

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

FIRST SPECIAL SESSION

LEGISLATIVE BILL 1

Final Reading

Introduced by Dubas, 34; Sullivan, 41.

Read first time November 01, 2011

Committee: Natural Resources

A BILL

1 FOR AN ACT relating to pipelines; to amend sections 57-1101,
2 75-109.01, 75-110.01, 75-112, 75-118, 75-128, 75-129, and
3 75-502, Reissue Revised Statutes of Nebraska; to change
4 provisions relating to eminent domain for pipelines; to
5 adopt the Major Oil Pipeline Siting Act; to change and
6 provide powers and duties for the Public Service
7 Commission; to harmonize provisions; to provide
8 severability; to repeal the original sections; and to
9 declare an emergency.

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

1 Section 1. Section 57-1101, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 57-1101 Any person engaged in, and any company,
4 corporation, or association formed or created for the purpose of,
5 transporting or conveying crude oil, petroleum, gases, or other
6 products thereof in interstate commerce through, or across the State
7 of Nebraska, or intrastate within the State of Nebraska, and desiring
8 or requiring a right-of-way or other interest in real estate, and
9 being unable to agree with the owner or lessee of any land, lot,
10 right-of-way, or other property for the amount of compensation for
11 the use and occupancy of so much of any lot, land, real estate,
12 right-of-way, or other property as may be reasonably necessary for
13 the laying, relaying, operation, and maintenance of any such pipeline
14 or the location of any plant or equipment necessary to operate such
15 pipeline, shall have the right to acquire the same for such purpose
16 through the exercise of the power of eminent domain, except that for
17 any major oil pipeline as defined in section 5 of this act to be
18 placed in operation in the State of Nebraska after the effective date
19 of this act, any such person, company, corporation, or association
20 shall apply for and receive an order approving the application under
21 the Major Oil Pipeline Siting Act prior to having the rights provided
22 under this section. The procedure to condemn property shall be
23 exercised in the manner set forth in sections 76-704 to 76-724.

24 Sec. 2. Sections 2 to 13 of this act shall be known and
25 may be cited as the Major Oil Pipeline Siting Act.

1 Sec. 3. (1) The purposes of the Major Oil Pipeline Siting
2 Act are to:

3 (a) Ensure the welfare of Nebraskans, including
4 protection of property rights, aesthetic values, and economic
5 interests;

6 (b) Consider the lawful protection of Nebraska's natural
7 resources in determining the location of routes of major oil
8 pipelines within Nebraska;

9 (c) Ensure that a major oil pipeline is not constructed
10 within Nebraska without receiving the approval of the commission
11 under section 9 of this act;

12 (d) Ensure that the location of routes for major oil
13 pipelines is in compliance with Nebraska law; and

14 (e) Ensure that a coordinated and efficient method for
15 the authorization of such construction is provided.

16 (2) Nothing in the Major Oil Pipeline Siting Act shall be
17 construed to regulate any safety issue with respect to any aspect of
18 any interstate oil pipeline. The Major Oil Pipeline Siting Act is
19 intended to deal solely with the issue of siting or choosing the
20 location of the route aside and apart from safety considerations. The
21 Legislature acknowledges and respects the exclusive federal authority
22 over safety issues established by the federal law, the Pipeline
23 Safety Act of 1994, 49 U.S.C. 60101 et seq., and the express
24 preemption provision stated in that act. The Major Oil Pipeline
25 Siting Act is intended to exercise only the remaining sovereign

1 powers and purposes of Nebraska which are not included in the
2 category of safety regulation.

3 (3) The Major Oil Pipeline Siting Act shall not apply to
4 any major oil pipeline that has submitted an application to the
5 United States Department of State pursuant to Executive Order 13337
6 prior to the effective date of this act.

