

AMENDMENTS TO LB 629

Introduced by Natural Resources

1           1. Strike the original sections and insert the following  
2 new sections:

3           Section 1. Sections 1 to 6 of this act shall be known and  
4 may be cited as the Oil Pipeline Reclamation Act.

5           Sec. 2. For purposes of the Oil Pipeline Reclamation Act:

6           (1) Oil means petroleum of any kind or in any form,  
7 including crude oil or any fraction of crude oil;

8           (2) Pipeline carrier means a person that engages in  
9 owning, operating, or managing a pipeline or part of a pipeline for  
10 the transportation of oil but does not include an entity under the  
11 jurisdiction of the Nebraska Oil and Gas Conservation Commission  
12 for in-field flow-lines and gathering lines;

13           (3) Reclamation means restoration of the areas through  
14 which a pipeline is constructed as close as reasonably practicable  
15 to the condition, contour, and vegetation that existed prior to  
16 construction; and

17           (4) Reclamation costs include, but are not limited to,  
18 the costs of restoration of real and personal property, the costs  
19 of restoration of natural resources, the costs of rehabilitation of  
20 habitat or wildlife, and the costs of revegetation.

21           Sec. 3. The purpose of the Oil Pipeline Reclamation Act  
22 is to ensure that a pipeline carrier which owns, constructs,  
23 operates, or manages a pipeline through this state for the

1 transportation of oil is financially responsible for reclamation  
2 costs relating to the construction, operation, and management of  
3 the pipeline in this state as prescribed in the act.

4       Sec. 4. (1) A pipeline carrier owning, operating, or  
5 managing a pipeline or part of a pipeline for the transportation  
6 of oil in this state shall be responsible for all reclamation  
7 costs necessary as a result of constructing the pipeline as well as  
8 reclamation costs resulting from operating the pipeline, except to  
9 the extent another party is determined to be responsible.

10       (2) The pipeline carrier shall commence reclamation of  
11 the area through which a pipeline is constructed as soon as  
12 reasonably practicable after backfill.

13       (3) A pipeline carrier's obligation for reclamation and  
14 maintenance of the pipeline right-of-way shall continue until the  
15 pipeline is permanently decommissioned or removed.

16       Sec. 5. Nothing in the Oil Pipeline Reclamation Act  
17 prohibits a state agency, county board, city council, or village  
18 board from pursuing reclamation costs for the maintenance and  
19 repair of roads, bridges, or other infrastructure related to the  
20 construction, maintenance, or operation of a pipeline by a pipeline  
21 carrier who is subject to the act.

22       Sec. 6. The Oil Pipeline Reclamation Act provides the  
23 minimum standards to be met by a pipeline carrier. The act is not  
24 meant to affect the obligations of a pipeline carrier provided for  
25 in a negotiated agreement with a landowner and is not to affect  
26 the duties of a pipeline carrier under applicable federal law or  
27 permits.

1                   Sec. 7. If any section in this act or any part of any  
2 section is declared invalid or unconstitutional, the declaration  
3 shall not affect the validity or constitutionality of the remaining  
4 portions.

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