

LEGISLATIVE BILL 96

Approved by the Governor May 4, 1983

Introduced by Newell, 13; L. Johnson, 15; Kilgarin, 7; Pirsch, 10; Labeledz, 5; Hoagland, 6; Wiitala, 31; Fenger, 45; Renmers, 1; Goodrich, 20; Goll, 16; Beyer, 3; Carsten, 2

AN ACT to amend section 39-1304.02, Reissue Revised Statutes of Nebraska, 1943, relating to highways; to change provisions relating to payment of certain costs; to repeal the original section; and to declare an emergency. Be it enacted by the people of the State of Nebraska,

Section 1. That section 39-1304.02, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-1304.02. If any projects are undertaken by virtue of the legislative assent given by section 39-1304.01, it shall be on condition that whenever Whenever any utility facility which now is, or hereafter may be, located in, over, along, or under any highway or urban extension thereof which is a part of the National System of Interstate and Defense Highways as defined in the Federal Aid Highway Act of 1956, and qualifying for federal aid thereunder, or any highway which at any time was on or designated as a part of the National System of Interstate and Defense Highways but has been removed for any reason, is required to be altered, changed, moved, or relocated for the construction of any federal aid highway project, qualifying for aid as an interstate and defense highway or urban extension thereof under such federal act; the cost of such alteration, change, moving, or relocation, and the expense of acquiring lands or any rights and interests in land or any other rights acquired to accomplish such alteration, change, moving, or relocation, shall be paid by the state as a part of the expense of such federally aided projects except when such payment to the utility would violate a legal contract between the utility and the state, or between the utility and a county, city, or village of the state, under the express terms of which contract the utility specifically agrees to pay or assume such costs

of alteration, change, moving, or relocation. The cost of the alteration, change, moving, or relocation, and the expense of acquiring lands or any rights and interests in land or any other rights required to accomplish such alteration, change, moving, or relocation of a utility facility located in, over, along, or under any highway which at any time was on or designated as a part of the National System of Interstate and Defense Highways but has been removed for any reason shall not be paid by the state on or after July 1, 1993, and the total amount paid from the effective date of this act until July 1, 1993, including any federal aid funds, shall not exceed five million dollars. For the purpose of this section, the term cost of relocation shall include the entire amount paid by such utility properly attributable to such alteration, change, moving, or relocation after deducting therefrom any increase in value of the new facility and any salvage value derived from the old facility.

Sec. 2. That original section 39-1304.02, Reissue Revised Statutes of Nebraska, 1943, is repealed.

Sec. 3. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.