7 Sec. 4. The Legislature finds that:

8 (1) Nebraska has the authority as a sovereign state to
9 protect its land and natural resources for economic and aesthetic
10 purposes for the benefit of its residents and future generations by
11 regulation through approval or disapproval of major oil pipeline
12 siting and the location of routes, so long as it does not regulate in
13 the area of safety as to the design, installation, inspection,
14 emergency plans and procedures, testing, construction, extension,
15 operation, replacement, and maintenance of major oil pipelines and
16 pipeline facilities;

17 (2) The water and other natural resources in Nebraska
18 will become increasingly valuable, both economically and
19 strategically, as the demand for agricultural products for both food
20 and fuel increases;

21 (3) The construction of major oil pipelines in Nebraska
22 is in the public interest of Nebraska and the nation to meet the
23 increasing need for energy; and

24 (4) The irrigation economy of Nebraska which relies on
25 quality water adds over one billion dollars annually to net farm

1 income and increases the gross state product by three billion dollars
2 annually.

3 Sec. 5. For purposes of the Major Oil Pipeline Siting
4 Act:

5 (1) Commission means the Public Service Commission;

6 (2) Major oil pipeline means a pipeline which is larger
7 than six inches in inside diameter and which is constructed in
8 Nebraska for the transportation of petroleum, or petroleum
9 components, products, or wastes, including crude oil or any fraction
10 of crude oil, within, through, or across Nebraska, but does not
11 include in-field and gathering lines or major oil pipelines exempt
12 under subsection (3) of section 3 of this act; and

13 (3) Pipeline carrier means a person that engages in
14 owning, operating, or managing a major oil pipeline.

15 Sec. 6. (1) Unless exempt pursuant to section 3 of this
16 act, a pipeline carrier proposing to construct a major oil pipeline
17 to be placed in operation in Nebraska after the effective date of
18 this act shall file an application with the commission and receive
19 approval pursuant to section 9 of this act prior to beginning
20 construction of the major oil pipeline within Nebraska. A pipeline
21 carrier proposing a substantive change to the route of a major oil
22 pipeline shall file an application for the proposed change with the
23 commission and receive approval pursuant to section 9 of this act
24 prior to beginning construction relating to the proposed change. The
25 applicant shall also file a copy of the application with the agencies

1 listed in subsection (3) of section 8 of this act.

2 (2) The application shall be accompanied by written
3 agreement to pay expenses assessed pursuant to section 7 of this act
4 and written testimony and exhibits in support of the application. The
5 application shall include:

6 (a) The name and address of the pipeline carrier;

7 (b) A description of the nature and proposed route of the
8 major oil pipeline and evidence of consideration of alternative
9 routes;

10 (c) A statement of the reasons for the selection of the
11 proposed route of the major oil pipeline;

12 (d) A list of the governing bodies of the counties and
13 municipalities through which the proposed route of the major oil
14 pipeline would be located;

15 (e) A description of the product or material to be
16 transported through the major oil pipeline;

17 (f) The person who will own the major oil pipeline;

18 (g) The person who will manage the major oil pipeline;

19 (h) A plan to comply with the Oil Pipeline Reclamation
20 Act; and

21 (i) A list of planned methods to minimize or mitigate the
22 potential impacts of the major oil pipeline to land areas and
23 connected natural resources other than with respect to oil spills.

24 (3) The applicant shall publish notice of the application
25 in at least one newspaper of general circulation in each county in

1 which the major oil pipeline is to be constructed and forward a copy
2 of such notice to the commission. The applicant shall serve notice of
3 the application upon the governing bodies of the counties and
4 municipalities specified pursuant to subdivision (2)(d) of this
5 section.

6 Sec. 7. (1) The commission shall assess the expenses
7 reasonably attributable to investigation and hearing regarding an
8 application filed under section 6 of this act, including expenses
9 billed by agencies filing reports as required in subsection (3) of
10 section 8 of this act and both direct and indirect expenses incurred
11 by the commission or its staff or consultants, to the applicant as
12 agreed under section 6 of this act.

13 (2) The commission shall ascertain the expenses of any
14 such investigation and hearing and by order assess such expenses
15 against the applicant and shall render a bill therefor, by United
16 States mail, to the applicant, either at the time the order under
17 section 9 of this act is issued or from time to time during such
18 application process. Such bill shall constitute notice of such
19 assessment and demand of payment thereof. Upon a bill rendered to
20 such applicant, within fifteen days after the mailing thereof, such
21 applicant shall pay to the commission the amount of the assessment
22 for which it is billed. The commission shall remit the payment to the
23 State Treasurer for credit to the Public Service Commission Pipeline
24 Regulation Fund. The commission may render bills in one fiscal year
25 for costs incurred within a previous fiscal year. The commission

1 shall direct the State Treasurer to credit any reimbursement of
2 expenses billed by agencies pursuant to subsection (3) of section 8
3 of this act to the appropriate fund of the appropriate agency.

