have high voltage
12 conductors and infrastructure that cross over the roadway affected by the
13 move and made arrangements with such electric utilities for the safe
14 movement of the load under any high voltage conductors owned by such
15 electric utilities.

16 (3) The department or local authority is authorized to issue or
17 withhold such permit at its discretion or, if such permit is issued, to
18 limit the number of days during which the permit is valid, to limit the
19 number of trips, to establish seasonal or other time limitations within
20 which the vehicles described may be operated on the highways indicated,
21 or to issue a continuous or continuing permit for use on all highways,
22 including the National System of Interstate and Defense Highways. The
23 permits are subject to reasonable conditions as to periodic renewal of
24 such permit and as to operation or movement of such vehicles. The
25 department or local authority may otherwise limit or prescribe conditions
26 of operation of such vehicle or vehicles, when necessary to assure
27 against undue damage to the road foundations, surfaces, or structures or
28 undue danger to the public safety. The department or local authority may
29 require such undertaking or other security as may be deemed necessary to
30 compensate for any injury to any roadway or road structure.

31 (4) Every such permit shall be carried in the vehicle to which it

1 refers and shall be open to inspection by any peace officer, carrier
2 enforcement officer, or authorized agent of any authority granting such
3 permit. Each such permit shall state the maximum weight permissible on a
4 single axle or combination of axles and the total gross weight allowed.
5 No person shall violate any of the terms or conditions of such special
6 permit. In case of any violation, the permit shall be deemed
7 automatically revoked and the penalty of the original limitations shall
8 be applied unless:

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

12 (b) The total gross load is within the maximum authorized by the
13 permit, no axle is more than ten percent in excess of the maximum load
14 for such axle or group of axles authorized by the permit, and such load
15 can be shifted to meet the weight limitations of wheel and axle loads
16 authorized by such permit. Such shift may be made without penalty if it
17 is made at the state or commercial scale designated in the permit. The
18 vehicle may travel from its point of origin to such designated scale
19 without penalty, and a scale ticket from such scale, showing the vehicle
20 to be properly loaded and within the gross and axle weights authorized by
21 the permit, shall be reasonable evidence of compliance with the terms of
22 the permit.

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

26 (6) The department shall make available applications for permits
27 authorized pursuant to subdivisions (1)(a)(ii) and (1)(a)(iii) of this
28 section in the office of each county treasurer. The department may make
29 available applications for all other permits authorized by this section
30 to the office of the county treasurer and may make available applications
31 for all permits authorized by this section to any other location chosen

1 by the department.

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

4 (a) The fee for a continuous or continuing permit may not exceed
5 twenty-five dollars for a ninety-day period, fifty dollars for a one-
6 hundred-eighty-day period, or one hundred dollars for a one-year period;
7 and

8 (b) The fee for permits issued pursuant to subdivision (1)(a)(ii) of
9 this section shall be twenty-five dollars. Permits issued pursuant to
10 such subdivision shall be valid for thirty days and shall be renewable
11 four times for a total number of days not to exceed one hundred fifty
12 days per calendar year.

13 A vehicle or combination of vehicles for which an application for a
14 permit is requested pursuant to this section shall be registered under
15 section 60-3,147 or 60-3,198 for the maximum gross vehicle weight that is
16 permitted pursuant to section 60-6,294 before a permit shall be issued.

17 Sec. 225. Section 60-6,299, Revised Statutes Cumulative Supplement,
18 2016, is amended to read:

19 60-6,299 (1) The Department of Transportation Roads may issue
20 permits for vehicles moving a building or objects requiring specialized
21 moving dollies. Such permits shall allow the vehicles transporting
22 buildings or objects requiring specialized dollies to operate on highways
23 under the jurisdiction of the department, excluding any portion of the
24 National System of Interstate and Defense Highways. Such permit shall
25 specify the maximum allowable width, length, height, and weight of the
26 building to be transported, the route to be used, and the hours during
27 which such building or object may be transported. Such permit shall
28 clearly state that the applicant is not authorized to manipulate overhead
29 high voltage lines or conductors or other such components, including
30 electric utility poles, and that the applicant shall be guilty of a Class
31 II misdemeanor for any violation of this section or of the notification

1 requirements of section 60-6,288.01. Any vehicle moving a building or
2 object requiring specialized moving dollies shall be escorted by another
3 vehicle or vehicles in the manner determined by the department. Such
4 vehicles shall travel at a speed which is not in excess of five miles per
5 hour when carrying loads which are in excess of the maximum gross weight
6 specified by law by more than twenty-five percent. The permit shall not
7 be issued for travel on a state highway containing a bridge or structure
8 which is structurally inadequate to carry such building or object as
9 determined by the department. The department may prescribe conditions of
10 operation of such vehicle when necessary to assure against damage to the
11 road foundations, surfaces, or structures and require such security as
12 may be deemed necessary to compensate for any injury to any roadway or
13 road structure.

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

28 (3) The department shall adopt and promulgate rules and regulations
29 governing the issuance of the permits. Such rules and regulations shall
30 include, but not be limited to, driver qualifications, equipment
31 selection, hours of operation, weather conditions, road conditions,

1 determination of any damage caused to highways or bridges, cutting or
2 trimming of trees, removal or relocation of signs or other property of
3 the state, raising or lowering of electric supply and communication
4 lines, and such other safety considerations as the department deems
5 necessary.

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

9 Sec. 226. Section 60-6,301, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 60-6,301 When any motor vehicle, semitrailer, or trailer is operated
12 upon the highways of this state carrying a load in excess of the maximum
13 weight permitted by section 60-6,294, the load shall be reduced or
14 shifted to within such maximum tolerance before being permitted to
15 operate on any public highway of this state, except that:

16 (1) If any motor vehicle, semitrailer, or trailer exceeds the
17 maximum load on only one axle, only one tandem axle, or only one group of
18 axles when (a) the distance between the first and last axle of such group
19 of axles is twelve feet or less, (b) the excess axle load is no more than
20 five percent in excess of the maximum load for such axle, tandem axle, or
21 group of axles permitted by such section, while the vehicle or
22 combination of vehicles is within the maximum gross load, and (c) the
23 load on such vehicle is such that it can be shifted or the configuration
24 of the vehicle can be changed so that all axles, tandem axle, or groups
25 of axles are within the maximum permissible limit for such axle, tandem
26 axle, or group of axles, such shift or change of configuration may be
27 made without penalty;

28 (2) Any motor vehicle, semitrailer, or trailer carrying only a load
29 of livestock may exceed the maximum load as permitted by such section on
30 only one axle, only one tandem axle, or only one group of axles when the
31 distance between the first and last axle of the group of axles is six

1 feet or less if the excess load on the axle, tandem axle, or group of
2 axles is caused by a shifting of the weight of the livestock by the
3 livestock and if the vehicle or combination of vehicles is within the
4 maximum gross load as permitted by such section;

5 (3) With a permit issued by the Department of Transportation Roads
6 or the Nebraska State Patrol, a truck with an enclosed body and a
7 compacting mechanism, designed and used exclusively for the collection
8 and transportation of garbage or refuse, may exceed the maximum load as
9 permitted by such section by no more than twenty percent on only one
10 axle, only one tandem axle, or only one group of axles when the vehicle
11 is laden with garbage or refuse if the vehicle is within the maximum
12 gross load as permitted by such section. There shall be a permit fee of
13 ten dollars per month or one hundred dollars per year. The permit may be
14 issued for one or more months up to one year, and the term of
15 applicability shall be stated on the permit;

16 (4) Any motor vehicle, semitrailer, or trailer carrying any kind of
17 a load, including livestock, which exceeds the legal maximum gross load
18 by five percent or less may proceed on its itinerary and unload the cargo
19 carried thereon to the maximum legal gross weight at the first unloading
20 facility on the itinerary where the cargo can be properly protected. All
21 material so unloaded shall be cared for by the owner or operator of such
22 vehicle at the risk of such owner or operator; and

23 (5) Any motor vehicle, semitrailer, or trailer carrying grain or
24 other seasonally harvested products may operate from the field where such
25 grain or products are harvested to storage, market, or stockpile in the
26 field or from stockpile to market or factory up to seventy miles with a
27 load that exceeds the maximum load permitted by section 60-6,294 by
28 fifteen percent on any tandem axle, group of axles, and gross weight. Any
29 truck with no more than a single rear axle carrying grain or other
30 seasonally harvested products may operate from the field where such grain
31 or products are harvested to storage, market, or stockpile in the field

1 or from stockpile to market or factory up to seventy miles with a load
2 that exceeds the maximum load permitted by section 60-6,294 by fifteen
3 percent on any single axle and gross weight. The owner or a
4 representative of the owner of the agricultural product shall furnish the
5 driver of the loaded vehicle a signed statement of origin and
6 destination.

7 Nothing in this section shall be construed to permit to be operated
8 on the National System of Interstate and Defense Highways any vehicle or
9 combination of vehicles which exceeds any of the weight limitations
10 applicable to such system as contained in section 60-6,294.

11 If the maximum legal gross weight or axle weight of any vehicle is
12 exceeded by five percent or less and the arresting peace officer or
13 carrier enforcement officer has reason to believe that such excessive
14 weight is caused by snow, ice, or rain, the officer may issue a warning
15 citation to the operator.

16 Sec. 227. Section 60-6,311, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 60-6,311 (1) Any person who rides a moped upon a roadway shall have
19 all of the rights and shall be subject to all of the duties applicable to
20 the driver of a motor vehicle under the Nebraska Rules of the Road except
21 for special moped regulations in the rules and except for those
22 provisions of the rules which by their nature can have no application.

23 (2) Regulations applicable to mopeds shall apply whenever a moped is
24 operated upon any highway or upon any path set aside by the Department of
25 Transportation ~~Roads~~ or a local authority for the use of mopeds.

26 Sec. 228. Section 60-6,314, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 60-6,314 (1) Any person who operates a bicycle upon a highway shall
29 have all of the rights and shall be subject to all of the duties
30 applicable to the driver of a vehicle under the Nebraska Rules of the
31 Road except for special bicycle regulations in the rules, except for

1 those provisions of the rules which by their nature can have no
2 application, and except as provided in section 60-6,142.

3 (2) Regulations applicable to bicycles shall apply whenever a
4 bicycle is operated upon any highway or upon any path set aside by the
5 Department of Transportation ~~Roads~~ or a local authority for the exclusive
6 use of bicycles.

7 Sec. 229. Section 60-6,335, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 60-6,335 (1) No person shall operate a snowmobile upon any highway
10 except as provided in sections 60-6,320 to 60-6,346. Subject to
11 regulation by the Department of Transportation ~~Roads~~ and by local
12 authorities, in their respective jurisdictions, a snowmobile may be
13 operated on the roadway of any highway, on the right-hand side of such
14 roadway and in the same direction as the highway traffic, except that no
15 snowmobile shall be operated at any time within the right-of-way of any
16 controlled-access highway within this state.

17 (2) A snowmobile may make a direct crossing of a highway at any hour
18 of the day if:

19 (a) The crossing is made at an angle of approximately ninety degrees
20 to the direction of the highway and at a place where no obstruction
21 prevents a quick and safe crossing;

22 (b) The snowmobile is brought to a complete stop before crossing the
23 shoulder or roadway of the highway;

24 (c) The driver yields the right-of-way to all oncoming traffic which
25 constitutes an immediate hazard;

26 (d) In crossing a divided highway, the crossing is made only at an
27 intersection of such highway with another highway; and

28 (e) When the crossing is made between sunset and sunrise or in
29 conditions of reduced visibility, both the headlights and taillights are
30 on.

31 (3) No snowmobile shall be operated upon a highway unless equipped

1 with at least one headlight and one taillight, with reflector material of
2 a minimum area of sixteen square inches mounted on each side forward of
3 the handlebars, and with brakes.

4 (4) A snowmobile may be operated upon a highway other than as
5 provided by subsection (2) of this section in an emergency during the
6 period of time when and at locations where snow upon the roadway renders
7 travel by automobile impractical.

8 (5) Unless otherwise provided in sections 60-6,320 to 60-6,346, all
9 other provisions of Chapter 60 shall apply to the operation of
10 snowmobiles upon highways except for those relating to required equipment
11 and those which by their nature have no application.

12 (6) No person shall operate a snowmobile upon any private lands
13 without first having obtained permission of the owner, lessee, or
14 operator of such lands.

15 Sec. 230. Section 60-6,376, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 60-6,376 (1) Any person who operates an electric personal assistive
18 mobility device on a highway shall have all of the rights and shall be
19 subject to all of the duties applicable to the operator of a vehicle
20 under the Nebraska Rules of the Road except (a) as provided in special
21 electric personal assistive mobility device regulations adopted pursuant
22 to the Nebraska Rules of the Road, (b) any provisions of the Nebraska
23 Rules of the Road which by their nature can have no application, and (c)
24 as provided in section 60-6,142 with respect to operating an electric
25 personal assistive mobility device on a shoulder of a highway.

26 (2) An electric personal assistive mobility device may be operated
27 on any highway, alley, sidewalk, bike trail, path, or any other area
28 where persons travel, except as provided by the Department of
29 Transportation ~~Reads~~ or local authority. Regulations applicable to an
30 electric personal assistive mobility device shall apply whenever an
31 electric personal assistive mobility device is so operated.

1 (3) An operator of an electric personal assistive mobility device
2 shall yield to pedestrian traffic and any human-powered or animal-powered
3 vehicle at all times. An operator of an electric personal assistive
4 mobility device shall give an audible signal before overtaking and
5 passing any pedestrian or human-powered or animal-powered vehicle. A
6 person violating this subsection shall be fined ten dollars for the first
7 offense. A person violating this subsection shall have his or her
8 electric personal assistive mobility device impounded for up to thirty
9 days for each subsequent offense.

10 Sec. 231. Section 60-6,378, Revised Statutes Cumulative Supplement,
11 2016, is amended to read:

12 60-6,378 (1)(a) A driver in a vehicle on a controlled-access highway
13 approaching or passing a stopped authorized emergency vehicle or road
14 assistance vehicle which makes use of proper audible or visual signals
15 shall proceed with due care and caution as described in subdivision (b)
16 of this subsection.

17 (b) On a controlled-access highway with at least two adjacent lanes
18 of travel in the same direction on the same side of the highway where a
19 stopped authorized emergency vehicle or road assistance vehicle is using
20 proper audible or visual signals, the driver of the vehicle shall proceed
21 with due care and caution and yield the right-of-way by moving into a
22 lane at least one moving lane apart from the stopped authorized emergency
23 vehicle or road assistance vehicle unless directed otherwise by a peace
24 officer or other authorized emergency personnel. If moving into another
25 lane is not possible because of weather conditions, road conditions, or
26 the immediate presence of vehicular or pedestrian traffic or because the
27 controlled-access highway does not have two available adjacent lanes of
28 travel in the same direction on the same side of the highway where such a
29 stopped authorized emergency vehicle or road assistance vehicle is
30 located, the driver of the approaching or passing vehicle shall reduce
31 his or her speed, maintain a safe speed with regard to the location of

1 the stopped authorized emergency vehicle or road assistance vehicle, the
2 weather conditions, the road conditions, and vehicular or pedestrian
3 traffic, and proceed with due care and caution or proceed as directed by
4 a peace officer or other authorized emergency personnel or road
5 assistance personnel.

