

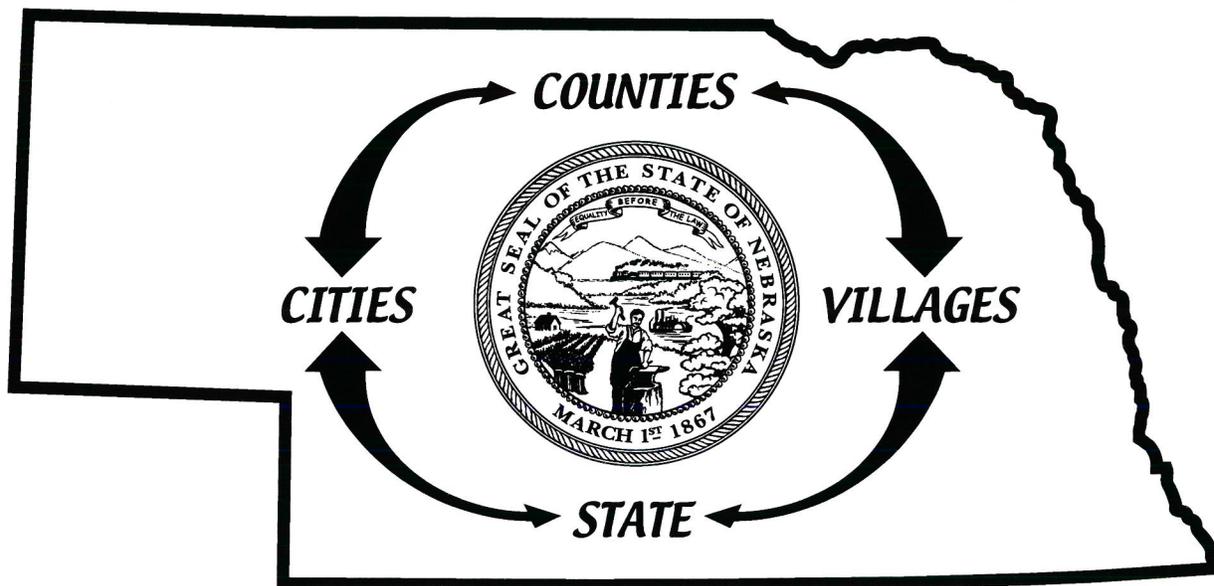
Nebraska Highway Law

Excerpt

Consisting of Portions of Chapters 39, 60, 66 & 77

Pertaining to:

- Integrated Highway, Road & Street System
- Functional Classification
- Minimum Standards
- One- & Six-Year Improvements Plan
- Annual Program Report (SSAR)
- Board of Public Roads Classifications & Standards
- Board of Examiners for County Highway & City Street Superintendents
- Motor Vehicle Fee
- Highway Trust Fund (HTF)
- Highway Cash Fund (HCF)
- Highway Allocation Fund (HAF)
- HAF Distribution to Political Subdivisions
- HAF Expenditure Restrictions & Local Match Requirement
- State Aid Bridge Fund (SABF)
- Revenue Sources for Above Funds



Board of Public Roads Classifications & Standards

Board of Examiners for County Highway & City Street Superintendents

2008

This manual is distributed as a service to county highway and city street superintendents, county and municipal clerks, state officials, and other interested persons. It presents key state statutes governing Nebraska's Integrated Highway, Road and Street System, with emphasis on the county and municipal components of that total system. These selected statutes provide the framework for a state and local partnership designed to improve and sustain:

- **fiscal capacity** – ensuring sufficient funding, by providing reliable sources of state revenues and by allocating those funds equitably between the Nebraska Department of Roads (NDOR), the 93 counties, and the 530 cities and villages;
- **quality assurance** – establishing standards for roadway design, construction and maintenance;
- **assigned responsibility** – setting forth the jurisdictional responsibilities of the NDOR, counties and municipalities for the various types of roadways (and thereby for every segment of public road);
- **management capacity** – promoting professionalism in county and municipal departments through voluntary licensing, backed by incentive funds for those jurisdictions; and
- **accountability** – providing oversight at the state and local levels through annual program planning and performance reporting, with opportunities for public review and input.

This framework has been in place for over 38 years. Its guiding philosophy and vision are summarized in Section 39-2101 (pp. 3-4 of this manual).

Readers are cautioned that many statutes governing operations of local road and street systems are not included in this manual.

For additional information, please contact:

**Local Projects Section
Nebraska Department of Roads
1400 Highway 2
Room 122
PO Box 94759
Lincoln, NE 68509-4759**

Telephone: (402)479-4436

Fax: (402)479-3636

Website: www.transportation.nebraska.gov/gov-aff/

**CHAPTER 39
HIGHWAYS AND BRIDGES**

**ARTICLE 8
BRIDGES
(Partial Listing)**

**(b) CONTRACTS FOR CONSTRUCTION AND REPAIR OF BRIDGES
(Partial Listing)**

Section.
39-810. Bridges; culverts; construction and repair; road improvements; contracts; letting; Procedures.

(g) STATE AID BRIDGES

Section.
39-846. State Aid Bridge Fund; created; use; investment.
39-847. State aid for bridges; application for replacement; costs; priorities; plans and specifications; contracts; maintenance.
39-847.01 State Aid Bridge Fund; State Treasurer; transfer funds to.

**(b) CONTRACTS FOR CONSTRUCTION AND REPAIR OF BRIDGES
(Partial Listing)**

Section 39-810. Bridges; culverts; construction and repair; road improvements; contracts; letting; procedures. The county board of each county may erect and repair all bridges and approaches thereto and build all culverts and make improvements on roads, including the purchase of gravel for roads, and stockpile any materials to be used for such purposes, the cost and expense of which shall for no project exceed sixty thousand dollars. All contracts for the erection or repair of bridges and approaches thereto or for the building of culverts and improvements on roads, the cost and expense of which shall exceed sixty thousand dollars, shall be let by the county board to the lowest responsible bidder. All contracts for materials for repairing, erecting, and constructing bridges and approaches thereto or culverts or for the purchase of gravel for roads, the cost and expense of which exceed ten thousand dollars, shall be let to the lowest responsible bidder, but the board may reject any and all bids submitted for such materials. Upon rejection of any bid or bids by the board of such a county, such board shall have power and authority to purchase materials to repair, erect, or construct the bridges of such county, approaches thereto, or culverts or to purchase gravel for roads. *All contracts for bridge erection or repair, approaches thereto, culverts, or road improvements in excess of ten thousand dollars shall require individual cost-accounting records on each individual project. The total costs of each such separate project shall be included in the annual reports to the Board of Public Roads Classifications and Standards as required by section 39-2120.* All bids for the letting of contracts shall be deposited with the county clerk of such a county, opened by him or her in the presence of the county board, and filed in such clerk's office. *(Emphasis added)*

Source: Laws 1905, c. 126, § 1, p. 540; Laws 1911, c. 111, § 1, p. 391; R.S.1913, § 2956; C.S.1922, § 2714; C.S.1929, § 39-801; Laws 1931, c. 84, § 1, p. 222; C.S.Supp.,1941, § 39-801; R.S.1943, § 39-810; Laws 1955, c. 159, § 1, p. 462; Laws 1969, c. 328, § 1, p. 1173; Laws 1975, LB 115, § 1; Laws 1988, LB 429, § 1

Cross References: Authority of board to purchase materials, other provisions, see sections 39-818, 39-824, and 39-826.

(g) STATE AID BRIDGES

Section 39-846. State Aid Bridge Fund; created; use; investment. In order to expedite the replacement of deficient bridges, *the State Aid Bridge Fund is hereby created to provide assistance to counties for replacement of bridges.* Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act. *(Emphasis added)*

Source: Laws 1919, c. 190, tit. VII, art. III, § 1, p. 815; C.S.1922, § 8356; C.S.1929, § 39-1501; R.S.1943, § 39-846; Laws 1973, LB 87, § 1; Laws 1995, LB 7, § 35

Cross References: Nebraska Capital Expansion Act, see section 72-1269.
Nebraska State Funds Investment Act, see section 72-1260.

Section 39-847. State aid for bridges; application for replacement; costs; priorities; plans and specifications; contracts; maintenance. (1) *Any county board may apply, in writing, to the Department of Roads for state aid in the replacement of any bridge under the jurisdiction of such board.* The application shall contain a description of the bridge, with a preliminary estimate of the cost of replacement thereof, and a certified copy of the resolution of such board, pledging such county to furnish fifty percent of the cost of replacement of such bridge. The county's share of replacement cost may be from any source except the State Aid Bridge Fund; PROVIDED, that where there is any bridge which is the responsibility of two counties, either county may make application to the department and, if the application is approved by the department, such county and the department may replace such bridge and recover, by suit, one-half of the county's cost of such bridge from the county failing or refusing to join in such application. *All requests for bridge replacement under sections 39-846 to 39-847.01 shall be forwarded by the department to the Board of Public Roads Classifications and Standards. Such board shall establish priorities for bridge replacement based on critical needs.* The board shall, in June and December of each year, consider such applications and establish priorities for a period of time consistent with sections 39-2115 to 39-2119. The board shall return the applications to the department with the established priorities.

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

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

(4) After the replacement of any such bridge and the acceptance thereof by the Department of Roads, any county having jurisdiction over it shall have sole responsibility for maintenance. *(Emphasis added)*

Source: Laws 1911, c. 112, § 2, p. 393; R.S.1913, § 2977; Laws 1919, c. 190, tit. VII, art. III, § 2, p. 815; Laws 1921, c. 260, § 1, p. 875; C.S.1922, § 8357; Laws 1923, c. 157, § 1, p. 382; Laws 1923, c. 156, § 1, p. 381; C.S.1929, § 39-1502; R.S.1943, § 39-847; Laws 1953, c. 287, § 61, p. 966; Laws 1973, LB 87, § 2

Section 39-847.01. State Aid Bridge Fund; State Treasurer; transfer funds to. The State Treasurer shall transfer monthly thirty-two thousand dollars from the Department of Roads' share of the Highway Trust Fund and thirty-two thousand dollars from the counties' share of the Highway Trust Fund which is allocated to bridges to the State Aid Bridge Fund. *(Emphasis added)*

Source: Laws 1973, LB 87, § 3; Laws 1986, LB 599, § 4

Cross Reference Highway Trust Fund, see section 39-2215.

ARTICLE 21 FUNCTIONAL CLASSIFICATION

Section.	
39-2101.	State highways; functional classification; declaration.
39-2102.	Functional classification; categories.
39-2103.	Rural highways; functional classifications.
39-2104.	Municipal streets; functional classifications.
39-2105.	Functional classifications; jurisdictional responsibility.
39-2106.	Board of Public Roads Classifications and Standards; established; members; number; appointment; qualifications; compensation; expenses.
39-2107.	Board of Public Roads Classifications and Standards; office space; furniture; equipment; supplies; personnel.
39-2108.	board of Public Roads Classifications and Standards; proceedings; subject to Administrative Procedure Act.
39-2109.	Board of Public Roads Classifications and Standards; functional classification; criteria; adoption; hearing; publication; filing.
39-2110.	Functional classification; specific criteria; assignment to highways; roads, streets.
39-2111.	Functional classification; assignment; appeal.
39-2112.	Functional classification; assignment; Department of Roads; request to reclassify; decision; appeal.
39-2113.	Board of Public Roads Classifications and Standards; minimum standards; rule for relaxing; request for review; decision.
39-2114.	Counties and Municipalities; contract between themselves; Board of Public Roads Classifications and Standards; approve.
39-2115.	Six-year plan; basis; filing; failure to file; penalty; funds placed in escrow.
39-2116.	board of Public Roads Classifications and Standards; six-year plans; review; recommendations.
39-2117.	Six-year plan; extension.
39-2118.	Department of Roads; plan for specific highway improvements; file annually with Board of Public Roads Classifications and Standards; review.
39-2119.	Counties and municipalities; plan for specific improvements; file annually with Board of Public Roads Classifications and Standards; hearing; notice; adoption; review; failure to file; penalty; funds placed in escrow.
39-2119.01	County or municipality; use of annual metropolitan transportation improvement program as alternate submission authorized.
39-2120.	Standardized system of annual reporting; Auditor of Public Accounts and Board of Public Roads Classifications and Standards; develop.
39-2121.	Department of Roads; counties; municipalities; reports; penalty; when imposed; appeal.
39-2122.	Board of Public Roads Classifications and Standards; duties.
39-2123.	County board; develop numbering system for its principal roads; arterial and collector roads; time.
39-2124.	Legislative intent.
39-2125.	Sections, how construed.

Section 39-2101. State highways; functional classification; declaration. Recognizing that *safe and efficient transportation over public roads is a matter of major importance to all of the people in the state*, the Legislature hereby *determines and declares that an integrated system of public roads is essential to the general welfare of the State of Nebraska*.