4 (3) If any applicant against which an assessment has been
5 made pursuant to this section, within fifteen days after the notice
6 of such assessment, (a) neglects or refuses to pay the same or (b)
7 fails to file objections to the assessment with the commission as
8 provided in subsection (4) of this section, the commission shall
9 transmit to the State Treasurer a certified copy of the notice of
10 assessment, together with notice of neglect or refusal to pay the
11 assessment, and on the same day the commission shall mail by
12 registered mail to the applicant against which the assessment has
13 been made a copy of the notice which it has transmitted to the State
14 Treasurer. If any such applicant fails to pay such assessment to the
15 State Treasurer within ten days after receipt of such notice and
16 certified copy of such assessment, the assessment shall bear interest
17 at the rate of fifteen percent per annum from and after the date on
18 which the copy of the notice was mailed by registered mail to such
19 applicant.

20 (4) Within fifteen days after the date of the mailing of
21 any notice of assessment under subsection (2) of this section, the
22 applicant against which such assessment has been made may file with
23 the commission objections setting out in detail the ground upon which
24 the applicant regards such assessment to be excessive, erroneous,
25 unlawful, or invalid. The commission shall determine if the

1 assessment or any part of the assessment is excessive, erroneous,
2 unlawful, or invalid and shall render an order upholding,
3 invalidating, or amending the assessment. An amended assessment shall
4 have in all respects the same force and effect as though it were an
5 original assessment.

6 (5) If any assessment against which objections have been
7 filed is not paid within ten days after service of an order finding
8 that such objections have been overruled and disallowed by the
9 commission, the commission shall give notice of such delinquency to
10 the State Treasurer and to the applicant in the manner provided for
11 in subsection (3) of this section. The State Treasurer shall then
12 collect the amount of such assessment. If an amended assessment is
13 not paid within ten days after service of the order of the
14 commission, the commission shall notify the State Treasurer and the
15 applicant as in the case of delinquency in the payment of an original
16 assessment. The State Treasurer shall then collect the amount of such
17 assessment as provided in the case of an original assessment.

18 Sec. 8. (1) After receipt of an application under section
19 6 of this act, the commission shall:

20 (a) Within sixty days, schedule a public hearing;

21 (b) Notify the pipeline carrier of the time, place, and
22 purpose of the public hearing;

23 (c) Publish a notice of the time, place, and purpose of
24 the public hearing in at least one newspaper of general circulation
25 in each county in which the major oil pipeline is to be constructed;

1 and

2 (d) Serve notice of the public hearing upon the governing
3 bodies of the counties and municipalities through which the proposed
4 route of the major oil pipeline would be located as specified in
5 subdivision (2)(d) of section 6 of this act.

6 (2) The commission may hold additional public meetings
7 for the purpose of receiving input from the public at locations as
8 close as practicable to the proposed route of the major oil pipeline.
9 The commission shall make the public input part of the record.

10 (3) If requested by the commission, the following
11 agencies shall file a report with the commission, prior to the
12 hearing on the application, regarding information within the
13 respective agencies' area of expertise relating to the impact of the
14 major oil pipeline on any area within the respective agencies'
15 jurisdiction, including in such report opinions regarding the
16 advisability of approving, denying, or modifying the location of the
17 proposed route of the major oil pipeline: The Department of
18 Environmental Quality, the Department of Natural Resources, the
19 Department of Revenue, the Department of Roads, the Game and Parks
20 Commission, the Nebraska Oil and Gas Conservation Commission, the
21 Nebraska State Historical Society, the State Fire Marshal, and the
22 Board of Educational Lands and Funds. The agencies may submit a
23 request for reimbursement of reasonable and necessary expenses
24 incurred for any consultants hired pursuant to this subsection.

