

LEGISLATIVE BILL 161

Approved by the Governor February 12, 1987

Introduced by Elmer, 38

AN ACT relating to the State Highway Commission; to amend sections 39-1101 to 39-1103 and 39-1108, Reissue Revised Statutes of Nebraska, 1943; to provide for an additional member on the commission; to change provisions relating to the Director-State Engineer; to provide for an additional district; to change the composition of existing districts; to change the number of members required for a quorum at the commission meetings; to harmonize provisions; to delete provisions relating to reports; and to repeal the original sections, and also section 39-1109, Reissue Revised Statutes of Nebraska, 1943.

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

Section 1. That section 39-1101, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-1101. There is hereby created in the Department of Roads a State Highway Commission which shall consist of seven eight members to be appointed by the Governor with the consent of a majority of all the members of the Legislature. One member shall at all times be appointed from each of the seven eight districts designated in section 39-1102. Each member of the commission shall be (1) a citizen of the United States, (2) not less than thirty years of age, and (3) a bona fide resident of the State of Nebraska and of the district from which he or she is appointed for at least three years immediately preceding his or her appointment. Not more than four members shall be of the same political party. The Director-State Engineer shall be an ex officio ~~nonvoting~~ member of the commission who shall vote in case of a tie.

Sec. 2. That section 39-1102, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-1102. The designation and limits of the seven eight districts from which members of the State Highway Commission are to be appointed shall be as follows:

(1) District No. 1. The counties of Richardson, Pawnee, Nemaha, Johnson, Otoe, Cass, Lancaster, Gage, Seward, Saline, and Jefferson Butler, Saunders, Seward, Saline, Nemaha, Lancaster, Gage, Pawnee, Richardson, Johnson, Jefferson, Otoe, and Cass except for a portion north of a line beginning at the intersection of Interstate Highway 80 and the Platte River and proceeding southeasterly to the section corner of the northeast corner of section 21, township 11, north, range 11, east, which is also the junction of Nebraska State Highway 1 and Nebraska State Highway 50; thence southeasterly to the southeast corner of section 14, township 10, north, range 13, east, which is also the junction of U.S. Highway 34 and U.S. Highway 75; thence on a line east to the Missouri River; -

(2) District No. 2. The counties of Sarpy, Douglas, Washington, Bodge, Saunders, Colfax, and Butler Dodge, Washington, Douglas, and Sarpy and that portion of Cass County as follows: South of a line beginning at the intersection of Interstate Highway 80 and the Platte River and proceeding southeasterly to the section corner of the northeast corner of section 21, township 11, north, range 11, east, which is also the junction of Nebraska State Highway 1 and Nebraska State Highway 50; thence southeasterly to the southeast corner of section 14, township 10, north, range 13, east, which is also the junction of U.S. Highway 34 and U.S. Highway 75; thence on a line east to the Missouri River; -

(3) District No. 3. The counties of Platte, Merrick, Nance, Boone, Madison, Stanton, Cuming, Burt, Thurston, Wayne, Pierce, Antelope, Knox, Cedar, Dixon, Dakota, Howard, Greeley, and Wheeler Knox, Antelope, Cedar, Dixon, Dakota, Thurston, Wayne, Madison, Stanton, Cuming, Burt, Colfax, Platte, Boone, and Pierce; -

(4) District No. 4. The counties of Thayer, Nuckolls, Webster, Adams, Clay, Fillmore, York, Polk, Hamilton, Hall, Buffalo, Kearney, and Franklin Nance, Thayer, Valley, Greeley, Sherman, Howard, Merrick, Polk, Buffalo, Hall, Hamilton, York, Adams, Clay, Fillmore, Webster, and Nuckolls; -

(5) District No. 5. The counties of Harlan, Furnas, Red Willow, Hitchcock, Bundy, Chase, Hayes, Frontier, Gosper, Phelps, Dawson, Lincoln, and Perkins Sioux, Dawes, Box Butte, Sheridan, Scotts Bluff, Banner, Kimball, Morrill, Cheyenne, Garden, and Deuel; -

(6) District No. 6. The counties of Sherman, Valley, Garfield, Holt, Boyd, Keya Paha, Rock, Brown, Loup, Blaine, Custer, Logan, McPherson, Arthur, Keith, Grant, Hooker, Thomas, and Cherry Custer, Grant, Hooker,

Thomas, Arthur, McPherson, Blaine, Dawson, Logan, Keith, and Lincoln; -

(7) District No. 7. The counties of Benet, Garden, Sheridan, Cheyenne, Morrill, Box Butte, Dawes, Sioux, Seets Bluff, Banner, and Kimball Chase, Perkins, Dundy, Hayes, Hitchcock, Frontier, Kearney, Red Willow, Gosper, Furnas, Phelps, Harlan, and Franklin; and -

(8) District No. 8. The counties of Cherry, Brown, Keya Paha, Rock, Loup, Garfield, Wheeler, Holt, and Boyd.

Sec. 3. That section 39-1103, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-1103. (1) Within thirty days after September 14, 1953, the Governor shall appoint the initial members of the State Highway Commission who shall hold office for the following periods of time from September 14, 1953: (a) Two members for a period of two years; (b) - two members for a period of four years; - and (c) three members for a period of six years. One additional member shall be appointed for a term of six years beginning September 14, 1987. Each succeeding member of the commission shall be appointed for a term of six years, except members appointed to fill vacancies whose tenure shall be the unexpired term for which they shall be appointed. If the Legislature is not in session when members of the commission are appointed by the Governor, such members shall take office and act as recess appointees until the next meeting of the Legislature.

(2) Any member serving on the State Highway Commission on the effective date of this act shall continue to serve until his or her term expires, but in the event the county in which he or she is residing is transferred to a different district upon the effective date of this act, such member shall complete his or her term in the new district in which such county is located pursuant to section 39-1102.

Sec. 4. That section 39-1108, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-1108. Regular meetings of the State Highway Commission shall be held monthly. Special meetings may be held upon call of the chairperson, or pursuant to a call signed by three other members, of which the chairperson shall have three days' written notice. All regular meetings shall be held in suitable offices to be provided in Lincoln unless a majority of the members deem it necessary to hold a regular meeting

at another location within this state. Four Five members of the commission shall constitute a quorum for the transaction of business. Every act of a majority of the members of the commission shall be deemed to be the act of the commission. All meetings shall be open to the public. The minutes of the meetings shall show the action of the commission on matters presented. The minutes shall be open to public inspection.

Sec. 5. That original sections 39-1101 to 39-1103 and 39-1108, Reissue Revised Statutes of Nebraska, 1943, and also section 39-1109, Reissue Revised Statutes of Nebraska, 1943, are repealed.