

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

FIRST SPECIAL SESSION

**LEGISLATIVE BILL 3**

Introduced by Avery, 28.

Read first time November 02, 2011

Committee: Judiciary

A BILL

1 FOR AN ACT relating to pipelines; to amend sections 57-1101 and  
2 57-1103, Reissue Revised Statutes of Nebraska; to change  
3 provisions relating to eminent domain and easements for  
4 pipelines; to repeal the original sections; and to  
5 declare an emergency.  
6 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. Prior to having  
17 the rights set forth in this section, any company, corporation, or  
18 association formed or created for the purpose of transporting or  
19 conveying crude oil in interstate commerce through or across the  
20 State of Nebraska or intrastate within the State of Nebraska shall  
21 apply for and be successfully granted any controlling federal or  
22 state order, permit, or authority for construction, laying, relaying,  
23 operation, and maintenance of any such pipeline or the location of  
24 any plant or equipment necessary to operate such pipeline. The  
25 procedure to condemn property shall be exercised in the manner set

1    forth in sections 76-704 to 76-724.

2                    Sec. 2. Section 57-1103, Reissue Revised Statutes of  
3    Nebraska, is amended to read:

4                    57-1103 Any person engaged in, and any company,  
5    corporation, or association formed or created for the purpose of  
6    transporting or conveying crude oil, petroleum, or other products  
7    thereof, in interstate commerce through, or across the State of  
8    Nebraska, or intrastate within the State of Nebraska, and desiring or  
9    requiring a right-of-way in the nature of an easement, for the  
10   purpose of laying, relaying, operating, and maintaining any pipeline  
11   or lines for such purpose in or across any of the public lands except  
12   school lands which are not subject to ~~the provisions of~~ section  
13   57-1102, the title of which is vested in the State of Nebraska, shall  
14   have the right to acquire the same for such purpose by filing with  
15   the other governing body having title or supervision thereof, a plat  
16   describing the portion or portions of land, real estate, or right-of-  
17   way necessary for the laying, relaying, operating, and maintaining of  
18   any such pipeline. Prior to having the rights set forth in this  
19   section, any company, corporation, or association formed or created  
20   for the purpose of transporting or conveying crude oil in interstate  
21   commerce through or across the State of Nebraska or intrastate within  
22   the State of Nebraska shall apply for and be successfully granted any  
23   controlling federal or state order, permit, or authority for  
24   construction, laying, relaying, operation, and maintenance of any  
25   such pipeline or the location of any plant or equipment necessary to

1 operate such pipeline. The, ~~and the~~ governing body shall direct the  
2 county ~~commissioners~~ board of the county or counties through which  
3 such pipeline right-of-way is desired and for which a plat is filed,  
4 shown by petitioners' application and maps, to appraise and fix the  
5 amount to be paid by such person, company, corporation, or  
6 association for such right-of-way, and assess the damages therefor.  
7 Before making the assessment, the governing body shall notify the  
8 applicant of the time and place of such hearing by either certified  
9 or registered mail, to be mailed at least ten days prior to the  
10 hearing.

11           Sec. 3. Original sections 57-1101 and 57-1103, Reissue  
12 Revised Statutes of Nebraska, are repealed.

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