

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SIXTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 82**

Introduced by Friesen, 34.

Read first time January 10, 2019

Committee: Transportation and Telecommunications

1 A BILL FOR AN ACT relating to highways and bridges; to amend sections  
2 39-2109, 39-2114, 39-2119, 39-2122, 39-2502, 39-2510, 39-2512, and  
3 39-2520, Reissue Revised Statutes of Nebraska, and sections 39-810,  
4 39-847, 39-1320, 39-2113, 39-2115, 39-2118, 39-2120, and 39-2121,  
5 Revised Statutes Cumulative Supplement, 2018; to change provisions  
6 relating to contracts and state aid for bridges, land acquisition  
7 for state highways, functional classification, minimum standards,  
8 six-year and one-year plans, and distribution of funds to political  
9 subdivisions as prescribed; to change and provide duties; to  
10 harmonize provisions; to repeal the original sections; to outright  
11 repeal sections 39-2117 and 39-2119.01, Reissue Revised Statutes of  
12 Nebraska, and section 39-2116, Revised Statutes Cumulative  
13 Supplement, 2018; and to declare an emergency.  
14 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 39-810, Revised Statutes Cumulative Supplement,  
2 2018, is amended to read:

3 39-810 (1)(a) The county board of each county may erect and repair  
4 all bridges and approaches thereto and build all culverts and make  
5 improvements on roads, including the purchase of gravel for roads, and  
6 stockpile any materials to be used for such purposes, the cost and  
7 expense of which shall for no project exceed one hundred thousand  
8 dollars.

9 (b) All contracts for the erection or repair of bridges and  
10 approaches thereto or for the building of culverts and improvements on  
11 roads, the cost and expense of which shall exceed one hundred thousand  
12 dollars, shall be let by the county board to the lowest responsible  
13 bidder.

14 (c) All contracts for materials for repairing, erecting, and  
15 constructing bridges and approaches thereto or culverts or for the  
16 purchase of gravel for roads, the cost and expense of which exceed twenty  
17 thousand dollars, shall be let to the lowest responsible bidder, but the  
18 board may reject any and all bids submitted for such materials.

19 (d) Upon rejection of any bid or bids by the board of such a county,  
20 such board shall have power and authority to purchase materials to  
21 repair, erect, or construct the bridges of such county, approaches  
22 thereto, or culverts or to purchase gravel for roads.

23 (e) All contracts for bridge erection or repair, approaches thereto,  
24 culverts, or road improvements in excess of twenty thousand dollars shall  
25 require individual cost-accounting records on each individual project.  
26 ~~The total costs of each such separate project shall be included in the~~  
27 ~~annual reports to the Board of Public Roads Classifications and Standards~~  
28 ~~as required by section 39-2120.~~

29 (2)(a) Except as otherwise provided in subdivision (b) of this  
30 subsection, all bids for the letting of contracts shall be deposited with  
31 the county clerk of such a county, opened by him or her in the presence

1 of the county board, and filed in such clerk's office.

2 (b) In a county with a population of more than one hundred fifty  
3 thousand inhabitants with a purchasing agent under section 23-3105, the  
4 bids shall be opened as directed pursuant to section 23-3111.

5 Sec. 2. Section 39-847, Revised Statutes Cumulative Supplement,  
6 2018, is amended to read:

7 39-847 (1) Any county board may apply, in writing, to the Department  
8 of Transportation for state aid in the replacement of any bridge under  
9 the jurisdiction of such board. The application shall contain a  
10 description of the bridge, with a preliminary estimate of the cost of  
11 replacement thereof, and a certified copy of the resolution of such  
12 board, pledging such county to furnish fifty percent of the cost of  
13 replacement of such bridge. The county's share of replacement cost may be  
14 from any source except the State Aid Bridge Fund, except that where there  
15 is any bridge which is the responsibility of two counties, either county  
16 may make application to the department and, if the application is  
17 approved by the department, such county and the department may replace  
18 such bridge and recover, by suit, one-half of the county's cost of such  
19 bridge from the county failing or refusing to join in such application.  
20 All requests for bridge replacement under sections 39-846 to 39-847.01  
21 shall be forwarded by the department to the Board of Public Roads  
22 Classifications and Standards. Such board shall establish priorities for  
23 bridge replacement based on critical needs. The board shall, ~~in June and~~  
24 ~~December of each year,~~ consider such applications and establish  
25 priorities for a period of time consistent with sections 39-2115 to  
26 39-2119. The board shall return the applications to the department with  
27 the established priorities.