Adequate public roads provide for the free flow of traffic, protect the health and safety of the citizens of the state, result in lower cost of motor vehicle operation, increase property values, and generally promote the economic and social progress of the state.

Providing such a system of facilities and the efficient management, operation, and control thereof are recognized as urgent problems and proper objectives of legislation pertaining to all public roads.

As a result of the comprehensive three-year study of all public roads in Nebraska conducted by a committee of the Legislative Council as authorized by the Legislature in 1965 and 1967, a study through

which determination has been made of the engineering, financial, and management needs of all public roads, a program has been developed to provide an integrated system of public roads for the state, its counties, and its municipalities.

Recognizing that cooperation among these governmental entities is essential in bringing to fruition the development of a truly integrated system of public roads, it is the intent of the Legislature to provide by law the structure upon which the state, its counties, and its municipalities can work as equal partners in the development, operation, and management of such a system.

Fundamental to the development of an integrated system of public roads is a determination of the function each road segment serves. Through adoption by law of a functional classification system, it is the intent of the Legislature that each segment of public road shall be identified according to the function it serves. Identification of roads according to function then will permit the establishment of uniform standards of design, construction, operation, and maintenance for each classification of road. Such standards will promote the general safety of the traveling public, enhance the free flow of traffic, and provide improved utilization of highway financing.

Responsibility for the various functional classifications of public roads shall be assigned by law to the state, the counties, and the municipalities, as appropriate, such assignments reflecting the general responsibilities of each entity.

Through establishment of a Board of Public Roads Classifications and Standards composed of representation from the state, counties, municipalities, and general public, it is the intent of the Legislature to give each governmental entity and the public an equal voice in developing reasonable standards for each classification of road which shall be adequate to meet the needs of an increasingly mobile society.

Both long-range planning and annual programming are essential to the orderly development of an integrated system of public roads. It is the intent of the Legislature to provide by law a structure which will enable each governmental entity to program its individual needs on a priority basis, yet to establish an intergovernmental relationship which will permit their working in cooperation with each other to attain the desired objective of an integrated system. The structure will have the flexibility necessary to recognize that annual programs cannot always be met as planned because of unforeseen problems which may arise.

To assure realization of the maximum benefits possible from the substantial investment Nebraska citizens make toward their public roads, it is the intent of the Legislature to provide by law a system of planning, programming, budgeting, reporting, and accounting for each governmental entity which will bring improved management methods. Such management will provide citizens the opportunity to know how each governmental entity intends to spend its highway money, and to determine its performance when measured against its plans.

Nebraska's public roads system is one of the largest in the nation; yet its population is relatively small and ranges from high concentrations of people in urban centers to vast rural areas in which the population is sparsely located. The citizens in these diverse areas have the same need, however, for a transportation system which will meet their respective needs. It is not economically feasible to develop all public roads throughout the state to the same high standards, and thus it becomes incumbent upon the Legislature to devise a program under which the roads most important to these diverse areas are developed to modern standards. Adoption of a functional classification system and implementation of modern management methods will combine to bring such a program into being and result in improved utilization of highway financing.

Recognizing that highway financing heretofore has been inadequate to meet the needs of a modern transportation system, and that the distribution of revenue has resulted in disparities of treatment, it is the intent of the Legislature to provide reasonable financing and more equitable distribution of revenue. The objectives of this total program are to bring the state highway system up to adequate standards in a twenty-year period, and to bring the road systems of its counties, and the street systems of its municipalities, up to adequate standards over a twenty-year period. (Emphasis added)

Source: Laws 1969, c. 312, § 1, p. 1116

This article contemplates continuous highway planning and improvements and every highway and bridge is subject to reevaluation and change. State ex rel. Goossen v. Board of Supervisors, 198 Neb. 9, 251 N.W.2d 655 (1977). (Emphasis added)

Section 39-2102. Functional classification; categories. For purposes of functional classification thereof, the public highways, roads, and streets of this state are hereby divided into the *two broad categories of rural highways and municipal streets*. *Rural highways* shall consist of all public highways and roads *outside the limits of any incorporated municipality* and *municipal streets* shall consist of all public streets *within the limits of any incorporated municipality*. (Emphasis added)

Source: Laws 1969, c. 312, § 2, p. 1119

Section 39-2103 Rural highways; functional classifications. *Rural highways* are hereby divided into *nine functional classifications as follows*:

(1) *Interstate*, which shall consist of the federally designated *National System of Interstate and Defense Highways*;

(2) *Expressway*, which shall consist of a group of highways following major traffic desires in Nebraska which rank next in importance to the National System of Interstate and Defense Highways. The expressway system is one which ultimately should be developed to *multilane divided highway* standards;

(3) *Major arterial*, which shall consist of the balance of routes which serve major statewide interests for highway transportation. This system is characterized by *high-speed, relatively long-distance travel patterns*;

(4) *Scenic-recreation*, which shall consist of highways or roads *located within or which provide access to or through state parks, recreation or wilderness areas, other areas of geographical, historical, geological, recreational, biological, or archaeological significance, or areas of scenic beauty*;

(5) *Other arterial*, which shall consist of a group of highways of less importance as *through-travel routes which would serve places of smaller population and smaller recreation areas* not served by the higher systems;

(6) *Collector*, which shall consist of a group of highways which *pick up traffic from many local or land-service roads and carry it to community centers or to the arterial systems*. They are the *main school bus routes, mail routes, and farm-to-market routes*;

(7) *Local*, which shall consist of *all remaining rural roads, except minimum maintenance roads and remote residential roads*;

(8) *Minimum maintenance*, which shall consist of (a) *roads used occasionally by a limited number of people as alternative access roads* for areas served primarily by local, collector, or arterial roads or (b) *roads which are the principal access roads to agricultural lands for farm machinery and which are not primarily used by passenger or commercial vehicles*; and

(9) *Remote residential*, which shall consist of *roads or segments of roads in remote areas of counties with (a) a population density of no more than five people per square mile or (b) an area of at least one thousand square miles, and which roads or segments of roads serve as primary access to no more than seven residences*. For purposes of this subdivision, *residence means a structure which serves as a primary residence for more than six months of a calendar year*. Population shall be determined using data from the most recent federal decennial census.

The rural highways classified under subdivisions (1) through (3) of this section should, combined, serve every incorporated municipality having a minimum population of one hundred inhabitants or sufficient commerce, a part of which will be served by stubs or spurs, and along with rural highways classified under subdivision (4) of this section, should serve the major recreational areas of the state.

For purposes of this section, *sufficient commerce means a minimum of two hundred thousand dollars of gross receipts under the Nebraska Revenue Act of 1967*. (Emphasis added)

Source: Laws 1969, c. 312, § 3, p. 1119; Laws 1972, LB 866, § 2; Laws 1976, LB 724, § 1; Laws 1980, LB 873, § 1; Laws 1983, LB 10, § 3; Laws 2008, LB 1068, § 4. July 18, 2008

Cross References: Nebraska Revenue Act of 1967, see section 77-2701.

Section 39-2104. Municipal streets; functional classifications. *Municipal streets* are hereby divided into *six functional classifications as follows*:

(1) *Interstate*, which shall consist of the federally designated *national system of interstate and defense highways*;

(2) *Expressway*, which shall consist of two categories: *Extensions of rural expressways and some additional routes which serve very high volumes of local traffic within urban areas;*

(3) *Major arterial*, which shall generally consist of *extensions of the rural major arterials which provide continuous service through municipalities for long-distance rural travel.* They are the arterial streets used to transport products into and out of municipalities;

(4) *Other arterial*, which shall consist of two categories: *Municipal extensions of rural other arterials, and arterial movements peculiar to a municipality's own complex*, that is streets which interconnect major areas of activity within a municipality, such as shopping centers, the central business district, manufacturing centers, and industrial parks;

(5) *Collector*, which shall consist of a *group of streets which collect traffic from residential streets and move it to smaller commercial centers or to higher arterial systems;* and

(6) *Local*, which shall consist of the *balance of streets in each municipality*, principally residential access service streets and local business streets. They are *characterized by very short trip lengths*, almost exclusively limited to vehicles desiring to go to or from an adjacent property. (*Emphasis added*)

Source: Laws 1969, c. 312, § 4, p. 1120

Section 39-2105. Functional classifications; jurisdictional responsibility. *Jurisdictional responsibility* for the various functional classifications of public highways and streets shall be as follows:

(1) *The state* shall have the responsibility for the design, construction, reconstruction, maintenance, and operation of *all roads classified under the category of rural highways as interstate, expressway, and major arterial, and the municipal extensions thereof, except that the state shall not be responsible for that portion of a municipal extension which exceeds the design of the rural highway leading into the municipality.* When the design of a rural highway differs at the different points where it leads into the municipality, *the state's responsibility for the municipal extension thereof shall be limited to the lesser of the two designs.* The state shall be responsible for the *entire interstate system* under either the rural or municipal category *and for connecting links between the interstate and the nearest existing state highway system in rural areas*, EXCEPT that if such a connecting link has not been improved and a sufficient study by the Department of Roads results in the determination that a link to an alternate state highway would provide better service for the area involved, the department shall have the option of providing the alternate route, subject to satisfactory local participation in the additional cost of the alternate route;

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

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

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

Source Laws 1969, c. 312, § 5, p. 1121; Laws 1971, LB 738, § 1; Laws 1980, LB 873, § 2; Laws 1983, LB 10, § 4; Laws 2008, LB 1068, § 5. July 18, 2008

Section 39-2106. Board of Public Roads Classifications and Standards; established; members; number; appointment; qualifications; compensation; expenses. To assist in developing the functional classification system, *there is hereby established the Board of Public Roads Classifications and Standards* which shall consist of *eleven members to be appointed by the Governor with the approval of the Legislature.* Of the members of such board, *two shall be representatives of the Department of Roads, three shall be representatives of the counties*, one of whom shall be a licensed county highway superintendent in good standing and two of whom shall be county board members, *three shall be*

representatives of the municipalities who shall be either public works directors or licensed city street superintendents in good standing, and *three shall be lay citizens who shall represent the three congressional districts* of the state. The county members on the board shall represent the various classes of counties, as defined in section 23-1114.01, in the following manner: One shall be a representative from either a Class 1 or Class 2 county; one shall be a representative from either a Class 3 or Class 4 county; and one shall be a representative from either a Class 5, Class 6, or Class 7 county. The municipal members of the board shall represent municipalities of the following sizes by population: One shall be a representative from a municipality of less than two thousand five hundred population; one shall be a representative from a municipality of two thousand five hundred to fifty thousand population; and one shall be a representative from a municipality of over fifty thousand population. In making such appointments, the Governor shall consult with the Director-State Engineer and with the appropriate county and municipal officials and may consult with organizations representing such officials or representing counties or municipalities as may be appropriate. At the expiration of existing term, one member from the county representatives, the municipal representatives and the lay citizens shall be appointed for a term of two years; two members from the county representatives, the municipal representatives and the lay citizens shall be appointed for terms of four years. One representative from the Department of Roads shall be appointed for a two-year term and the other representative shall be appointed for a four-year term. Thereafter, all such appointments shall be for *terms of four years* each. Members of such board shall receive no compensation for their services as such, except that the lay members shall receive the same compensation as members of the State Highway Commission, and all members shall be reimbursed for their actual and necessary expenses incurred in the performance of their official duties as provided in sections 81-1174 to 81-1177 for state employees. All expenses of such board shall be paid by the Department of Roads. (*Emphasis added*)

Source: Laws 1969, c. 312, § 6, p. 1122; Laws 1971, LB 100, § 1; Laws 1981, LB 204, § 61

Section 39-2107. Board of Public Roads Classifications and Standards; office space; furniture; equipment; supplies; personnel. The Department of Roads shall furnish the Board of Public Roads Classifications and Standards with necessary office space, furniture, equipment, and supplies as well as necessary professional, technical, and clerical assistants.

Source: Laws 1969, c. 312, § 7, p. 1123

Section 39-2108. Board of Public Roads Classifications and Standards; proceedings; subject to Administrative Procedure Act. All proceedings of the Board of Public Roads Classifications and Standards shall be subject to the provisions of the Administrative Procedure Act.

Source: Laws 1969, c. 312, § 8, p. 1123

Cross Reference: Administrative Procedure Act, see section 84-920.

Section 39-2109. Board of Public Roads Classifications and Standards; functional classification; criteria; adoption; hearing; publication; filing. (1) The Board of Public Roads Classifications and Standards *shall develop the specific criteria for each functional classification* set forth in sections 39-2103 and 39-2104, which criteria shall be consistent with the general criteria set forth in those sections. No such criteria shall be adopted until after public hearings have been held thereon at such times and places as to assure interested parties throughout the state an opportunity to be heard thereon. Following their adoption, such criteria shall be printed and published and copies thereof shall be deposited with the Secretary of State, the Clerk of the Legislature, the county clerk of each county, and the clerk of each incorporated municipality.

