

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 242

Introduced by Brandt, 32; Albrecht, 17; Bostar, 29; Cavanaugh, J., 9; Dorn, 30; Erdman, 47; Flood, 19; Geist, 25; Halloran, 33; Hansen, B., 16; Hansen, M., 26; Kolterman, 24; Lindstrom, 18; Linehan, 39; McCollister, 20; Morfeld, 46; Pahls, 31; Pansing Brooks, 28; Stinner, 48; Walz, 15; Williams, 36; Wishart, 27.

Read first time January 11, 2021

Committee:

1 A BILL FOR AN ACT relating to political subdivisions; to amend sections
2 13-2904 and 39-2805, Reissue Revised Statutes of Nebraska, and
3 sections 13-2914 and 39-2822, Revised Statutes Cumulative
4 Supplement, 2020; to change provisions of the Political Subdivisions
5 Construction Alternatives Act and Transportation Innovation Act
6 relating to design-build contracts, construction management at risk
7 contracts, and county bridges; to eliminate obsolete provisions; to
8 provide a designation for terminated program funds; to create the
9 County Bridge Incentive Program; to provide duties for the
10 Department of Transportation; and to repeal the original sections.
11 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 13-2904, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 13-2904 (1) Notwithstanding the procedures for public lettings in
4 sections 73-101 to 73-106 or any other statute relating to the letting of
5 bids by a political subdivision, a political subdivision which follows
6 the Political Subdivisions Construction Alternatives Act may solicit and
7 execute a design-build contract or a construction management at risk
8 contract.

9 (2) The governing body of the political subdivision shall adopt a
10 resolution selecting the design-build contract or construction management
11 at risk contract delivery system provided under the act prior to
12 proceeding with the provisions of sections 13-2905 to 13-2914. The
13 resolution shall require the affirmative vote of at least two-thirds of
14 the governing body of the political subdivision.

15 (3) For projects described under subsection (2) of section 13-2914,
16 the governing body of the political subdivision may adopt a resolution
17 which provides for project payment on a set schedule over a period of
18 time that extends beyond the completion of construction.

19 Sec. 2. Section 13-2914, Revised Statutes Cumulative Supplement,
20 2020, is amended to read:

21 13-2914 (1) Except as specifically provided in subsection (2) of
22 this section, A political subdivision shall not use a design-build
23 contract or construction management at risk contract under the Political
24 Subdivisions Construction Alternatives Act for a project, in whole or in
25 part, for road, street, highway, water, wastewater, utility, or sewer
26 construction, except that a city of the metropolitan class may use a
27 design-build contract or construction management at risk contract for the
28 purpose of complying with state or federal requirements to control or
29 minimize overflows from combined sewers.

30 (2) A political subdivision may use a design-build contract or
31 construction management at risk contract under the Political Subdivisions

1 Construction Alternatives Act for a project, in whole or in part, to
2 repair, retrofit, reconstruct, or replace any bridge.

3 Sec. 3. Section 39-2805, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 39-2805 (1) The County Bridge Match Program is created. The
6 department shall administer the program using funds from the
7 Transportation Infrastructure Bank Fund, except that no more than forty
8 million dollars shall be expended for this program. The purpose of the
9 program is to promote innovative solutions and provide additional funding
10 to accelerate the repair and replacement of deficient bridges on the
11 county road system. The department shall develop the program, including
12 participation criteria and matching fund requirements for counties, in
13 consultation with a statewide association representing county officials.
14 Participation by counties in the program shall be voluntary. ~~The details~~
15 ~~of the program shall be presented to the Appropriations Committee and the~~
16 ~~Transportation and Telecommunications Committee of the Legislature on or~~
17 ~~before December 1, 2016.~~

18 (2) The County Bridge Match Program terminates on June 30, 2023. Any
19 designated County Bridge Match Program funds remaining on June 30, 2023,
20 shall be designated for the County Bridge Incentive Program.

21 (3) The County Bridge Incentive Program is created. The department
22 shall administer the program using funds from the Transportation
23 Infrastructure Bank Fund designated for the County Bridge Match Program
24 as provided in subsection (2) of this section, except that no more than
25 ten million dollars shall be expended for the County Bridge Incentive
26 Program. The purpose of the program is to incentivize innovative
27 solutions and provide funding to accelerate the repair and replacement of
28 deficient bridges on the county road system. The department shall develop
29 the program, including participation criteria and matching fund
30 requirements for counties, in consultation with a statewide association
31 representing county officials. Participation by counties in the program

1 shall be voluntary but shall be limited to those counties that have
2 passed a resolution pursuant to section 13-2904 or that utilize design-
3 build contracts under subsection (2) of section 13-2914. The details of
4 the program shall be presented to the Appropriations Committee of the
5 Legislature and the Transportation and Telecommunications Committee of
6 the Legislature on or before December 31, 2022.

7 Sec. 4. Section 39-2822, Revised Statutes Cumulative Supplement,
8 2020, is amended to read:

9 39-2822 The department may enter into agreements under sections
10 39-2808 to 39-2824 to let, design, and construct projects for political
11 subdivisions when any of the funding for such projects is provided by or
12 through the department. In such instances, the department may enter into
13 contracts with the design-builder or construction manager. The provisions
14 of the Political Subdivisions Construction Alternatives Act shall not
15 apply to projects let, designed, and constructed under the supervision of
16 the department pursuant to agreements with political subdivisions under
17 sections 39-2808 to 39-2824, except that the department may develop
18 guidelines for projects let, designed, and constructed under the act if
19 the political subdivision (1) seeks funding under subsection (3) of
20 section 39-2805, (2) authorized payment as provided under subsection (3)
21 of section 13-2904, or (3) authorized a design-build contract under
22 subsection (2) of section 13-2914.

23 Sec. 5. Original sections 13-2904 and 39-2805, Reissue Revised
24 Statutes of Nebraska, and sections 13-2914 and 39-2822, Revised Statutes
25 Cumulative Supplement, 2020, are repealed.