

LEGISLATIVE BILL 25

Approved by the Governor February 8, 1985

Introduced by Beutler, 28, Chairperson, Executive Board

AN ACT relating to roads; to amend sections 39-2508 and 39-2509, Reissue Revised Statutes of Nebraska, 1943; to delete a provision governing the amount of money to be allocated to each county for road purposes in 1970 and 1971; to harmonize provisions; and to repeal the original sections, and also section 39-2506, Reissue Revised Statutes of Nebraska, 1943.

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

Section 1. That section 39-2508, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-2508. The Department of Roads shall compute the amount allocated to each county under each of the factors listed in section ~~39-2506 or~~ 39-2507, ~~as applicable~~; and shall then compute the total allocation to each such county and transmit such information to the local governing board and the State Treasurer, who shall disburse funds accordingly.

Sec. 2. That section 39-2509, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-2509. (1) Each county shall be entitled to one half of the amount allocated to it each year under ~~the provisions of section 39-2506 or sections 39-2507, as applicable~~; and ~~section~~ 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) Commencing in 1972, each 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, ~~except~~ PROVIDED, that any county which certifies to the State Treasurer by resolution that it has reached its constitutional levy limitation as a result of the requirement by law of providing its share of the cost of caring for mental health patients and is therefore unable to meet its highway revenue matching requirements, shall have its unmet highway allocation held in escrow until July 1, 1973. The State Treasurer shall invest such escrow funds in short-term obligations of the United States government and the interest therefrom shall be added to the counties' share of the Highway Allocation Fund for the month in which

the interest is received. Any amounts otherwise forfeited under the provisions of this subsection first shall be made available to the incorporated municipalities, as determined by the county board, within the 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 had it not forfeited the funds, and if not so used, then shall be allocated among and distributed to the 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~~ ~~;~~ ~~PROVIDED~~, that any 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, 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 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~~ ~~;~~ ~~PROVIDED~~, 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 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 county 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 county road purposes.

Sec. 3. That original sections 39-2508 and 39-2509, Reissue Revised Statutes of Nebraska, 1943, and also section 39-2506, Reissue Revised Statutes of Nebraska, 1943, are repealed.