

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 358

Introduced by Dubas, 34.

Read first time January 18, 2013

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 redefine excavation; and to repeal the original section.
- 4 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 if performed by the landowner or the
12 landowner's tenant or by another person for the landowner or the
13 landowner's tenant if no fee is charged by such person, (3) digging
14 of graves or in landfills in planned locations, (4) maintenance or
15 rebuilding of railroad track or facilities located on a railroad
16 right-of-way by the railroad company or its contractors when such
17 maintenance or rebuilding does not change the track grade, or (5)
18 hand digging around the base of a pole for pole inspection as part of
19 routine maintenance or replacement of a pole when the replacement
20 pole is similarly sized and is installed in the existing hole.

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22 Statutes of Nebraska, is repealed.