28 (2) The plans and specifications for each bridge shall be furnished  
29 by the department and replacement shall be under the supervision of the  
30 department and the county board.

31 (3) Any contract for the replacement of any such bridge shall be

1 made by the department consistent with procedures for contracts for state  
2 highways and federal-aid secondary roads.

3 (4) After the replacement of any such bridge and the acceptance  
4 thereof by the department, any county having jurisdiction over it shall  
5 have sole responsibility for maintenance.

6 Sec. 3. Section 39-1320, Revised Statutes Cumulative Supplement,  
7 2018, is amended to read:

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

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

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

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

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

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

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

30 (f) The preservation of objects of attraction or scenic value  
31 adjacent to, along, or in close proximity to highways and the culture of

1 trees and flora which may increase the scenic beauty of such highways;

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

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

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

9 (j) The construction and maintenance of stock trails and cattle  
10 passes;

11 (k) The erection and maintenance of marking and warning signs and  
12 traffic signals;

13 (l) The construction and maintenance of sidewalks and highway  
14 illumination;

15 (m) The control of outdoor advertising which is visible from the  
16 nearest edge of the right-of-way of the Highway Beautification Control  
17 System as defined in section 39-201.01 to comply with the provisions of  
18 23 U.S.C. 131, as amended;

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

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

1 required by section ~~sections~~ 39-2115 ~~or to 39-2117,~~ an annual plan under  
2 section ~~39-2118 39-2119,~~ ~~or an annual metropolitan transportation~~  
3 ~~improvement program under section 39-2119.01 in effect upon acquisition~~  
4 ~~of the lands.~~ For purposes of this section, wetlands shall have the  
5 definition found in 33 C.F.R. 328.3(c).

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

10 Sec. 4. Section 39-2109, Reissue Revised Statutes of Nebraska, is  
11 amended to read:

12 39-2109 ~~(1)~~The Board of Public Roads Classifications and Standards  
13 shall develop and adopt the specific criteria for each functional  
14 classification set forth in sections 39-2103 and 39-2104, which criteria  
15 shall be consistent with the general criteria set forth in those  
16 sections. No such criteria shall be adopted until after public hearings  
17 have been held thereon at such times and places as to assure interested  
18 parties throughout the state an opportunity to be heard thereon.  
19 Following their adoption, the board shall provide an electronic copy of  
20 such criteria to shall be printed and published and copies thereof shall  
21 be deposited with the Secretary of State, and the Clerk of the  
22 Legislature. The board shall also provide an electronic notification of  
23 such criteria to the appropriate representative of each county and each  
24 incorporated municipality and to the Director-State Engineer , the county  
25 clerk of each county, and the clerk of each incorporated municipality.

26 ~~(2) Within eighteen months after July 18, 2008, the Board of Public~~  
27 ~~Roads Classifications and Standards shall adopt and promulgate the~~  
28 ~~specific criteria for remote residential roads.~~

29 Sec. 5. Section 39-2113, Revised Statutes Cumulative Supplement,  
30 2018, is amended to read:

31 39-2113 (1) In addition to the duties imposed upon it by section

1 39-2109, the Board of Public Roads Classifications and Standards shall  
2 develop minimum standards of design, construction, and maintenance for  
3 each functional classification set forth in sections 39-2103 and 39-2104.  
4 Except for scenic-recreation road standards, such standards shall be such  
5 as to assure that each segment of highway, road, or street will  
6 satisfactorily meet the requirements of the area it serves and the  
7 traffic patterns and volumes which it may reasonably be expected to bear.

