

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

FIRST SPECIAL SESSION

**LEGISLATIVE BILL 5**

Introduced by Haar, 21.

Read first time November 03, 2011

Committee: Natural Resources

A BILL

1 FOR AN ACT relating to pipelines; to adopt the Oil Pipeline  
2 Certificate of Authorization Act; and to declare an  
3 emergency.

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

1           Section 1. This act shall be known and may be cited as  
2 the Oil Pipeline Certificate of Authorization Act.

3           Sec. 2. The purposes of the Oil Pipeline Certificate of  
4 Authorization Act are to (1) ensure protection of the state's  
5 environmental resources, including, but not limited to, air, water,  
6 animals, plants, and soils, and (2) establish an efficient method for  
7 the processing of all applications for certificates of authorization  
8 pursuant to the act.

9           Sec. 3. On and after the effective date of this act, no  
10 oil pipeline which is larger than eight inches in inside diameter  
11 shall be sited or constructed either partially or wholly within the  
12 State of Nebraska unless the Public Service Commission has granted a  
13 certificate of authorization pursuant to the Oil Pipeline Certificate  
14 of Authorization Act.

15           Sec. 4. No oil pipeline subject to the Oil Pipeline  
16 Certificate of Authorization Act shall traverse any portion of an  
17 exclusion zone. For purposes of the act, exclusion zone means a  
18 geographical area in Nebraska and (1) within Ecoregion IV,  
19 subcoregion 44, as described by the United States Environmental  
20 Protection Agency in document EPA 822-B-01-013 (December 2001), (2)  
21 in any part of a watershed that feeds directly or indirectly into a  
22 cold water class A stream designated pursuant to section 54-2421, or  
23 (3) in which ground water depth is ten feet or less below the earth's  
24 surface for a distance of ten miles or more.

25           Sec. 5. Any person or entity wishing to obtain a

1 certificate of authorization pursuant to the Oil Pipeline Certificate  
2 of Authorization Act shall file an application with the Public  
3 Service Commission. The application shall contain:

4 (1) The name, mailing address and street address, and  
5 telephone number of the applicant and, if the applicant is an entity,  
6 the name, business address, and telephone number of the chief  
7 executive officer, managing partner, or registered agent; and

8 (2) The legal description and a map of the proposed route  
9 of the oil pipeline showing that no part of the proposed route  
10 traverses an exclusion zone as described in section 4 of this act.

11 Sec. 6. Within thirty days after the Public Service  
12 Commission receives an application under section 5 of this act, it  
13 shall issue a certificate of authorization if the oil pipeline does  
14 not traverse any portion of an exclusion zone.

15 Sec. 7. A person aggrieved by an order of the Public  
16 Service Commission under the Oil Pipeline Certificate of  
17 Authorization Act may appeal, and the appeal shall be in accordance  
18 with the Administrative Procedure Act.

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