

## LEGISLATIVE BILL 749

Approved by the Governor March 3, 2010

Introduced by Louden, 49; Avery, 28; Carlson, 38; Haar, 21; Wallman, 30.

FOR AN ACT relating to roads; to amend section 39-1390, Reissue Revised Statutes of Nebraska, as amended by section 20, Legislative Bill 3, One Hundred First Legislature, First Special Session, 2009; to designate certain roads as state recreation roads; and to repeal the original section.

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

Section 1. Section 39-1390, Reissue Revised Statutes of Nebraska, as amended by section 20, Legislative Bill 3, One Hundred First Legislature, First Special Session, 2009, is amended to read:

39-1390 The State Recreation Road Fund is created. The money in the fund shall be transferred by the State Treasurer, on the first day of each month, to the Department of Roads and shall be expended by the Director-State Engineer with the approval of the Governor for construction and maintenance of dustless-surface roads to be designated as state recreation roads as provided in this section, except that transfers may be made from the fund to the General Fund at the direction of the Legislature through June 30, 2011. Except as to roads under contract as of March 15, 1972, ~~only~~ those roads, excluding state highways, giving direct and immediate access to or located within state parks, state recreation areas, or other recreational or historical areas, shall be eligible for designation as state recreation roads. Such eligibility shall be determined by the Game and Parks Commission and certified to the Director-State Engineer, who shall, after receiving such certification, be authorized to commence construction on such recreation roads as funds are available. In addition, those roads, excluding state highways, giving direct and immediate access to a state veteran cemetery are state recreation roads. After construction of such roads they shall be shown on the map provided by section 39-1311. Preference in construction shall be based on existing or potential traffic use by other than local residents. Unless the State Highway Commission otherwise recommends, such roads upon completion of construction shall be incorporated into the state highway system. If such a road is not incorporated into the state highway system, the Department of Roads and the county within which such road is located shall enter into a maintenance agreement establishing the responsibility for maintenance of the road, the maintenance standards to be met, and the responsibility for maintenance costs. Any money in the State Recreation Road 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.

Sec. 2. Original section 39-1390, Reissue Revised Statutes of Nebraska, as amended by section 20, Legislative Bill 3, One Hundred First Legislature, First Special Session, 2009, is repealed.