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

Source: Laws 1969, c. 312, § 9, p. 1123; Laws 1980, LB 873, § 3; Laws 1983, LB 10, § 5; Laws 2008, LB 1068, § 6. July 18, 2008

Section 39-2110. Functional classification; specific criteria; assignment to highways, roads, streets. Following adoption and publication of the specific criteria required by section 39-2109, *the Department of Roads, after consultation with the appropriate local authorities in each instance, shall assign a functional classification to each segment of highway, road, and street in this state.* Before assigning any such classification, the department shall make reasonable effort to resolve any differences of opinion between the department and any county or municipality. Whenever a *new road or street is to be opened or an existing road or street is to be extended,* the department shall, upon a request from the operating jurisdiction, *assign a functional classification to such segment* in accordance with the specific criteria established under section 39-2109. *(Emphasis added)*

Source Laws 1969, c. 312, § 10, p. 1123; Laws 2008, LB 1068, § 7. July 18, 2008

Section 39-2111. Functional classification; assignment; appeal. *The county or municipality may appeal to the Board of Public Roads Classifications and Standards from any action taken by the Department of Roads in assigning any functional classification under the provisions of section 39-2110.* Upon the taking of such an appeal, the board shall review all information pertaining to the assignment, hold a hearing thereon if deemed advisable, and render a decision on the assigned classification. The decision of the board may be appealed, and the appeal shall be in accordance with the Administrative Procedure Act. *(Emphasis added)*

Source: Laws 1969, c. 312, § 11, p. 1123; Laws 1971, LB 100, § 2; Laws 1988, LB 352, § 32

Cross References: Administrative Procedure Act, see section 84-920.

Section 39-2112. Functional classification; assignment; Department of Roads; request to reclassify; county board; public hearing; decision; appeal. *Any county or municipality may, based on changing traffic patterns or volume or a change in jurisdiction, request the Department of Roads to reclassify any segment of highway, road, or street. Any county that wants to use the minimum maintenance, remote residential, or scenic-recreation functional classification or wants to return a road to its previous functional classification may request the department to reclassify an applicable segment of highway or road.* If a county board wants a road or a segment of road to be classified as *remote residential,* it shall hold a public hearing on the matter prior to requesting the department to reclassify such road or segment of road. The department shall review a request made under this section and either grant or deny the reclassification in whole or in part. *Any county or municipality dissatisfied with the action taken by the department under this section may appeal to the Board of Public Roads Classifications and Standards in the manner provided in section 39-2111. (Emphasis added)*

Source Laws 1969, c. 312, § 12, p. 1124; Laws 1971, LB 100, § 3; Laws 2008, LB 1068, § 8. July 18, 2008

Section 39-2113. Board of Public Roads Classifications and Standards; minimum standards; signs required; when; rule for relaxing; request for review; decision. (1) In addition to the duties imposed upon it by section 39-2109, the *Board of Public Roads Classifications and Standards shall develop minimum standards of design, construction, and maintenance for each functional classification set forth in sections 39-2103 and 39-2104.* Except for scenic-recreation road standards, such standards shall be such as to assure that each segment of highway, road, or street will satisfactorily meet the requirements of the area it serves and the traffic patterns and volumes which it may reasonably be expected to bear.

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

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

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

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

(6) Any county or municipality which believes that the application of standards for any functional classification to any segment of highway, road, or street would work a special hardship, or any other interested party which believes that the application of standards for scenic-recreation roads and highways to any segment of highway, road, or street would defeat the purpose of the scenic-recreation functional classification contained in section 39-2103, may request the board to relax the standards for such segment. The Department of Roads, when it believes that the application of standards for any functional classification to any segment of highway that is not hard surfaced would work a special hardship, may request the board to relax such standards. The board shall review any request made pursuant to this section and either grant or deny it in whole or in part. The provisions of this section shall not be construed to apply to removal of a road or highway from the state highway system pursuant to section 39-1315.01. *(Emphasis added)*

Source Laws 1969, c. 312, § 13, p. 1124; Laws 1973, LB 324, § 1; Laws 1980, LB 873, § 4; Laws 1983, LB 10, § 6; Laws 1993, LB 370, § 42; Laws 2008, LB 1068, § 9. July 18, 2008

Section 39-2114. Counties and municipalities; contract between themselves; filing required. In order to achieve the efficiencies and economics resulting from unified operations, the Legislature encourages the counties and municipalities to make use of the *Interlocal Cooperation Act* or the *Joint Public Agency Act* by contracting between and among themselves for cooperative programs of administering all phases of their road and street programs. Any such contract shall be filed with the Board of Public Roads Classifications and Standards. *(Emphasis added)*

Source: Laws 1969, c. 312, § 14, p. 1124; Laws 1999, LB 87, § 72

Cross References: Interlocal Cooperation Act, see section 13-801.
 Joint Public Agency Act, see section 13-2501.

Section 39-2115. Six-year plan; basis; filing; failure to file; penalty; funds placed in escrow. The Department of Roads, and each county and municipality shall develop and file with the Board of Public Roads Classifications and Standards a long-range, six-year plan of highway, road, and street improvements based on priority of needs and calculated to contribute to the orderly development of an integrated statewide system of highways, roads, and streets. Each such plan shall be filed with the board

promptly upon preparation but in no event later than March 1, 1971. If any county or municipality, or the Department of Roads, shall fail to file its plan on or before such date, the board shall so notify the local governing board, the Governor, and the State Treasurer, who shall suspend distribution of any highway-user revenue allocated to such county or municipality, or the Department of Roads, until the plan has been filed. Such funds shall be held in escrow for six months until the county or municipality complies. If the county or municipality complies within the six-month period it shall receive the money in escrow, but after six months, if the county or municipality fails to comply, the money in the escrow account shall be lost to the county or municipality. *(Emphasis added)*

Source: Laws 1969, c. 312, § 15, p. 1124; Laws 1971, LB 100, § 4; Laws 1973, LB 137, § 1; Laws 1976, LB 724, § 2

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

Source Laws 1969, c. 312, § 16, p. 1125; Laws 1971, LB 100, § 5; Laws 2007, LB 277, § 2. September 1, 2007

Section 39-2117. Six-year plan; extension. *The six-year plans required by the provisions of section 39-2115 shall be extended annually, on or before the anniversary date by the addition of a new year, so that there shall at all times be a six-year plan on file with the Board of Public Roads Classifications and Standards.* Each such extension shall be subject to the provisions of section 39-2116. *(Emphasis added)*

Source: Laws 1969, c. 312, § 17, p. 1125; Laws 1971, LB 100, § 6; Laws 1976, LB 724, § 3

Section 39-2118. Department of Roads; plan for specific highway improvements; file annually with Board of Public Roads Classifications and Standards; review. *The Department of Roads shall annually prepare and file with the Board of Public Roads Classifications and Standards a plan for specific highway improvements for the current year.* The annual plan shall be filed on or before July 1 of each year. In so doing, the department shall take into account all federal funds which will be available to the department for such year. The board shall review each such annual plan to determine whether it is consistent with the department's current six-year plan. The department shall be required to justify any inconsistency with the six-year plan to the satisfaction of the board. *(Emphasis added)*

Source: Laws 1969, c. 312, § 18, p. 1125, Laws 1971, LB 100, § 7; Laws 1976, LB 724, § 4

Section 39-2119. Counties and municipalities; plan or program for specific improvements; file annually with Board of Public Roads Classifications and Standards; hearing; notice; adoption; review; failure to file; penalty; funds placed in escrow. *Each county and municipality shall annually prepare and file, under sections 39-2115 to 39-2117 or 39-2119.01, with the Board of Public Roads Classifications and Standards, a plan or program for specific road or street improvements for the current year.* The annual plan or program shall be filed *on or before March 1 of each year.* No such plan or program shall be adopted until *after a local public hearing* thereon and its *approval by the local governing body.* The board shall prescribe the nature and time of notice of such hearing, which shall be such as shall be likely to come to the attention of interested citizens in the jurisdiction involved. The board shall review each such annual plan or program within sixty days after it has been filed to determine whether it

is consistent with the county's or municipality's current six-year plan. The county or municipality shall be required to justify any inconsistency with the six-year plan to the satisfaction of the board. *If any county or municipality shall fail to comply with the provisions of this section, the board shall so notify the local governing board, the Governor, and the State Treasurer, who shall suspend distribution of any highway-user revenue allocated to such county or municipality until there has been compliance. Such funds shall be held in escrow for six months until the county or municipality complies. If the county or municipality complies within the six-month period it shall receive the money in escrow, but after six months, if the county or municipality fails to comply, the money in the escrow account shall be lost to the county or municipality.*

Any county or municipality on a fiscal construction year basis may apply to the Board of Public Roads Classifications and Standards for a new anniversary date. The board may grant a new anniversary date, but such date shall not be later than July 1. *(Emphasis added)*

Source Laws 1969, c. 312, § 19, p. 1126; Laws 1971, LB 100, § 8; Laws 1973, LB 137, § 2; Laws 1976, LB 724, § 5; Laws 2007, LB 277, § 3. September 1, 2007

Section 39-2119.01. County or municipality; use of annual metropolitan transportation improvement program as alternate submission authorized. Any county or municipality that is designated as a metropolitan planning organization pursuant to 23 U.S.C. 134(d), as such section existed on January 1, 2007, may, in lieu of submission of a six-year plan under sections 39-2115 to 39-2117 or an annual plan under section 39-2119, submit an annual metropolitan transportation improvement program pursuant to section 23 U.S.C. 134(j), as such section existed on January 1, 2007, that is treated as such plans required under sections 39-2115 to 39-2117 and 39-2119.

Source Laws 2007, LB 277, § 4. September 1, 2007

Section 39-2120. Standardized system of annual reporting; Auditor of Public Accounts and Board of Public Roads Classifications and Standards; develop. *The Auditor of Public Accounts and the Board of Public Roads Classifications and Standards shall develop and schedule for implementation a standardized system of annual reporting to the board by the department and by counties and municipalities, which system shall include:*

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

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

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

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

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

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

(Emphasis added)

Source: Laws 1969, c. 312, § 20, p. 1126; Laws 1971, LB 100, § 9

Section 39-2121. Department of Roads; counties; municipalities; reports; penalty; when imposed; appeal. (1) *The department and each county and municipality shall make the reports provided for by section 39-2120.*

(2) *If any county or municipality or the Department of Roads fails to file such report on or before its due date, the Board of Public Roads Classifications and Standards shall so notify the local governing board, the Governor, and the State Treasurer who shall suspend distribution of any highway-user revenue allocated to such county or municipality or the Department of Roads until the report has been filed. Such funds shall be held in escrow for six months until the county or municipality complies. If the county or municipality complies within the six-month period it shall receive the money in escrow, but after*

six months, *if the county or municipality fails to comply*, the money in the escrow account *shall be lost* to the county or municipality.

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

Source: Laws 1969, c. 312, § 21, p. 1127; Laws 1971, LB 100, § 10; Laws 1973, LB 137, § 3; Laws 1976, LB 724, § 6; Laws 1988, LB 352, § 33

Cross References: Administrative Procedure Act, see section 84-920.

Section 39-2122. Board of Public Roads Classifications and Standards; duties. The Board of Public Roads Classifications and Standards may make occasional random checks of construction projects to determine that the standards of design and construction developed under section 39-2113 are being met.

Source: Laws 1969, c. 312, § 22, p. 1128; Laws 1971, LB 100, § 11

Section 39-2123. County board; develop numbering system for its principal roads; arterial and collector roads; time. The county board of each county shall develop a numbering system for its principal roads classified as other arterial and collector roads within two years after the Board of Public Roads Classifications and Standards has prescribed rules and regulations to achieve the maximum practicable uniformity of such numbering systems throughout the state and coordination between adjacent counties. Provisions shall be made for the placing of suitable signs along roads covered by such system, in such numbers and at such locations as the rules and regulations shall provide, and to give adequate notice of such numbering system.

[IGNORE THIS SECTION – IT NEVER WAS IMPLEMENTED]

Source: Laws 1969, c. 312, § 23, p. 1128; Laws 1971, LB 100, § 12

Section 39-2124. Legislative intent. It is the intent of the Legislature to recognize the responsibilities of the Department of Roads, of the counties, and of the municipalities in their planning programs as authorized by state law and by home rule charter and to *encourage the acceptance and implementation of comprehensive, continuing, cooperative, and coordinated planning by the state, the counties, and the municipalities*. Sections 13-914 and 39-2101 to 39-2125 are not intended to prohibit or inhibit the actions of the counties and of the municipalities in their planning programs and their subdivision regulations, nor are sections 13-914 and 39-2101 to 39-2125 intended to restrict the actions of the municipalities in their creation of street improvement districts and in their assessment of property for special benefits as authorized by state law or by home rule charter. *(Emphasis added)*

Source: Laws 1969, c. 312, § 24, p. 1128; Laws 1971, LB 100, § 13; Laws 1983, LB 10, § 8; Laws 2007, LB 277, § 5. September 1, 2007

Section 39-2125. Sections, how construed. Sections 13-914 and 39-2101 to 39-2125 shall be construed as an independent act, complete in itself, and in the event of conflict between any provisions of sections 13-914 and 39-2101 to 39-2125 and any other statutes, the provisions of sections 13-914 and 39-2101 to 39-2125 shall control.

