

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 1044

Introduced by Haar, 21.

Read first time January 18, 2012

Committee: Natural Resources

A BILL

1 FOR AN ACT relating to hazardous liquids; to amend section 75-109.01,
2 Reissue Revised Statutes of Nebraska, as amended by
3 section 14, Legislative Bill 1, One Hundred Second
4 Legislature, First Special Session, 2011; to provide
5 powers and duties for the Public Service Commission
6 regarding regulation of transportation and pipeline
7 facilities; to harmonize provisions; and to repeal the
8 original section.
9 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 75-109.01, Reissue Revised Statutes of
2 Nebraska, as amended by section 14, Legislative Bill 1, One Hundred
3 Second Legislature, First Special Session, 2011, is amended to read:

4 75-109.01 Except as otherwise specifically provided by
5 law, the Public Service Commission shall have jurisdiction, as
6 prescribed, over the following subjects:

7 (1) Common carriers, generally, pursuant to sections
8 75-101 to 75-158;

9 (2) Grain pursuant to the Grain Dealer Act and the Grain
10 Warehouse Act and sections 89-1,104 to 89-1,108;

11 (3) Manufactured homes and recreational vehicles pursuant
12 to the Uniform Standard Code for Manufactured Homes and Recreational
13 Vehicles;

14 (4) Modular housing units pursuant to the Nebraska
15 Uniform Standards for Modular Housing Units Act;

16 (5) Motor carrier registration and safety pursuant to
17 sections 75-301 to 75-322, 75-369.03, 75-370, and 75-371;

18 (6) Pipeline carriers and rights-of-way pursuant to the
19 Major Oil Pipeline Siting Act, the State Natural Gas Regulation Act,
20 ~~and~~ sections 75-501 to 75-503, and section 2 of this act. If the
21 provisions of Chapter 75 are inconsistent with the provisions of the
22 Major Oil Pipeline Siting Act, the provisions of the Major Oil
23 Pipeline Siting Act control;

24 (7) Railroad carrier safety pursuant to sections 74-918,
25 74-919, 74-1323, and 75-401 to 75-430;

1 (8) Telecommunications carriers pursuant to the Automatic
2 Dialing-Announcing Devices Act, the Emergency Telephone
3 Communications Systems Act, the Enhanced Wireless 911 Services Act,
4 the Intrastate Pay-Per-Call Regulation Act, the Nebraska
5 Telecommunications Regulation Act, the Nebraska Telecommunications
6 Universal Service Fund Act, the Telecommunications Relay System Act,
7 the Telephone Consumer Slamming Prevention Act, and sections 86-574
8 to 86-580;

9 (9) Transmission lines and rights-of-way pursuant to
10 sections 70-301 and 75-702 to 75-724;

11 (10) Water service pursuant to the Water Service
12 Regulation Act; and

13 (11) Jurisdictional utilities governed by the State
14 Natural Gas Regulation Act. If the provisions of Chapter 75 are
15 inconsistent with the provisions of the State Natural Gas Regulation
16 Act, the provisions of the State Natural Gas Regulation Act control.

17 Sec. 2. (1) For purposes of this section, the definitions
18 in 49 U.S.C. 60101 apply, as such section existed on January 1, 2012.

19 (2) For purposes of providing state control over safety
20 standards and practices applicable to the transportation of hazardous
21 liquids and hazardous liquid pipeline facilities within this state to
22 the full extent permissible under federal law:

23 (a) The Public Service Commission shall adopt and
24 promulgate rules and regulations to establish appropriate safety
25 standards and practices applicable to the transportation of hazardous

1 liquids and hazardous liquid pipeline facilities, including both
2 publicly and privately owned facilities, which are not subject to
3 exclusive federal control;

4 (b) Upon adoption and promulgation of the rules and
5 regulations, the commission shall submit the necessary certifications
6 and reports and take any other necessary action in accordance with 49
7 U.S.C. 60101 et seq., as such sections existed on January 1, 2012, to
8 comply with requirements for intrastate certifications and interstate
9 agent agreements; and

10 (c) The commission shall pursue designation by the United
11 States Secretary of Transportation as an agent to conduct safety
12 inspections of hazardous liquid pipeline facilities located in this
13 state.

14 Sec. 3. Original section 75-109.01, Reissue Revised
15 Statutes of Nebraska, as amended by section 14, Legislative Bill 1,
16 One Hundred Second Legislature, First Special Session, 2011, is
17 repealed.