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

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

1 the Manual on Uniform Traffic Control Devices adopted pursuant to section  
2 60-6,118.

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

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

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



1 system pursuant to section 39-1315.01.

2 (7) In cooperation with the Department of Transportation, counties,  
3 and municipalities, the board is authorized to develop, support, approve,  
4 and implement programs and project strategies that provide additional  
5 flexibility in the design and maintenance standards. Once a program is  
6 established, the board shall allow project preapproval for all projects  
7 that conform to the agreed-upon program. The programs shall be set out in  
8 memorandums of understanding or guidance documents and may include, but  
9 are not limited to, the following:

10 (a) Practical design, flexible design, or similar programs or  
11 strategies intended to focus funding on the primary problem or need in  
12 constructing projects that will not meet all the standards but provide  
13 substantial overall benefit at a reasonable cost to the public;

14 (b) Asset preservation or preventative maintenance programs and  
15 strategies that focus on extending the life of assets such as, but not  
16 limited to, pavement and bridges that may incorporate benefit cost, cost  
17 effectiveness, best value, or lifecycle analysis in determining the  
18 project approach and overall benefit to the public; and

19 (c) Context sensitive design programs or similar programs that  
20 consider the established needs and values of a county, municipality,  
21 community, or other connected group to enable projects that balance  
22 safety while making needed improvements in a manner that fits the  
23 surroundings and provides overall benefit to the public.

24 Sec. 6. Section 39-2114, Reissue Revised Statutes of Nebraska, is  
25 amended to read:

26 39-2114 In order to achieve the efficiencies and economics resulting  
27 from unified operations, the Legislature encourages the counties and  
28 municipalities to make use of the Interlocal Cooperation Act or the Joint  
29 Public Agency Act by contracting between and among themselves for  
30 cooperative programs of administering all phases of their road and street  
31 programs. ~~Any such contract shall be filed with the Board of Public Roads~~

1 ~~Classifications and Standards.~~

2       Sec. 7. Section 39-2115, Revised Statutes Cumulative Supplement,  
3 2018, is amended to read:

4       39-2115 The Department of Transportation and each county and  
5 municipality shall develop, adopt, maintain as a public record, and  
6 annually update and file with the Board of Public Roads Classifications  
7 and Standards a long-range, six-year plan or program of highway, road,  
8 and street improvements based on priority of needs and calculated to  
9 contribute to the orderly development of an integrated statewide system  
10 of highways, roads, and streets. The department and each county and  
11 municipality shall annually certify compliance with the requirements of  
12 this section to the Board of Public Roads Classifications and Standards  
13 using the certification form developed by the board pursuant to section  
14 39-2120 Each such plan shall be filed with the board promptly upon  
15 preparation but in no event later than March 1, 1971. If any county or  
16 municipality, or the department, shall fail to file its certification  
17 form ~~plan~~ on or before its due ~~such~~ date, the board shall so notify the  
18 local governing board, the Governor, and the State Treasurer, who shall  
19 suspend distribution of any highway-user revenue allocated to such county  
20 or municipality, or the department, until the certification form ~~plan~~ has  
21 been filed. Such funds shall be held in escrow for six months until the  
22 county or municipality complies. If the county or municipality complies  
23 within the six-month period it shall receive the money in escrow, but  
24 after six months, if the county or municipality fails to comply, the  
25 money in the escrow account shall be lost to the county or municipality  
26 and shall be distributed to other counties or municipalities, as  
27 appropriate, in the manner provided by law for allocation of highway-user  
28 revenue.

29       Sec. 8. Section 39-2118, Revised Statutes Cumulative Supplement,  
30 2018, is amended to read:

31       39-2118 The Department of Transportation shall annually develop,

1 ~~adopt, and maintain as a public record prepare and file with the Board of~~  
2 ~~Public Roads Classifications and Standards a plan or program for specific~~  
3 ~~highway improvements for the current year. The annual plan shall be filed~~  
4 ~~on or before July 1 of each year. In so doing, the department shall take~~  
5 ~~into account all federal funds which will be available to the department~~  
6 ~~for such year. The department shall annually certify compliance with the~~  
7 ~~requirements of this section to the Board of Public Roads Classifications~~  
8 ~~and Standards using the certification form developed by the board~~  
9 ~~pursuant to section 39-2120~~ The board shall review each such annual plan  
10 to determine whether it is consistent with the department's current six-  
11 year plan. The department shall be required to justify any inconsistency  
12 with the six-year plan to the satisfaction of the board.