Source: Laws 1969, c. 312, § 25, p. 1128; Laws 1983, LB 10, § 9; Laws 2007, LB 277, § 6. September 1, 2007

ARTICLE 22
NEBRASKA HIGHWAY BONDS
(Partial Listing)

Section.

39-2215. Highway Trust Fund; created; allocation; investment; State Treasurer; transfer; disbursements.

Section 39-2215. Highway Trust Fund; created; allocation; investment; State Treasurer; transfer; disbursements. (1) There is hereby created in the state treasury a special fund to be known as the *Highway Trust Fund*.

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

(3) All other motor vehicle fuel taxes, diesel fuel taxes, compressed fuel taxes, and alternative fuel taxes related to highway use retained by the state, all motor vehicle registration fees retained by the state other than those fees credited to the State Recreation Road Fund pursuant to subdivision (3) of section 60-3,156, and other highway-user taxes imposed by state law and allocated to the Highway Trust Fund, except for the proceeds of the sales and use taxes derived from motor vehicles, trailers, and semitrailers credited to the fund pursuant to section 77-27,132, are hereby irrevocably pledged for the terms of the bonds issued prior to January 1, 1988, to the payment of the principal, interest, and redemption premium, if any, of such bonds as they mature and become due at maturity or prior redemption and for any reserves therefor and shall, as received by the State Treasurer, be deposited in the fund for such purpose.

(4) Of the money in the fund specified in subsection (3) of this section which is not required for the use specified in such subsection, (a) an amount equal to three dollars times the number of motorcycles registered during the previous month shall be placed in the Motorcycle Safety Education Fund, (b) an amount to be determined annually by the Legislature through the appropriations process may be transferred to the Motor Fuel Tax Enforcement and Collection Cash Fund for use as provided in section 66-738 on a monthly or other less frequent basis as determined by the appropriation language, (c) an amount to be determined annually by the Legislature through the appropriations process shall be transferred to the License Plate Cash Fund as certified by the Director of Motor Vehicles, and (d) the remaining money may be used for the purchase for retirement of the bonds issued prior to January 1, 1988, in the open market.

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

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

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

(8) The State Treasurer shall disburse the money in the Highway Trust Fund as directed by resolution of the commission. All disbursements from the fund shall be made upon warrants drawn by the Director of Administrative Services. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act and the earnings, if any, credited to the fund. *(Emphasis added)*

Source Laws 1969, c. 309, § 15, p. 1111; Laws 1971, LB 53, § 3; Laws 1979, LB 571, § 2; Laws 1981, LB 22, § 8; Laws 1983, LB 118, § 2; Laws 1984, LB 1089, § 1; Laws 1986, LB 599, § 11; Laws 1988, LB 632, § 9; Laws 1989, LB 258, § 3; Laws 1990, LB 602, § 1; Laws 1991, LB 627, § 4; Laws 1992, LB 319, § 1; Laws 1994, LB 1066, § 25; Laws 1994, LB 1160, § 49; Laws 1995, LB 182, § 22; Laws 2002, LB 989, § 7; Laws 2002, Second Spec. Sess., LB 1, § 2; Laws 2003, LB 563, § 17; Laws 2004, LB 983, § 1; Laws 2004, LB 1144, § 3; Laws 2005, LB 274, § 228; Laws 2008, LB 846, § 1. Operative date July 18, 2008

Cross References: Nebraska Capital Expansion Act, see section 72-1269.
Nebraska State Funds Investment Act, see section 72-1260.

ARTICLE 23 BOARD OF EXAMINERS FOR COUNTY HIGHWAY AND CITY STREET SUPERINTENDENTS

Section.	
39-2301	Act, how cited; legislative findings.
39-2301.01	Terms, defined.
39-2302	County highway or city street superintendents; license required; effect
29-2304	Board of Examiners for County Highway and City Street Superintendents; created; members; qualifications; appointment; term; vacancy; expenses.
39-2305	Board of examiners; office space; equipment; meetings.
39-2306	Class B license; application; fee; exceptions.
39-2307	Board of examiners; examinations; conduct; test qualifications of applicants for Class B licenses.
39-2308	Class B license; term; renewal.
39-2308.01	Class A license; application; qualifications; fees; term; renewal.
39-2308.02	Class A license; renewal; professional development required
39-2308.03	Licensees; additional licensure; requirements.
39-2309	License; suspension; revocation; grounds; hearing; notice.
39-2310	Funds received under act; use.
39-2311	Rules and regulations.

Section 39-2301. Act, how cited; legislative findings. (1) Sections 39-2301 to 39-2311 shall be known and may be cited as the *County Highway and City Street Superintendents Act*.

(2) The Legislature finds that *in order to safeguard life, health, and property, and in order to further professional management of county road and municipal street programs, persons practicing or offering to practice street or highway superintending in this state are encouraged to become licensed as provided in the act. (Emphasis added)*

Source: Laws 1969, c. 144, § 1, p. 665; Laws 2003, LB 500, § 1

Section 39-2301.01. Terms, defined. For purposes of the County Highway and City Street Superintendents Act, unless the context otherwise requires:

- (1) Board of examiners means the Board of Examiners for County Highway and City Street Superintendents;
- (2) *City street superintendent means a person who engages in the practice of street superintending for an incorporated municipality;*

- (3) *County highway superintendent means a person who engages in the practice of highway superintending for a county; and*
- (4) *Street or highway superintending means:*
- (a) *Developing and annually updating long-range plans based on needs and coordinated with adjacent local governmental units;*
 - (b) *Developing annual programs for design, construction, and maintenance;*
 - (c) *Developing annual budgets based on programmed projects and activities;*
 - (d) *Implementing the capital improvements and maintenance activities provided in the approved plans, programs, and budgets; and*
 - (e) *Managing personnel, contractors, and equipment in support of such planning, programming, budgeting, and implementation operations. (Emphasis added)*

Source: Laws 2003, LB 500, § 2

Section 39-2302. County highway or city street superintendents; license required; effect. *No person shall be employed by any county as a county highway superintendent or by any municipality as a city street superintendent to qualify for the incentive payments provided in sections 39-2501 to 39-2520 unless he or she has been licensed under the County Highway and City Street Superintendents Act. (Emphasis added)*

Source: Laws 1969, c. 144, § 2, p. 665; Laws 2003, LB 500, § 3

Section 39-2304. Board of Examiners for County Highway and City Street Superintendents; created; members; qualifications; appointment; term; vacancy; expenses. *The Board of Examiners for County Highway and City Street Superintendents is created. The board shall consist of seven members to be appointed by the Governor, four of whom shall be county representatives, and three of whom shall be municipal representatives.*

Immediately preceding appointment to the board, *each county and municipal representative shall hold a current license as a county highway or city street superintendent pursuant to the County Highway and City Street Superintendents Act. Of the county representatives, no more than one member shall be appointed from each class of county as defined in section 23-1114.01, and of the municipal representatives, no more than one shall be appointed from each congressional district, one of whom shall be a representative of a city of the metropolitan or primary class, one of whom shall be a representative of a city of the first class, and one of whom shall be a representative of a city of the second class or a village.*

In making such appointments, the Governor may give consideration to a list of licensed county highway engineers, county highway superintendents, and county surveyors submitted by the Nebraska Association of County Officials and to a list of licensed city street superintendents or street commissioners, city engineers, and public works directors submitted by the League of Nebraska Municipalities. Two county representatives shall initially be appointed for terms of two years each, and two county representatives shall initially be appointed for terms of four years each. One municipal representative shall initially be appointed for a term of two years, and two municipal representatives shall initially be appointed for terms of four years each. Thereafter, all such appointments shall be for terms of four years each.

In the event a county or municipal representative loses his or her license as a county highway or city street superintendent, such person shall no longer be qualified to serve on the board and such seat shall be vacant. In the event of a vacancy occurring on the board for any reason, such vacancy shall be filled by appointment by the Governor for the remainder of the unexpired term. Such appointed person shall meet the same requirements and qualifications as the member whose vacancy he or she is filling.

Members of the board shall receive no compensation for their services as members of the board but shall be reimbursed for their actual and necessary expenses incurred while engaged in the performance of their official duties as provided in sections 81-1174 to 81-1177. *(Emphasis added)*

Source: Laws 1969, c. 144, § 4, p. 666; Laws 1981, LB 204, § 63; Laws 1992, LB 175, § 1; Laws 2003, LB 500, § 4

Section 39-2305. Board of examiners; office space; equipment; meetings. The board of examiners shall be furnished necessary office space, furniture, equipment, stationery, and clerical assistance by the Department of Roads. The board shall organize itself by selecting from among its members a chairperson and such other officers as it may find desirable. The board shall meet at such times at the Department of Roads headquarters in Lincoln as may be necessary for the administration of the County Highway and City Street Superintendents Act.

Source: Laws 1969, c. 144, § 5, p. 666; Laws 2003, LB 500, § 5

Section 39-2306. Class B license; application; fee; exceptions. (1) Any person desiring to be issued a *Class B license* under section 39-2308 shall make application therefor to the board of examiners upon forms prescribed and furnished by the board. The application shall include the applicant's social security number. Such application shall be accompanied by an *application fee of twenty-five dollars*.

(2) *Any professional engineer shall be entitled to a Class B license under section 39-2308 without examination. (Emphasis added)*

Source: Laws 1969, c. 144, § 6, p. 667; Laws 1997, LB 622, § 61; Laws 1997, LB 752, § 94; Laws 2003, LB 500, § 6

Section 39-2307. Board of examiners; examinations; conduct; test qualifications of applicants for Class B licenses. *The board of examiners shall, twice each year, conduct examinations of applicants for Class B licenses under section 39-2308. Such examinations shall be designed to test the qualifications of applicants for the position of county highway superintendent or city street superintendent and shall cover the ability to:*

(1) *Develop and annually update long-range plans based on needs and coordinated with adjacent local governmental units;*

(2) *Develop annual programs for design, construction, and maintenance;*

(3) *Develop annual budgets based on programmed projects and activities;*

(4) *Implement the capital improvements and maintenance activities provided in the approved plans, programs, and budgets; and*

(5) *Understand principles pertaining to highway, road, and street operations and to management of personnel, contractors, and equipment. (Emphasis added)*

Source: Laws 1969, c. 144, § 7, p. 667; Laws 2003, LB 500, § 7

Section 39-2308. Class B license; term; renewal. *Any person satisfactorily completing the examination required by section 39-2307 or exempt from such examination under the provisions of subsection (2) of section 39-2306 shall be issued a Class B license as a county highway or city street superintendent. Such license shall be valid for a period of one year and shall be renewable upon the payment of an annual fee of ten dollars. Any person holding a license on January 1, 2004, shall be deemed to be holding a Class B license under this section. (Emphasis added)*

Source: Laws 1969, c. 144, § 8, p. 668; Laws 2003, LB 500, § 8

Section 39-2308.01. Class A license; application; qualifications; fees; term; renewal. *Any person holding a Class B license issued pursuant to section 39-2308 may apply to the board of examiners for a Class A license upon forms prescribed and furnished by the board upon submitting evidence that (1) he or she has been employed and appointed by one or more county or counties or municipality or municipalities as a county highway or city street superintendent at least half-time for at least two years within the past six years or (2) he or she has at least four years' experience in work comparable to street or highway superintending. Such application shall be accompanied by a fee of seventy-five dollars. A Class A license shall be valid for a period of three years and shall be renewable for three years as provided in section 39-2308.02 upon payment of a fee of fifty dollars. (Emphasis added)*

Source: Laws 2003, LB 500, § 9

Section 39-2308.02. Class A license; renewal; professional development required. (1) As a condition for renewal of a license issued pursuant to section 39-2308.01, the holder of a Class A license shall be required to have successfully completed twenty hours of professional development within the preceding three years. Any license holder who completes in excess of twenty hours of professional development within the preceding three years may have the excess, not to exceed ten hours, applied to the requirement for the next triennium.

(2) The board of examiners shall not renew the Class A license of a license holder who has failed to complete the professional development requirements pursuant to subsection (1) of this section unless he or she can show good cause why he or she was unable to comply with such requirements. If the board determines that good cause was shown, the board shall permit such license holder to make up all outstanding required hours of professional development. If the board determines that good cause was not shown or if the license holder requests renewal as a Class B licensee, the board shall issue a Class B license. Renewal of such Class B license shall be governed by section 39-2308.

