

LEGISLATIVE BILL 345

Approved by the Governor May 8, 1973

Introduced by Kelly, 35

AN ACT relating to cities of the first class; to provide for public transportation systems; to provide powers and duties; to provide for land acquisition; to provide for management; to amend section 75-303, Revised Statutes Supplement, 1972, as amended by section 1, Legislative Bill 70, Eighty-third Legislature, First Session, 1973; to change an exemption; and to repeal the original section.

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

Section 1. A city of the first class shall have the power by ordinance to acquire, by the exercise of the power of eminent domain or otherwise, lease, purchase, construct, own, maintain, and operate, or contract for the operation of public passenger transportation systems, excluding taxicabs and railroad systems, including all property and facilities required therefor, within and without the limits of the city, to redeem such property from prior encumbrance in order to protect or preserve the interest of the city therein, to exercise all powers granted by the Constitution and laws of the State of Nebraska or exercised by or pursuant to a home rule charter adopted pursuant thereto, including but not limited to receiving and accepting from the government of the United States or any agency thereof, from the State of Nebraska, or any subdivision thereof, and from any person or corporation, donations, devises, gifts, bequests, loans, or grants or in aid of the acquisition, operation, and maintenance of such public passenger transportation systems, and to administer, hold, use, and apply the same for the purposes for which such donations, devises, gifts, bequests, loans, or grants may have been made, to negotiate with employees and enter into contracts of employment, to employ by contract or otherwise individuals singularly or collectively, to enter into agreements authorized under the Interlocal Cooperation Act, to contract with an operating and management company for the purpose of operating, servicing, and maintaining any public passenger transportation systems any such city shall acquire under the provisions of this act, and to exercise such other and further powers with respect thereto as may be necessary, incident, or appropriate to the powers of such city.

Sec. 2. That section 75-303, Revised Statutes Supplement, 1972, as amended by section 1, Legislative Bill 70, Eighty-third Legislature, First Session, 1973, be amended to read as follows:

75-303. The provisions of sections 75-301 to 75-322.01 shall apply to the transportation of passengers or property by motor carriers for hire engaged in intrastate commerce except:

(1) A motor carrier for hire engaged in the transportation of school children and teachers to and from school;

(2) A motor carrier for hire operated in connection with a part of a streetcar system;

(3) A motor carrier for hire engaged in the transportation of newspapers under a contract with the publisher or a distributor thereof if no other property or person is being transported for hire on the same load with such newspapers;

(4) The operation of any motor carrier owned in any city or village of this state engaged in the transportation of property within such city or village or within a radius of five miles beyond the corporate limits thereof;

(5) To ranch, dairy, or farm products, including livestock, being transported by motor vehicle from or to any ranch, dairy, farm, feedlot or any market;

(6) To supplies or merchandise being transported by motor vehicle from or to any ranch, dairy, feedlot or farm for use thereon when originating at or destined to a neighboring trading point or points;

(7) To ambulances or their owners or to hearses, or to automobiles used exclusively as an incident to conducting a funeral;

(8) To motor vehicles owned and operated by any industrial, processing or manufacturing plant when used by such plant in the transportation of raw materials and supplies to its plant or plants, or in the delivery of its products, supplies, or raw materials to purchasers thereof, when not for hire;

(9) To star route carriers employed by the post-office department of the United States while operating a motor vehicle not exceeding one half ton manufacturer's rated capacity on their regular routes;

(10) To wrecked or disabled motor vehicles being transported by winch or tow truck;

(11) To a motor carrier exempt by the provisions of subdivision (1) of this section who hauls for hire, (a) persons of a religious, fraternal, educational, or charitable organization, (b) pupils of a school to athletic events, and (c) players of American Legion baseball teams when the point of origin or termination is within five miles of the domicile of the carrier;

(12) To motor vehicles, owned and operated by farmers or ranchers, when hauling gravel or other road building material by agreement with the county board of the county in which their farms or ranches are situated for use upon the public roads within such county, and where the compensation for the use of such motor vehicles shall not exceed the reimbursement for the motor vehicle fuel used during such hauling;

(13) A motor carrier operated by a city and engaged in the transportation of passengers ~~after--the electors-of-the-city-have--approved--city--ownership--and operation~~ and such exempt operations shall be no broader than those authorized in intrastate commerce at the time the city or other political subdivision assumed ownership of the operation;

(14) Motor vehicles owned and operated by a nonprofit organization which has been exempted from the payment of federal income taxes, as provided by section 501 (c) (4), Internal Revenue Code of 1954, transporting solely those persons over age sixty, those persons who are spouses and dependents of persons over age sixty, and the handicapped from areas without public transportation; and

(15) A motor carrier engaged in the transportation of passengers operated by a transit authority created under and acting pursuant to the laws of the State of Nebraska.

Sec. 3. That original section 75-303, Revised Statutes Supplement, 1972, as amended by section 1, Legislative Bill 70, Eighty-third Legislature, First Session, 1973, is repealed.