6 (c) Any person who violates this subsection is guilty of a traffic
7 infraction for a first offense and Class IIIA misdemeanor for a second or
8 subsequent offense.

9 (2) The Department of Transportation Roads shall erect and maintain
10 or cause to be erected and maintained signs giving notice of subsection
11 (1) of this section along controlled-access highways.

12 (3) Enforcement of subsection (1) of this section shall not be
13 accomplished using simulated situations involving an authorized emergency
14 vehicle or a road assistance vehicle.

15 (4) This section does not relieve the driver of an authorized
16 emergency vehicle or a road assistance vehicle from the duty to drive
17 with due regard for the safety of all persons using the highway.

18 (5) For purposes of this section, road assistance vehicle includes a
19 vehicle operated by the Nebraska Department of Transportation Roads, a
20 Nebraska State Patrol motorist assistance vehicle, a United States
21 Department of Transportation registered towing or roadside assistance
22 vehicle, and a utility service vehicle operated by a utility company. A
23 road assistance vehicle shall emit a warning signal utilizing properly
24 displayed emergency indicators such as strobe, rotating, or oscillating
25 lights when stopped along a highway.

26 Sec. 232. Section 60-6,380, Revised Statutes Cumulative Supplement,
27 2016, is amended to read:

28 60-6,380 A low-speed vehicle may be operated on any highway on which
29 the speed limit is not more than thirty-five miles per hour. A low-speed
30 vehicle may cross a highway on which the speed limit is more than thirty-
31 five miles per hour. Nothing in this section shall prevent a county,

1 city, or village from adopting more stringent ordinances governing low-
2 speed vehicle operation if the governing body of the county, city, or
3 village determines that such ordinances are necessary in the interest of
4 public safety. Any person operating a low-speed vehicle as authorized
5 under this section shall have a valid Class 0 operator's license and
6 shall have liability insurance coverage for the low-speed vehicle. The
7 Department of Transportation ~~Roads~~ may prohibit the operation of low-
8 speed vehicles on any highway under its jurisdiction if it determines
9 that the prohibition is necessary in the interest of public safety.

10 Sec. 233. Section 60-1301, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 60-1301 In order to promote public safety, to preserve and protect
13 the state highways and bridges and prevent immoderate and destructive use
14 of the same, and to enforce the motor vehicle registration laws, the
15 Department of Transportation ~~Roads~~ shall have the responsibility to
16 construct, maintain, provide, and contract with the Nebraska State Patrol
17 for the operation of weighing stations and provide the funding for the
18 same. The Nebraska State Patrol shall operate the weighing stations,
19 including portable scales, for the weighing and inspection of buses,
20 motor trucks, truck-tractors, semitrailers, trailers, and towed vehicles.
21 Each of the weighing stations shall be located near, on, or adjacent to a
22 state highway upon real estate owned by the State of Nebraska or upon
23 real estate acquired for that purpose. Weights determined on such
24 weighing stations and portable scales shall be presumed to be accurate
25 and shall be accepted in court as prima facie evidence of a violation of
26 the laws relating to the size, weight, load, and registration of buses,
27 motor trucks, truck-tractors, semitrailers, trailers, and towed vehicles.
28 The owner or driver of a vehicle found to be in violation of such laws by
29 the use of portable scales shall be advised by the officer operating the
30 portable scale that he or she has the right to demand an immediate
31 reweighing at his or her expense at the nearest permanent state-approved

1 scale capable of weighing the vehicle, and if a variance exists between
2 the weights of the permanent and portable scales, then the weights
3 determined on the permanent scale shall prevail. Sections 60-1301 to
4 60-1309 shall not apply to pickup trucks with a factory-rated capacity of
5 one ton or less, except as may be provided by rules and regulations of
6 the Nebraska State Patrol, or to recreational vehicles as defined in
7 section 71-4603. The Nebraska State Patrol may adopt and promulgate rules
8 and regulations concerning the weighing of pickup trucks with a factory-
9 rated capacity of one ton or less which tow vehicles. Such rules and
10 regulations shall require trucks towing vehicles to comply with sections
11 60-1301 to 60-1309 when it is necessary to promote the public safety and
12 preserve and protect the state highways and bridges.

13 Sec. 234. Section 60-1302, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 60-1302 The Department of Transportation ~~Roads~~ is hereby authorized
16 to take, hold, and acquire by eminent domain so much real estate as may
17 be necessary and convenient to carry out the provisions of section
18 60-1301. The procedure to condemn property shall be exercised in the
19 manner set forth in sections 76-704 to 76-724.

20 Sec. 235. Section 60-1303, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 60-1303 (1) The Nebraska State Patrol is hereby designated as the
23 agency to operate the weighing stations and portable scales and to
24 perform carrier enforcement duties.

25 (2)(a) On and after July 20, 2002, officers of the Nebraska State
26 Patrol appointed to operate the weighing stations and portable scales and
27 to perform carrier enforcement duties shall be known as the carrier
28 enforcement division. The Superintendent of Law Enforcement and Public
29 Safety shall appoint officers of the Nebraska State Patrol to the carrier
30 enforcement division, including officers as prescribed in sections
31 81-2001 to 81-2009, and carrier enforcement officers as prescribed in

1 sections 60-1301 to 60-1309.

2 (b) The employees within the Nebraska State Patrol designated to
3 operate the weighing stations and portable scales and to perform carrier
4 enforcement duties before July 20, 2002, and not authorized to act under
5 subdivisions (1) through (8) of section 81-2005 shall be known as carrier
6 enforcement officers.

7 (3) All carrier enforcement officers shall be bonded or insured as
8 required by section 11-201. Premiums shall be paid from the money
9 appropriated for the construction, maintenance, and operation of the
10 state weighing stations.

11 (4) All employees of the Nebraska State Patrol who are carrier
12 enforcement officers and who are not officers of the Nebraska State
13 Patrol with the powers and duties prescribed in sections 81-2001 to
14 81-2009 shall be members of the State Employees Retirement System of the
15 State of Nebraska. Officers of the Nebraska State Patrol who are carrier
16 enforcement officers on July 20, 2002, who subsequently become officers
17 of the Nebraska State Patrol with the powers and duties prescribed in
18 sections 81-2001 to 81-2009, and who elect to remain members of the State
19 Employees Retirement System of the State of Nebraska shall continue to
20 participate in the State Employees Retirement System of the State of
21 Nebraska. Carrier enforcement officers shall not receive any expense
22 allowance as provided for by section 81-2002.

23 (5) The Nebraska State Patrol and the Department of Transportation
24 ~~Roads~~ shall have the duty, power, and authority to contract with one
25 another for the staffing and operation of weighing stations and portable
26 scales and the performance of carrier enforcement duties to ensure that
27 there is adequate personnel in the carrier enforcement division to carry
28 out the duties specified in sections 60-1301 to 60-1309. Through June 30,
29 2005, the number of full-time equivalent positions funded pursuant to
30 such contract shall be limited to eighty-eight officers, including
31 carrier enforcement officers as prescribed in sections 60-1301 to 60-1309

1 and officers of the Nebraska State Patrol as prescribed in sections
2 81-2001 to 81-2009 assigned to the carrier enforcement division. Pursuant
3 to such contract, command of the personnel involved in such carrier
4 enforcement operations shall be with the Nebraska State Patrol. The
5 Department of Transportation ~~Roads~~ may use any funds at its disposal for
6 its financing of such carrier enforcement activity in accordance with
7 such contract as long as such funds are used only to finance those
8 activities directly involved with the duties specified in sections
9 60-1301 to 60-1309. The Nebraska State Patrol shall account for all
10 appropriations and expenditures related to the staffing and operation of
11 weighing stations and portable scales and the performance of carrier
12 enforcement duties in a budget program that is distinct and separate from
13 budget programs used for non-carrier-enforcement-division-related
14 activities.

15 (6) The Nebraska State Patrol may adopt, promulgate, and enforce
16 rules and regulations consistent with statutory provisions related to
17 carrier enforcement necessary for (a) the collection of fees, as outlined
18 in sections 60-3,177 and 60-3,179 to 60-3,182 and the International Fuel
19 Tax Agreement Act, (b) the inspection of licenses and permits required
20 under the motor fuel laws, and (c) weighing and inspection of buses,
21 motor trucks, truck-tractors, semitrailers, trailers, and towed vehicles.

22 Sec. 236. Section 60-3101, Revised Statutes Cumulative Supplement,
23 2016, is amended to read:

24 60-3101 (1) State fleet card programs shall be created and shall be
25 administered separately by the Department of Transportation ~~Roads~~ and the
26 University of Nebraska. The Department of Transportation ~~Roads~~ shall
27 administer a fleet card program on behalf of state government and
28 political subdivisions other than the University of Nebraska under a
29 contract through the State Treasurer. The State Treasurer shall determine
30 the type of fleet card or cards utilized in the state fleet card program.
31 The State Treasurer shall contract with one or more financial

1 institutions, card-issuing banks, credit card companies, charge card
2 companies, debit card companies, or third-party merchant banks capable of
3 operating a fleet card program on behalf of the state, including the
4 University of Nebraska, and political subdivisions that participate in
5 the state contract for such services. Rules and regulations may be
6 adopted and promulgated as needed by the Department of Transportation
7 ~~Roads~~ or the University of Nebraska for the operation of the state fleet
8 card programs. The rules and regulations shall provide authorization
9 instructions for all transactions. Expenses associated with the state
10 fleet card programs shall be considered as an administrative or
11 operational expense.

12 (2) For purposes of this section, fleet card means a payment card
13 used for gasoline, diesel, and other fuels. Fleet cards may also be used
14 to pay for vehicle and equipment maintenance and expenses at the
15 discretion of the program administrator. The Department of Transportation
16 ~~Roads~~ and the University of Nebraska shall each designate a program
17 administrator.

18 (3) Any state official, agency, board, or commission may utilize a
19 state fleet card for the purchase of goods and services described in
20 subsection (2) of this section for and on behalf of the State of
21 Nebraska. Any political subdivision may utilize a fleet card for the
22 purchase of goods and services described in subsection (2) of this
23 section for lawful government purposes of the political subdivision. No
24 disbursements or cash back on fleet card transactions shall be allowed.

25 (4) Vendors accepting a state fleet card shall obtain authorization
26 for all transactions in accordance with instructions from the program
27 administrator. Transaction authorization shall be from the financial
28 institution, card-issuing bank, credit card company, charge card company,
29 debit card company, or third-party merchant bank contracted to provide
30 such service to the State of Nebraska. Each transaction shall be
31 authorized in accordance with the instructions provided by the program

1 administrator for each state official, agency, board, or commission or
2 each political subdivision.

3 (5) Detailed transaction information for the purposes of tracking
4 expenditures shall include fleet card identification, merchant name and
5 address, transaction number, date, time, product, quantity, cost, and
6 equipment meter reading if applicable. A state fleet card program may
7 require an itemized receipt for purposes of tracking expenditures of a
8 state fleet card purchase from a commercial vendor as acceptable detailed
9 transaction information. If detailed transaction information is not
10 provided, the program administrator shall have the authority to
11 temporarily or permanently suspend state fleet card purchases in
12 accordance with rules and regulations.

13 (6) No officer or employee of the state or of a political
14 subdivision shall use a state fleet card for any unauthorized use.

15 Sec. 237. Section 66-489.02, Revised Statutes Cumulative Supplement,
16 2016, is amended to read:

17 66-489.02 (1) For tax periods beginning on and after July 1, 2009,
18 at the time of filing the return required by section 66-488, the
19 producer, supplier, distributor, wholesaler, or importer shall, in
20 addition to the other taxes provided for by law, pay a tax at the rate of
21 five percent of the average wholesale price of gasoline for the gallons
22 of the motor fuels as shown by the return, except that there shall be no
23 tax on the motor fuels reported if they are otherwise exempted by
24 sections 66-482 to 66-4,149.

25 (2) The department shall calculate the average wholesale price of
26 gasoline on April 1, 2009, and on each April 1 and October 1 thereafter.
27 The average wholesale price on April 1 shall apply to returns for the tax
28 periods beginning on and after July 1, and the average wholesale price on
29 October 1 shall apply to returns for the tax periods beginning on and
30 after January 1. The average wholesale price shall be determined using
31 data available from the State Energy Office and shall be an average

1 wholesale price per gallon of gasoline sold in the state over the
2 previous six-month period, excluding any state or federal excise tax or
3 environmental fees. The change in the average wholesale price between two
4 six-month periods shall be adjusted so that the increase or decrease in
5 the tax provided for in this section or section 66-6,109.02 does not
6 exceed one cent per gallon.

7 (3) All sums of money received under this section shall be credited
8 to the Highway Trust Fund. Credits and refunds of such tax allowed to
9 producers, suppliers, distributors, wholesalers, or importers shall be
10 paid from the Highway Trust Fund. The balance of the amount credited,
11 after credits and refunds, shall be allocated as follows:

12 (a) Sixty-six percent to the Highway Cash Fund for the Department of
13 Transportation Roads;

14 (b) Seventeen percent to the Highway Allocation Fund for allocation
15 to the various counties for road purposes; and

16 (c) Seventeen percent to the Highway Allocation Fund for allocation
17 to the various municipalities for street purposes.

18 Sec. 238. Section 66-4,100, Revised Statutes Cumulative Supplement,
19 2016, is amended to read:

20 66-4,100 The Highway Cash Fund and the Roads Operations Cash Fund
21 are hereby created. If bonds are issued pursuant to subsection (2) of
22 section 39-2223, the balance of the share of the Highway Trust Fund
23 allocated to the Department of Transportation Roads and deposited into
24 the Highway Restoration and Improvement Bond Fund as provided in
25 subsection (6) of section 39-2215 and the balance of the money deposited
26 in the Highway Restoration and Improvement Bond Fund as provided in
27 section 39-2215.01 shall be transferred by the State Treasurer, on or
28 before the last day of each month, to the Highway Cash Fund. If no bonds
29 are issued pursuant to subsection (2) of section 39-2223, the share of
30 the Highway Trust Fund allocated to the Department of Transportation
31 Roads shall be transferred by the State Treasurer on or before the last

1 day of each month to the Highway Cash Fund.

