

LEGISLATURE OF NEBRASKA  
ONE HUNDRED FIFTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 752**

Introduced by Brewer, 43.

Read first time January 03, 2018

Committee:

- 1 A BILL FOR AN ACT relating to electricity; to amend section 70-301,
- 2 Reissue Revised Statutes of Nebraska; to limit the authority to
- 3 acquire rights-of-way; and to repeal the original section.
- 4 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 70-301, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3 70-301 Any public power district, corporation, or municipality that  
4 engages in the generation or transmission, or both, of electric energy  
5 for sale to the public for light and power purposes, the production,  
6 storage, or distribution of hydrogen for use in fuel processes, or the  
7 production or distribution, or both, of ethanol for use as fuel may  
8 acquire right-of-way over and upon lands, except railroad right-of-way  
9 and depot grounds, for the construction of pole lines or underground  
10 lines necessary for the conduct of such business and for the placing of  
11 all poles and constructions for the necessary adjuncts thereto, in the  
12 same manner as railroad corporations may acquire right-of-way for the  
13 construction of railroads. Such authorization shall not include  
14 acquisition of right-of-way on behalf of a third party accessing the  
15 infrastructure to sell electric energy. Such district, corporation, or  
16 municipality shall give public notice of the proposed location of such  
17 pole lines or underground lines with a voltage capacity of thirty-four  
18 thousand five hundred volts or more which involves the acquisition of  
19 rights or interests in more than ten separately owned tracts by causing  
20 to be published a map showing the proposed line route in a legal  
21 newspaper of general circulation within the county where such line is to  
22 be constructed at least thirty days before negotiating with any person,  
23 firm, or corporation to acquire easements or property for such purposes  
24 and shall consider all objections which may be filed to such location.  
25 After securing approval from the Public Service Commission and having  
26 complied with sections 70-305 to 70-309 and 86-701 to 86-707, such public  
27 power districts, corporations, and municipalities shall have the right to  
28 condemn a right-of-way over and across railroad right-of-way and depot  
29 grounds for the purpose of crossing the same. The procedure to condemn  
30 property shall be exercised in the manner set forth in sections 76-704 to  
31 76-724.

1           Sec. 2.   Original section 70-301, Reissue Revised Statutes of  
2 Nebraska, is repealed.