

## LEGISLATIVE BILL 844

Approved by the Governor May 25, 1971

Introduced by Jerome Warner, 25th District

AN ACT to amend section 39-2402, Revised Statutes Supplement, 1969, and section 39-2509, Revised Statutes Supplement, 1969, as amended by section 1, Legislative Bill 694, Eighty-second Legislature, First Session, 1971, relating to highways; to change provisions for county matching of road funds as prescribed; to repeal the original sections; and to declare an emergency.

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

Section 1. That section 39-2402, Revised Statutes Supplement, 1969, be amended to read as follows:

39-2402. The State Treasurer shall monthly transfer from the Highway Allocation Fund to the Grade Crossing Protection Fund fifteen thousand dollars and to the State Recreation Road Fund an amount equal to fifty cents for each motor vehicle registration during the preceding month. For the years 1970 and 1971, commencing January 1, 1970, the balance of the money in the Highway Allocation Fund shall be allocated fifty-three and one-third per cent to the Department of Roads, twenty-five and one-third per cent to the various counties for road purposes, and twenty-one and one-third per cent to the various municipalities for street purposes; for the years 1972 and 1973, commencing January 1, 1972, the balance of the money in the Highway Allocation Fund shall be allocated fifty-three and one-third per cent to the Department of Roads, twenty-four and one-third per cent to the various counties for road purposes, and twenty-two and one-third per cent to the various municipalities for street purposes; and for the year 1974 and thereafter, commencing January 1, 1974, the balance of the money in the Highway Allocation Fund shall be allocated fifty-three and one-third per cent to the Department of Roads, twenty-three and one-third per cent to the various counties for road purposes, and twenty-three and one-third per cent to the various municipalities for street purposes; Provided, that for the calendar years 1970 and 1971, if it is determined by November 1 of each respective year that any 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 the calendar year 1967, 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 1967 highway allocation for such year shall be transferred from the Highway--Cash Fund Highway Allocation Fund to such county; provided further, for the calendar year 1972 and each year thereafter, if it is determined by November 1 of each year that any 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, 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 from the Highway Allocation Fund to such county; and provided further, that any such makeup funds must be matched by the county as provided in sections 39-2501 to 39-2510. The portion allocated to the Department of Roads shall be credited monthly to the Highway Cash Fund. The portions allocated to the counties and municipalities shall be distributed monthly as provided by law.

Sec. 2. That section 39-2509, Revised Statutes Supplement, 1969, as amended by section 1, Legislative Bill 694, Eighty-second Legislature, First Session, 1971, be amended to read as follows:

~~39-2509:--(1)--Each county shall be responsible in each year for providing locally for county--road--and bridge purposes a sum equal to at least fifty--per--cent of the amount allocated to it under the provisions of section 39-2506 or 39-2507, as applicable, and section 39-2508.~~ 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 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; 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; 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; 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, 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;

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(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 section 39-2402, Revised Statutes Supplement, 1969, and section 39-2509, Revised Statutes Supplement, 1969, as amended by section 1, Legislative Bill 694, Eighty-second Legislature, First Session, 1971, are repealed.

Sec. 4. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.