2 The Legislature may direct the State Treasurer to transfer funds
3 from the Highway Cash Fund to the Roads Operations Cash Fund. Both funds
4 shall be expended by the department (1) for acquiring real estate, road
5 materials, equipment, and supplies to be used in the construction,
6 reconstruction, improvement, and maintenance of state highways, (2) for
7 the construction, reconstruction, improvement, and maintenance of state
8 highways, including grading, drainage, structures, surfacing, roadside
9 development, landscaping, and other incidentals necessary for proper
10 completion and protection of state highways as the department shall,
11 after investigation, find and determine shall be for the best interests
12 of the highway system of the state, either independent of or in
13 conjunction with federal-aid money for highway purposes, (3) for the
14 share of the department of the cost of maintenance of state aid bridges,
15 (4) for planning studies in conjunction with federal highway funds for
16 the purpose of analyzing traffic problems and financial conditions and
17 problems relating to state, county, township, municipal, federal, and all
18 other roads in the state and for incidental costs in connection with the
19 federal-aid grade crossing program for roads not on state highways, (5)
20 for tests and research by the department or proportionate costs of
21 membership, tests, and research of highway organizations when
22 participated in by the highway departments of other states, (6) for the
23 payment of expenses and costs of the Board of Examiners for County
24 Highway and City Street Superintendents as set forth in section 39-2310,
25 (7) for support of the public transportation assistance program
26 established under section 13-1209 and the intercity bus system assistance
27 program established under section 13-1213, and (8) for purchasing from
28 political or governmental subdivisions or public corporations, pursuant
29 to section 39-1307, any federal-aid transportation funds available to
30 such entities.

31 Any money in the Highway Cash Fund and the Roads Operations Cash

1 Fund not needed for current operations of the department shall, as
2 directed by the Director-State Engineer to the State Treasurer, be
3 invested by the state investment officer pursuant to the Nebraska Capital
4 Expansion Act and the Nebraska State Funds Investment Act, subject to
5 approval by the board of each investment. All income received as a result
6 of such investment shall be placed in the Highway Cash Fund.

7 Sec. 239. Section 66-4,144, Revised Statutes Cumulative Supplement,
8 2016, is amended to read:

9 66-4,144 (1) In order to insure that an adequate balance in the
10 Highway Restoration and Improvement Bond Fund is maintained to meet the
11 debt service requirements of bonds to be issued by the commission under
12 subsection (2) of section 39-2223, the Director-State Engineer shall
13 certify to the department the excise tax rate to be imposed by sections
14 66-4,140 and 66-6,108 for each year during which such bonds are
15 outstanding necessary to provide in each such year money equal in amount
16 to not less than one hundred twenty-five percent of such year's bond
17 principal and interest payment requirements. The department shall adjust
18 the rate as certified by the Director-State Engineer. Such rate shall be
19 in addition to the rate of excise tax set pursuant to subsection (2) of
20 this section. Each such rate shall be effective from July 1 of a stated
21 year through June 30 of the succeeding year or during such other period
22 not longer than one year as the Director-State Engineer certifies to be
23 consistent with the principal and interest requirements of such bonds.
24 Such excise tax rates set pursuant to this subsection may be increased,
25 but such excise tax rates shall not be subject to reduction or
26 elimination unless the Director-State Engineer has received from the
27 State Highway Commission notice of reduced principal and interest
28 requirements for such bonds, in which event the Director-State Engineer
29 shall certify the new rate or rates to the department. The new rate or
30 rates, if any, shall become effective on the first day of the following
31 semiannual period.

1 (2) In order to insure that there is maintained an adequate Highway
2 Cash Fund balance to meet expenditures from such fund as appropriated by
3 the Legislature, by June 15 or five days after the adjournment of the
4 regular legislative session each year, whichever is later, the Director-
5 State Engineer shall certify to the department the excise tax rate to be
6 imposed by sections 66-4,140 and 66-6,108. The department shall adjust
7 the rate as certified by the Director-State Engineer to be effective from
8 July 1 through June 30 of the succeeding year. The rate of excise tax for
9 a given July 1 through June 30 period set pursuant to this subsection
10 shall be in addition to and independent of the rate or rates of excise
11 tax set pursuant to subsection (1) of this section for such period. The
12 Director-State Engineer shall determine the cash and investment balances
13 of the Highway Cash Fund at the beginning of each fiscal year under
14 consideration and the estimated receipts to the Highway Cash Fund from
15 each source which provides at least one million dollars annually to such
16 fund. The rate of excise tax shall be an amount sufficient to meet the
17 appropriations made from the Highway Cash Fund by the Legislature. Such
18 rate shall be set in increments of one-tenth of one percent.

19 (3) The Department of Transportation ~~Roads~~ shall provide to the
20 Legislative Fiscal Analyst an electronic copy of the information that is
21 submitted to the Department of Revenue and used to set or adjust the
22 excise tax rate.

23 (4) If the actual receipts received to date added to any projections
24 or modified projections of deposits to the Highway Cash Fund for the
25 current fiscal year are less than ninety-nine percent or greater than one
26 hundred two percent of the appropriation for the current fiscal year, the
27 Director-State Engineer shall certify to the department the adjustment in
28 rate necessary to meet the appropriations made from the Highway Cash Fund
29 by the Legislature. The department shall adjust the rate as certified by
30 the Director-State Engineer to be effective on the first day of the
31 following semiannual period.

1 (5) Nothing in this section shall be construed to abrogate the
2 duties of the Department of Transportation Roads or attempt to change any
3 highway improvement program schedule.

4 Sec. 240. Section 66-6,109.02, Reissue Revised Statutes of Nebraska,
5 is amended to read:

6 66-6,109.02 (1) For tax periods beginning on and after July 1, 2009,
7 at the time of filing the return required by section 66-6,110, the
8 retailer shall, in addition to the other taxes provided for by law, pay a
9 tax at the rate of five percent of the average wholesale price of
10 gasoline calculated pursuant to section 66-489.02 for the gallons of the
11 compressed fuel as shown by the return, except that there shall be no tax
12 on the compressed fuel reported if it is otherwise exempted by the
13 Compressed Fuel Tax Act.

14 (2) All sums of money received under this section shall be credited
15 to the Highway Trust Fund. Credits and refunds of such tax allowed to
16 producers, suppliers, distributors, wholesalers, or importers shall be
17 paid from the Highway Trust Fund. The balance of the amount credited,
18 after credits and refunds, shall be allocated as follows:

19 (a) Sixty-six percent to the Highway Cash Fund for the Department of
20 Transportation Roads;

21 (b) Seventeen percent to the Highway Allocation Fund for allocation
22 to the various counties for road purposes; and

23 (c) Seventeen percent to the Highway Allocation Fund for allocation
24 to the various municipalities for street purposes.

25 Sec. 241. Section 66-738, Revised Statutes Cumulative Supplement,
26 2016, is amended to read:

27 66-738 The Motor Fuel Tax Enforcement and Collection Division is
28 hereby created within the Department of Revenue. The division shall be
29 funded by a separate appropriation program within the department. All
30 provisions of the Compressed Fuel Tax Act, the Petroleum Release Remedial
31 Action Act, the State Aeronautics ~~Department~~ Act, and sections 66-482 to

1 66-4,149, 66-501 to 66-531, and 66-712 to 66-736, pertaining to the
2 Department of Revenue, the Tax Commissioner, or the division, shall be
3 entirely and separately undertaken and enforced by the division, except
4 that the division may utilize services provided by other programs of the
5 Department of Revenue in functional areas known on July 1, 1991, as the
6 budget subprograms designated revenue operations and administration.
7 Appropriations for the division that are used to fund costs allocated for
8 such functional operations shall be expended by the division in an
9 appropriate pro rata share and shall be subject to audit by the Auditor
10 of Public Accounts, at such time as he or she determines necessary, which
11 audit shall be provided to the budget division of the Department of
12 Administrative Services and the Legislative Fiscal Analyst by October 1
13 of the year under audit. Audit information useful to other divisions of
14 the Department of Revenue may be shared by the Motor Fuel Tax Enforcement
15 and Collection Division with the other divisions of the department and
16 the Division of Motor Carrier Services of the Department of Motor
17 Vehicles, but audits shall not be considered as a functional operation
18 for purposes of this section. Except for staff performing in functional
19 areas, staff funded from the separate appropriation program shall only be
20 utilized to carry out the provisions of such acts and sections. The
21 auditors and field investigators in the Motor Fuel Tax Enforcement and
22 Collection Division shall be adequately trained for the purposes of motor
23 fuel tax enforcement and collection. The Tax Commissioner shall hire for
24 or assign to the division sufficient staff to carry out the
25 responsibility of the division for the enforcement of the motor fuel
26 laws.

27 Funds appropriated to the division may also be used to contract with
28 other public agencies or private entities to aid in the issuance of motor
29 fuel delivery permit numbers as provided in subsection (2) of section
30 66-503, and such contracted funds shall only be used for such purpose.
31 The amount of any contracts entered into pursuant to this section shall

1 be appropriated and accounted for in a separate budget subprogram of the
2 division.

3 Sec. 242. Section 66-821, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 66-821 For purposes of sections 66-821 to 66-824, unless the context
6 otherwise requires:

7 (1) Gasohol shall mean gasoline which contains a minimum of ten
8 percent blend of an agricultural ethyl alcohol whose purity shall be at
9 least ninety-nine percent alcohol, excluding denaturant, produced from
10 cereal grains or domestic agricultural commodities; and

11 (2) Department shall mean the Department of Transportation Roads.

12 Sec. 243. Section 66-822, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 66-822 The department ~~Department of Roads~~ shall, not later than July
15 1, 1980, implement a program of using gasohol as fuel in motor vehicles
16 owned or operated by the department which are designed to operate on such
17 fuel.

18 Sec. 244. Section 69-1701, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 69-1701 (1) Before an outdoor advertising sign, display, or device
21 is removed, taken, or appropriated through the use of zoning or any other
22 power or authority possessed by the state, a state agency, or a political
23 subdivision of the state:

24 (a) The value of the sign, display, or device shall be determined by
25 the taking entity without the use of any amortization schedule; and

26 (b) The owners of the sign, display, or device shall be paid the
27 fair and reasonable market value for such removal, taking, or
28 appropriation, which fair and reasonable market value shall be based upon
29 the depreciated reproduction cost of such sign, display, or device using
30 as a guideline the Nebraska Sign Schedule developed and used by the
31 Department of Transportation Roads, except that, when feasible, the

1 taking entity may elect to relocate such sign, display, or device, in
2 which event the owners of the sign, display, or device shall be paid the
3 actual and necessary relocation cost therefor.

4 (2) Subsection (1) of this section shall not apply to:

5 (a) Actions taken by the Department of Transportation ~~Roads~~ pursuant
6 to sections 39-212 to 39-226 and 39-1320; and

7 (b) The removal, taking, or appropriation of a sign, display, or
8 device which (i) is insecurely fixed or inadequately maintained such that
9 the sign, display, or device constitutes a danger to the public health or
10 safety, or (ii) has been abandoned or no longer used by the owners for at
11 least six months.

12 Sec. 245. Section 70-309, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 70-309 If the public road, along, upon, across, or under which the
15 right to construct, operate, and maintain the electrical transmission
16 line is granted, is a state or federal highway, then the location and
17 installation of the electrical transmission facilities, insofar as they
18 pertain to the present and future use of the rights-of-way for highway
19 purposes, shall be subject to reasonable regulations and restrictions
20 prescribed by the Department of Transportation ~~Roads~~. If the future use
21 of the state or federal highway requires the moving or relocating of the
22 facilities, then such facilities shall be removed or relocated by the
23 owner, at the owner's cost and expense, and as directed by the Department
24 of Transportation ~~Roads~~ except as provided by section 39-1304.02.

25 Sec. 246. Section 72-108, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 72-108 All deeds or other instruments conveying any interest in
28 lands to the State of Nebraska, or to any board, department, or
29 commission thereof, shall be carefully deposited in the office of the
30 Board of Educational Lands and Funds for safekeeping after they have been
31 duly recorded in the office of the register of deeds in the county where

1 the real estate is located. ~~This ; Provided, this~~ section shall not apply
2 to deeds or other instruments conveying any interest in lands to the
3 Department of Transportation Roads or the Game and Parks Commission.

4 Sec. 247. Section 72-221, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 72-221 The Department of Transportation Roads ~~of the State of~~
7 ~~Nebraska~~ and the county board of any county may acquire land necessary to
8 establish a public highway over or across any educational lands.

9 Sec. 248. Section 72-221.01, Reissue Revised Statutes of Nebraska,
10 is amended to read:

11 72-221.01 All established public roads that have been established
12 for a period of ten years or more on the section line along any side or
13 part of the side of a section owned by the Board of Educational Lands and
14 Funds, and on any part of a section that has an established meandering
15 road not on the section line and under the jurisdiction of the Board of
16 Educational Lands and Funds, shall be dedicated to the county for public
17 use in the case of county roads, or to the State of Nebraska, Department
18 of Transportation Roads, for public use. The public road right-of-way so
19 dedicated shall be no less than thirty-three feet from the section line,
20 nor less than sixty-six feet through that part of the section where the
21 established road meanders through the described section. Upon receipt of
22 payment from any county or the department ~~Department of Roads~~ of the fair
23 and reasonable market value of the right-of-way at the date the road was
24 established, the Board of Educational Lands and Funds shall convey to the
25 county or the department ~~Department of Roads~~ title to such road right-of-
26 way. The instruments of conveyance shall be recorded in the office of the
27 register of deeds.

28 Sec. 249. Section 72-817, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 72-817 Sections 72-811 to 72-818 shall apply to every state agency
31 except the University of Nebraska, the Nebraska state colleges, the

1 Division Department of Aeronautics of the Department of Transportation,
2 and the Board of Educational Lands and Funds, except that any such agency
3 may elect to include under such sections any building or land for which
4 it has responsibility. Such sections shall not apply to interests in real
5 property held by the Department of Transportation Roads.

6 Sec. 250. Section 73-507, Revised Statutes Cumulative Supplement,
7 2016, is amended to read:

8 73-507 (1) Subject to review by the Director of Administrative
9 Services, the division shall provide procedures to grant limited
10 exceptions from sections 73-504, 73-508, and 73-509 for:

11 (a) Sole source contracts, emergency contracts, and contracts for
12 services when the price has been established by the federal General
13 Services Administration or competitively bid by another state or group of
14 states, a group of states and any political subdivision of any other
15 state, or a cooperative purchasing organization on behalf of a group of
16 states; and

17 (b) Other circumstances or specific contracts when any of the
18 requirements of sections 73-504, 73-508, and 73-509 are not appropriate
19 for or are not compatible with the circumstances or contract. The
20 division shall provide a written rationale which shall be kept on file
21 when granting an exception under this subdivision.

