

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 542

Introduced by Dover, 19.

Read first time January 22, 2025

Committee: Transportation and Telecommunications

1 A BILL FOR AN ACT relating to roads; to amend sections 14-2113 and
2 39-1304.02, Reissue Revised Statutes of Nebraska; to define terms;
3 to change provisions relating to utility facilities; to harmonize
4 provisions; to eliminate obsolete provisions; and to repeal the
5 original section.
6 Be it enacted by the people of the State of Nebraska,

1 **Section 1.** Section 14-2113, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 14-2113 The board of directors of the metropolitan utilities
4 district shall have general charge, supervision, and control of all
5 matters pertaining to the natural gas supply and the water supply of the
6 district for domestic, mechanical, public, and fire purposes. This shall
7 include the general charge, supervision, and control of the design,
8 construction, operation, maintenance, and extension or improvement of the
9 necessary plant to supply natural gas, to develop power, and to pump
10 water. It shall have the authority to enter upon and utilize streets,
11 alleys, and public grounds therefor upon due notice to the proper
12 authorities controlling same, subject to ~~the provisions of sections~~
13 ~~39-1361 and 39-1362, except that while any permit hereafter granted by~~
14 ~~the Department of Transportation under such provisions shall not be~~
15 ~~construed to be a contract as referred to within the provisions of~~
16 ~~section 39-1304.02,~~ such parties may separately contract in relation to
17 relocation of facilities and reimbursement therefor. The board shall also
18 have the power to appropriate private property required by the district
19 for natural gas and water service, to purchase and contract for necessary
20 materials, labor, and supplies, and to supply water and natural gas
21 without the district upon such terms and conditions as it may deem
22 proper. The authority and power conferred in this section upon the board
23 of directors shall extend as far beyond the corporate limits of the
24 metropolitan utilities district as the board may deem necessary.

25 **Sec. 2.** Section 39-1304.02, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 39-1304.02 (1) Whenever any qualifying utility facility ~~which now~~
28 ~~is, or hereafter may be, located in, over, along, or under any highway or~~
29 ~~urban extension thereof which is a part of the National System of~~
30 ~~Interstate and Defense Highways as defined in the Federal Aid Highway Act~~
31 ~~of 1956, and qualifying for federal aid thereunder, or any highway which~~

1 ~~at any time was on or designated as a part of the National System of~~
2 ~~Interstate and Defense Highways but has been removed for any reason, is~~
3 ~~required to be altered, changed, moved, or relocated for the construction~~
4 ~~of any federal-aid highway project described in subdivisions (2)(b)(i)~~
5 ~~through (v) of this section, the cost of such alteration, change, moving,~~
6 ~~or relocation, and the expense of acquiring lands or any rights and~~
7 ~~interests in land or any other rights acquired to accomplish such~~
8 ~~alteration, change, moving, or relocation, shall be paid by the state as~~
9 ~~a part of the expense of such project, notwithstanding any rule, permit,~~
10 ~~agreement, franchise, or other authorization or law to the contrary.~~
11 ~~federally aided projects except when such payment to the utility would~~
12 ~~violate a legal contract between the utility and the state, or between~~
13 ~~the utility and a county, city, or village of the state, under the~~
14 ~~express terms of which contract the utility specifically agrees to pay or~~
15 ~~assume such costs of alteration, change, moving, or relocation. The cost~~
16 ~~of the alteration, change, moving, or relocation, and the expense of~~
17 ~~acquiring lands or any rights and interests in land or any other rights~~
18 ~~required to accomplish such alteration, change, moving, or relocation of~~
19 ~~a utility facility located in, over, along, or under any highway which at~~
20 ~~any time was on or designated as a part of the National System of~~
21 ~~Interstate and Defense Highways but has been removed for any reason shall~~
22 ~~not be paid by the state on or after July 1, 1993, and the total amount~~
23 ~~paid from May 5, 1983, until July 1, 1993, including any federal-aid~~
24 ~~funds, shall not exceed five million dollars.~~

25 (2) For purposes the purpose of this section: -

26 (a) Cost includes the term cost of relocation shall include the
27 entire amount paid by a such utility properly attributable to any such
28 alteration, change, moving, or relocation after deducting therefrom any
29 increase in value of the new facility and any salvage value derived from
30 the old facility; -

31 (b) Qualifying utility facility means any utility facility that is

1 located in, over, along, or under any:

2 (i) Highway that or urban extension of any highway that is a part of
3 the National System of Interstate and Defense Highways as defined in and
4 qualifies for federal aid under the Federal-Aid Highway Act of 1956;

5 (ii) Highway that or urban extension of any highway that at any time
6 was on or designated as a part of the National System of Interstate and
7 Defense Highways but has been removed for any reason;

8 (iii) Highway;

9 (iv) Part of the state highway system; or

10 (v) Road that, street that, or right-of-way that is under the
11 primary authority of a county, city, or village; and

12 (c) Utility facility includes:

13 (i) Any facility of a commercial broadband supplier as defined in
14 section 86-5,104; and

15 (ii) Any facility of a community antenna television service as
16 described in section 18-2201.

17 **Sec. 3.** Original sections 14-2113 and 39-1304.02, Reissue Revised
18 Statutes of Nebraska, are repealed.