

LEGISLATIVE BILL 1030

Approved by the Governor April 15, 2024

Introduced by Bostelman, 23; Aguilar, 35; Ballard, 21; Bosn, 25; Bostar, 29; Brandt, 32; Cavanaugh, J., 9; Cavanaugh, M., 6; Clements, 2; Conrad, 46; DeKay, 40; Dorn, 30; Dover, 19; Dungan, 26; Erdman, 47; Halloran, 33; Hansen, 16; Hardin, 48; Holdcroft, 36; Hughes, 24; Hunt, 8; Ibach, 44; Jacobson, 42; Kauth, 31; Linehan, 39; Lippincott, 34; Lowe, 37; McKinney, 11; Meyer, 41; Murman, 38; Sanders, 45; Slama, 1; von Gillern, 4; Walz, 15; Wayne, 13; Brewer, 43.

A BILL FOR AN ACT relating to highways and roads; to amend sections 39-2805 and 66-4,100, Revised Statutes Supplement, 2023; to create a working group; to change the County Bridge Match Program; to provide for transfers of funds; to repeal the original sections; and to declare an emergency.

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

Section 1. Section 39-2805, Revised Statutes Supplement, 2023, is amended to read:

39-2805 (1) The County Bridge Match Program is created. The department shall administer the program using funds from the Transportation Infrastructure Bank Fund. ~~Forty million dollars shall be expended for this program. The purpose of the program is to promote innovative solutions and provide additional funding to accelerate the repair and replacement of deficient bridges on the county road system. The department shall develop the program, including participation criteria and matching fund requirements for counties, in consultation with a statewide association representing county officials. Participation by counties in the program shall be voluntary.~~

(2) The County Bridge Match Working Group is hereby created. The Governor shall appoint two representatives to serve on the working group from a list of county highway superintendents, county surveyors, or county engineers submitted by a statewide association representing county officials. The Director-State Engineer shall select three representatives of the department to serve on the working group. The working group shall develop the program, including participation criteria and matching fund requirements for counties, and shall score the applications and award the funds. A meeting of the working group does not constitute a meeting as defined in section 84-1409.

(3) ~~(2)~~ The County Bridge Match Program terminates on June 30, 2029.

Sec. 2. Section 66-4,100, Revised Statutes Supplement, 2023, is amended to read:

66-4,100 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 Transportation and deposited into the Highway Restoration and Improvement Bond Fund as provided in subsection (8) 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 Transportation 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, (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, (8) for purchasing from political or governmental subdivisions or public corporations, pursuant to section 39-1307,

any federal-aid transportation funds available to such entities, (9) for costs related to the administration of the Division of Aeronautics of the Department of Transportation as specified in section 3-107, ~~and~~ (10) for furnishing the Nebraska Broadband Office with necessary office space, furniture, equipment, and supplies as well as providing administrative and budgetary support, including salaries for professional, technical, and clerical assistants, as provided in section 81-702, and (11) for the County Bridge Match Program.

The State Treasurer shall transfer four million dollars from the Roads Operations Cash Fund to the Transportation Infrastructure Bank Fund on or before June 30, 2024, on such dates and in such amounts as directed by the budget administrator of the budget division of the Department of Administrative Services. The money shall be used for the County Bridge Match Program. The State Treasurer shall transfer four million dollars from the Roads Operations Cash Fund to the Transportation Infrastructure Bank Fund on or before June 30, 2025, on such dates and in such amounts as directed by the budget administrator of the budget division of the Department of Administrative Services. The money shall be used for the County Bridge Match Program.

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.

Sec. 3. Original sections 39-2805 and 66-4,100, Revised Statutes Supplement, 2023, are repealed.

Sec. 4. Since an emergency exists, this act takes effect when passed and approved according to law.