22 (2) The following types of contracts for services are not subject to
23 sections 73-504, 73-508, 73-509, and 73-510:

24 (a) Contracts for services subject to the Nebraska Consultants'
25 Competitive Negotiation Act;

26 (b) Contracts for services subject to federal law, regulation, or
27 policy or state statute, under which a state agency is required to use a
28 different selection process or to contract with an identified contractor
29 or type of contractor;

30 (c) Contracts for professional legal services and services of expert
31 witnesses, hearing officers, or administrative law judges retained by

1 state agencies for administrative or court proceedings;

2 (d) Contracts involving state or federal financial assistance passed
3 through by a state agency to a political subdivision;

4 (e) Contracts with a value of fifteen million dollars or less with
5 direct providers of medical, behavioral, or developmental health
6 services, child care, or child welfare services to an individual;

7 (f) Agreements for services to be performed for a state agency by
8 another state or local government agency or contracts made by a state
9 agency with a local government agency for the direct provision of
10 services to the public;

11 (g) Agreements for services between a state agency and the
12 University of Nebraska, the Nebraska state colleges, the courts, the
13 Legislature, or other officers or state agencies established by the
14 Constitution of Nebraska;

15 (h) Department of Insurance contracts for financial or actuarial
16 examination, for rehabilitation, conservation, reorganization, or
17 liquidation of licensees, and for professional services related to
18 residual pools or excess funds under the agency's control;

19 (i) Department of Transportation Roads contracts for all road and
20 bridge projects;

21 (j) Nebraska Investment Council contracts; and

22 (k) Contracts under section 57-1503.

23 Sec. 251. Section 74-1310, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 74-1310 For purposes of sections 74-1310 to 74-1322, unless the
26 context otherwise requires, department shall mean the Department of
27 Transportation Roads.

28 Sec. 252. Section 74-1314, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 74-1314 When any political subdivision of this state determines that
31 public safety will be improved by eliminating a crossing, by the

1 installation, substantial modification, or improvement of automatic
2 railroad grade crossing protection, or by construction of an overpass or
3 underpass where a street, road, or highway intersects with a line of the
4 railroad company within its jurisdiction, and demand is made upon the
5 railroad company concerned, the political subdivision shall inform the
6 department ~~Department of Roads~~ of such fact.

7 Upon receiving such notice, or upon its own determination, the
8 department ~~Department of Roads~~ shall forthwith examine the crossing
9 concerned, in conjunction with representatives of the political
10 subdivision, to determine whether the position of such crossing on the
11 priority list established under section 74-1312 should be adjusted.

12 Sec. 253. Section 74-1318, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 74-1318 The department ~~Department of Roads~~ is hereby empowered to
15 administer the funds deposited in the Grade Crossing Protection Fund as
16 follows:

17 (1) If the department and the political subdivision with
18 jurisdiction over the crossing agree that a grade crossing should be
19 eliminated by closing the street, road, or highway, the political
20 subdivision making such closing shall receive five thousand dollars from
21 the fund and five thousand dollars from the railroad involved and the
22 actual cost of closure not to exceed twelve thousand dollars from the
23 fund. If pursuant to section 74-1305 it is agreed by the department and
24 the political subdivision that such crossing should be eliminated by the
25 removal of such rail line, the political subdivision paying for such
26 removal, if any, shall receive two thousand dollars or the actual cost
27 thereof not to exceed twelve thousand dollars from the fund;

28 (2) Except as otherwise provided in section 74-1315, in order to
29 facilitate and protect the interest of the public as a whole and to
30 compensate for the statewide use of such crossings by the public, the
31 department shall pay ninety-five percent of the cost of overpasses,

1 underpasses, and automatic railroad grade crossing protection measures or
2 devices from the fund for all such projects in which an agreement among
3 the department, the railroad, and the political subdivision is executed
4 on or after May 24, 1979, and the balance of the cost shall be borne by
5 the political subdivision, except that in any county in which a railroad
6 transportation safety district has been formed, such balance shall be
7 borne entirely by the political subdivision. For all such projects in
8 which an agreement among the department, the railroad, and the political
9 subdivision was executed prior to May 24, 1979, the costs shall continue
10 to be borne in the same manner as they were prior to such date;

11 (3) It shall be the sole responsibility of the railroad company
12 involved to maintain all automatic railroad grade crossing protection
13 devices existing in this state;

14 (4) The department shall allocate the amount to be borne by the fund
15 for the cost of construction, installation, or substantial modification
16 or improvement of the automatic devices for the protection of the
17 railroad grade crossing concerned under this section and section 74-1317;
18 and

19 (5) The department shall enter into and enforce agreements involving
20 the fund and the supervision of the construction, installation,
21 substantial modification or improvement, and maintenance of such
22 overpasses, underpasses, and automatic safety devices for which any part
23 of the cost is borne from the fund and the auditing and collection of the
24 bills covering the cost thereof. The department is further authorized to
25 enter into such contracts with any railroad companies and political
26 subdivisions affected which are necessary to carry out this section and
27 section 74-1317.

28 Sec. 254. Section 74-1319, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 74-1319 Whenever a railroad line is abandoned, the department
31 ~~Department of Roads~~ may remove grade crossing protection devices

1 therefrom to protect the state's investment therein.

2 Sec. 255. Section 74-1331, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 74-1331 Any person who operates a railroad in the State of Nebraska
5 shall construct all bridges on its railway so that each bridge over a
6 running stream in this state has an opening below high water line the
7 area of which is sufficient to allow the free and unobstructed passage of
8 the water of such running stream at extreme high water state. If in the
9 case of any given bridge satisfactory proof is made to the Department of
10 Transportation ~~Roads~~ that the dimensions prescribed in this section are
11 greater than are necessary to permit the unimpeded passage of the water
12 under such bridge at high water, the department may authorize
13 construction of the bridge with dimensions less than those prescribed in
14 this section. Each railroad shall maintain and keep in good repair all
15 bridges and abutments which the railroad constructs to enable its tracks
16 to pass over or under any turnpike, road, canal, watercourse, or other
17 way. Any operator of a railroad in this state who violates any of the
18 provisions of this section or who permits any such violation on the part
19 of any employee shall be guilty of a Class III misdemeanor.

20 Sec. 256. Section 74-1332, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 74-1332 The Department of Transportation ~~Roads~~ shall have
23 jurisdiction over all crossings outside of incorporated villages, towns,
24 and cities, both public and private, across, over, or under all railroads
25 in the state, except as provided in sections 74-1338 to 74-1340, and
26 shall adopt and promulgate such rules and regulations for the
27 construction, repair, and maintenance of the crossings as the department
28 deems adequate and sufficient for the protection and necessity of the
29 public.

30 Sec. 257. Section 74-1333, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 74-1333 The owner of any railroad tracks which are crossed by a
2 public road shall make and keep in good repair good and sufficient
3 crossings for such road over its tracks, including all the grading,
4 bridges, ditches, and culverts that may be necessary within its right-of-
5 way. Such crossings shall be not less than twenty feet wide and shall be
6 solidly constructed with no openings or filled spaces except such as are
7 necessary for the track. The railroad crossings shall be made of durable
8 material equal to the height of the railroad track. The Department of
9 Transportation ~~Roads~~ may, upon proper investigation and hearing, impose
10 additional reasonable requirements as the circumstances may warrant.

11 Sec. 258. Section 74-1334, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 74-1334 (1) Wherever any railroad track crosses any public road in a
14 cut, on a curve or side hill, in timber lands, near buildings, or near
15 any obstruction of view from the road, the Department of Transportation
16 ~~Roads~~ shall direct such precautions to be taken as it deems necessary for
17 the safety of the traveling public. Each railroad carrier shall also
18 provide and maintain such gates, crossings, signs, signals, alarm bells,
19 and warning personnel as the department directs. The department may
20 direct the placement of special signs where the physical conditions of
21 any crossing warrant such action.

22 (2) Except as provided in subsection (3) of this section, any public
23 railroad crossing without gates, signals, alarm bells, or warning
24 personnel located within one-quarter mile from a public railroad crossing
25 with gates, signals, alarm bells, or warning personnel shall be closed
26 unless it is the only railroad crossing which provides access to
27 property.

28 (3) An interested party may object to an action taken under
29 subsection (2) of this section only if a written request is submitted to
30 the department ~~Department of Roads~~ by a professional engineer licensed to
31 practice in the State of Nebraska. The engineer shall state in writing

1 that the engineer is familiar with the requirements in this section and
2 with all relevant aspects of the railroad crossing. The engineer shall
3 also provide a detailed explanation of why subsection (2) of this section
4 should not apply to the railroad crossing in question and a statement
5 that the railroad crossing corridor has been examined by the engineer and
6 the engineer believes that the railroad crossing will be safe as
7 designed. Such a written request shall exempt a railroad crossing from
8 being closed under subsection (2) of this section.

9 Sec. 259. Section 74-1335, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 74-1335 Whenever any person owns land on both sides of the right-of-
12 way of any railroad, such railroad shall provide and keep in repair at
13 least one adequate means for such landowner to cross the right-of-way.
14 Any interested landowner with land on both sides of the right-of-way of
15 any railroad may file written complaint with the Department of
16 Transportation ~~Roads~~ against any such railroad that the crossing is not
17 adequate or is unsafe and dangerous to the life and property of those who
18 use it, and the department thereupon shall make such investigation, hold
19 such hearing, and issue such orders as it deems necessary, proper, and
20 adequate. If circumstances warrant, the department may require overhead,
21 underground, or grade crossings and wing fences at underground crossings
22 or may require existing crossings to be relocated so as to be safe to
23 those who use them, but when a special crossing involves an expenditure
24 of more than one thousand five hundred dollars, the landowner shall bear
25 one-half the expenses in excess of one thousand five hundred dollars.

26 Sec. 260. Section 74-1336, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 74-1336 (1) Whenever a complaint is filed in writing with the
29 Department of Transportation ~~Roads~~ by the duly authorized officers of any
30 incorporated village or city or by the owner or operator of any railroad
31 track, relative to any crossing within the affected village or city,

1 praying for relief from the matters complained of, the department shall
2 hold a hearing and shall make such order as the facts warrant. The
3 findings of the department, subject to the right of appeal, shall be
4 binding on the parties to the suit.

5 (2) The department shall adopt and promulgate rules and regulations
6 for the construction, repair, and maintenance of all crossings, both
7 public and private, across, over, and under all railroads within the
8 corporate limits of any incorporated village or city. The rules and
9 regulations shall be substantially the same as the rules and regulations
10 under section 74-1332.

11 Sec. 261. Section 74-1338, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 74-1338 If the owner of the railroad track and the county board or
14 other public authority in interest fail to agree upon any of the matters
15 or things mentioned in section 74-1337, either the owner or the county
16 board or other public authority in interest, in the name of the county or
17 other public authority in interest, may file an application with the
18 Department of Transportation Roads, setting forth such fact together with
19 a statement of the change, alteration, relocation, or construction it
20 wants, the estimated cost thereof, and such other facts as may be
21 relevant and asking the department to enter an order directing that the
22 change, alteration, relocation, or construction be made. The department
23 shall proceed to hear the application in the manner provided by law, and
24 if it finds that the application should be granted, it shall enter an
25 order accordingly, designating in the order what portion of the expense
26 of complying with the order shall be paid by the railroad carrier and
27 what portion shall be paid by the county or other public authority in
28 interest, if any.

29 Sec. 262. Section 74-1340, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 74-1340 When the owner of railroad tracks fails, neglects, or

1 refuses promptly to comply with any order of the Department of
2 Transportation Roads issued under sections 74-1332 to 74-1339 or fails,
3 refuses, or neglects to comply with such sections after the department
4 has issued an order, the owner shall be guilty of a Class V misdemeanor
5 and shall be fined in any sum not more than one hundred dollars for each
6 such offense. Each week of such neglect, refusal, or failure shall
7 constitute a separate offense.

8 Sec. 263. Section 74-1341, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 74-1341 The Department of Transportation Roads, which possesses the
11 requisite engineering expertise, highway and rail planning function, and
12 highway safety mission and is the repository for state and federal
13 funding for both rail and highway projects, shall be the agency
14 responsible for grade crossing safety.

15 Sec. 264. Section 74-1342, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 74-1342 (1) The Department of Transportation Roads shall adopt and
18 promulgate rules and regulations establishing a comprehensive public
19 safety program to deal with problems associated with public and private
20 highway-rail grade crossings. In designing such a program, the department
21 shall establish a process for assessing the risk to the public from
22 particular grade crossings and for reducing or eliminating such risk in a
23 cost-effective and timely manner. The department shall actively solicit
24 input from the public and from representatives of county and municipal
25 governments, the Federal Highway Administration, the Federal Railroad
26 Administration, and any other individuals or entities with an interest in
27 grade crossing safety.

28 (2) The grade crossing safety assessment process may include the
29 following factors:

30 (a) Volume of trains;

31 (b) Volume of motor vehicles, including character, function, and

- 1 type of vehicular traffic through the crossing;
- 2 (c) Number of tracks at the crossing;
- 3 (d) Geometry of the crossing, including acute angles;
- 4 (e) Sight-distance restrictions, if any;
- 5 (f) Train and motor vehicle speed;
- 6 (g) Accident history;
- 7 (h) Character of proximate road network, including distance and
- 8 travel time to adjacent crossings;
- 9 (i) Frequency and duration of roadway blockage by trains, including
- 10 citation history;
- 11 (j) Emergency response routes, including alternatives;
- 12 (k) Economic impact of crossing;
- 13 (l) Current and foreseeable development in the vicinity of the
- 14 crossing; and
- 15 (m) Location of schools and hospitals.

16 Sec. 265. Section 74-1343, Reissue Revised Statutes of Nebraska, is

17 amended to read:

18 74-1343 The Department of Transportation ~~Roads~~ shall establish the

19 grade crossing safety assessment process no later than twelve months

20 after September 13, 1997, and shall recommend to the Legislature no later

21 than eighteen months after September 13, 1997, an equitable formula for

22 funding grade crossing risk abatement.

23 Sec. 266. Section 75-713, Reissue Revised Statutes of Nebraska, is

24 amended to read:

25 75-713 Any public utility, public power district, or other

26 governmental subdivision or any person in this state, before engaging in

27 the construction or alteration of any overhead wire, cable, or pipeline,

28 the height of which is greater than five feet above the elevation of an

29 airport which has been approved and licensed by the Division ~~Department~~

30 of Aeronautics of the Department of Transportation, for each five hundred

31 feet of the distance that such construction is or will be situated from

1 the nearest boundary of such airport, shall file with the commission an
2 original application for permission to enter upon and complete such
3 construction or alteration and shall also file a copy thereof with the
4 division ~~Department of Aeronautics~~. No application need be made when the
5 construction or alteration is within the corporate limits of a city or
6 village and is adjacent to other structures of a permanent character
7 which are of equal or greater height than the construction or alteration
8 proposed. No such overhead wire, cable, or pipeline for which application
9 is required to be filed under sections 75-713 to 75-717 shall be
10 constructed or altered without specific permission granted by order of
11 the commission.

12 Sec. 267. Section 75-716, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 75-716 The Division ~~Department~~ of Aeronautics of the Department of
15 Transportation shall at all times maintain on file in the office of the
16 commission a list of the airports currently licensed by the division
17 ~~department~~ setting forth the legal description of the real property thus
18 used.

