

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 629

Final Reading

Introduced by Sullivan, 41; Dubas, 34; Haar, 21; Fulton, 29; Coash,
27.

Read first time January 19, 2011

Committee: Natural Resources

A BILL

1 FOR AN ACT relating to pipelines; to adopt the Oil Pipeline
2 Reclamation Act; to provide severability; and to declare
3 an emergency.

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

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

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

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

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

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

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

19 Sec. 3. The purpose of the Oil Pipeline Reclamation Act
20 is to ensure that a pipeline carrier which owns, constructs,
21 operates, or manages a pipeline through this state for the
22 transportation of oil is financially responsible for reclamation
23 costs relating to the construction, operation, and management of the
24 pipeline in this state as prescribed in the act.

25 Sec. 4. (1) A pipeline carrier owning, operating, or

1 managing a pipeline or part of a pipeline for the transportation of
2 oil in this state shall be responsible for all reclamation costs
3 necessary as a result of constructing the pipeline as well as
4 reclamation costs resulting from operating the pipeline, except to
5 the extent another party is determined to be responsible.

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

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

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

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

23 Sec. 7. If any section in this act or any part of any
24 section is declared invalid or unconstitutional, the declaration
25 shall not affect the validity or constitutionality of the remaining

1 portions.

2 Sec. 8. Since an emergency exists, this act takes effect

3 when passed and approved according to law.