

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

SECOND SESSION

**LEGISLATIVE BILL 1161**

Introduced by Smith, 14.

Read first time January 19, 2012

Committee: Natural Resources

A BILL

1 FOR AN ACT relating to oil pipelines; to amend section 3, Legislative  
2 Bill 4, One Hundred Second Legislature, First Special  
3 Session, 2011; to provide for study and evaluation of  
4 routes for proposed oil pipelines; to provide powers and  
5 duties; to repeal the original section; and to declare an  
6 emergency.

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

1           Section 1. Section 3, Legislative Bill 4, One Hundred  
2 Second Legislature, First Special Session, 2011, is amended to read:

3           Sec. 3. (1) The department may collaborate with a federal  
4 agency or agencies (a) in a review under the National Environmental  
5 Policy Act involving a supplemental environmental impact statement  
6 for oil pipeline projects within, through, or across the state or (b)  
7 to determine the route of an oil pipeline within, through, or across  
8 the state to be included in an application to a federal agency or  
9 agencies. Prior to entering into such shared jurisdiction and  
10 authority with a federal agency or agencies, the department shall  
11 enter into a memorandum of understanding with such federal agency or  
12 agencies that sets forth the responsibilities and schedules that will  
13 lead to an effective and timely review ~~under the National~~  
14 ~~Environmental Policy Act involving a supplemental environmental~~  
15 ~~impact statement.~~ by the applicable federal agency or agencies.

16           (2) Since the objectives of the process are to ensure  
17 adequate information gathering, full and careful agency and public  
18 review, objective preparation of a supplemental environmental impact  
19 statement, adherence to a defined schedule, and an appropriate role  
20 for a pipeline carrier which avoids the appearance of conflicts of  
21 interest, it is the intent of the Legislature that the state fully  
22 fund the process of preparation of a supplemental environmental  
23 impact statement or similar study or evaluation of the route of an  
24 oil pipeline and that no fees will be required of an applicant. The  
25 department may contract with outside vendors in the process of

1 preparation of a supplemental environmental impact statement or  
2 similar study or evaluation of the route of an oil pipeline. The  
3 department shall make every reasonable effort to ensure that each  
4 vendor has no conflict of interest or relationship to any pipeline  
5 carrier that applies for an oil pipeline permit.

6 (3) In order for the process to be efficient and  
7 expeditious, the department's contracts with vendors pursuant to this  
8 section for a supplemental environmental impact statement or similar  
9 study or evaluation of the route of an oil pipeline shall not be  
10 subject to the Nebraska Consultants' Competitive Negotiation Act or  
11 sections 73-301 to 73-306 or 73-501 to 73-509.

12 (4) After the supplemental environmental impact statement  
13 or similar study or evaluation of the route of an oil pipeline is  
14 prepared, the department shall submit it to the Governor. Within  
15 thirty days after receipt of the supplemental environmental impact  
16 statement or similar study or evaluation of the route of an oil  
17 pipeline from the department, the Governor shall indicate, in  
18 writing, to the federal agency or agencies involved in the review as  
19 to whether he or she approves any of the routes reviewed in the  
20 supplemental environmental impact statement or similar study or  
21 evaluation of the route of an oil pipeline.

22 Sec. 2. Original section 3, Legislative Bill 4, One  
23 Hundred Second Legislature, First Special Session, 2011, is repealed.

24 Sec. 3. Since an emergency exists, this act takes effect  
25 when passed and approved according to law.