19 Sec. 268. Section 76-1224, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 76-1224 Lead agency shall mean the Nebraska Department of
22 Transportation ~~Roads~~.

23 Sec. 269. Section 77-3442, Revised Statutes Cumulative Supplement,
24 2016, is amended to read:

25 77-3442 (1) Property tax levies for the support of local governments
26 for fiscal years beginning on or after July 1, 1998, shall be limited to
27 the amounts set forth in this section except as provided in section
28 77-3444.

29 (2)(a) Except as provided in subdivisions (2)(b) and (2)(e) of this
30 section, school districts and multiple-district school systems may levy a
31 maximum levy of one dollar and five cents per one hundred dollars of

1 taxable valuation of property subject to the levy.

2 (b) For each fiscal year prior to fiscal year 2017-18, learning
3 communities may levy a maximum levy for the general fund budgets of
4 member school districts of ninety-five cents per one hundred dollars of
5 taxable valuation of property subject to the levy. The proceeds from the
6 levy pursuant to this subdivision shall be distributed pursuant to
7 section 79-1073.

8 (c) Except as provided in subdivision (2)(e) of this section, for
9 each fiscal year prior to fiscal year 2017-18, school districts that are
10 members of learning communities may levy for purposes of such districts'
11 general fund budget and special building funds a maximum combined levy of
12 the difference of one dollar and five cents on each one hundred dollars
13 of taxable property subject to the levy minus the learning community levy
14 pursuant to subdivision (2)(b) of this section for such learning
15 community.

16 (d) Excluded from the limitations in subdivisions (2)(a) and (2)(c)
17 of this section are amounts levied to pay for sums agreed to be paid by a
18 school district to certificated employees in exchange for a voluntary
19 termination of employment, amounts levied in compliance with sections
20 79-10,110 and 79-10,110.02, and amounts levied to pay for special
21 building funds and sinking funds established for projects commenced prior
22 to April 1, 1996, for construction, expansion, or alteration of school
23 district buildings. For purposes of this subsection, commenced means any
24 action taken by the school board on the record which commits the board to
25 expend district funds in planning, constructing, or carrying out the
26 project.

27 (e) Federal aid school districts may exceed the maximum levy
28 prescribed by subdivision (2)(a) or (2)(c) of this section only to the
29 extent necessary to qualify to receive federal aid pursuant to Title VIII
30 of Public Law 103-382, as such title existed on September 1, 2001. For
31 purposes of this subdivision, federal aid school district means any

1 school district which receives ten percent or more of the revenue for its
2 general fund budget from federal government sources pursuant to Title
3 VIII of Public Law 103-382, as such title existed on September 1, 2001.

4 (f) For each fiscal year, learning communities may levy a maximum
5 levy of one-half cent on each one hundred dollars of taxable property
6 subject to the levy for elementary learning center facility leases, for
7 remodeling of leased elementary learning center facilities, and for up to
8 fifty percent of the estimated cost for focus school or program capital
9 projects approved by the learning community coordinating council pursuant
10 to section 79-2111.

11 (g) For each fiscal year, learning communities may levy a maximum
12 levy of one and one-half cents on each one hundred dollars of taxable
13 property subject to the levy for early childhood education programs for
14 children in poverty, for elementary learning center employees, for
15 contracts with other entities or individuals who are not employees of the
16 learning community for elementary learning center programs and services,
17 and for pilot projects, except that no more than ten percent of such levy
18 may be used for elementary learning center employees.

19 (3) For each fiscal year, community college areas may levy the
20 levies provided in subdivisions (2)(a) through (c) of section 85-1517, in
21 accordance with the provisions of such subdivisions. A community college
22 area may exceed the levy provided in subdivision (2)(b) of section
23 85-1517 by the amount necessary to retire general obligation bonds
24 assumed by the community college area or issued pursuant to section
25 85-1515 according to the terms of such bonds or for any obligation
26 pursuant to section 85-1535 entered into prior to January 1, 1997.

27 (4)(a) Natural resources districts may levy a maximum levy of four
28 and one-half cents per one hundred dollars of taxable valuation of
29 property subject to the levy.

30 (b) Natural resources districts shall also have the power and
31 authority to levy a tax equal to the dollar amount by which their

1 restricted funds budgeted to administer and implement ground water
2 management activities and integrated management activities under the
3 Nebraska Ground Water Management and Protection Act exceed their
4 restricted funds budgeted to administer and implement ground water
5 management activities and integrated management activities for FY2003-04,
6 not to exceed one cent on each one hundred dollars of taxable valuation
7 annually on all of the taxable property within the district.

8 (c) In addition, natural resources districts located in a river
9 basin, subbasin, or reach that has been determined to be fully
10 appropriated pursuant to section 46-714 or designated as overappropriated
11 pursuant to section 46-713 by the Department of Natural Resources shall
12 also have the power and authority to levy a tax equal to the dollar
13 amount by which their restricted funds budgeted to administer and
14 implement ground water management activities and integrated management
15 activities under the Nebraska Ground Water Management and Protection Act
16 exceed their restricted funds budgeted to administer and implement ground
17 water management activities and integrated management activities for
18 FY2005-06, not to exceed three cents on each one hundred dollars of
19 taxable valuation on all of the taxable property within the district for
20 fiscal year 2006-07 and each fiscal year thereafter through fiscal year
21 2017-18.

22 (5) Any educational service unit authorized to levy a property tax
23 pursuant to section 79-1225 may levy a maximum levy of one and one-half
24 cents per one hundred dollars of taxable valuation of property subject to
25 the levy.

26 (6)(a) Incorporated cities and villages which are not within the
27 boundaries of a municipal county may levy a maximum levy of forty-five
28 cents per one hundred dollars of taxable valuation of property subject to
29 the levy plus an additional five cents per one hundred dollars of taxable
30 valuation to provide financing for the municipality's share of revenue
31 required under an agreement or agreements executed pursuant to the

1 Interlocal Cooperation Act or the Joint Public Agency Act. The maximum
2 levy shall include amounts levied to pay for sums to support a library
3 pursuant to section 51-201, museum pursuant to section 51-501, visiting
4 community nurse, home health nurse, or home health agency pursuant to
5 section 71-1637, or statue, memorial, or monument pursuant to section
6 80-202.

7 (b) Incorporated cities and villages which are within the boundaries
8 of a municipal county may levy a maximum levy of ninety cents per one
9 hundred dollars of taxable valuation of property subject to the levy. The
10 maximum levy shall include amounts paid to a municipal county for county
11 services, amounts levied to pay for sums to support a library pursuant to
12 section 51-201, a museum pursuant to section 51-501, a visiting community
13 nurse, home health nurse, or home health agency pursuant to section
14 71-1637, or a statue, memorial, or monument pursuant to section 80-202.

15 (7) Sanitary and improvement districts which have been in existence
16 for more than five years may levy a maximum levy of forty cents per one
17 hundred dollars of taxable valuation of property subject to the levy, and
18 sanitary and improvement districts which have been in existence for five
19 years or less shall not have a maximum levy. Unconsolidated sanitary and
20 improvement districts which have been in existence for more than five
21 years and are located in a municipal county may levy a maximum of eighty-
22 five cents per hundred dollars of taxable valuation of property subject
23 to the levy.

24 (8) Counties may levy or authorize a maximum levy of fifty cents per
25 one hundred dollars of taxable valuation of property subject to the levy,
26 except that five cents per one hundred dollars of taxable valuation of
27 property subject to the levy may only be levied to provide financing for
28 the county's share of revenue required under an agreement or agreements
29 executed pursuant to the Interlocal Cooperation Act or the Joint Public
30 Agency Act. The maximum levy shall include amounts levied to pay for sums
31 to support a library pursuant to section 51-201 or museum pursuant to

1 section 51-501. The county may allocate up to fifteen cents of its
2 authority to other political subdivisions subject to allocation of
3 property tax authority under subsection (1) of section 77-3443 and not
4 specifically covered in this section to levy taxes as authorized by law
5 which do not collectively exceed fifteen cents per one hundred dollars of
6 taxable valuation on any parcel or item of taxable property. The county
7 may allocate to one or more other political subdivisions subject to
8 allocation of property tax authority by the county under subsection (1)
9 of section 77-3443 some or all of the county's five cents per one hundred
10 dollars of valuation authorized for support of an agreement or agreements
11 to be levied by the political subdivision for the purpose of supporting
12 that political subdivision's share of revenue required under an agreement
13 or agreements executed pursuant to the Interlocal Cooperation Act or the
14 Joint Public Agency Act. If an allocation by a county would cause another
15 county to exceed its levy authority under this section, the second county
16 may exceed the levy authority in order to levy the amount allocated.

17 (9) Municipal counties may levy or authorize a maximum levy of one
18 dollar per one hundred dollars of taxable valuation of property subject
19 to the levy. The municipal county may allocate levy authority to any
20 political subdivision or entity subject to allocation under section
21 77-3443.

22 (10) Beginning July 1, 2016, rural and suburban fire protection
23 districts may levy a maximum levy of ten and one-half cents per one
24 hundred dollars of taxable valuation of property subject to the levy if
25 (a) such district is located in a county that had a levy pursuant to
26 subsection (8) of this section in the previous year of at least forty
27 cents per one hundred dollars of taxable valuation of property subject to
28 the levy or (b) for any rural or suburban fire protection district that
29 had a levy request pursuant to section 77-3443 in the previous year, the
30 county board of the county in which the greatest portion of the valuation
31 of such district is located did not authorize any levy authority to such

1 district in the previous year.

2 (11) Property tax levies (a) for judgments, except judgments or
3 orders from the Commission of Industrial Relations, obtained against a
4 political subdivision which require or obligate a political subdivision
5 to pay such judgment, to the extent such judgment is not paid by
6 liability insurance coverage of a political subdivision, (b) for
7 preexisting lease-purchase contracts approved prior to July 1, 1998, (c)
8 for bonds as defined in section 10-134 approved according to law and
9 secured by a levy on property except as provided in section 44-4317 for
10 bonded indebtedness issued by educational service units and school
11 districts, and (d) for payments by a public airport to retire interest-
12 free loans from the Division ~~Department~~ of Aeronautics of the Department
13 of Transportation in lieu of bonded indebtedness at a lower cost to the
14 public airport are not included in the levy limits established by this
15 section.

16 (12) The limitations on tax levies provided in this section are to
17 include all other general or special levies provided by law.
18 Notwithstanding other provisions of law, the only exceptions to the
19 limits in this section are those provided by or authorized by sections
20 77-3442 to 77-3444.

21 (13) Tax levies in excess of the limitations in this section shall
22 be considered unauthorized levies under section 77-1606 unless approved
23 under section 77-3444.

24 (14) For purposes of sections 77-3442 to 77-3444, political
25 subdivision means a political subdivision of this state and a county
26 agricultural society.

27 (15) For school districts that file a binding resolution on or
28 before May 9, 2008, with the county assessors, county clerks, and county
29 treasurers for all counties in which the school district has territory
30 pursuant to subsection (7) of section 79-458, if the combined levies,
31 except levies for bonded indebtedness approved by the voters of the

1 school district and levies for the refinancing of such bonded
2 indebtedness, are in excess of the greater of (a) one dollar and twenty
3 cents per one hundred dollars of taxable valuation of property subject to
4 the levy or (b) the maximum levy authorized by a vote pursuant to section
5 77-3444, all school district levies, except levies for bonded
6 indebtedness approved by the voters of the school district and levies for
7 the refinancing of such bonded indebtedness, shall be considered
8 unauthorized levies under section 77-1606.

9 Sec. 270. Section 77-3443, Revised Statutes Cumulative Supplement,
10 2016, is amended to read:

11 77-3443 (1) All political subdivisions, other than (a) school
12 districts, community colleges, natural resources districts, educational
13 service units, cities, villages, counties, municipal counties, rural and
14 suburban fire protection districts that have levy authority pursuant to
15 subsection (10) of section 77-3442, and sanitary and improvement
16 districts and (b) political subdivisions subject to municipal allocation
17 under subsection (2) of this section, may levy taxes as authorized by law
18 which are authorized by the county board of the county or the council of
19 a municipal county in which the greatest portion of the valuation is
20 located, which are counted in the county or municipal county levy limit
21 provided in section 77-3442, and which do not collectively total more
22 than fifteen cents per one hundred dollars of taxable valuation on any
23 parcel or item of taxable property for all governments for which
24 allocations are made by the municipality, county, or municipal county,
25 except that such limitation shall not apply to property tax levies for
26 preexisting lease-purchase contracts approved prior to July 1, 1998, for
27 bonded indebtedness approved according to law and secured by a levy on
28 property, and for payments by a public airport to retire interest-free
29 loans from the Division Department of Aeronautics of the Department of
30 Transportation in lieu of bonded indebtedness at a lower cost to the
31 public airport. The county board or council shall review and approve or

1 disapprove the levy request of all political subdivisions subject to this
2 subsection. The county board or council may approve all or a portion of
3 the levy request and may approve a levy request that would allow the
4 requesting political subdivision to levy a tax at a levy greater than
5 that permitted by law. The county board of a county or the council of a
6 municipal county which contains a transit authority created pursuant to
7 section 14-1803 shall allocate no less than three cents per one hundred
8 dollars of taxable property within the city or municipal county subject
9 to the levy to the transit authority if requested by such authority. For
10 any political subdivision subject to this subsection that receives taxes
11 from more than one county or municipal county, the levy shall be
12 allocated only by the county or municipal county in which the greatest
13 portion of the valuation is located. The county board of equalization
14 shall certify all levies by October 15 to insure that the taxes levied by
15 political subdivisions subject to this subsection do not exceed the
16 allowable limit for any parcel or item of taxable property. The levy
17 allocated by the county or municipal county may be exceeded as provided
18 in section 77-3444.

19 (2) All city airport authorities established under the Cities
20 Airport Authorities Act, community redevelopment authorities established
21 under the Community Development Law, transit authorities established
22 under the Transit Authority Law, and offstreet parking districts
23 established under the Offstreet Parking District Act may be allocated
24 property taxes as authorized by law which are authorized by the city,
25 village, or municipal county and are counted in the city or village levy
26 limit or municipal county levy limit provided by section 77-3442, except
27 that such limitation shall not apply to property tax levies for
28 preexisting lease-purchase contracts approved prior to July 1, 1998, for
29 bonded indebtedness approved according to law and secured by a levy on
30 property, and for payments by a public airport to retire interest-free
31 loans from the Division Department of Aeronautics of the Department of

1 Transportation in lieu of bonded indebtedness at a lower cost to the
2 public airport. For offstreet parking districts established under the
3 Offstreet Parking District Act, the tax shall be counted in the
4 allocation by the city proportionately, by dividing the total taxable
5 valuation of the taxable property within the district by the total
6 taxable valuation of the taxable property within the city multiplied by
7 the levy of the district. The city council of a city which has created a
8 transit authority pursuant to section 14-1803 or the council of a
9 municipal county which contains a transit authority shall allocate no
10 less than three cents per one hundred dollars of taxable property subject
11 to the levy to the transit authority if requested by such authority. The
12 city council, village board, or council shall review and approve or
13 disapprove the levy request of the political subdivisions subject to this
14 subsection. The city council, village board, or council may approve all
15 or a portion of the levy request and may approve a levy request that
16 would allow a levy greater than that permitted by law. The levy allocated
17 by the municipality or municipal county may be exceeded as provided in
18 section 77-3444.

