

AMENDMENTS TO LB 629

Introduced by Sullivan

1 1. Strike the original sections and insert the following
2 new sections:

3 Section 1. Sections 1 to 5 of this act shall be known
4 and may be cited as the Hazardous Liquid Pipeline Reclamation and
5 Recovery Act.

6 Sec. 2. For purposes of the Hazardous Liquid Pipeline
7 Reclamation and Recovery Act:

8 (1) Hazardous liquid means petroleum, including crude oil
9 or any fraction of crude oil;

10 (2) Pipeline carrier means a person that engages in
11 owning, operating, or managing a pipeline or part of a pipeline for
12 the transportation of hazardous liquid;

13 (3) Reclamation means the restoration of the areas
14 through which the pipeline is constructed to the general condition
15 and contour that existed prior to the construction; and

16 (4) Recovery means any emergency response, containment,
17 cleanup, removal, treatment, and monitoring necessary as a result
18 of a discharge or leak of hazardous liquid from the pipeline.

19 Sec. 3. The purpose of the Hazardous Liquid Pipeline
20 Reclamation and Recovery Act is to ensure that a pipeline carrier
21 which constructs or operates a pipeline through this state for
22 the transportation of hazardous liquid is financially responsible
23 for costs relating to reclamation and recovery for construction,

1 operation, and management of the pipeline in this state and is
2 liable for damages as prescribed in the act.

3 Sec. 4. (1) A pipeline carrier owning, operating, or
4 managing a pipeline or part of a pipeline for the transportation
5 of a hazardous liquid in this state shall be held liable for all
6 damages that arise out of or are caused by the discharge or leaking
7 of any hazardous liquid from the pipeline.

8 (2) A pipeline carrier owning, operating, or managing
9 a pipeline or part of a pipeline for the transportation of a
10 hazardous liquid in this state shall be responsible for reclamation
11 necessary as a result of constructing or operating the pipeline
12 and for the immediate cleanup of any discharge or leaking of any
13 hazardous liquid from the pipeline.

14 (3) Damages shall include costs of recovery and
15 reclamation, economic losses resulting from destruction of or
16 injury to real or personal property and natural resources,
17 rehabilitation of habitat or wildlife, costs related to assessing
18 and valuing the destruction, injury, or other loss, and attorney's
19 fees and costs for collecting such damages.

20 Sec. 5. Nothing in the Hazardous Liquid Pipeline
21 Reclamation and Recovery Act prohibits a county board, city
22 council, or village board from pursuing damages for the maintenance
23 and repair of roads, bridges, or other infrastructure related to
24 the construction, maintenance, or operation of a pipeline by a
25 pipeline carrier who is subject to the act.

26 Sec. 6. If any section in this act or any part of any
27 section is declared invalid or unconstitutional, the declaration

1 shall not affect the validity or constitutionality of the remaining
2 portions.

3 Sec. 7. Since an emergency exists, this act takes effect
4 when passed and approved according to law.