(3) A holder of a Class B license who previously held a Class A license may be reissued a Class A license by:

(a) Electing to either:

(i) Complete one and one-half of the triennial requirements for professional development as set forth in the rules and regulations of the board; or

(ii) Reapply under section 39-2308.01; and

(b) Paying the seventy-five dollar Class A application fee. (*Emphasis added*)

Source: Laws 2003, LB 500, § 10

Section 39-2308.03. Licensees; additional licensure; requirements. The holder of a *county highway superintendent's license* shall be entitled to hold a city street superintendent's license of the same or a lower level upon payment of the application fee for that *additional license*. The holder of a *city street superintendent's license* shall be entitled to hold a county highway superintendent's license of the same or a lower level upon payment of the application fee for that *additional license*. (*Emphasis added*)

Source: Laws 2003, LB 500, § 11

Section 39-2309. License; suspension; revocation; grounds; hearing; notice. The board of examiners *may suspend or revoke any license* issued under the County Highway and City Street Superintendents Act *for fraud or deceit in obtaining it, neglect of duty, or incompetence in the performance of duty*. Such action shall only be taken after notice and hearing under the provisions of the Administrative Procedure Act. (*Emphasis added*)

Source: Laws 1969, c. 144, § 9, p. 668; Laws 2003, LB 500, § 12

Cross References: Administrative Procedure Act, see section 84-920.

Section 39-2310. Funds received under act; use. All funds received under the County Highway and City Street Superintendents Act shall be remitted to the State Treasurer for credit to the Highway Cash Fund. Expenses of the members of the board of examiners as provided in section 39-2304 shall be paid by the Department of Roads from the Highway Cash Fund.

Source: Laws 1969, c. 144, § 10, p. 668; Laws 1971, LB 53, § 4; Laws 1972, LB 1496, § 1; Laws 2003, LB 500, § 13

Section 39-2311. Rules and regulations. *The board of examiners may adopt and promulgate rules and regulations* for the administration of the County Highway and City Street Superintendents Act. (*Emphasis added*)

Source: Laws 1969, c. 144, § 11, p. 668; Laws 2003, LB 500, § 14

ARTICLE 24 HIGHWAY ALLOCATION FUND

Section.
39-2401 Highway Allocation Fund; created; investment.

Section 39-2401. Highway Allocation Fund; created; investment. *There is hereby established the Highway Allocation Fund. There shall be paid into such fund the amounts disbursed from time to time from the Highway Trust Fund as provided by law together with such sums as may be appropriated thereto from the General Fund and proceeds of sales and use taxes credited to the Highway Allocation Fund under section 77-27,132. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act. (Emphasis added)*

Source: Laws 1971, LB 53, § 5; Laws 1986, LB 599, § 12; Laws 1995, LB 7, § 37; Laws 2006, LB 904, § 1.

Cross References: Nebraska Capital Expansion Act, see section 72-1269.
Nebraska State Funds Investment Act, see section 72-1260.

ARTICLE 25 DISTRIBUTION TO POLITICAL SUBDIVISIONS

(a) COUNTIES

Section.
39-2501 Incentive payments for road purposes; priority.
39-2502 County highway superintendent, defined; duties; incentive payment.
39-2503 Incentive payment; amount.
39-2504 Incentive payment; reduction; when; consulting engineer; when; contracting with another political subdivision; payment.
39-2505 Incentive payments; Department of Roads; certify amount; State Treasurer; payment.
39-2507 Allocation of funds for road purposes; factors used.
39-2508 Allocation of funds for road purposes; Department of Roads; State Treasurer; duties.
39-2509 Matching funds; requirement; exceptions; effect.
39-2510 Funds received; use; restriction; exception.

(b) MUNICIPALITIES

39-2511 Incentive payments for street purposes; priority.
39-2512 City street superintendent, defined; duties; incentive payment.
39-2513 Incentive payment; amount.
39-2514 Incentive payment; reduction; when; consulting engineer; when; contracting with another political subdivision.
39-2515 Incentive payments; Department of Roads, certify amount; State Treasurer; payment.
39-2517 Allocation of funds for street purposes; factors used.
39-2518 Allocation of funds for street purposes; Department of Roads; State Treasurer; duties.
39-2519 Matching funds; requirement; exceptions; effect.
39-2520 Incentive payments for road purposes; priority.

(a) COUNTIES

Section 39-2501. Incentive payments for road purposes; priority. *Before making distribution of funds allocated to the counties or municipal counties for road purposes, incentive payments shall first be made as provided in sections 39-2502 to 39-2505. (Emphasis added)*

Source: Laws 1969, c. 315, § 1, p. 1133; Laws 2001, LB 142, § 39

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

- (1) *Developing and annually updating a long-range plan based on needs and coordinated with adjacent local governmental units;*
- (2) *Developing an annual program for design, construction, and maintenance;*
- (3) *Developing an annual budget based on programmed projects and activities;*
- (4) *Submitting such plans, programs, and budgets to the local governing body for approval;*
- (5) *Implementing the capital improvements and maintenance activities provided in the approved plans, programs, and budgets; and*
- (6) *Preparing and submitting annually to the Board of Public Roads Classifications and Standards the county's one-year plans, six-year plans, or annual metropolitan transportation improvement programs for highway, road, and street improvements under sections 39-2115 to 39-2117, 39-2119, and 39-2119.01 and a report showing the actual receipts, expenditures, and accomplishments compared with those budgeted and programmed in the county's annual plans as set forth in section 39-2120. (Emphasis added)*

Source: Laws 1969, c. 315, § 2, p. 1133; Laws 1976, LB 724, § 7; Laws 2003, LB 500, § 15; Laws 2007, LB 277, 7.September 1, 2007

Cross References: County Highway and City Street Superintendents Act, see section 39-2301.

Section 39-2503. Incentive payment; amount. *The incentive payment to the various counties and municipal counties shall be based on the level of license of the county highway superintendent employed by the county and on the rural population of each county or municipal county, as determined by the most recent federal census, according to the following table:*

<i>Rural Population</i>	<i>Class B License Payment</i>	<i>Class A License Payment</i>
Not more than 3,000	\$4,500.00	\$9,000.00
3,001 to 5,000	\$4,875.00	\$9,750.00
5,001 to 10,000	\$5,250.00	\$10,500.00
10,001 to 20,000	\$5,625.00	\$11,250.00
20,001 to 30,000	\$6,000.00	\$12,000.00
30,001 and more	\$6,375.00	\$12,750.00

(Emphasis added)

Source: Laws 1969, c. 315, § 3, p. 1134; Laws 1981, LB 51, § 1; Laws 2001, LB 142, § 40; Laws 2003, LB 500, § 16

Section 39-2504. Incentive payment; reduction; when; consulting engineer; when; contracting with another political subdivision; payment. (1) *A reduced incentive payment shall be made to any county or municipal county having in its employ either (a) a licensed county highway superintendent for only a portion of the calendar year preceding the year in which the payment is made or (b) two or more successive licensed county highway superintendents for the calendar year preceding the year in which the payment is made. Such reduced payment shall be in the proportion of the payment amounts listed in section 39-2503 as the number of full months each such licensed superintendent was employed is of twelve.*

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

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

Source: Laws 1969, c. 315, § 4, p. 1134; Laws 1981, LB 51, § 2; Laws 2001, LB 142, § 41; Laws 2003, LB 500, § 17

Cross References: County Highway and City Street Superintendents Act, see section 39-2301.

Section 39-2505. Incentive payments; Department of Roads; certify amount; State Treasurer; payment. *The Department of Roads shall, in January of each year commencing in 1970, determine and certify to the State Treasurer the amount of each incentive payment to be made under the provisions of sections 39-2501 to 39-2505. The State Treasurer shall, on or before February 15, make the incentive payments in accordance with such certification. (Emphasis added)*

Source: Laws 1969, c. 315, § 5, p. 1134

Section 39-2507. Allocation of funds for road purposes; factors used. The following *factors and weights shall be used in determining the amount to be allocated to each of the counties or municipal counties for road purposes each year:*

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

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

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

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

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

(6) *Total miles of county or municipal county and township roads within each county or municipal county, as determined by the most recent inventory available within the Department of Roads, twenty percent; and*

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

Source: Laws 1969, c. 315, § 7, p. 1135; Laws 2001, LB 142, § 42

Section 39-2508. Allocation of funds for road purposes; Department of Roads; State Treasurer; duties. *The Department of Roads shall compute the amount allocated to each county or municipal county under each of the factors listed in section 39-2507 and shall then compute the total allocation to each such county or municipal county and transmit such information to the local governing board and the State Treasurer, who shall disburse funds accordingly. (Emphasis added)*

Source: Laws 1969, c. 315, § 8, p. 1136; Laws 1985, LB 25, § 1; Laws 2001, LB 142, § 43

Section 39-2509. Matching funds; requirement; exceptions; effect. (1) *Each county or municipal county shall be entitled to one-half of the amount allocated to it each year under sections 39-2507 and 39-2508 with no requirement for providing funds locally, but shall be required to match the second one-half on the basis of one dollar for each two dollars it receives with any available funds.*

(2) *Each county or municipal county which, during the preceding fiscal year, failed to provide locally the minimum required by subsection (1) of this section shall forfeit one dollar for each dollar which it fails to so provide locally. Any amounts forfeited under the provisions of this subsection first shall be made available to the incorporated municipalities, as determined by the county board or the council of the municipal county, within the county or municipal county which forfeits the funds, such funds to be matched by the incorporated municipalities in the same manner as would have been required of the county or municipal county had it not forfeited the funds, and if not so used, then shall be allocated among and distributed to the counties and municipal counties that have complied with the requirements of subsection (1) of this section. Such distribution shall be made as provided in sections 39-2507 and 39-2508, except that any county or municipal county having levied its constitutional maximum and not levied sufficient funds to fully match its share of the second half of the highway-user funds allocated to that county or municipal county may apply to the Board of Public Roads Classifications and Standards for exemption from that part of the local matching requirement that it cannot match. The board may grant such exemption if, in its judgment, the county or municipal county has not unnecessarily increased its expenditures for other than road purposes after receiving its allocation for roads in previous years.*

(3) For the purposes of this section, *providing locally shall include*, but not be limited to, *providing money for road purposes through the following*, except that there shall not be duplication in the following in the determination of the total:

- (a) *Property taxes* levied by action of county and township boards or the council of the municipal county for construction, improvement, maintenance, and repair of roads, bridges, culverts, and drainage structures, for curbs, for snow removal, for grading of dirt and gravel roads, for traffic signs and signals, and for construction of storm sewers directly related to roads and property taxes levied for the payment of the principal and interest on general obligation bonds for any of the foregoing;
- (b) *Contributions* received for road purposes;
- (c) *Local costs in the acquisition of road right-of-way*, including incidental expenses directly related to such acquisition; and
- (d) *Inheritance taxes* allocated for road purposes. *(Emphasis added)*

Source: Laws 1969, c. 315, § 9, p. 1136; Laws 1971, LB 694, § 1; Laws 1971, LB 844, § 2; Laws 1985, LB 25, § 2; Laws 2001, LB 142, § 44

Section 39-2510. Funds received; use; restriction; exception. (1) *All money derived from fees, excises, or license fees relating to registration, operation, or use of vehicles on the public highways, or to fuels used for the propulsion of such vehicles, shall be expended for payment of highway obligations, cost of construction, reconstruction, maintenance, and repair of public highways and bridges and county, city, township, and village roads, streets, and bridges, and all facilities, appurtenances, and structures deemed necessary in connection with such highways, bridges, roads, and streets, or may be pledged to secure bonded indebtedness issued for such purposes, except for*

- (a) the cost of administering laws under which such money is derived,
- (b) statutory refunds and adjustments provided therein, and
- (c) money derived from the motor vehicle operators' license fees or money received from parking meter proceeds, fines, and penalties.

(2) *The requirements of subsection (1) of this section also apply to sales and use taxes imposed on motor vehicles, trailers, and semitrailers pursuant to sections 13-319 and 77-27,142, except that such provisions shall not apply in a county or municipal county that has issued bonds*

(a) *the proceeds of which were used for purposes listed in subsection (1) of this section and for which revenue other than sales and use taxes on motor vehicles, trailers, and semitrailers is pledged for payment or*

(b) *approved by a vote that required the use of sales and use taxes imposed on motor vehicles, trailers, and semitrailers for a specific purpose other than those listed in subsection (1) of this section, until all such bonds issued prior to January 1, 2006, have been paid or retired. The county or municipal county shall include a certification with the report under section 39-2120 showing the amount of revenue other than sales and use tax revenue derived from motor vehicles, trailers, or semitrailers that is to be expended for the purposes listed in subsection (1) of this section and the amount of sales and use taxes expected to be collected from sales of motor vehicles, trailers, and semitrailers for that year. (Emphasis added)*

Source: Laws 1969, c. 315, § 10, p. 1138; Laws 1997, LB 271, § 15; Laws 2006, LB 904, § 2.