19 (3) On or before August 1, all political subdivisions subject to
20 county, municipal, or municipal county levy authority under this section
21 shall submit a preliminary request for levy allocation to the county
22 board, city council, village board, or council that is responsible for
23 levying such taxes. The preliminary request of the political subdivision
24 shall be in the form of a resolution adopted by a majority vote of
25 members present of the political subdivision's governing body. The
26 failure of a political subdivision to make a preliminary request shall
27 preclude such political subdivision from using procedures set forth in
28 section 77-3444 to exceed the final levy allocation as determined in
29 subsection (4) of this section.

30 (4) Each county board, city council, village board, or council shall
31 (a) adopt a resolution by a majority vote of members present which

1 determines a final allocation of levy authority to its political
2 subdivisions and (b) forward a copy of such resolution to the chairperson
3 of the governing body of each of its political subdivisions. No final
4 levy allocation shall be changed after September 1 except by agreement
5 between both the county board, city council, village board, or council
6 which determined the amount of the final levy allocation and the
7 governing body of the political subdivision whose final levy allocation
8 is at issue.

9 Sec. 271. Section 79-604, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 79-604 The Department of Transportation ~~Roads~~ shall post on state
12 highways signs reading: Unlawful to pass school buses stopped to load or
13 unload children. These signs shall be adequate in size and number to
14 properly inform the public. School districts may obtain and post such
15 signs on other bus route roads upon the approval of appropriate county
16 officials. The Department of Transportation ~~Roads~~ may furnish such signs
17 at cost to school districts.

18 Sec. 272. Section 81-101, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 81-101 The civil administration of the laws of the state is vested
21 in the Governor. For the purpose of aiding the Governor in the execution
22 and administration of the laws, the executive and administrative work
23 shall be divided into the following agencies: (1) Department of
24 Agriculture; (2) Department of Labor; (3) Department of Transportation
25 ~~Roads~~; (4) Department of Natural Resources; (5) Department of Banking and
26 Finance; (6) Department of Insurance; (7) Department of Motor Vehicles;
27 (8) Department of Administrative Services; (9) Department of Economic
28 Development; (10) Department of Correctional Services; (11) Nebraska
29 State Patrol; and (12) Department of Health and Human Services.

30 Sec. 273. Section 81-102, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 81-102 The Governor shall appoint heads for the various agencies
2 listed in section 81-101, subject to confirmation by a majority vote of
3 the members elected to the Legislature. Such appointments shall be
4 submitted to the Legislature within sixty calendar days following the
5 first Thursday after the first Tuesday in each odd-numbered year. The
6 officers shall be designated as follows: (1) The Director of Agriculture
7 for the Department of Agriculture; (2) the Commissioner of Labor for the
8 Department of Labor; (3) the Director-State Engineer for the Department
9 of Transportation Roads; (4) the Director of Natural Resources for the
10 Department of Natural Resources; (5) the Director of Banking and Finance
11 for the Department of Banking and Finance; (6) the Director of Insurance
12 for the Department of Insurance; (7) the Director of Motor Vehicles for
13 the Department of Motor Vehicles; (8) the Director of Administrative
14 Services for the Department of Administrative Services; (9) the Director
15 of Correctional Services for the Department of Correctional Services;
16 (10) the Director of Economic Development for the Department of Economic
17 Development; (11) the Superintendent of Law Enforcement and Public Safety
18 for the Nebraska State Patrol; (12) the Property Tax Administrator as the
19 chief administrative officer of the property assessment division of the
20 Department of Revenue; and (13) the chief executive officer for the
21 Department of Health and Human Services. Whoever shall be so nominated by
22 the Governor and shall fail to receive the number of votes requisite for
23 confirmation, shall not be subject to nomination or appointment for this
24 or any other appointive state office requiring confirmation by the
25 Legislature during the period for which his or her appointment was
26 sought. In case of a vacancy in any of such offices during the recess of
27 the Legislature, the Governor shall make a temporary appointment until
28 the next meeting of the Legislature, when he or she shall nominate some
29 person to fill such office. Any person so nominated who is confirmed by
30 the Legislature, shall hold his or her office during the remainder of the
31 term if a specific term has been provided by law, otherwise during the

1 pleasure of the Governor subject to the provisions of this section;
2 except any such officers may be removed by the Governor pursuant to
3 Article IV of the Constitution of Nebraska.

4 Sec. 274. Section 81-161.04, Reissue Revised Statutes of Nebraska,
5 is amended to read:

6 81-161.04 (1) Whenever any using agency has any personal property
7 for which it no longer has any need or use, it shall notify the materiel
8 division in writing setting forth a description of the property and the
9 approximate length of time that the property has been in the possession
10 of the using agency. The materiel division shall appraise the property
11 and notify all other using agencies of the state that the materiel
12 division has the property for sale and that the property can be bought at
13 the appraised price. No property will be sold until first offered to
14 using agencies as provided by this section unless the property is
15 unusable. If the materiel division fails to receive an offer from any
16 using agency, it may sell or dispose of the property by any method which
17 is most advantageous to the State of Nebraska, including auction, sealed
18 bid, private or public sale, or trade-in for other property, with
19 priorities given to the other political subdivisions. All sales shall be
20 made in the name of the State of Nebraska. The materiel division shall
21 charge an administrative fee for the disposition of surplus property.
22 Such administrative fee shall be a percentage of the amount of the sale
23 of the surplus property. In the event surplus property is determined to
24 have no market value, the materiel administrator may waive the
25 administrative fee.

26 (2) Except as otherwise provided in this subsection, the proceeds of
27 the sales shall be deposited with the State Treasurer and credited to the
28 General Fund unless the using agency certifies to the materiel division
29 that the property was purchased in part or in total from either cash
30 accounts or federal funds or from a percentage of such accounts or funds,
31 in which case the proceeds of the sale to that extent shall be credited

1 to the cash or federal account in the percentage used in originally
2 purchasing the property. The cost of selling surplus property shall be
3 deducted from the proceeds of the surplus property sold. The proceeds
4 received from the sale of passenger-carrying motor vehicles originally
5 purchased with money from the General Fund, other than passenger-carrying
6 motor vehicles used by the Nebraska State Patrol, less selling costs,
7 shall be deposited in the state treasury and credited by the State
8 Treasurer to the Transportation Services Bureau Revolving Fund. The
9 proceeds received from the sale of passenger-carrying motor vehicles used
10 by the Nebraska State Patrol, less selling costs, shall be deposited in
11 the state treasury and credited by the State Treasurer to the Nebraska
12 State Patrol Vehicle Replacement Cash Fund. The proceeds received from
13 the sale of micrographic equipment, other than that of the University of
14 Nebraska and state colleges, less selling costs, shall be deposited in
15 the state treasury and credited by the State Treasurer to the Records
16 Management Micrographics Services Revolving Fund. The proceeds received
17 from the sale of aircraft, less selling costs, shall be deposited in the
18 state treasury and credited by the State Treasurer to the ~~Department of~~
19 Aeronautics Cash Fund.

20 Sec. 275. Section 81-188.01, Reissue Revised Statutes of Nebraska,
21 is amended to read:

22 81-188.01 (1) The State Building Renewal Assessment Fund is created.
23 The fund shall be under the control of the Governor for allocation to
24 building renewal projects of the various agencies and shall be
25 administered in a manner consistent with the administration of the
26 Building Renewal Allocation Fund pursuant to the Deferred Building
27 Renewal Act. No amounts accruing to the State Building Renewal Assessment
28 Fund shall be expended in any manner for purposes other than as provided
29 in this section or as appropriated by the Legislature to meet the cost of
30 administering the act. Transfers may be made from the fund to the General
31 Fund at the direction of the Legislature.

1 (2) Revenue credited to the State Building Renewal Assessment Fund
2 shall include amounts derived from charges assessed pursuant to
3 subdivision (4)(b) of section 81-1108.17 and such other revenue as may be
4 incident to the administration of the fund.

5 (3) Amounts appropriated from the fund shall be expended to conduct
6 renewal work as defined in section 81-173 and to complete other
7 improvements incident to such renewal work as deemed necessary or
8 appropriate by the task force. From amounts accruing to the fund as the
9 result of depreciation charges assessed pursuant to subdivision (4)(b) of
10 section 81-1108.17, expenditures for capital improvements shall be
11 limited to improvements to only those facilities for which such charges
12 have been assessed and remitted. From amounts accruing to the fund as the
13 result of depreciation charges assessed pursuant to section 81-188.02
14 prior to July 1, 2011, expenditures for capital improvement projects
15 shall be limited to exclude (a) capital improvement projects relating to
16 facilities, structures, or buildings owned, leased, or operated by the
17 (i) University of Nebraska, (ii) Nebraska state colleges, (iii)
18 ~~Department of Aeronautics,~~ (iv) Department of Transportation Roads, (iv)
19 ~~(v) Game and Parks Commission, or (v) (vi) Board of Educational Lands and~~
20 Funds and (b) capital improvement projects relating to facilities,
21 structures, or buildings for which depreciation charges are assessed
22 pursuant to subdivision (4)(b) of section 81-1108.17.

23 (4) Any money in the fund available for investment shall be invested
24 by the state investment officer pursuant to the Nebraska Capital
25 Expansion Act and the Nebraska State Funds Investment Act.

26 Sec. 276. Section 81-701.01, Reissue Revised Statutes of Nebraska,
27 is amended to read:

28 81-701.01 The Director-State Engineer shall have full control,
29 management, supervision, administration, and direction of the Department
30 of Transportation Roads. All powers and duties lawfully conferred upon
31 the department shall be exercised under the direction of the Director-

1 State Engineer.

2 Sec. 277. Section 81-701.02, Reissue Revised Statutes of Nebraska,
3 is amended to read:

4 81-701.02 The Director-State Engineer, for the Department of
5 Transportation Roads, shall:

6 (1) Have charge of the records of the department;

7 (2) Cause accurate and complete books of account to be kept;

8 (3) Supervise the signing of vouchers and orders for supplies,
9 materials, and any other expenditures;

10 (4) Contract for consulting services;

11 (5) Employ all engineers, assistants, clerks, agents, and other
12 employees required for the proper transaction of the business of the his
13 office or of the department and fix their titles, determine their duties
14 and compensation, and discharge them in his or her discretion; and

15 (6) Sign and execute or supervise the signing and executing of all
16 documents and papers, including contracts and agreements for highway
17 construction and the purchase of machinery, materials, and supplies.

18 Sec. 278. Section 81-701.03, Reissue Revised Statutes of Nebraska,
19 is amended to read:

20 81-701.03 (1) The Beginning on July 1, 2009, the Department of
21 Transportation Roads shall assume responsibility for the powers and
22 duties of the highway safety program of the Department of Motor Vehicles,
23 except that the Department of Motor Vehicles shall retain jurisdiction
24 over the Motorcycle Safety Education Act.

25 (2) On and after July 1, 2017, whenever the Department of Roads is
26 referred to or designated by any contract or other document in connection
27 with the duties and functions of the Department of Transportation, such
28 reference or designation shall apply to the Department of Transportation.
29 All contracts entered into by the Department of Roads prior to July 1,
30 2017, are hereby recognized, with the Department of Transportation
31 retaining all rights and obligations under such contracts. Any cash

1 funds, custodial funds, gifts, trusts, grants, and any appropriations of
2 funds from prior fiscal years available to satisfy obligations incurred
3 under such contracts shall be appropriated to the Department of
4 Transportation for the payments of such obligations. All documents and
5 records transferred, or copies of the same, may be authenticated or
6 certified by the Department of Transportation for all legal purposes.

7 (3) No suit, action, or other proceeding, judicial or
8 administrative, lawfully commenced prior to July 1, 2017, or which could
9 have been commenced prior to that date, by or against the Department of
10 Roads, or the Director-State Engineer or any employee thereof in such
11 Director-State Engineer's or employee's official capacity or in relation
12 to the discharge of his or her official duties, shall abate by reason of
13 the change of name of the Department of Roads to the Department of
14 Transportation.

15 (4) On and after July 1, 2017, unless otherwise specified, whenever
16 any provision of law refers to the Department of Roads in connection with
17 duties and functions of the Department of Transportation, such law shall
18 be construed as referring to the Department of Transportation.

19 Sec. 279. Section 81-701.04, Reissue Revised Statutes of Nebraska,
20 is amended to read:

21 81-701.04 There shall be paid to the Department of Transportation
22 ~~Roads~~ in advance for the services of the department, or any officer or
23 employee thereof by the party demanding or necessitating the service, the
24 following fees: For typing a transcript or copy of any instrument
25 recorded or filed in any office of the department, fifteen cents for each
26 one hundred words; for blueprint copy of any map or drawing, or
27 photostatic copy of any record, a reasonable sum to be fixed by the
28 department in an amount estimated to cover the actual cost of preparing
29 such a reproduction; for other copies of drawing, two dollars per hour
30 for the time actually employed; and for certificate and seal, one dollar.
31 The Director-State Engineer shall keep a record of all fees received.

1 Such fees shall be currently deposited with the State Treasurer by the
2 Director-State Engineer for the use of the Highway Cash Fund and the
3 Director-State Engineer shall take his or her receipt therefor and file
4 the same with the records of his or her office.

5 Sec. 280. Section 81-701.05, Reissue Revised Statutes of Nebraska,
6 is amended to read:

7 81-701.05 The Department of Transportation ~~Roads~~ shall oversee any
8 outstanding agreement between a railroad and the Nebraska Railway Council
9 as of August 27, 2011, including making any outstanding payment due to a
10 railroad.

11 Sec. 281. Section 81-710, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 81-710 The Department of Transportation ~~Roads~~ shall establish,
14 operate, and maintain state wayside areas. Pursuant to the Administrative
15 Procedure Act, the department may adopt and promulgate rules and
16 regulations necessary to govern the use of state wayside areas and may
17 establish fees for services, including overnight camping.

18 The department may contract with public or private entities for the
19 operation and maintenance of state wayside areas.

20 If the department determines that an area is no longer suited or
21 needed as a state wayside area, the department may close such area or any
22 part thereof and declare such area or facilities as surplus. The
23 department shall offer to convey the surplus land or facilities to all
24 local political subdivisions in the vicinity, and if such offers are
25 rejected, the department may sell such lands and facilities.

