

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
SECOND SESSION
LEGISLATIVE BILL 892

Introduced by Smith, 14.

Read first time January 14, 2014

Committee: Transportation and Telecommunications

A BILL

1 FOR AN ACT relating to the One-Call Notification System Act; to amend
2 section 76-2325, Reissue Revised Statutes of Nebraska,
3 and section 76-2301, Revised Statutes Supplement, 2013;
4 to change penalties; to authorize injunctions; and to
5 repeal the original sections.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 76-2301, Revised Statutes Supplement,
2 2013, 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 76-2325, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 76-2325 (1) Any person who violates the provisions of
9 section 76-2320, 76-2321, 76-2322, 76-2323, 76-2326, or 76-2330 shall
10 be subject to a civil penalty as follows:

11 ~~(1)~~(a) For a violation related to a gas or hazardous
12 liquid underground pipeline facility, an amount not to exceed ten
13 thousand dollars for each violation for each day the violation
14 persists, up to a maximum of five hundred thousand dollars; and

15 ~~(2)~~(b) For a violation related to any other underground
16 facility, an amount not to exceed five hundred dollars for each day
17 the violation persists, up to a maximum of ~~five~~ten thousand dollars.

18 (2) An action to recover a civil penalty shall be brought
19 by the Attorney General or a prosecuting attorney on behalf of the
20 State of Nebraska in any court of competent jurisdiction of this
21 state. The trial shall be before the court, which shall consider the
22 nature, circumstances, and gravity of the violation and, with respect
23 to the person found to have committed the violation, the degree of
24 culpability, the absence or existence of prior violations, whether
25 the violation was a willful act, any good faith attempt to achieve

1 compliance, and such other matters as justice may require in
2 determining the amount of penalty imposed. All penalties shall be
3 handled and distributed pursuant to Article VII, section 5, of the
4 Constitution of Nebraska.

5 Sec. 3. Whenever it appears that an excavator has
6 repeatedly violated any provision of the One-Call Notification Act or
7 is violating or is threatening to violate any provision of the act,
8 an operator of an underground facility may institute a civil suit for
9 injunctive relief to restrain the excavator from continuing the
10 violation or threat of violation.

11 Sec. 4. Original section 76-2325, Reissue Revised
12 Statutes of Nebraska, and section 76-2301, Revised Statutes
13 Supplement, 2013, are repealed.