(b) MUNICIPALITIES

Section 39-2511. Incentive payments for street purposes; priority. *Before making distribution of funds allocated to the municipalities or municipal counties for street purposes, incentive payments shall first be made as provided in sections 39-2512 to 39-2515. (Emphasis added)*

Source: Laws 1969, c. 316, § 1, p. 1139; Laws 2001, LB 142, § 45

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

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

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

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

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

(5) *Implementing the capital improvements and maintenance activities provided in the approved plans, programs, and budgets; and*

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

Source Laws 1969, c. 316, § 2, p. 1139; Laws 1976, LB 724, § 8; Laws 2001, LB 142, § 46; Laws 2003, LB 500, § 18; Laws 2007, LB 277, § 8. September 1, 2007

Cross References: County Highway and City Street Superintendents Act, see section 39-2301.

Section 39-2513. Incentive payment; amount. *The incentive payment to the various municipalities or municipal counties shall be based on the level of license of the city street superintendent employed by the municipality or municipal counties and on the population of each municipality or urbanized area of each*

municipal county, as determined by the most recent federal census figures certified by the Tax Commissioner as provided in section 77-3,119, according to the following table:

<i>Population</i>	<i>Class B</i>	<i>Class A</i>
	<i>License</i>	<i>License</i>
	<i>Payment</i>	<i>Payment</i>
Not more than 500	\$300.00	\$600.00
501 to 1,000	\$500.00	\$1,000.00
1,001 to 2,500	\$1,500.00	\$3,000.00
2,501 to 5,000	\$2,000.00	\$4,000.00
5,001 to 10,000	\$3,000.00	\$6,000.00
10,001 to 20,000	\$3,500.00	\$7,000.00
20,001 to 40,000	\$3,750.00	\$7,500.00
40,001 to 200,000	\$4,000.00	\$8,000.00
200,001 and more	\$4,250.00	\$8,500.00

(Emphasis added)

Source: Laws 1969, c. 316, § 3, p. 1139; Laws 1993, LB 726, § 9; Laws 1994, LB 1127, § 5; Laws 2001, LB 142, § 47; Laws 2003, LB 500, § 19

Section 39-2514. Incentive payment; reduction; when; consulting engineer; when; contracting with another political subdivision.

(1) *A reduced incentive payment shall be made to any municipality or municipal county having in its employ either*

(a) a licensed city street superintendent for only a portion of the calendar year preceding the year in which the payment is made or

(b) two or more successive licensed city street superintendents for the calendar year preceding the year in which the payment is made. Such reduced payment shall be in the proportion of the payment amounts listed in section 39-2513 as the number of full months each such licensed superintendent was employed is of twelve.

(2) *Any municipality or municipal county that contracts for the services of a consulting engineer licensed under the County Highway and City Street Superintendents Act or any other person licensed under the act to perform the duties outlined in section 39-2512 rather than employing a licensed city street superintendent shall be entitled to an incentive payment as provided in section 39-2513 or to the reduced incentive payment provided in subsection (1) of this section, as determined by the Department of Roads pursuant to section 39-2515.*

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

Source: Laws 1969, c. 316, § 4, p. 1140; Laws 2001, LB 142, § 48; Laws 2003, LB 500, § 20

Cross References: County Highway and City Street Superintendents Act, see section 39-2301.

Section 39-2515. Incentive payments; Department of Roads, certify amount; State Treasurer; payment. *The Department of Roads shall, in January of each year commencing in 1970, determine and certify to the State Treasurer the amount of each incentive payment to be made under the provisions of sections 39-2511 to 39-2520. The State Treasurer shall, on or before February 15, make the incentive payments in accordance with such certification. (Emphasis added)*

Source: Laws 1969, c. 316, § 5, p. 1140

Section 39-2517. Allocation of funds for street purposes; factors used. *The following factors and weights shall be used in determining the amount to be allocated to each of the municipalities or municipal counties for street purposes each year:*

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

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

(3) *Total number of miles of traffic lanes of streets in each incorporated municipality or the urbanized area of a municipal county, as determined by the most recent inventory available within the Department of Roads, twenty percent. (Emphasis added)*

Source: Laws 1969, c. 316, § 7, p. 1141; Laws 1993, LB 726, § 10; Laws 1994, LB 1127, § 6; Laws 2001, LB 142, § 49

Section 39-2518. Allocation of funds for street purposes; Department of Roads; State Treasurer; duties. *The Department of Roads shall compute the amount allocated to each municipality or municipal county under the factors listed in section 39-2517 and shall then compute the total allocation to each such municipality or municipal county and transmit such information to the local governing body and the State Treasurer, who shall disburse funds accordingly. (Emphasis added)*

Source: Laws 1969, c. 316, § 8, p. 1141; Laws 1986, LB 729, § 1; Laws 2001, LB 142, § 50

Section 39-2519. Matching funds; requirement; exceptions; effect. (1) *Each city of the metropolitan or primary class or successor municipal county shall be entitled to the first one-third of its annual allocation with no requirement of matching, but shall be required to match the second one-third, on the basis of one dollar for each dollar it receives, with funds provided locally for street purposes, and shall be required to match the final one-third, on the basis of one dollar for each two dollars it receives, with funds so provided. Each city of the first or second class or village or successor municipal county shall be entitled to one-half of its annual allocation with no requirement of matching, but shall be required to match the second one-half on the basis of one dollar for each two dollars it receives, with any available funds. Any municipality or municipal county which during the preceding fiscal year failed to provide the matching funds required by this subsection shall, except as provided in subsection (2) or (3) of this section, forfeit so much of its allocation as it fails to match. Any amount so forfeited shall be reallocated and distributed to the municipalities or municipal counties which have met the full matching provisions of this subsection. Such reallocation shall be made in the manner provided in sections 39-2517 and 39-2518.*

(2) *Any municipality or municipal county may accumulate and invest any portion or all of the money it receives for a period not to exceed four years so as to provide funds for one or more specific street improvement projects. Any municipality or municipal county so accumulating funds shall certify to the State Treasurer that the required matching funds are being accumulated and invested each year of the accumulation.*

(3) *Any municipality may, for any year, certify to the State Treasurer that it relinquishes, to the county in which it is situated in whole or in part or to a county whose border is contiguous with and adjacent to any county which is adjacent to the county in which the municipality is situated in whole or in part, all or a part of the state funds allocated to it for that year. The amount so relinquished shall be available for distribution to such county subject to the same matching as would have been required of the municipality had it not relinquished such funds and without regard to the provisions of sections 39-2501 to 39-2510. Any amount so distributed to the county shall be used exclusively for road purposes within the trade area of the relinquishing municipality as may be agreed upon by the county and municipal governing bodies.*

(4) *Any municipality may certify to the State Treasurer that it relinquishes, to the county in which it is situated in whole or in part, all or a part of the state funds allocated to it for not to exceed three years. The amount so relinquished shall be available for distribution to such county subject to the same matching as would have been required of the municipality had it not relinquished such funds and without regard to the provisions of sections 39-2501 to 39-2510. Any relinquishment under this subsection shall be made*

pursuant to an agreement between the relinquishing municipality and the county, to which other political subdivisions may also be parties, which *provides for the accumulation and investment by the county of the amount relinquished for not to exceed three years so as to provide funds for one or more specific road improvement projects.*

(5) For purposes of this section, *provided locally shall include*, but not be limited to, money provided for street purposes through the following, except that there shall not be duplication in the following in the determination of the total:

(a) *Local motor vehicle or wheel fees or taxes;*

(b) *Property taxes* levied by action of the local governing body for construction, improvement, maintenance, and repair of streets and bridges, curbs, snow removal, street cleaning, grading of dirt and gravel streets and roads, traffic signs and signals, construction of storm sewers directly related to streets, offstreet public parking owned by the municipality or municipal county, and the payment of the principal and interest on general obligation bonds for any of the foregoing;

(c) *Special assessments* levied for street paving or improvement districts and offstreet public parking owned by the municipality or municipal county;

(d) *Local costs in the acquisition of street right-of-way* including incidental expenses directly related to such acquisition; and

(e) *Any other funds* provided solely for street purposes. *(Emphasis added)*

Source: Laws 1969, c. 316, § 9, p. 1141; Laws 1971, LB 74, § 1; Laws 1972, LB 907, § 1; Laws 1976, LB 724, § 9; Laws 1993, LB 384, § 1; Laws 1997, LB 271, § 16; Laws 2001, LB 142, § 51; Laws 2002, LB 616, § 2

Section 39-2520. Funds received; use restriction; exception. (1) *All money derived from fees, excises, or license fees relating to registration, operation, or use of vehicles on the public highways, or to fuels used for the propulsion of such vehicles, shall be expended for payment of highway obligations, cost of construction, reconstruction, maintenance, and repair of public highways and bridges and county, city, township, and village roads, streets, and bridges, and all facilities, appurtenances, and structures deemed necessary in connection with such highways, bridges, roads, and streets, or may be pledged to secure bonded indebtedness issued for such purposes, except for (a) the cost of administering laws under which such money is derived, (b) statutory refunds and adjustments provided therein, and (c) money derived from the motor vehicle operators' license fees or money received from parking meter proceeds, fines, and penalties.*

(2) *The requirements of subsection (1) of this section also apply to sales and use taxes imposed on motor vehicles, trailers, and semitrailers pursuant to sections 13-319 and 77-27,142, except that such provisions shall not apply in a municipality that has issued bonds (a) the proceeds of which were used for purposes listed in subsection (1) of this section and for which revenue other than sales and use taxes on motor vehicles, trailers, and semitrailers is pledged for payment or (b) approved by a vote that required the use of sales and use taxes imposed on motor vehicles, trailers, and semitrailers for a specific purpose other than those listed in subsection (1) of this section, until all such bonds issued prior to January 1, 2006, have been paid or retired. The municipality shall include a certification with the report under section 39-2120 showing the amount of revenue other than sales and use tax revenue derived from motor vehicles, trailers, or semitrailers that is to be expended for the purposes listed in subsection (1) of this section and the amount of sales and use taxes expected to be collected from sales of motor vehicles, trailers, and semitrailers for that year. (Emphasis added)*

Source: Laws 1969, c. 316, § 10, p. 1143; Laws 1971, LB 74, § 2; Laws 1997, LB 271, § 17; Laws 2006, LB 904, § 3.

**CHAPTER 60
MOTOR VEHICLES**

**ARTICLE 3
MOTOR VEHICLE FEES AND TAXATION
(Partial Listing)**

Section.

- 60-3,141 Agents of department; fees; collection.
- 60-3,190 Motor vehicle fee; fee schedules; Motor Vehicle Fee Fund; created; use; investment.
- 60-3,202 Registration fees; collection and distribution; procedure; Motor Vehicle Tax Fund; created; use; investment.

Section 60-3,141. Agents of department; fees; collection. (1) The various *county treasurers* or designated county officials *shall act as agents for the department in the collection of all motor vehicle taxes, motor vehicle fees, and registration fees.*

(2) While acting as agents pursuant to subsection (1) of this section, the county treasurers or designated county officials shall in addition to the taxes and registration fees collect and retain for the county two dollars for each registration of a motor vehicle or trailer of a resident of the State of Nebraska and five dollars for each registration of a motor vehicle or trailer of a nonresident from the funds collected for the registration issued. Such fees collected by the county shall be remitted to the county treasurer for credit to the *county general fund.*

(3) *The county treasurers or designated county officials shall transmit all motor vehicle fees and registration fees collected to the State Treasurer on or before the twenty-fifth day of each month and at such other times as the State Treasurer requires for credit to the Motor Vehicle Fee Fund and the Highway Trust Fund, respectively, except as provided in section 60-3,156. Any county treasurer or designated county official who fails to transfer to the State Treasurer the amount due the state at the times required in this section shall pay interest at the rate specified in section 45-104.02, as such rate may be adjusted from time to time, from the time the motor vehicle fees and registration fees become due until paid. (Emphasis added)*

Source Laws 2005, LB 274, § 141; Laws 2007, LB 286, § 47. September 1, 2007

Section 60-3,190. Motor vehicle fee; fee schedules; Motor Vehicle Fee Fund; created; use; investment. (1) *A motor vehicle fee is imposed on all motor vehicles registered for operation in this state. An owner of a motor vehicle which is exempt from the imposition of a motor vehicle tax pursuant to section 60-3,185 shall also be exempt from the imposition of the motor vehicle fee imposed pursuant to this section.*

(2) *The county treasurer or designated county official shall annually determine the motor vehicle fee on each motor vehicle registered in the county based on the age of the motor vehicle pursuant to this section and cause a notice of the amount of the fee to be mailed to the registrant at the address shown upon his or her registration certificate. The notice shall be printed on a form prescribed by the department, shall be combined with the notice of the motor vehicle tax, and shall be mailed on or before the first day of the last month of the registration period.*

(3) *The motor vehicle fee schedules are set out in this subsection and subsection (4) of this section. Except for automobiles with a value when new of less than \$20,000, and for assembled automobiles, the fee shall be calculated by multiplying the base fee times the fraction which corresponds to the age category of the automobile as shown in the following table:*

YEAR	FRACTION
First through fifth	1.00
Sixth through tenth	.70
Eleventh and over	.35

- (4) The base fee shall be:
- (a) Automobiles, with a value when new of less than \$20,000, and assembled automobiles — \$5
 - (b) Automobiles, with a value when new of \$20,000 through \$39,999 — \$20
 - (c) Automobiles, with a value when new of \$40,000 or more — \$30
 - (d) Motorcycles — \$10
 - (e) Recreational vehicles and cabin trailers — \$10
 - (f) Trucks over seven tons and buses — \$30
 - (g) Trailers other than semitrailers — \$10
 - (h) Semitrailers — \$30.

