

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 589

Introduced by Watermeier, 1.

Read first time January 23, 2013

Committee: Transportation and Telecommunications

A BILL

1 FOR AN ACT relating to the One-Call Notification System Act; to amend
2 sections 76-2301, 76-2303, and 76-2329, Reissue Revised
3 Statutes of Nebraska; to define a term; to provide
4 exceptions for emergency conditions; to harmonize
5 provisions; to repeal the original sections; and to
6 declare an emergency.

7 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 76-2301, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 76-2301 Sections 76-2301 to 76-2330 and section 3 of this
4 act shall be known and may be cited as the One-Call Notification
5 System Act.

6 Sec. 2. Section 76-2303, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 76-2303 For purposes of the One-Call Notification System
9 Act, the definitions found in sections 76-2304 to 76-2317 and section
10 3 of this act shall be used.

11 Sec. 3. Bar test survey means a leakage survey completed
12 with a nonconductive piece of equipment made by manually driving
13 small holes in the ground at regular intervals along the route of an
14 underground gas pipe for the purpose of extracting a sample of the
15 ground atmosphere and testing the atmosphere in the holes with a
16 combustible gas detector or other suitable device.

17 Sec. 4. Section 76-2329, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 76-2329 (1) Sections 76-2321 and 76-2323 shall not apply
20 to an excavation made under an emergency condition if all reasonable
21 precautions are taken to protect the underground facilities. If an
22 emergency condition exists, the excavator shall give notification in
23 substantial compliance with section 76-2321 as soon as practical.
24 Upon being notified that an emergency condition exists, each operator
25 shall provide all reasonably available location information to the

1 excavator as soon as possible. If the emergency condition has arisen
2 through no fault of the excavator, sections 76-2324 and 76-2325 shall
3 not apply and the excavator shall be liable for damage to any
4 underground facility located in the area if the damage occurs because
5 of the negligent acts or omissions of the excavator.

6 (2) Sections 76-2321 and 76-2323 shall not apply to a bar
7 test survey deemed necessary to address an emergency condition
8 performed by the operator of the gas or hazardous liquid underground
9 pipeline facility or a qualified excavator who has been engaged to
10 work on behalf of the operator in response to a reported or suspected
11 leak of natural gas, propane, or other combustible liquid or gas. If
12 the emergency condition has arisen through no fault of the excavating
13 operator, section 76-2325 shall not apply.

14 (3) Sections 76-2321 and 76-2323 shall not apply to an
15 excavation deemed necessary to address an emergency condition
16 performed by the operator of the gas or hazardous liquid underground
17 pipeline facility or a qualified excavator who has been engaged to
18 work on behalf of the operator to address a leak of natural gas,
19 propane, or other combustible liquid or gas. In such event, the
20 operator shall give notification in substantial compliance with
21 section 76-2321 as soon as practical, but such notification need not
22 precede excavation undertaken by the operator to address the
23 emergency condition. Upon being notified that an emergency condition
24 exists, each operator shall provide all reasonably available location
25 information to the excavating operator as soon as possible, but the

1 excavating operator need not wait for such location information prior
2 to excavation or continuing excavation. If the emergency condition
3 has arisen through no fault of the excavating operator, section
4 76-2325 shall not apply.

5 Sec. 5. Original sections 76-2301, 76-2303, and 76-2329,
6 Reissue Revised Statutes of Nebraska, are repealed.

7 Sec. 6. Since an emergency exists, this act takes effect
8 when passed and approved according to law.