

**ONE HUNDRED EIGHTH LEGISLATURE - FIRST SESSION - 2023**  
**COMMITTEE STATEMENT**  
**LB453**

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**Hearing Date:** Tuesday February 28, 2023  
**Committee On:** Transportation and Telecommunications  
**Introducer:** DeKay  
**One Liner:** Provide an additional use of the Highway Cash Fund and change provisions relating to bridge replacement and road construction contracts

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**Roll Call Vote - Final Committee Action:**  
Advanced to General File with amendment(s)

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**Vote Results:**  
**Aye:** 7 Senators Bostelman, Brandt, DeBoer, DeKay, Fredrickson, Geist, Moser  
**Nay:**  
**Absent:** 1 Senator Cavanaugh, M.  
**Present Not Voting:**

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**Testimony:**

**Proponents:**

Barry DeKay  
Moe Jamshidi  
Jon Large  
Tom Trumble  
Jon Cannon  
Jay Ferris

John K. Hansen  
Nathan Masten

**Opponents:**

**Neutral:**

**Representing:**

Introducer  
Nebraska Department of Transportation  
Nebraska Association of Airport Officials  
Self  
Nebraska Association of County Officials  
NE Farm Bureau, NE Cattlemen, NE Pork Producers, NE State Dairy Association, Renewable Fuels Nebraska  
Nebraska Farmers Union  
Nebraska Association of Airport Officials

**Representing:**

**Representing:**

\* ADA Accommodation Written Testimony

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**Summary of purpose and/or changes:**

Section 1- Amends section 3-107- Division of Aeronautics of the Department of Transportation, Authority.

The Division of Aeronautics has general supervision over aeronautics within the state.

The section is amended to provide that the Department of Transportation may budget and pay any of the costs related to the operation of the Division including staff salaries and benefits from the Highway Cash Fund as determined by the Director-State Engineer.

Costs paid shall not include construction and maintenance of airport infrastructure.

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Section 2- Amends section 39-847- State Aid for Bridges, Application for Replacement; Costs; Priorities.

This section provides that a county may apply to the Department of Transportation for state aid for the replacement of any bridge under the county's jurisdiction. In the application the county shall pledge to pay 50% of the costs of the project. The bill amends the county share of the cost from 50% to 20%.

Section 3- Amends section 1348- Construction; plans and specifications; advertisement for bids.

Currently this section establishes \$100,000 as the threshold for when the Department of Transportation must advertise for contracts through sealed bids. (Contracts under \$100,000 may be let by sealed bid or the Department may seek bids from three potential bidders with a designated date for reviewing bids.) The section is amended to increase the sealed bidding threshold to \$250,000.

The section is also amended by the addition of a new subsection (3) that provides that the bidding threshold amount shall annually on October 1 be adjusted by the change in the Consumer Price Index for All Urban Consumers, published by the U.S. Department of Commerce.

Section 4- Amends section 66-4,100- Highway Cash Fund – Roads Operation Cash Fund Creation.

The section outlines the purpose and uses of the Highway Cash fund.

The section is amended by making a reference to the change made in section 1 of the bill regarding expenses of the Division of Aeronautics and repeals obsolete language regarding transfers from the Roads Operations Cash Fund to the General Fund.

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**Explanation of amendments:**

The committee considered and adopted an amendment which accomplishes the following:

Section 39-1351 is added to the bill. The section currently provides anyone wishing to submit a bid to the department for road purposes shall apply to the department for prequalification. There is an exception to the prequalification requirement for projects less than \$100,000 and for contracts that where the work is emergency in nature.

The committee amendment increase the threshold from \$100,000 to \$250,000 for when prequalification is not required.

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Suzanne Geist, Chairperson