

LEGISLATIVE BILL 845

Approved by the Governor April 6, 2012

Introduced by Sullivan, 41; Dubas, 34.

FOR AN ACT relating to the Oil Pipeline Reclamation Act; to amend sections 76-3301, 76-3303, and 76-3304, Revised Statutes Supplement, 2011; to state intent; to provide requirements for reclamation; to harmonize provisions; to repeal the original sections; and to declare an emergency.

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

Section 1. Section 76-3301, Revised Statutes Supplement, 2011, is amended to read:

76-3301 Sections 76-3301 to 76-3306 and sections 4 and 5 of this act shall be known and may be cited as the Oil Pipeline Reclamation Act.

Sec. 2. Section 76-3303, Revised Statutes Supplement, 2011, is amended to read:

76-3303 (1) The purpose of the Oil Pipeline Reclamation Act is to ensure that a pipeline carrier which owns, constructs, operates, or manages a pipeline through this state for the transportation of oil is financially responsible for reclamation costs relating to the construction, operation, and management of the pipeline in this state as prescribed in the act.

(2) It is the intent of the Legislature that proper reclamation is accomplished as part of the oil pipeline construction process, including restoration of areas through which a pipeline is constructed as close as reasonably practicable to the condition, contour, and vegetation that existed prior to construction, including stabilizing disturbed areas, establishing a diverse plant environment of native grasses and forbs to create a safe and stable landscape, restoring active cropland to its previous productive capability, mitigating noxious weeds, and managing invasive plants, unless otherwise agreed to by the landowner.

Sec. 3. Section 76-3304, Revised Statutes Supplement, 2011, is amended to read:

76-3304 (1) A pipeline carrier owning, operating, or managing a pipeline or part of a pipeline for the transportation of oil in this state shall be responsible for all reclamation costs necessary as a result of constructing the pipeline as well as reclamation costs resulting from operating the pipeline, except to the extent another party is determined to be responsible.

(2) The pipeline carrier shall commence reclamation of the area through which a pipeline is constructed as soon as reasonably practicable after backfill as provided in sections 4 and 5 of this act.

(3) A pipeline carrier's obligation for reclamation and maintenance of the pipeline right-of-way shall continue until the pipeline is permanently decommissioned or removed.

Sec. 4. A pipeline carrier shall complete final grading, topsoil replacement, installation of erosion control structures, seeding, and mulching within thirty days after backfill except when weather conditions, extenuating circumstances, or unforeseen developments do not permit the work to be done within such thirty-day period.

Sec. 5. (1) A pipeline carrier shall ensure that all reclamation, including, but not limited to, choice of seed mixes, method of reseeding, and weed and erosion control measures and monitoring, is conducted in accordance with the Federal Seed Act, 7 U.S.C. 1551 et seq., the Nebraska Seed Law, and the Noxious Weed Control Act.

(2) A pipeline carrier shall ensure that genetically appropriate and locally adapted native plant materials and seeds are used based on site characteristics and surrounding vegetation as determined by a preconstruction site inventory.

(3) A pipeline carrier shall ensure that mulch is installed as required by site contours, seeding methods, or weather conditions or when requested by a landowner.

Sec. 6. Original sections 76-3301, 76-3303, and 76-3304, Revised Statutes Supplement, 2011, are repealed.

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