26 Sec. 282. Section 81-8,310, Revised Statutes Cumulative Supplement,
27 2016, is amended to read:

28 81-8,310 (1) The Nebraska Sesquicentennial Commission shall develop
29 programs and plans for official observance of the one hundred fiftieth
30 anniversary of Nebraska statehood in 2017. The commission shall work
31 closely with various state agencies, boards, commissions, and political

1 subdivisions, including the State Department of Education, the Department
2 of Transportation Roads, the Nebraska State Historical Society, the
3 Nebraska State Fair Board, the Game and Parks Commission, and the
4 Nebraska Tourism Commission, to execute commemorative events and to
5 implement educational activities with emphasis on events and activities
6 that promote Nebraska and its economy by focusing on the state's history,
7 cultural diversity, and unique geography. The commission may also seek
8 the guidance and support of any other groups or organizations the
9 commission deems necessary or helpful in fulfilling its purpose.

10 (2) The commission may employ personnel, contract for services, and
11 receive, expend, and allocate gifts, grants, and donations to aid in the
12 performance of its duties. The commission is empowered to expend and
13 allocate any appropriations authorized by the Legislature to carry out
14 the purposes of sections 81-8,309 and 81-8,310.

15 (3) The commission shall expend and allocate at least five percent
16 of the money in the Nebraska 150 Sesquicentennial Plate Proceeds Fund on
17 January 1, 2017, for awarding one or more grants to any person who
18 applies to the commission for support for a local sesquicentennial event
19 or project according to standards and guidelines determined by the
20 commission.

21 (4) The commission shall report electronically to the Legislature on
22 or before July 1 in 2016, 2017, and 2018 detailing the expenditures made
23 from the fund pursuant to this section.

24 Sec. 283. Section 81-916, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 81-916 Effective July 1, 1982, all property, assets, and liabilities
27 relating to those federal surplus and excess property programs which are
28 consolidated by Public Law 94-519 and operated by the Department of
29 Transportation Roads shall be transferred to the Department of
30 Correctional Services.

31 Sec. 284. Section 81-917, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 81-917 All employees employed in those federal surplus and excess
3 property programs which are consolidated by Public Law 94-519 and have
4 been transferred to the Department of Transportation Roads may be
5 transferred to the Department of Correctional Services. All employees so
6 transferred shall be: (1) Employed under and compensated through the
7 State Personnel System; and (2) considered as new employees solely for
8 purposes of performance evaluation and subject to all applicable policies
9 and procedures for such transfer. All employees so transferred shall keep
10 all accrued benefits such as sick leave, vacation leave, and retirement
11 benefits after such transfer has been completed.

12 Sec. 285. Section 81-1108.15, Revised Statutes Cumulative
13 Supplement, 2016, is amended to read:

14 81-1108.15 (1) Except as provided in the Nebraska State Capitol
15 Preservation and Restoration Act, the division shall have the primary
16 functions and responsibilities of statewide facilities planning,
17 facilities construction, and facilities administration and shall adopt
18 and promulgate rules and regulations to carry out this section.

19 (2) Facilities planning shall include the following responsibilities
20 and duties:

21 (a) To maintain utilization records of all state-owned, state-
22 occupied, and vacant facilities;

23 (b) To coordinate comprehensive capital facilities planning;

24 (c) To define and review program statements based on space
25 utilization standards;

26 (d) To prepare or review planning and construction documents;

27 (e) To develop and maintain time-cost schedules for capital
28 construction projects;

29 (f) To assist the Governor and the Legislative Fiscal Analyst in the
30 preparation of the capital construction budget recommendations;

31 (g) To maintain a complete inventory of all state-owned, state-

1 occupied, and vacant sites and structures and to review the proposals for
2 naming such sites and structures;

3 (h) To determine space needs of all state agencies and establish
4 space-allocation standards; and

5 (i) To cause a state comprehensive capital facilities plan to be
6 developed.

7 (3) Facilities construction shall include the following powers and
8 duties:

9 (a) To maintain close contact with and conduct inspections of each
10 project so as to assure execution of time-cost schedules and efficient
11 contract performance if such project's total design and construction cost
12 is equal to or greater than the project cost set by subdivision (1)(a) of
13 section 81-1108.43;

14 (b) To perform final acceptance inspections and evaluations; and

15 (c) To coordinate all change or modification orders and progress
16 payment orders.

17 (4) Facilities administration shall include the following powers and
18 duties:

19 (a) To serve as state leasing administrator or agent for all
20 facilities to be leased for use by the state and for all state-owned
21 facilities to be rented to state agencies or other parties subject to
22 section 81-1108.22. The division shall remit the proceeds from any
23 rentals of state-owned facilities to the State Treasurer for credit to
24 the State Building Revolving Fund and the State Building Renewal
25 Assessment Fund;

26 (b) To provide all maintenance, repairs, custodial duties, security,
27 and administration for all buildings and grounds owned or leased by the
28 State of Nebraska except as provided in subsections (5) and (6) of this
29 section;

30 (c) To be responsible for adequate parking and the designation of
31 parking stalls or spaces, including access aisles, in offstreet parking

1 facilities for the exclusive use of handicapped or disabled or
2 temporarily handicapped or disabled persons pursuant to section 18-1737;

3 (d) To ensure that all state-owned, state-occupied, and vacant
4 facilities are maintained or utilized to their maximum capacity or to
5 dispose of such facilities through lease, sale, or demolition;

6 (e) To submit electronically an annual report to the Appropriations
7 Committee of the Legislature and the Committee on Building Maintenance
8 regarding the amount of property leased by the state and the availability
9 of state-owned property for the needs of state agencies;

10 (f) To report monthly time-cost data on projects to the Governor and
11 the Clerk of the Legislature. The report submitted to the Clerk of the
12 Legislature shall be submitted electronically;

13 (g) To administer the State Emergency Capital Construction
14 Contingency Fund;

15 (h) To submit status reports to the Governor and the Legislative
16 Fiscal Analyst after each quarter of a construction project is completed
17 detailing change orders and expenditures to date. The report submitted to
18 the Legislative Fiscal Analyst shall be submitted electronically. Such
19 reports shall be required on all projects costing five hundred thousand
20 dollars or more and on such other projects as may be designated by the
21 division; and

22 (i) To submit a final report on each project to the Governor and the
23 Legislative Fiscal Analyst. The report submitted to the Legislative
24 Fiscal Analyst shall be submitted electronically. Such report shall
25 include, but not be limited to, a comparison of final costs and
26 appropriations made for the project, change orders, and modifications and
27 whether the construction complied with the related approved program
28 statement. Such reports shall be required on all projects costing five
29 hundred thousand dollars or more and on such other projects as may be
30 designated by the division.

31 (5) Subdivisions (4)(b), (c), and (d) of this section shall not

1 apply to (a) state-owned facilities to be rented to state agencies or
2 other parties by the University of Nebraska, the Nebraska state colleges,
3 ~~the Department of Aeronautics,~~ the Department of Transportation Roads,
4 and the Board of Educational Lands and Funds, (b) buildings and grounds
5 owned or leased for use by the University of Nebraska, the Nebraska state
6 colleges, and the Board of Educational Lands and Funds, (c) buildings and
7 grounds owned, leased, or operated by the Department of Correctional
8 Services, (d) facilities to be leased for nonoffice use by the Department
9 of Transportation Roads, (e) buildings or grounds owned or leased by the
10 Game and Parks Commission if the application of such subdivisions to the
11 buildings or grounds would result in ineligibility for or repayment of
12 federal funding, (f) buildings or grounds of the state park system, state
13 recreation areas, state historical parks, state wildlife management
14 areas, or state recreational trails, or (g) other buildings or grounds
15 owned or leased by the State of Nebraska which are specifically exempted
16 by the division because the application of such subdivisions would result
17 in the ineligibility for federal funding or would result in hardship on
18 an agency, board, or commission due to other exceptional or unusual
19 circumstances, except that nothing in this subdivision shall prohibit the
20 assessment of building rental depreciation charges to tenants of
21 facilities owned by the state and under the direct control and
22 maintenance of the division.

23 (6) Security for all buildings and grounds owned or leased by the
24 State of Nebraska in Lincoln, Nebraska, except the buildings and grounds
25 described in subsection (5) of this section, shall be the responsibility
26 of the Nebraska State Patrol. The Nebraska State Patrol shall consult
27 with the Governor, the Chief Justice, the Executive Board of the
28 Legislative Council, and the State Capitol Administrator regarding
29 security policy within the State Capitol and capitol grounds.

30 (7) Each member of the Legislature shall receive an electronic copy
31 of the reports required by subdivisions (4)(f), (h), and (i) of this

1 section by making a request for them to the State Building Administrator.
2 The information on such reports shall be submitted to the division by the
3 agency responsible for the project.

4 Sec. 286. Section 81-1108.22, Reissue Revised Statutes of Nebraska,
5 is amended to read:

6 81-1108.22 (1) The division shall have the responsibility of
7 providing office space in leased and state-owned buildings in the
8 proximity of the State Capitol and in other locations.

9 (2) When any board, agency, commission, or department of the state
10 government not otherwise specifically authorized by law desires to use
11 funds available for the purpose of renting office space outside of the
12 State Capitol, it shall submit a request to the Director of
13 Administrative Services. If the director approves the lease, the terms
14 and location shall be approved by the director and the administrator in
15 writing and the leases shall be entered into and administered by the
16 administrator on behalf of the board, agency, commission, or department.
17 A copy of all such lease contracts shall be kept on file by the state
18 building division and shall be open to inspection by the Legislature and
19 the public during normal business hours.

20 (3)(a) The administrator shall develop a system of charges to cover
21 basic rental, maintenance, renovations, and operation of such leased and
22 owned properties. The charges to state agencies, boards, commissions, or
23 departments of state government shall be paid from funds available for
24 the purpose of renting space on a regular basis and placed, as
25 applicable, in the State Building Revolving Fund and the State Building
26 Renewal Assessment Fund. The administrator shall make payments for basic
27 rentals, renovations, and maintenance and operational costs of all leased
28 and owned buildings from the State Building Revolving Fund except for
29 expenses relating to security provided by the Nebraska State Patrol as
30 provided in subdivision (b) of this subsection.

31 (b) The State Building Revolving Fund is created. The fund shall be

1 administered by the administrator. The fund shall consist of rental
2 charges and other receipts collected pursuant to contractual agreements
3 between the state building division and other entities as authorized by
4 law. The fund shall only be used to support the operation of the state
5 building division as provided by law, except that the Legislature shall
6 make fund transfers each fiscal year through the budget process from the
7 State Building Revolving Fund to the Capitol Security Revolving Fund to
8 help pay non-general-fund costs associated with the operation of the
9 state capitol security division of the Nebraska State Patrol. Any money
10 in the State Building Revolving Fund available for investment shall be
11 invested by the state investment officer pursuant to the Nebraska Capital
12 Expansion Act and the Nebraska State Funds Investment Act.

13 (4) The charges for such leased and owned properties shall only be
14 adjusted by the administrator on July 1. Prior to any adjustment in the
15 system of charges, the Department of Administrative Services, on or
16 before December 1 of the year preceding the effective date of such
17 adjustment, shall provide electronic notification to the Committee on
18 Building Maintenance, the Clerk of the Legislature, and the Legislative
19 Fiscal Analyst of the proposed adjustment to the system of charges.

20 (5) Commencing on April 18, 1992, all leases of real property
21 entered into by any state agency, board, commission, or department shall
22 be subject to this section. Leases held by a state agency, board,
23 commission, or department on such date shall be valid until the lease
24 contract is terminated or is subject to renewal. The division shall
25 monitor all such leases and determine when the lease is subject to
26 renewal. Once the determination is made, the division shall cancel the
27 lease as of the renewal date and shall treat the need of the agency,
28 board, commission, or department as an original request for space and
29 subject to this section. This subsection shall not apply to (a) state-
30 owned facilities to be rented to state agencies or other parties by the
31 University of Nebraska, the Nebraska state colleges, ~~the Department of~~

1 ~~Aeronautics~~, the Department of Transportation Roads, and the Board of
2 Educational Lands and Funds, (b) facilities to be leased for use by the
3 University of Nebraska, the Nebraska state colleges, and the Board of
4 Educational Lands and Funds, (c) facilities to be leased for nonoffice
5 use by the Department of Transportation Roads, or (d) facilities
6 controlled by the State Department of Education, which were formerly
7 controlled by the Nebraska School for the Visually Handicapped, to be
8 rented to state agencies or other parties by the department.

9 Sec. 287. Section 81-1108.43, Revised Statutes Cumulative
10 Supplement, 2016, is amended to read:

11 81-1108.43 (1) No state agency or department shall:

12 (a) Perform for itself any of the services normally performed by a
13 professional engineer or architect in the preparation of plans and
14 specifications for the construction, reconstruction, or alteration of any
15 building or in the administration of the construction documents and final
16 approval of the project when the total project cost is four hundred
17 thousand dollars or more; and

18 (b) Employ its own work force for any such construction,
19 reconstruction, or alteration of capital facilities when the total
20 project cost is fifty thousand dollars or more.

21 (2) The Department of Administrative Services shall adjust the
22 dollar amounts in subsection (1) of this section every four years
23 beginning January 1, 2002, to account for inflationary and market
24 changes. The adjustments shall be based on percentage changes in a
25 construction cost index and any other published index relevant to
26 operations and utilities costs, as selected by the department.

27 (3) This section shall not apply to the Department of Transportation
28 ~~Roads~~ or to any public power district, public power and irrigation
29 district, irrigation district, or metropolitan utilities district. If,
30 during the program statement review provided for under section
31 81-1108.41, it is determined that existing or standard plans and

1 specifications are available or required for the project, the division
2 may authorize an exemption from this section. The Director of
3 Administrative Services shall not issue any warrant in payment for any
4 work on a capital construction project unless the state agency or
5 department files a certificate that it has complied with the provisions
6 of this section.

7 Sec. 288. Section 81-1114, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 81-1114 The building division shall have the following powers,
10 duties, and responsibilities:

11 (1) Shall prepare, for submittal to the Governor and to the office
12 of the Legislative Fiscal Analyst, analyses of the cost of every desired
13 land and building acquisition, new building construction, either underway
14 or proposed, major repair or remodeling of new, newly acquired, or
15 existing buildings, and each and every structural improvement to land,
16 utilities, roads, walks, and parking lots, costing four hundred thousand
17 dollars or more, but excluding right-of-way projects of the Department of
18 Transportation ~~Roads~~. The analyses submitted to the Legislative Fiscal
19 Analyst shall be submitted electronically. The Department of
20 Administrative Services shall adjust the dollar amount in this section
21 every four years beginning January 1, 2002, to account for inflationary
22 and market changes. The adjustment shall be based on percentage changes
23 in a construction cost index and any other published index relevant to
24 operations and utilities costs, as selected by the department;

25 (2) Shall record the relationship between the proposed capital
26 facilities and the individual or departmental agencies' operating
27 programs with particular attention to needs of immediate or future
28 operations of the department or agency submitting such plan;

29 (3) Shall make recommendations to the Governor, the committee of the
30 Legislature which shall from time to time have responsibility for
31 preparing recommendations for appropriations, and the individual

1 department or agency concerned, on the probable costs of such
2 acquisition, construction, repair, or remodeling. The recommendations
3 submitted to the committee shall be submitted electronically; and

4 (4) Shall require the submission by each department and agency of
5 the state of copies of all written contracts for acquisition,
6 construction, repair, or remodeling, including federal contracts, before
7 such contracts are executed by the executive officer of the state
8 authorized to execute such contracts, and shall maintain copies of such
9 contracts on file for inspection by the Legislative Fiscal Analyst.