(5) The motor vehicle tax, motor vehicle fee, and registration fee shall be paid to the county treasurer or designated official prior to the registration of the motor vehicle for the following registration period. After retaining one percent of the motor vehicle fee collected for costs, the remaining proceeds shall be remitted to the State Treasurer for credit to the Motor Vehicle Fee Fund. The State Treasurer shall return funds from the Motor Vehicle Fee Fund remitted by a county treasurer or designated county official which are needed for refunds or credits authorized by law.

(6) (a) *The Motor Vehicle Fee Fund is created.* On or before the last day of each calendar quarter, the State Treasurer shall distribute all funds in the Motor Vehicle Fee Fund as follows: (i) Fifty percent to the county treasurer of each county, amounts in the same proportion as the most recent allocation received by each county from the Highway Allocation Fund; and (ii) fifty percent to the treasurer of each municipality, amounts in the same proportion as the most recent allocation received by each municipality from the Highway Allocation Fund. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

(b) *Funds from the Motor Vehicle Fee Fund shall be considered local revenue available for matching state sources.*

(c) *All receipts by counties and municipalities from the Motor Vehicle Fee Fund shall be used for road, bridge, and street purposes.*

(7) For purposes of subdivisions (4)(a), (b), (c), and (f) of this section, automobiles or trucks includes all trucks and combinations of trucks or truck-tractors, except those trucks, trailers, or semitrailers registered under section 60-3,198, and the fee is based on the gross vehicle weight rating as reported by the manufacturer.

(8) Current model year vehicles are designated as first-year motor vehicles for purposes of the schedules.

(9) When a motor vehicle is registered which is newer than the current model year by the manufacturer's designation, the motor vehicle is subject to the initial motor vehicle fee for six registration periods.

(10) Assembled vehicles other than assembled automobiles shall follow the schedules for the motor vehicle body type. *(Emphasis added)*

Source Laws 2005, LB 274, § 190; Laws 2007, LB 286, § 55. September 1, 2007

Cross References: Nebraska Capital Expansion Act, see section 72-1269.
 Nebraska State Funds Investment Act, see section 72-1260.

Section 60-3,202. Registration fees; collection and distribution; procedure; Motor Vehicle Tax Fund; created; use; investment. (1) *As registration fees are received by the Division of Motor Carrier Services of the department pursuant to section 60-3,198, the division shall remit the fees to the State Treasurer, less a collection fee of three percent of thirty percent of the registration fees collected. The collection fee shall be credited to the Department of Revenue Property Assessment Division Cash Fund. The State Treasurer shall credit the remainder of the thirty percent of the fees collected to the Motor Vehicle Tax Fund and the remaining seventy percent of the fees collected to the Highway Trust Fund.*

(2) On or before the last day of each quarter of the calendar year, the State Treasurer shall distribute all funds in the Motor Vehicle Tax Fund to the county treasurer or designated county official of each county in the same proportion as the number of original apportionable vehicle registrations in each county bears to the total of all original registrations within the state in the registration year immediately preceding.

(3) Upon receipt of motor vehicle tax funds from the State Treasurer, the county treasurer or designated county official shall distribute such funds to taxing agencies within the county in the same proportion that the levy of each such taxing agency bears to the total of such levies of all taxing agencies in the county.

(4) In the event any taxing district has been annexed, merged, dissolved, or in any way absorbed into another taxing district, any apportionment of motor vehicle tax funds to which such taxing district would have been entitled shall be apportioned to the successor taxing district which has assumed the functions of the annexed, merged, dissolved, or absorbed taxing district.

(5) On or before March 1 of each year, the department shall furnish to the State Treasurer a tabulation showing the total number of original apportionable vehicle registrations in each county for the immediately preceding calendar year, which shall be the basis for computing the distribution of motor vehicle tax funds as provided in subsection (2) of this section.

(6) The Motor Vehicle Tax Fund is created. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act. *(Emphasis added)*

Source Laws 2005, LB 274, § 202; Laws 2007, LB 334, § 11. July 1, 2007

Cross References: Nebraska Capital Expansion Act, see section 72-1269.
 Nebraska State Funds Investment Act, see section 72-1260.

CHAPTER 66 OILS, FUELS AND ENERGY

ARTICLE 4 MOTOR VEHICLE FUEL TAX (Partial Listing)

Section.

66-489.02	Producer, supplier, distributor, wholesaler, or importer; tax on average wholesale price of gasoline; credit to Highway Trust Fund; use; allocation.
66-499	Tax received; credit to Highway Trust Fund.
66-4,100	Highway Cash Fund; Roads Operations Cash Fund; created; use; investment.
66-4,101	Highway Allocation Fund; share of counties and municipalities; how used.
66-4,105	Motor fuels; use; excise tax; amount; use, defined.
66-4,145	Additional excise tax.
66-4,147	Receipts from excise tax; disposition.
66-4,147.01	Taxes, interest, and penalties; disposition.
66-4,148	Highway Allocation Fund; distribution of funds.

Section 66-489.02. Producer, supplier, distributor, wholesaler, or importer; tax on average wholesale price of gasoline; credit to Highway Trust Fund; use; allocation. (1) *For tax periods beginning on and after July 1, 2009, at the time of filing the return required by section 66-488, the producer, supplier, distributor, wholesaler, or importer shall, in addition to the other taxes provided for by law, pay a tax at the rate of five percent of the average wholesale price of gasoline for the gallons of the motor fuels as shown by the return, except that there shall be no tax on the motor fuels reported if they are otherwise exempted by sections 66-482 to 66-4,149.*

(2) The department shall calculate the average wholesale price of gasoline on April 1, 2009, and on each April 1 and October 1 thereafter. The average wholesale price on April 1 shall apply to returns for

the tax periods beginning on and after July 1, and the average wholesale price on October 1 shall apply to returns for the tax periods beginning on and after January 1. The average wholesale price shall be determined using data available from the Energy Information Administration of the United States Department of Energy and shall be a single, statewide average wholesale price per gallon of gasoline sold in the state over the previous six-month period, excluding any state or federal excise tax or environmental fees. The change in the average wholesale price between two six-month periods shall be adjusted so that the increase or decrease in the tax provided for in this section or section 66-6,109.02 does not exceed one cent per gallon.

(3) All sums of money received under this section shall be credited to the Highway Trust Fund. Credits and refunds of such tax allowed to producers, suppliers, distributors, wholesalers, or importers shall be paid from the Highway Trust Fund. The balance of the amount credited, after credits and refunds, shall be allocated as follows:

- (a) Sixty-six percent to the Highway Cash Fund for the Department of Roads;
- (b) Seventeen percent to the Highway Allocation Fund for allocation to the various counties for road purposes; and
- (c) Seventeen percent to the Highway Allocation Fund for allocation to the various municipalities for street purposes.

Source Laws 2008, LB846, § 11. Operative date July 18, 2008

Section 66-499. Tax received; credit to Highway Trust Fund. (IN EFFECT THROUGH JUNE 30, 2009) Unless otherwise provided, all sums of money received under sections 66-489 and 66-4,105 by the State Treasurer *shall be credited to the Highway Trust Fund.*

Source: Laws 1925, c. 172, § 12, p. 453; Laws 1929, c. 166, § 2, p. 574; C.S.1929, § 66-411; Laws 1933, c. 110, § 1, p. 446; Laws 1937, c. 148, § 4, p. 568; Laws 1939, c. 87, § 2, p. 359; Laws 1941, c. 133, § 2, p. 524; Laws 1941, c. 134, § 10, p. 535; C.S.Supp.,1941, § 66-411; Laws 1943, c. 138, § 1(1), p. 470; Laws 1943, c. 139, § 1(1), p. 477; R.S.1943, § 66-421; Laws 1947, c. 214, § 1, p. 696; Laws 1969, c. 530, § 1, p. 2170; Laws 1969, c. 584, § 62, p. 2384; Laws 1972, LB 1065, § 1; Laws 1972, LB 343, § 1; Laws 1986, LB 599, § 15; Laws 1989, LB 258, § 4; R.S.1943, (1990), § 66-421; Laws 1991, LB 627, § 25; Laws 2004, LB 983, § 18

Section 66-499. Tax received; credit to Highway Trust Fund; credits and refunds; balance to Highway Cash Fund. (EFFECTIVE JULY 1, 2009) Unless otherwise provided, all sums of money received under sections 66-489 and 66-4,105 by the State Treasurer shall be credited to the Highway Trust Fund. Credits and refunds of the tax provided for in such sections allowed to producers, suppliers, distributors, wholesalers, exporters, importers, or retailers shall be paid from the Highway Trust Fund. *The balance of the amount credited, after credits and refunds, shall be allocated to the Highway Cash Fund.*

Source Laws 1925, c. 172, § 12, p. 453; Laws 1929, c. 166, § 2, p. 574; C.S.1929, § 66-411; Laws 1933, c. 110, § 1, p. 446; Laws 1937, c. 148, § 4, p. 568; Laws 1939, c. 87, § 2, p. 359; Laws 1941, c. 133, § 2, p. 524; Laws 1941, c. 134, § 10, p. 535; C.S.Supp.,1941, § 66-411; Laws 1943, c. 138, § 1(1), p. 470; Laws 1943, c. 139, § 1(1), p. 477; R.S.1943, § 66-421; Laws 1947, c. 214, § 1, p. 696; Laws 1969, c. 530, § 1, p. 2170; Laws 1969, c. 584, § 62, p. 2384; Laws 1972, LB 1065, § 1; Laws 1972, LB 343, § 1; Laws 1986, LB 599, § 15; Laws 1989, LB 258, § 4; R.S.1943, (1990), § 66-421; Laws 1991, LB 627, § 25; Laws 2004, LB 983, § 18; Laws 2008, LB 846, § 8. Operative date July 1, 2009

Section 66-4,100. Highway Cash Fund; Roads Operations Cash Fund; created; use; investment. The Highway Cash Fund and the Roads Operations Cash Fund are hereby created. If bonds are issued pursuant to subsection (2) of section 39-2223, the balance of the share of the Highway Trust Fund allocated to the Department of Roads and deposited into the Highway Restoration and Improvement Bond Fund as provided in subsection (6) of section 39-2215 and the balance of the money deposited in the Highway Restoration and Improvement Bond Fund as provided in section 39-2215.01 shall be transferred by the State Treasurer, on or before the last day of each month, to the Highway Cash Fund. If no bonds are issued pursuant to subsection (2) of section 39-2223, *the share of the Highway Trust Fund*

allocated to the Department of Roads shall be transferred by the State Treasurer on or before the last day of each month to the Highway Cash Fund.

The Legislature may direct the State Treasurer to transfer funds from the Highway Cash Fund to the Roads Operations Cash Fund. Both funds shall be expended by the department (1) for acquiring real estate, road materials, equipment, and supplies to be used in the construction, reconstruction, improvement, and maintenance of state highways, (2) for the construction, reconstruction, improvement, and maintenance of state highways, including grading, drainage, structures, surfacing, roadside development, landscaping, and other incidentals necessary for proper completion and protection of state highways as the department shall, after investigation, find and determine shall be for the best interests of the highway system of the state, either independent of or in conjunction with federal-aid money for highway purposes, (3) for the share of the department of the cost of maintenance of state aid bridges, (4) for planning studies in conjunction with federal highway funds for the purpose of analyzing traffic problems and financial conditions and problems relating to state, county, township, municipal, federal, and all other roads in the state and for incidental costs in connection with the federal-aid grade crossing program for roads not on state highways, (5) for tests and research by the department or proportionate costs of membership, tests, and research of highway organizations when participated in by the highway departments of other states, (6) for the payment of expenses and costs of the Board of Examiners for County Highway and City Street Superintendents as set forth in section 39-2310, and (7) for support of the public transportation assistance program established under section 13-1209 and the intercity bus system assistance program established under section 13-1213.