13 Sec. 9. Section 39-2119, Reissue Revised Statutes of Nebraska, is  
14 amended to read:

15 39-2119 Each county and municipality shall annually develop, adopt,  
16 and maintain as a public record prepare and file, under sections 39-2115  
17 to 39-2117 or 39-2119.01, with the Board of Public Roads Classifications  
18 and Standards, a one-year plan or program for specific highway, road, or  
19 street improvements for the current year. The annual plan or program  
20 shall be filed on or before March 1 of each year. No such plan or  
21 program, or revision to such plan or program, shall be adopted until  
22 after a local public hearing thereon and its approval by the local  
23 governing body. Each county and municipality shall schedule and hold the  
24 public hearing each year, and such hearing may be held prior to or in  
25 conjunction with that entity's annual public hearing on its proposed  
26 budget statement in any year such budget statement hearing is held  
27 pursuant to section 13-506. Each county and municipality shall annually  
28 certify compliance with the requirements of this section to the Board of  
29 Public Roads Classifications and Standards using the certification form  
30 developed by the board pursuant to section 39-2120 The board shall  
31 prescribe the nature and time of notice of such hearing, which shall be

1 ~~such as shall be likely to come to the attention of interested citizens~~  
2 ~~in the jurisdiction involved. The board shall review each such annual~~  
3 ~~plan or program within sixty days after it has been filed to determine~~  
4 ~~whether it is consistent with the county's or municipality's current six-~~  
5 ~~year plan. The county or municipality shall be required to justify any~~  
6 ~~inconsistency with the six-year plan to the satisfaction of the board. If~~  
7 ~~any county or municipality shall fail to comply with the provisions of~~  
8 ~~this section, the board shall so notify the local governing board, the~~  
9 ~~Governor, and the State Treasurer, who shall suspend distribution of any~~  
10 ~~highway-user revenue allocated to such county or municipality until there~~  
11 ~~has been compliance. Such funds shall be held in escrow for six months~~  
12 ~~until the county or municipality complies. If the county or municipality~~  
13 ~~complies within the six-month period it shall receive the money in~~  
14 ~~escrow, but after six months, if the county or municipality fails to~~  
15 ~~comply, the money in the escrow account shall be lost to the county or~~  
16 ~~municipality and shall be distributed to other counties or~~  
17 ~~municipalities, as appropriate, in the manner provided by law for~~  
18 ~~allocation of highway-user revenue.~~

19 ~~Any county or municipality on a fiscal construction year basis may~~  
20 ~~apply to the Board of Public Roads Classifications and Standards for a~~  
21 ~~new anniversary date. The board may grant a new anniversary date, but~~  
22 ~~such date shall not be later than July 1.~~

23 Sec. 10. Section 39-2120, Revised Statutes Cumulative Supplement,  
24 2018, is amended to read:

25 39-2120 The Auditor of Public Accounts and the Board of Public Roads  
26 Classifications and Standards shall develop and schedule for  
27 implementation a certification form for annual filing pursuant to section  
28 39-2121 ~~standardized system of annual reporting to the board by the~~  
29 ~~Department of Transportation and~~ each county by counties and  
30 municipality. The certification form municipalities, which system shall  
31 include:

1       (1) A statement from the department and each county or municipality  
2 that it has developed, adopted, and included in its public records the  
3 plans or programs required by sections 39-2115 to 39-2119;

4       (2) A statement that the department and each county or municipality:

5       (a) Meets the standards or programs of design, construction, and  
6 maintenance for its highways, roads, or streets;

