

LEGISLATIVE BILL 137

Approved by the Governor February 19, 1973

Introduced by Warner, 25

AN ACT to amend sections 39-2115, 39-2119, and 39-2121, Revised Statutes Supplement, 1972, relating to counties and municipalities; to provide for placing funds due the county or municipality in escrow for failure to comply with requirements; to provide for the funds being paid the county or municipality as prescribed; to provide for loss of the funds to the county or municipality as prescribed; and to repeal the original sections.

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

Section 1. That section 39-2115, Revised Statutes Supplement, 1972, be amended to read as follows:

39-2115. 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 and the Governor, who shall order the suspension of 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.

Sec. 2. That section 39-2119, Revised Statutes Supplement, 1972, be amended to read as follows:

39-2119. Each county and municipality shall annually prepare and file, on or before the anniversary date of the filing of its six-year plan under the provisions of section 39-2115, with the Board of Public

Roads Classifications and Standards a plan for specific road or street improvements for the current year; Provided, that the first annual plan shall be filed on or before March 1, 1971. No such plan 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 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 and the Governor, who shall order the suspension of 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.

Sec. 3. That section 39-2121, Revised Statutes Supplement, 1972, be amended to read as follows:

39-2121. (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 and the Governor, who shall order the suspension of 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 per cent 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; Provided, that 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 shall be subject to the provisions of Chapter 84, article 9.

Sec. 4. That original sections 39-2115, 39-2119, and 39-2121, Revised Statutes Supplement, 1972, are repealed.