

LEGISLATIVE BILL 616

Approved by the Governor March 18, 2002

Introduced by Price, 26

AN ACT relating to roads; to amend section 39-1803, Reissue Revised Statutes of Nebraska, and section 39-2519, Revised Statutes Supplement, 2001; to authorize road maintenance agreements between counties, cities, and villages as prescribed; to authorize the relinquishment of street improvement funds to counties as prescribed; to provide operative dates; to repeal the original sections; and to declare an emergency.

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

Section 1. Section 39-1803, Reissue Revised Statutes of Nebraska, is amended to read:

39-1803. (1) In any case in which the boundary line of an incorporated city extends in and along a public road, which road has not been paved or macadamized, then the county board of any county in which such road lies, is hereby authorized and empowered to maintain and keep in repair and proper condition for travel the full width of such road, including the portion which lies within the corporate limits, as well as the portion which lies outside of ~~said~~ the corporate limits, and to pay the cost and expense of such maintenance, repair, and upkeep, so long as ~~said~~ the road remains unpaved.

(2) A county may enter into an agreement under the Interlocal Cooperation Act with a city or village located in such county to appropriate and use county road funds for the improvement, maintenance, or repair of a road or street that is:

(a) Located within the corporate limits of the city or village if the street is classified as other arterial, collector, or local under subdivisions (4) through (6) of section 39-2104 and such street acts as a direct link or extension of an other arterial as described in subdivision (5) of section 39-2103;

(b) Located on the boundary between the corporate limits of the city or village and the county; or

(c) A city or village road or street directly impacted by county operations or through traffic.

Sec. 2. Section 39-2519, Revised Statutes Supplement, 2001, is amended to read:

39-2519. (1) Each city of the metropolitan or primary class or successor municipal county shall be entitled to the first one-third of its annual allocation with no requirement of matching, but shall be required to match the second one-third, on the basis of one dollar for each dollar it receives, with funds provided locally for street purposes, and shall be required to match the final one-third, on the basis of one dollar for each two dollars it receives, with funds so provided. Each city of the first or second class or village or successor municipal county shall be entitled to one-half of its annual allocation with no requirement of matching, 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. Any municipality or municipal county which during the preceding fiscal year failed to provide the matching funds required by this subsection shall, except as provided in subsection (2) or (3) of this section, forfeit so much of its allocation as it fails to match. Any amount so forfeited shall be reallocated and distributed to the municipalities or municipal counties which have met the full matching provisions of this subsection. Such reallocation shall be made in the manner provided in sections 39-2517 and 39-2518.

(2) Any municipality or municipal county may accumulate and invest any portion or all of the money it receives for a period not to exceed four years so as to provide funds for one or more specific street improvement projects. Any municipality or municipal county so accumulating funds shall certify to the State Treasurer that the required matching funds are being accumulated and invested each year of the accumulation.

(3) Any municipality may, for any year, certify to the State Treasurer that it relinquishes, to the county in which it is situated in whole or in part or to a county whose border is contiguous with and adjacent to any county which is adjacent to the county in which the municipality is situated in whole or in part, all or a part of the state funds allocated to it for that year. The amount so relinquished shall be available for distribution to such county subject to the same matching as would have been required of the

municipality had it not relinquished such funds and without regard to the provisions of sections 39-2501 to 39-2510. Any amount so distributed to the county shall be used exclusively for road purposes within the trade area of the relinquishing municipality as may be agreed upon by the county and municipal governing bodies.

(4) Any municipality may certify to the State Treasurer that it relinquishes, to the county in which it is situated in whole or in part, all or a part of the state funds allocated to it for not to exceed three years. The amount so relinquished shall be available for distribution to such county subject to the same matching as would have been required of the municipality had it not relinquished such funds and without regard to the provisions of sections 39-2501 to 39-2510. Any relinquishment under this subsection shall be made pursuant to an agreement between the relinquishing municipality and the county, to which other political subdivisions may also be parties, which provides for the accumulation and investment by the county of the amount relinquished for not to exceed three years so as to provide funds for one or more specific road improvement projects.

(5) For purposes of this section, provided locally shall include, but not be limited to, money provided for street purposes through the following, except that there shall not be duplication in the following in the determination of the total:

(a) Local motor vehicle or wheel fees or taxes;

(b) Property taxes levied by action of the local governing body for construction, improvement, maintenance, and repair of streets and bridges, curbs, snow removal, street cleaning, grading of dirt and gravel streets and roads, traffic signs and signals, construction of storm sewers directly related to streets, offstreet public parking owned by the municipality or municipal county, and the payment of the principal and interest on general obligation bonds for any of the foregoing;

(c) Special assessments levied for street paving or improvement districts and offstreet public parking owned by the municipality or municipal county;

(d) Local costs in the acquisition of street right-of-way including incidental expenses directly related to such acquisition; and

(e) Any other funds provided solely for street purposes.

Sec. 3. Sections 1 and 4 of this act become operative three calendar months after adjournment of this legislative session. The other sections of this act become operative on their effective date.

Sec. 4. Original section 39-1803, Reissue Revised Statutes of Nebraska, is repealed.

Sec. 5. Original section 39-2519, Revised Statutes Supplement, 2001, is repealed.

Sec. 6. Since an emergency exists, this act takes effect when passed and approved according to law.