7       (b) Expends all tax revenue for highway, road, or street purposes in  
8 accordance with approved plans and standards, including county and  
9 municipal tax revenue as well as highway-user revenue allocations;

10       (c) Uses a system of revenue and cost accounting which clearly  
11 includes a comparison of receipts and expenditures for approved budgets,  
12 plans, and programs;

13       (d) Uses a system of budgeting which reflects uses and sources of  
14 funds in terms of plans, programs, and accomplishments;

15       (e) Uses an accounting system including an inventory of machinery,  
16 equipment, and supplies; and

17       (f) Uses an accounting system that tracks equipment operation costs;  
18 and

19       (3) The information required under subsection (2) of section 39-2510  
20 or subsection (2) of section 39-2520, when applicable.

21       The certification by the department shall be signed by the Director-  
22 State Engineer. The certification by each county and municipality shall  
23 be signed by the board chairperson or mayor and shall include a copy of  
24 the resolution or ordinance of the governing body of the county or  
25 municipality authorizing the signing of the certification form.

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

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

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

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

6       ~~(5) An approved system of reporting an inventory of machinery,~~  
7 ~~equipment, and supplies; and~~

8       ~~(6) An approved system of cost accounting of the operation of~~  
9 ~~equipment.~~

10       Sec. 11. Section 39-2121, Revised Statutes Cumulative Supplement,  
11 2018, is amended to read:

12       39-2121 (1) The certification form required to be filed with the  
13 Board of Public Roads Classifications and Standards pursuant to section  
14 39-2120 shall be filed annually by the Department of Transportation by  
15 July 31 and by each county and municipality by October 31 ~~Department of~~  
16 ~~Transportation and each county and municipality shall make the reports~~  
17 ~~provided for by section 39-2120.~~

18       (2) If any county or municipality or the department fails to file  
19 such certification form ~~report~~ on or before its due date, the board ~~Board~~  
20 ~~of Public Roads Classifications and Standards~~ shall so notify the local  
21 governing board, the Governor, and the State Treasurer who shall suspend  
22 distribution of any highway-user revenue allocated to such county or  
23 municipality or the department until the certification form ~~report~~ has  
24 been filed. Such funds shall be held in escrow for six months until the  
25 county or municipality complies. If the county or municipality complies  
26 within the six-month period it shall receive the money in escrow, but  
27 after six months, if the county or municipality fails to comply, the  
28 money in the escrow account shall be lost to the county or municipality  
29 and shall be distributed to other counties or municipalities, as  
30 appropriate, in the manner provided by law for allocation of highway-user  
31 revenue.

1 (3) If any county or municipality either (a) files a materially  
2 false certification form ~~report~~ or (b) constructs any highway, road, or  
3 street below the minimum standards developed under section 39-2113,  
4 without having received prior approval thereof, such county's or  
5 municipality's share of highway-user revenue allocated during the  
6 following calendar year shall be reduced by ten percent and the amount of  
7 any such reduction shall be distributed among the other counties or  
8 municipalities, as appropriate, in the manner provided by law for  
9 allocation of highway-user revenue. The penalty for filing a materially  
10 false certification form ~~report~~ and the penalty for constructing a  
11 highway, road, or street below established minimum standards without  
12 prior approval shall be assessed by the board only after a review of the  
13 facts involved in such case and the holding of a public hearing on the  
14 matter. The decision thereafter rendered by the board may be appealed,  
15 and the appeal shall be in accordance with the Administrative Procedure  
16 Act.

17 Sec. 12. Section 39-2122, Reissue Revised Statutes of Nebraska, is  
18 amended to read:

19 39-2122 The Board of Public Roads Classifications and Standards may  
20 make occasional random checks of county and municipal construction  
21 projects to determine that the standards of design and construction  
22 developed under section 39-2113 are being met.