25 (4) An application under the Major Oil Pipeline Siting

1 Act shall be approved if the proposed route of the major oil pipeline
2 is determined by the Public Service Commission to be in the public
3 interest. The pipeline carrier shall have the burden to establish
4 that the proposed route of the major oil pipeline would serve the
5 public interest. In determining whether the pipeline carrier has met
6 its burden, the commission shall not evaluate safety considerations,
7 including the risk or impact of spills or leaks from the major oil
8 pipeline, but the commission shall evaluate:

9 (a) Whether the pipeline carrier has demonstrated
10 compliance with all applicable state statutes, rules, and regulations
11 and local ordinances;

12 (b) Evidence of the impact due to intrusion upon natural
13 resources and not due to safety of the proposed route of the major
14 oil pipeline to the natural resources of Nebraska, including evidence
15 regarding the irreversible and irretrievable commitments of land
16 areas and connected natural resources and the depletion of beneficial
17 uses of the natural resources;

18 (c) Evidence of methods to minimize or mitigate the
19 potential impacts of the major oil pipeline to natural resources;

20 (d) Evidence regarding the economic and social impacts of
21 the major oil pipeline;

22 (e) Whether any other utility corridor exists that could
23 feasibly and beneficially be used for the route of the major oil
24 pipeline;

25 (f) The impact of the major oil pipeline on the orderly

1 development of the area around the proposed route of the major oil
2 pipeline;

3 (g) The reports of the agencies filed pursuant to
4 subsection (3) of this section; and

5 (h) The views of the governing bodies of the counties and
6 municipalities in the area around the proposed route of the major oil
7 pipeline.

8 Sec. 9. (1) Within seven months after the receipt of the
9 application under section 6 of this act, the commission shall enter
10 an order approving the application or denying the application. The
11 commission shall include in the order the findings of the commission
12 regarding the application and the reasons for approving or denying
13 the application. The order approving the application shall state that
14 the application is in the public interest and shall authorize the
15 pipeline carrier to act under section 57-1101.

16 (2) The commission may, for just cause, extend the time
17 for the entry of an order under subsection (1) of this section. The
18 extension shall not exceed twelve months after the receipt of the
19 application under section 6 of this act unless all parties agree to a
20 longer extension, except that no extension shall extend more than
21 eight months after the issuance of a presidential permit authorizing
22 the construction of the major oil pipeline.

23 (3) If the commission approves the application, the
24 pipeline carrier shall file a status report with the commission
25 regarding the construction of the major oil pipeline every six months

1 until the completion of the major oil pipeline within Nebraska. The
2 pipeline carrier shall notify the commission of the completion of the
3 major oil pipeline within Nebraska within thirty days after such
4 completion.

5 (4) If the commission denies the application, the
6 pipeline carrier may amend the denied application in accordance with
7 the findings of the commission and submit the amended application
8 within sixty days after the issuance of the order denying the
9 application. Within sixty days after the receipt of the amended
10 application, the commission shall enter an order approving or denying
11 the amended application after making new findings under subsection
12 (4) of section 8 of this act.

13 Sec. 10. Any party aggrieved by a final order of the
14 commission regarding an application or assessment under the Major Oil
15 Pipeline Siting Act, including, but not limited to, a decision
16 relating to the public interest, may appeal. The appeal shall be in
17 accordance with the Administrative Procedure Act.

18 Sec. 11. The commission shall adopt and promulgate rules
19 and regulations to carry out the Major Oil Pipeline Siting Act.

20 Sec. 12. The Public Service Commission Pipeline
21 Regulation Fund is created. The fund shall be administered by the
22 commission. The fund shall be used by the commission to carry out the
23 Major Oil Pipeline Siting Act. Any money in the fund available for
24 investment shall be invested by the state investment officer pursuant
25 to the Nebraska Capital Expansion Act and the Nebraska State Funds

1 Investment Act.

2 Sec. 13. The commission may contract for professional
3 services and expert assistance, including, but not limited to, the
4 services of engineers, hydrogeologists, accountants, attorneys, and
5 economists, to assist with reviewing applications under the Major Oil
6 Pipeline Siting Act.

