

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 484

Introduced by Hadley, 37; Carlson, 38; Dubas, 34; Hansen, 42; Utter,
33; Wallman, 30.

Read first time January 18, 2011

Committee: Transportation and Telecommunications

A BILL

1 FOR AN ACT relating to the One-Call Notification System Act; to amend
2 section 76-2308, Reissue Revised Statutes of Nebraska; to
3 exclude certain soil sampling and monitoring activities
4 from the definition of excavation; and to repeal the
5 original section.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 76-2308, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 76-2308 Excavation ~~shall mean~~ means any activity in which
4 earth, rock, or other material in or on the ground is moved or
5 otherwise displaced by means of tools, equipment, or explosives and
6 ~~shall include~~ includes grading, trenching, digging, ditching,
7 drilling, augering, tunneling, scraping, and cable or pipe plowing or
8 driving but ~~shall~~ does not include (1) normal maintenance of roads if
9 the maintenance does not change the original road grade and does not
10 involve the road ditch, (2) tilling of soil and gardening for seeding
11 and other agricultural purposes, including soil sampling for
12 agricultural nutrient and water management purposes, soil sampling
13 performed to meet requirements of local, state, or federal
14 regulations, soil sampling performed for manure management, and
15 installation of soil moisture monitoring equipment, (3) digging of
16 graves or in landfills in planned locations, (4) maintenance or
17 rebuilding of railroad track or facilities located on a railroad
18 right-of-way by the railroad company or its contractors when such
19 maintenance or rebuilding does not change the track grade, or (5)
20 hand digging around the base of a pole for pole inspection as part of
21 routine maintenance or replacement of a pole when the replacement
22 pole is similarly sized and is installed in the existing hole.

23 Sec. 2. Original section 76-2308, Reissue Revised
24 Statutes of Nebraska, is repealed.