23 Sec. 13. Section 39-2502, Reissue Revised Statutes of Nebraska, is  
24 amended to read:

25 39-2502 An incentive payment shall be made to each county having in  
26 its employ a county highway superintendent licensed under the County  
27 Highway and City Street Superintendents Act, during the calendar year  
28 preceding the year in which payment is made. For purposes of sections  
29 39-2501 to 39-2510, county highway superintendent means a person who  
30 actually performs the following duties:

31 (1) Developing and annually updating a long-range plan based on

1 needs and coordinated with adjacent local governmental units;

2 (2) Developing an annual program for design, construction, and  
3 maintenance;

4 (3) Developing an annual budget based on programmed projects and  
5 activities;

6 (4) Submitting such plans, programs, and budgets to the local  
7 governing body for approval; and

8 (5) Implementing the capital improvements and maintenance activities  
9 provided in the approved plans, programs, and budgets. ; ~~and~~

10 ~~(6) Preparing and submitting annually to the Board of Public Roads~~  
11 ~~Classifications and Standards the county's one-year plans, six-year~~  
12 ~~plans, or annual metropolitan transportation improvement programs for~~  
13 ~~highway, road, and street improvements under sections 39-2115 to 39-2117,~~  
14 ~~39-2119, and 39-2119.01 and a report showing the actual receipts,~~  
15 ~~expenditures, and accomplishments compared with those budgeted and~~  
16 ~~programmed in the county's annual plans as set forth in section 39-2120.~~

17 Sec. 14. Section 39-2510, Reissue Revised Statutes of Nebraska, is  
18 amended to read:

19 39-2510 (1) All money derived from fees, excises, or license fees  
20 relating to registration, operation, or use of vehicles on the public  
21 highways, or to fuels used for the propulsion of such vehicles, shall be  
22 expended for payment of highway obligations, cost of construction,  
23 reconstruction, maintenance, and repair of public highways and bridges  
24 and county, city, township, and village roads, streets, and bridges, and  
25 all facilities, appurtenances, and structures deemed necessary in  
26 connection with such highways, bridges, roads, and streets, or may be  
27 pledged to secure bonded indebtedness issued for such purposes, except  
28 for (a) the cost of administering laws under which such money is derived,  
29 (b) statutory refunds and adjustments provided therein, and (c) money  
30 derived from the motor vehicle operators' license fees or money received  
31 from parking meter proceeds, fines, and penalties.



1           (2)(a) ~~(2)~~ The requirements of subsection (1) of this section also  
2 apply to sales and use taxes imposed on motor vehicles, trailers, and  
3 semitrailers pursuant to sections 13-319 and 77-27,142, except that such  
4 provisions shall not apply in a county or municipal county that has  
5 issued bonds (i) ~~(a)~~ the proceeds of which were used for purposes listed  
6 in subsection (1) of this section and for which revenue other than sales  
7 and use taxes on motor vehicles, trailers, and semitrailers is pledged  
8 for payment or (ii) ~~(b)~~ approved by a vote that required the use of sales  
9 and use taxes imposed on motor vehicles, trailers, and semitrailers for a  
10 specific purpose other than those listed in subsection (1) of this  
11 section, until all such bonds issued prior to January 1, 2006, have been  
12 paid or retired.

13           **(b)** The county or municipal county shall determine (i) include~~a~~  
14 ~~certification with the report under section 39-2120 showing~~ the amount of  
15 revenue other than sales and use tax revenue derived from motor vehicles,  
16 trailers, or semitrailers that is to be expended for the purposes listed  
17 in subsection (1) of this section and (ii) the amount of sales and use  
18 taxes expected to be collected from sales of motor vehicles, trailers,  
19 and semitrailers for that year. The county or municipal county shall  
20 create and maintain such determination as a public record and certify the  
21 determination pursuant to sections 39-2120 and 39-2121.