7 Sec. 14. Section 75-109.01, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 75-109.01 Except as otherwise specifically provided by
10 law, the Public Service Commission shall have jurisdiction, as
11 prescribed, over the following subjects:

12 (1) Common carriers, generally, pursuant to sections
13 75-101 to 75-158;

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

16 (3) Manufactured homes and recreational vehicles pursuant
17 to the Uniform Standard Code for Manufactured Homes and Recreational
18 Vehicles;

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

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

23 (6) Pipeline carriers and rights-of-way pursuant to the
24 Major Oil Pipeline Siting Act, the State Natural Gas Regulation Act,
25 and sections 75-501 to 75-503. If the provisions of Chapter 75 are

1 inconsistent with the provisions of the Major Oil Pipeline Siting
2 Act, the provisions of the Major Oil Pipeline Siting Act control;

3 (7) Railroad carrier safety pursuant to sections 74-918,
4 74-919, 74-1323, and 75-401 to 75-430;

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

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

15 (10) Water service pursuant to the Water Service
16 Regulation Act; and

17 (11) Jurisdictional utilities governed by the State
18 Natural Gas Regulation Act. If the provisions of Chapter 75 are
19 inconsistent with the provisions of the State Natural Gas Regulation
20 Act, the provisions of the State Natural Gas Regulation Act control.

21 Sec. 15. Section 75-110.01, Reissue Revised Statutes of
22 Nebraska, is amended to read:

23 75-110.01 A summary of the authority or relief sought in
24 an application or petition shall be set out in the notice given
25 according to the rules the commission shall adopt. After notice of an

1 application or petition has been given as provided by the rules for
2 notice, the commission may process the application or petition
3 without a hearing by use of affidavits if the application or petition
4 is not opposed. The commission shall not deny an application or
5 petition of a common carrier, pipeline carrier, or jurisdictional
6 utility until after it has either given the applicant a hearing
7 thereon, or received the applicant's affidavits and made them a part
8 of the record.

9 Sec. 16. Section 75-112, Reissue Revised Statutes of
10 Nebraska, is amended to read:

11 75-112 (1) For purposes of carrying out the powers and
12 duties of the commission related to the subjects under its
13 jurisdiction enumerated in section 75-109.01, each commissioner and
14 examiner of the commission may:

15 (a) Administer oaths;

16 (b) Compel the attendance of witnesses;

17 (c) Examine any of the books, papers, documents, and
18 records of any motor carrier or regulated motor carrier as defined in
19 section 75-302 or common, ~~or~~ contract, or pipeline carrier subject to
20 the jurisdiction of the commission under section 75-109.01 or any
21 jurisdictional utility or have such examination made by any person
22 that the commission may employ for that purpose;

23 (d) Compel the production of such books, papers,
24 documents, and records; or

25 (e) Examine under oath or otherwise any officer,

1 director, agent, or employee of any such carrier or jurisdictional
2 utility or any other person.

3 (2) Any person employed by the commission to examine such
4 books, papers, documents, or records shall produce his or her
5 authority, under the hand and seal of the commission, to make such
6 examination.

7 (3) The commissioners may certify to all official acts of
8 the commission.

9 Sec. 17. Section 75-118, Reissue Revised Statutes of
10 Nebraska, is amended to read:

11 75-118 The commission shall:

12 (1) Fix all necessary rates, charges, and regulations
13 governing and regulating the transportation, storage, or handling of
14 household goods and passengers by any common carrier in Nebraska
15 intrastate commerce;

16 (2) Make all necessary classifications of household goods
17 that may be transported, stored, or handled by any common carrier in
18 Nebraska intrastate commerce, such classifications applying to and
19 being the same for all common carriers;

20 (3) Prevent and correct the unjust discriminations set
21 forth in section 75-126;

22 (4) Enforce all statutes and commission regulations
23 pertaining to rates and, if necessary, institute actions in the
24 appropriate court of any county in which the common carrier involved
25 operates except actions instituted pursuant to sections 75-140 and

1 75-156 to 75-158. All suits shall be brought and penalties recovered
2 in the name of the state by or under the direction of the Attorney
3 General; and

4 (5) Enforce the Major Oil Pipeline Siting Act and the
5 State Natural Gas Regulation Act.