10 Sec. 289. Section 81-1711, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 81-1711 The Department of Administrative Services shall, with the
13 advice of each agency, prescribe by administrative rules procedures for
14 the determination of a project under its jurisdiction. The Department of
15 Transportation Roads shall prescribe such procedures for highway
16 construction projects. Such procedures may include:

17 (1) Determination of a project which constitutes a grouping of minor
18 construction, rehabilitation, or renovation activities; and

19 (2) Determination of a project which constitutes a grouping of
20 substantially similar construction, rehabilitation, or renovation
21 activities.

22 Sec. 290. Section 81-2801, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 81-2801 No agency of this state shall purchase, lease, or acquire
25 real estate from any railroad over a right-of-way outside of incorporated
26 cities and villages which has been permitted to be abandoned by a federal
27 agency without prior approval by the Legislature of such purchase, lease,
28 or acquisition, except that (1) the Game and Parks Commission may acquire
29 all or any part of a railroad right-of-way proposed to be abandoned for
30 interim trail use pursuant to sections 37-303 and 37-914 and (2) the
31 Department of Transportation Roads may acquire such real estate solely

1 for the purpose of highway construction or improvements when such right-
2 of-way is adjacent to an existing state highway or when such right-of-way
3 is needed to maintain existing improvements that have previously been
4 located upon such right-of-way through agreements, easements, or leases.
5 Real estate acquired by the department pursuant to this section which is
6 in excess of that needed or is deemed no longer necessary shall be
7 disposed of as provided for in section 39-1325.

8 Sec. 291. Section 81-3711.01, Revised Statutes Cumulative
9 Supplement, 2016, is amended to read:

10 81-3711.01 (1) The commission may mark significant tourism
11 attractions in Nebraska.

12 (2) The commission may (a) determine what tourism attractions are
13 significant to the State of Nebraska, (b) expend funds for the purchase
14 of highway tourism markers, (c) designate the approximate location of
15 highway tourism markers, (d) preserve, replace, or modify highway tourism
16 markers, and (e) accept gifts and encourage local participation in and
17 contribution to the erection of highway tourism markers through the use
18 of gifts and matching-fund agreements. Such funds shall be deposited into
19 the State Visitors Promotion Cash Fund. The commission shall not expend
20 funds for the purchase of highway tourism markers until funding has been
21 secured through gifts or otherwise.

22 (3) The commission may appoint and delegate to a special committee
23 the duties of research and investigation to assist in the determination
24 of tourism attractions that should be designated by highway tourism
25 markers. The Department of Transportation ~~Roads~~ shall erect and maintain
26 highway tourism markers and shall determine the exact location of highway
27 tourism markers with consideration given for the safety and welfare of
28 the public.

29 (4) The commission may secure payment to the state for the actual
30 replacement cost of any highway tourism markers damaged or destroyed,
31 accidentally or otherwise. Any funds so collected shall be remitted to

1 the State Treasurer for credit to the State Visitors Promotion Cash Fund
2 for the procurement of highway tourism markers.

3 (5) Nothing in this section shall be construed to restrict the
4 placement of any marker or signage on private property.

5 Sec. 292. Section 82-120, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 82-120 The Nebraska State Historical Society shall have authority to
8 determine what historical events, personalities, sites, and traditions
9 are of importance to the State of Nebraska and to justify the expenditure
10 of public funds for the purchase of markers of uniform style, to be known
11 as Highway Historical Markers; to procure such markers by expending any
12 funds specifically appropriated by the Legislature for such purpose and
13 to designate the approximate location of such markers; to preserve
14 present markers; to accept gifts; and have power of eminent domain to be
15 exercised as provided in sections 76-704 to 76-724. The Department of
16 Transportation ~~Roads~~ shall erect and maintain such markers and shall
17 determine the exact location of such markers, having due regard for the
18 safety and welfare of the motoring public.

19 Sec. 293. Section 82-505, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 82-505 (1) Except as provided in subsection (2) of this section, the
22 head of any state agency having jurisdiction over a proposed state or
23 state-funded undertaking, which has potential to affect archaeological
24 resources or sites, shall, prior to the approval of the expenditure of
25 any state funds on the undertaking, notify the State Archaeology Office
26 of the undertaking and cooperate with the office to identify and develop
27 measures to mitigate the effect of the undertaking on any archaeological
28 site or resource that is included in or eligible for inclusion in the
29 National Register of Historic Places.

30 (2) The Department of Transportation ~~Roads~~ shall be exempt from the
31 provisions of the Nebraska Archaeological Resources Preservation Act as

1 long as a cooperative agreement exists between the Department of
2 Transportation Roads and the Nebraska State Historical Society which
3 ensures that all highway construction projects meet federal historic
4 preservation legislation and regulations, and such federal preservation
5 legislation and regulations fulfill or exceed the objectives and
6 standards of the act.

7 (3) Nothing in the Nebraska Archaeological Resources Preservation
8 Act shall be construed to abridge the rights of private property owners
9 and in no case shall a private property owner be required to pay for
10 activities undertaken by the State Archaeology Office.

11 Sec. 294. Section 83-137, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 83-137 Upon written request being filed with the Department of
14 Transportation Roads by the chief executive officer of any state
15 institution, located more than one-half mile and not exceeding three
16 miles from a railroad unloading track or permanent highway leading to a
17 railroad unloading track, requesting aid for the improvement of a highway
18 connecting the institution with the permanent highway or railroad
19 unloading track, the department shall make a careful estimate of the cost
20 of improving the highway, and the amount of the special benefits to
21 abutting property, together with the excess of the cost of the
22 improvement above the benefits. If the local authorities in charge of the
23 highway shall adequately provide for the payment of the special benefits
24 and one-half of the excess of the cost of the improvement, the department
25 shall pay the remaining one-half of the excess from funds appropriated
26 for that purpose.

27 Sec. 295. Section 85-1008, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 85-1008 (1) To assist the center in carrying out its purposes and
30 functions, the Board of Regents may establish a Nebraska Safety Center
31 Advisory Council composed of the following members:

- 1 (a) One representative from the Department of Transportation Roads;
- 2 (b) One representative from the Department of Motor Vehicles;
- 3 (c) One representative from the State Department of Education;
- 4 (d) One representative from the Game and Parks Commission;
- 5 (e) One representative from the Department of Labor;
- 6 (f) One person representing the community college areas;
- 7 (g) One person representing private business and industry;
- 8 (h) One person representing the University of Nebraska;
- 9 (i) One person representing the medical profession;
- 10 (j) One person representing the area of law enforcement in this
- 11 state;
- 12 (k) One person representing the Safety Council of Nebraska, Inc.;
- 13 (l) One person representing the area of transportation;
- 14 (m) One person representative of emergency medical services;
- 15 (n) One person representing the judiciary in the State of Nebraska;
- 16 (o) One person representing city government;
- 17 (p) One person representing county government;
- 18 (q) One person representing the area of agriculture;
- 19 (r) One person representing the local public school system;
- 20 (s) One person representing fire safety;
- 21 (t) One representative of the Coordinating Commission for
- 22 Postsecondary Education;
- 23 (u) One person representing the Red Cross; and
- 24 (v) One person representing the state colleges.

25 (2) Representatives selected to serve on the council shall have
26 appropriate education, training, and experience in the field of fire
27 safety, industrial safety, recreational safety, domestic safety, or
28 traffic safety.

29 Sec. 296. Section 86-707, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 86-707 If the right to construct, operate, and maintain the

1 telecommunications lines and related facilities is granted along, upon,
2 across, or under a state or federal highway, the location and
3 installation of such lines and related facilities, insofar as they
4 pertain to the present and future use of the right-of-way for highway
5 purposes, is subject to rules and regulations of the Department of
6 Transportation ~~Roads~~. If the future use of the state or federal highway
7 requires the moving or relocating of the facilities, such facilities
8 shall be removed or relocated by the owner at the owner's cost and
9 expense and as directed by the Department of Transportation ~~Roads~~ except
10 as provided by section 39-1304.02.

11 Sec. 297. Section 90-238, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 90-238 The Department of Transportation ~~Roads~~ is authorized to
14 acquire from the Chicago and North Western Transportation Company its
15 abandoned right-of-way described as follows: All of Chicago and North
16 Western Transportation Company abandoned right-of-way in section 34,
17 township 15 north, range 7 east, Saunders County, Nebraska. The
18 department is also authorized to acquire all rights, interests, and
19 titles related to such abandoned right-of-way.

20 Sec. 298. Section 90-260, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 90-260 The Game and Parks Commission is authorized and directed to
23 convey to the Department of Transportation ~~Roads~~ the following described
24 real estate situated in the county of Dawson, in the State of Nebraska,
25 to wit: A tract of land located in the northeast quarter of section 20,
26 township 9 north, range 21 west of the 6th principal meridian, Dawson
27 County, Nebraska, described as follows: Beginning at the northeast corner
28 of section 20; thence westerly on the north line of the northeast quarter
29 of section 20 a distance of 2,360.8 feet; thence southeasterly 133
30 degrees, 47 minutes left a distance of 34.3 feet; thence continuing
31 southeasterly 21 degrees, 49 minutes left a distance of 107.5 feet;

1 thence continuing southeasterly 21 degrees, 49 minutes right a distance
2 of 734.9 feet to point of curvature; thence continuing southeasterly on a
3 718.5-foot radius curve to the left (initial tangent of which coincides
4 with the last-described course) a distance of 331.3 feet to point of
5 tangency; thence continuing southeasterly tangent, a distance of 787.3
6 feet; thence continuing southeasterly 2 degrees, 11 minutes left a
7 distance of 686.6 feet to a point on the east line of the northeast
8 quarter; thence northerly on the east line a distance of 1,256.9 feet to
9 the point of beginning, containing 39.04 acres, more or less.

10 Sec. 299. This act becomes operative on July 1, 2017.

11 Sec. 300. Original sections 3-101, 3-102, 3-103, 3-104, 3-105,
12 3-107, 3-108, 3-109, 3-110, 3-111, 3-113, 3-114, 3-115, 3-116, 3-117,
13 3-118, 3-119, 3-120, 3-121, 3-123, 3-124, 3-125, 3-126, 3-127, 3-128,
14 3-131, 3-133, 3-134, 3-135, 3-137, 3-139, 3-140, 3-141, 3-142, 3-143,
15 3-144, 3-145, 3-146, 3-147, 3-148, 3-149, 3-152, 3-154, 3-155, 3-156,
16 3-157, 3-158, 3-201, 3-201.01, 3-215, 3-218, 3-222, 3-227, 3-228, 3-239,
17 3-332, 3-403, 3-404, 3-405, 3-407, 3-409, 12-1205, 13-912, 13-1203,
18 14-2113, 18-601, 18-613, 25-2501, 31-925, 39-102, 39-103, 39-202, 39-203,
19 39-204, 39-205, 39-206, 39-207, 39-208, 39-210, 39-211, 39-212, 39-213,
20 39-214, 39-216, 39-217, 39-218, 39-219, 39-220, 39-221, 39-222, 39-223,
21 39-224, 39-225, 39-308, 39-311, 39-312, 39-805, 39-822, 39-826.01,
22 39-826.02, 39-847, 39-847.01, 39-892, 39-1010, 39-1011, 39-1101, 39-1110,
23 39-1302, 39-1306.01, 39-1306.02, 39-1311, 39-1320, 39-1323.01,
24 39-1328.01, 39-1328.02, 39-1345.01, 39-1350, 39-1353, 39-1359.01,
25 39-1363, 39-1364, 39-1365.01, 39-1365.02, 39-1390, 39-1392, 39-1407,
26 39-1503, 39-1703, 39-1713, 39-1901, 39-2001, 39-2002, 39-2105, 39-2106,
27 39-2107, 39-2110, 39-2111, 39-2112, 39-2113, 39-2115, 39-2116, 39-2118,
28 39-2120, 39-2121, 39-2124, 39-2215, 39-2224, 39-2305, 39-2310, 39-2504,
29 39-2505, 39-2507, 39-2508, 39-2514, 39-2515, 39-2517, 39-2518, 39-2602,
30 39-2702, 39-2802, 39-2806, 46-251, 49-506, 55-181, 57-1102, 60-631,
31 60-658.01, 60-680, 60-695, 60-699, 60-6,101, 60-6,102, 60-6,103,

1 60-6,106, 60-6,107, 60-6,115, 60-6,118, 60-6,120, 60-6,126.01, 60-6,129,
2 60-6,130, 60-6,137, 60-6,138, 60-6,139, 60-6,145, 60-6,159, 60-6,164,
3 60-6,166, 60-6,167, 60-6,171, 60-6,176, 60-6,177, 60-6,186, 60-6,188,
4 60-6,189, 60-6,190, 60-6,193, 60-6,250, 60-6,292, 60-6,301, 60-6,311,
5 60-6,314, 60-6,335, 60-6,376, 60-1301, 60-1302, 60-1303, 66-6,109.02,
6 66-821, 66-822, 69-1701, 70-309, 72-108, 72-221, 72-221.01, 72-817,
7 74-1310, 74-1314, 74-1318, 74-1319, 74-1331, 74-1332, 74-1333, 74-1334,
8 74-1335, 74-1336, 74-1338, 74-1340, 74-1341, 74-1342, 74-1343, 75-713,
9 75-716, 76-1224, 79-604, 81-101, 81-102, 81-161.04, 81-188.01, 81-701.01,
10 81-701.02, 81-701.03, 81-701.04, 81-701.05, 81-710, 81-916, 81-917,
11 81-1108.22, 81-1114, 81-1711, 81-2801, 82-120, 82-505, 83-137, 85-1008,
12 86-707, 90-238, and 90-260, Reissue Revised Statutes of Nebraska, and
13 sections 3-106, 3-159, 3-303, 3-407.01, 3-408, 13-520, 13-1210, 13-1212,
14 49-617, 57-1407, 60-507, 60-6,144, 60-6,153, 60-6,154, 60-6,230,
15 60-6,267, 60-6,288, 60-6,294, 60-6,297, 60-6,298, 60-6,299, 60-6,378,
16 60-6,380, 60-3101, 66-489.02, 66-4,100, 66-4,144, 66-738, 73-507,
17 77-3442, 77-3443, 81-8,310, 81-1108.15, 81-1108.43, and 81-3711.01,
18 Revised Statutes Cumulative Supplement, 2016, are repealed.

19 Sec. 301. Since an emergency exists, this act takes effect when
20 passed and approved according to law.