Any money in the Highway Cash Fund and the Roads Operations Cash Fund not needed for current operations of the department shall, as directed by the Director-State Engineer to the State Treasurer, be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act, subject to approval by the board of each investment. All income received as a result of such investment shall be placed in the Highway Cash Fund. *(Emphasis added)*

Source: Laws 1937, c. 148, § 4, p. 570; Laws 1939, c. 84, § 2, p. 363; Laws 1941, c. 133, § 2, p. 525; Laws 1941, c. 134, § 10, p. 536; C.S.Supp., 1941, § 66-411; Laws 1943, c. 138, § 1(4), p. 472; Laws 1943, c. 139, § 1(4), p. 479; R.S. 1943, § 66-424; Laws 1947, c. 214, § 4, p. 698; Laws 1953, c. 131, § 15, p. 410; Laws 1965, c. 393, § 1, p. 1257; Laws 1969, c. 530, § 3, p. 2171; Laws 1971, LB 21, § 1; Laws 1972, LB 1496, § 2; Laws 1986, LB 599, § 16; Laws 1988, LB 632, § 19; Laws 1990, LB 602, § 3; R.S. 1943, (1990), § 66-424; Laws 1994, LB 1066, § 51; Laws 1994, LB 1194, § 15; Laws 2004, LB 1144, § 4

Cross References: Nebraska Capital Expansion Act, see section 72-1269.
Nebraska State Funds Investment Act, see section 72-1260.

Section 66-4,101. Highway Allocation Fund; share of counties and municipalities; how used. *Any county may by resolution of the county board, any city may by ordinance of the mayor and city council, and any village may by ordinance of the chairperson and board of trustees issue bonds for the construction of roads of the county and street and state highway or federal-aid routes of cities and villages and to pay the interest on and to retire any such bonds by pledging funds received from the Highway Allocation Fund. Any city of the primary class may by ordinance of the mayor and city council issue bonds for the construction of offstreet parking facilities of such city and to pay the interest on and to retire any such bonds by pledging funds received from the Highway Allocation Fund.*

The issuance of bonds by any county, city, or village under the authority of this section shall not be subject to any charter or statutory limitations of indebtedness or be subject to any restrictions imposed upon or conditions precedent to the exercise of the powers of counties, cities, and villages to issue bonds or evidences of indebtedness which may be contained in such charters or other statutes. Any county, city, or village which has heretofore or may hereafter issue bonds under the authority of this section shall levy property taxes upon all the taxable property in such county, city, or village issuing such bonds at such rate or rates within any applicable charter, statutory, or constitutional limitations as will provide funds which, together with receipts from the Highway Allocation Fund pledged to the payment of such bonds and any other money made available and used for that purpose, will be sufficient to pay the principal of and interest on such bonds as they severally mature. *(Emphasis added)*

Source: Laws 1965, c. 392, § 2, p. 1254; Laws 1967, c. 401, § 2, p. 1259; Laws 1969, c. 530, § 2, p. 2170; Laws 1972, LB 866, § 4; R.S. 1943, (1990), § 66-423.01; Laws 1992, LB 719A, § 157

Section 66-4,105. Motor fuels; use; excise tax; amount; use, defined. (IN EFFECT THROUGH JUNE 30, 2009) *There is hereby levied and imposed an excise tax of ten and one-half cents per gallon, increased by the amounts imposed or determined under sections 66-4,140, 66-4,145, and 66-4,146, upon the use of all motor fuels used in this state and due the State of Nebraska under section 66-489. Users of motor fuels subject to taxation under this section shall be allowed the same exemptions, deductions, and rights of reimbursement as are authorized and permitted by Chapter 66, article 4, other than any commissions provided under such article. For purposes of this section and section 66-4,106, use shall mean the purchase or consumption of motor fuels in this state. (Emphasis added)*

Source: Laws 1931, c. 130, § 1, p. 363; Laws 1935, c. 155, § 2, p. 573; Laws 1935, Spec. Sess., c. 16, § 2, p. 129; Laws 1937, c. 148, § 2, p. 567; Laws 1939, c. 84, § 3, p. 363; Laws 1941, c. 133, § 3, p. 526; C.S.Supp.,1941, § 66-416; Laws 1943, c. 138, § 3, p. 476; R.S.1943, § 66-428; Laws 1953, c. 225, § 3, p. 794; Laws 1955, c. 247, § 3, p. 781; Laws 1957, c. 282, § 3, p. 1029; Laws 1963, c. 379, § 1, p. 1218; Laws 1965, c. 391, § 3, p. 1251; Laws 1969, c. 529, § 2, p. 2168; Laws 1971, LB 776, § 3; Laws 1972, LB 1208, § 3; Laws 1973, LB 397, § 4; Laws 1977, LB 139, § 3; Laws 1977, LB 52, § 3; Laws 1979, LB 571, § 4; Laws 1980, LB 722, § 8; Laws 1981, LB 104, § 2; Laws 1981, LB 360, § 7; Laws 1984, LB 767, § 14; Laws 1985, LB 346, § 3; Laws 1988, LB 1039, § 5; Laws 1990, LB 1124, § 3; R.S.1943, (1990), § 66-428; Laws 1991, LB 627, § 27; Laws 1994, LB 1160, § 68; Laws 2004, LB 983, § 19

Section 66-4,105. Motor fuels; use; excise tax; amount; use, defined. (EFFECTIVE JULY 1, 2009) *There is hereby levied and imposed an excise tax of seven and one-half cents per gallon, increased by the amounts imposed or determined under sections 66-489.02, 66-4,140, 66-4,145, and 66-4,146, upon the use of all motor fuels used in this state and due the State of Nebraska under section 66-489. Users of motor fuels subject to taxation under this section shall be allowed the same exemptions, deductions, and rights of reimbursement as are authorized and permitted by Chapter 66, article 4, other than any commissions provided under such article. For purposes of this section and section 66-4,106, use shall mean the purchase or consumption of motor fuels in this state. The changes made to this section by Laws 2008, LB 846, apply for tax periods beginning on and after July 1, 2009. (Emphasis added)*

Source: Laws 1931, c. 130, § 1, p. 363; Laws 1935, c. 155, § 2, p. 573; Laws 1935, Spec. Sess., c. 16, § 2, p. 129; Laws 1937, c. 148, § 2, p. 567; Laws 1939, c. 84, § 3, p. 363; Laws 1941, c. 133, § 3, p. 526; C.S.Supp.,1941, § 66-416; Laws 1943, c. 138, § 3, p. 476; R.S.1943, § 66-428; Laws 1953, c. 225, § 3, p. 794; Laws 1955, c. 247, § 3, p. 781; Laws 1957, c. 282, § 3, p. 1029; Laws 1963, c. 379, § 1, p. 1218; Laws 1965, c. 391, § 3, p. 1251; Laws 1969, c. 529, § 2, p. 2168; Laws 1971, LB 776, § 3; Laws 1972, LB 1208, § 3; Laws 1973, LB 397, § 4; Laws 1977, LB 139, § 3; Laws 1977, LB 52, § 3; Laws 1979, LB 571, § 4; Laws 1980, LB 722, § 8; Laws 1981, LB 104, § 2; Laws 1981, LB 360, § 7; Laws 1984, LB 767, § 14; Laws 1985, LB 346, § 3; Laws 1988, LB 1039, § 5; Laws 1990, LB 1124, § 3; R.S.1943, (1990), § 66-428; Laws 1991, LB 627, § 27; Laws 1994, LB 1160, § 68; Laws 2004, LB 983, § 19; Laws 2008, LB 846, § 10. Operative date July 1, 2009

Section 66-4,145. Additional excise tax. (IN EFFECT THROUGH JUNE 30, 2009) *In addition to the tax imposed by sections 66-489 and 66-4,140, each producer, supplier, distributor, wholesaler, and importer required by section 66-489 to pay motor fuels taxes shall pay an excise tax of two cents per gallon on all motor fuels received, imported, produced, refined, manufactured, blended, or compounded by such producer, supplier, distributor, wholesaler, or importer within the State of Nebraska. (Emphasis added)*

Source: Laws 1980, LB 722, § 14; Laws 1985, LB 112, § 2; Laws 1988, LB 1039, § 8; R.S.1943, (1990), § 66-477; Laws 1991, LB 627, § 58; Laws 1994, LB 1160, § 78; Laws 2004, LB 983, § 28

Section 66-4,145. Additional excise tax. (EFFECTIVE JULY 1, 2009) *In addition to the tax imposed by sections 66-489, 66-489.02, and 66-4,140, each producer, supplier, distributor, wholesaler, and importer required by section 66-489 to pay motor fuels taxes shall pay an excise tax of two and eight-tenths cents per gallon on all motor fuels received, imported, produced, refined, manufactured, blended, or compounded by such producer, supplier, distributor, wholesaler, or importer within the State of*

Nebraska. The changes made to this section by Laws 2008, LB 846, apply for tax periods beginning on and after July 1, 2009. *(Emphasis added)*

Source: Laws 1980, LB 722, § 14; Laws 1985, LB 112, § 2; Laws 1988, LB 1039, § 8; R.S.1943, (1990), § 66-477; Laws 1991, LB 627, § 58; Laws 1994, LB 1160, § 78; Laws 2004, LB 983, § 28; Laws 2008, LB 846, § 13. Operative date July 1, 2009

Section 66-4,147. Receipts from excise tax; disposition. *The receipts from the tax established under sections 66-4,145, 66-4,146, and 66-6,109 shall be credited to the Highway Trust Fund. Credits and refunds of such tax allowed to producers, suppliers, distributors, wholesalers, exporters, importers, or retailers shall be paid from the Highway Trust Fund. The balance of the amount credited, after credits and refunds, shall be allocated to the Highway Allocation Fund. (Emphasis added)*

Source: Laws 1980, LB 722, § 17; Laws 1986, LB 599, § 19; Laws 1989, LB 258, § 7; R.S.1943, (1990), § 66-479; Laws 1991, LB 627, § 60; Laws 1994, LB 1160, § 80; Laws 1995, LB 182, § 37; Laws 2000, LB 1067, § 11; Laws 2004, LB 983, § 31

Section 66-4,147.01. Taxes, interest, and penalties; disposition. *All taxes, interest, and penalties collected under Chapter 66, article 4, shall be remitted to the State Treasurer for credit to the Highway Trust Fund or Highway Cash Fund as appropriate. (Emphasis added)*

Source: Laws 2000, LB 1067, § 6

Section 66-4,148. Highway Allocation Fund; distribution of funds. (1) *The State Treasurer shall monthly distribute the receipts accruing to the Highway Allocation Fund pursuant to section 66-4,147. One-half of such receipts shall be distributed to the various counties and municipal counties for road purposes and one-half of such receipts shall be distributed to the various municipalities and municipal counties for street purposes.*

(2) *The distribution of funds to the respective cities, counties, and municipal counties under subsection (1) of this section shall be based on the provisions of Chapter 39, article 25. (Emphasis added)*

Source: Laws 1980, LB 722, § 18; Laws 1986, LB 599, § 20; R.S.1943, (1990), § 66-480; Laws 2001, LB 142, § 53

CHAPTER 77 REVENUE AND TAXATION

ARTICLE 27 SALES AND INCOME TAX (Partial Listing)

(d) GENERAL PROVISIONS (Partial Listing)

Section.
77-27,132. Revenue Distribution Fund; created; use; collections under act; disposition.

Section 77-27,132. Revenue Distribution Fund; created; use; collections under act; disposition. (1) There is hereby created a fund to be designated the Revenue Distribution Fund which shall be set apart and maintained by the Tax Commissioner. Revenue not required to be credited to the General Fund

or any other specified fund may be credited to the Revenue Distribution Fund. Credits and refunds of such revenue shall be paid from the Revenue Distribution Fund. The balance of the amount credited, after credits and refunds, shall be allocated as provided by the statutes creating such revenue.

(2) The Tax Commissioner shall pay to a depository bank designated by the State Treasurer all amounts collected under the Nebraska Revenue Act of 1967. The Tax Commissioner shall present to the State Treasurer bank receipts showing amounts so deposited in the bank, and of the amounts so deposited *the State Treasurer shall credit to the Highway Trust Fund all of the proceeds of the sales and use taxes derived from the sale or lease for periods of more than thirty-one days of motor vehicles, trailers, and semitrailers, except that the proceeds equal to any sales tax rate provided for in section 77-2701.02 that is in excess of five percent derived from the sale or lease for periods of more than thirty-one days of motor vehicles, trailers, and semitrailers shall be credited to the Highway Allocation Fund.* The balance of all amounts collected under the Nebraska Revenue Act of 1967 shall be credited to the General Fund. *(Emphasis added)*

Source Laws 1967, c. 487, § 132, p. 1636; Laws 1969, c. 695, § 1, p. 2692; Laws 1969, c. 313, § 2, p. 1130; Laws 1971, LB 53, § 9; Laws 1972, LB 343, § 23; Laws 1975, LB 233, § 2; Laws 1976, LB 868, § 1; Laws 1984, LB 466, § 5; Laws 1986, LB 599, § 23; Laws 1986, LB 539, § 3; Laws 1987, LB 730, § 30; Laws 1989, LB 258, § 11; Laws 2003, LB 759, § 22; Laws 2006, LB 904, § 4; Laws 2007, LB 305, § 1. October 1, 2007