22           Sec. 15. Section 39-2512, Reissue Revised Statutes of Nebraska, is  
23 amended to read:

24           39-2512 An incentive payment shall be made to each municipality or  
25 municipal county having in its employ a city street superintendent  
26 licensed under the County Highway and City Street Superintendents Act,  
27 during the calendar year preceding the year in which payment is made. For  
28 purposes of sections 39-2511 to 39-2520, city street superintendent means  
29 a person who actually performs the following duties:

30           (1) Developing and annually updating a long-range plan based on  
31 needs and coordinated with adjacent local governmental units;

1 (2) Developing an annual program for design, construction, and  
2 maintenance;

3 (3) Developing an annual budget based on programmed projects and  
4 activities;

5 (4) Submitting such plans, programs, and budgets to the local  
6 governing body for approval; and

7 (5) Implementing the capital improvements and maintenance activities  
8 provided in the approved plans, programs, and budgets. ~~;~~ and

9 ~~(6) Preparing and submitting annually to the Board of Public Roads  
10 Classifications and Standards the one-year plans, six-year plans, or  
11 annual metropolitan transportation improvement programs of the  
12 municipality or municipal county for highway, road, and street  
13 improvements under sections 39-2115 to 39-2117, 39-2119, and 39-2119.01  
14 and a report showing the actual receipts, expenditures, and  
15 accomplishments compared with those budgeted and programmed in the annual  
16 plans of the municipality or municipal county as set forth in section  
17 39-2120.~~

18 Sec. 16. Section 39-2520, Reissue Revised Statutes of Nebraska, is  
19 amended to read:

20 39-2520 (1) All money derived from fees, excises, or license fees  
21 relating to registration, operation, or use of vehicles on the public  
22 highways, or to fuels used for the propulsion of such vehicles, shall be  
23 expended for payment of highway obligations, cost of construction,  
24 reconstruction, maintenance, and repair of public highways and bridges  
25 and county, city, township, and village roads, streets, and bridges, and  
26 all facilities, appurtenances, and structures deemed necessary in  
27 connection with such highways, bridges, roads, and streets, or may be  
28 pledged to secure bonded indebtedness issued for such purposes, except  
29 for (a) the cost of administering laws under which such money is derived,  
30 (b) statutory refunds and adjustments provided therein, and (c) money  
31 derived from the motor vehicle operators' license fees or money received

1 from parking meter proceeds, fines, and penalties.

2 ~~(2)(a) (2)~~ The requirements of subsection (1) of this section also  
3 apply to sales and use taxes imposed on motor vehicles, trailers, and  
4 semitrailers pursuant to sections 13-319 and 77-27,142, except that such  
5 provisions shall not apply in a municipality that has issued bonds (i)  
6 ~~(a)~~ the proceeds of which were used for purposes listed in subsection (1)  
7 of this section and for which revenue other than sales and use taxes on  
8 motor vehicles, trailers, and semitrailers is pledged for payment or (ii)  
9 ~~(b)~~ approved by a vote that required the use of sales and use taxes  
10 imposed on motor vehicles, trailers, and semitrailers for a specific  
11 purpose other than those listed in subsection (1) of this section, until  
12 all such bonds issued prior to January 1, 2006, have been paid or  
13 retired.

14 (b) The municipality shall determine (i) include a certification  
15 ~~with the report under section 39-2120 showing~~ the amount of revenue other  
16 than sales and use tax revenue derived from motor vehicles, trailers, or  
17 semitrailers that is to be expended for the purposes listed in subsection  
18 (1) of this section and (ii) the amount of sales and use taxes expected  
19 to be collected from sales of motor vehicles, trailers, and semitrailers  
20 for that year. The municipality shall create and maintain such  
21 determination as a public record and certify the determination pursuant  
22 to sections 39-2120 and 39-2121.

23 Sec. 17. Original sections 39-2109, 39-2114, 39-2119, 39-2122,  
24 39-2502, 39-2510, 39-2512, and 39-2520, Reissue Revised Statutes of  
25 Nebraska, and sections 39-810, 39-847, 39-1320, 39-2113, 39-2115,  
26 39-2118, 39-2120, and 39-2121, Revised Statutes Cumulative Supplement,  
27 2018, are repealed.

28 Sec. 18. The following sections are outright repealed: Sections  
29 39-2117 and 39-2119.01, Reissue Revised Statutes of Nebraska, and section  
30 39-2116, Revised Statutes Cumulative Supplement, 2018.

31 Sec. 19. Since an emergency exists, this act takes effect when

1 passed and approved according to law.