6 Sec. 18. Section 75-128, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 75-128 (1) It is hereby declared to be the policy of the
9 Legislature that all matters presented to the commission be heard and
10 determined without delay. All matters requiring a hearing shall be
11 set for hearing at the earliest practicable date and in no event,
12 except for good cause shown, which showing shall be recited in the
13 order, shall the time fixed for hearing be more than six months after
14 the date of filing of the application, complaint, or petition on
15 which such hearing is to be had. Except in case of an emergency and
16 upon a motion to proceed with less than a quorum made by all parties
17 and supported by a showing of clear and convincing evidence of such
18 emergency and benefit to all parties, a quorum of the commission
19 shall hear all matters set for hearing. Except as otherwise provided
20 in the Major Oil Pipeline Siting Act or section 75-121 and except for
21 good cause shown, a decision of the commission shall be made and
22 filed within thirty days after completion of the hearing or after
23 submission of affidavits in nonhearing proceedings.

24 (2) In the case of any proceeding upon which a hearing is
25 held, the transcript of testimony shall be prepared and submitted to

1 the commission prior to entry of an order, except that it shall not
2 be necessary to have prepared prior to a commission decision the
3 transcripts of testimony on hearings involving noncontested
4 proceedings and hearings involving emergency rate applications under
5 section 75-121.

6 (3) For each application, complaint, or petition filed
7 with the commission, except those filed under sections 75-303.01 and
8 75-303.02, the Major Oil Pipeline Siting Act, or the State Natural
9 Gas Regulation Act, the commission shall charge a filing fee to be
10 determined by the commission, but in an amount not to exceed the sum
11 of five hundred dollars, payable at the time of such filing. The
12 commission shall also charge to persons regulated by the commission,
13 except persons regulated under the Major Oil Pipeline Siting Act or
14 the State Natural Gas Regulation Act, a hearing fee to be determined
15 by the commission, but in an amount not to exceed the sum of two
16 hundred fifty dollars, for each half day of hearings if the person
17 regulated by the commission files an application, complaint, or
18 petition which necessitates a hearing.

19 (4) For each new tariff filed with the commission, except
20 those filed under sections 75-301 to 75-322, the commission shall
21 charge a fee not to exceed fifty dollars. This subsection does not
22 apply to amendments to existing tariffs.

23 (5) The commission shall remit the fees received to the
24 State Treasurer for credit to the General Fund.

25 Sec. 19. Section 75-129, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2 75-129 The commission may hold sessions at any place in
3 the state when deemed necessary to facilitate the discharge of its
4 duties and may conduct the hearing and other proceedings provided for
5 in sections 75-101 to 75-801, in the Major Oil Pipeline Siting Act,
6 in the State Natural Gas Regulation Act, or under any other law of
7 this state at such place or places in the state as may, in the
8 judgment of the commission, be the most convenient and practicable
9 for determining the particular matter before the commission. The
10 commission may hold public meetings as provided in section 8 of this
11 act.

12 Sec. 20. Section 75-502, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 75-502 Pipeline carriers which are declared common
15 carriers under section 75-501, pipeline carriers approved under the
16 Major Oil Pipeline Siting Act, and pipeline carriers for which the
17 Governor approves a route under section 3 of Legislative Bill 4, One
18 Hundred Second Legislature, First Special Session, 2011, may store,
19 transport, or convey any liquid or gas, or the products thereof, and
20 make reasonable charges therefor, may lay down, construct, maintain,
21 and operate pipelines, tanks, pump stations, connections, fixtures,
22 storage plants, and such machinery, apparatus, devices, and
23 arrangement as may be necessary to operate such pipes or pipelines
24 between different points in this state, and may use and occupy such
25 lands, rights-of-way, easements, franchises, buildings, and

1 structures as may be necessary to construct and maintain them.

2 Sec. 21. If any section in this act or any part of any
3 section is declared invalid or unconstitutional, the declaration
4 shall not affect the validity or constitutionality of the remaining
5 portions.

6 Sec. 22. Original sections 57-1101, 75-109.01, 75-110.01,
7 75-112, 75-118, 75-128, 75-129, and 75-502, Reissue Revised Statutes
8 of Nebraska, are repealed.

9 Sec. 23. Since an emergency exists, this act takes effect
10 when passed and approved according to law.