

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 473

Introduced by Chambers, 11.

Read first time January 20, 2015

Committee: Judiciary

- 1 A BILL FOR AN ACT relating to eminent domain; to amend sections 57-1101
- 2 and 57-1408, Revised Statutes Cumulative Supplement, 2014; to
- 3 eliminate the power of eminent domain for certain pipelines; to
- 4 harmonize provisions; 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, Revised Statutes Cumulative Supplement,
2 2014, is amended to read:

3 57-1101 Any person engaged in, and any company, corporation, or
4 association formed or created for the purpose of, transporting or
5 conveying crude oil, petroleum, gases, or other products thereof in
6 interstate commerce through or across the State of Nebraska or intrastate
7 within the State of Nebraska, and desiring or requiring a right-of-way or
8 other interest in real estate and being unable to agree with the owner or
9 lessee of any land, lot, right-of-way, or other property for the amount
10 of compensation for the use and occupancy of so much of any lot, land,
11 real estate, right-of-way, or other property as may be reasonably
12 necessary for the laying, relaying, operation, and maintenance of any
13 such pipeline or the location of any plant or equipment necessary to
14 operate such pipeline, shall have the right to acquire the same for such
15 purpose through the exercise of the power of eminent domain, except that
16 ~~a for any major oil pipeline as defined in section 57-1404 shall not have~~
17 ~~to be placed in operation in the State of Nebraska after November 23,~~
18 ~~2011, any such person, company, corporation, or association shall comply~~
19 ~~with section 57-1503 and receive the approval of the Governor for the~~
20 ~~route of the pipeline under such section or shall apply for and receive~~
21 ~~an order approving the application under the Major Oil Pipeline Siting~~
22 ~~Act, prior to having the rights provided under this section. If~~
23 ~~condemnation procedures have not been commenced within two years after~~
24 ~~the date the Governor's approval is granted or after the date of receipt~~
25 ~~of an order approving an application under the Major Oil Pipeline Siting~~
26 ~~Act, the right under this section expires. The procedure to condemn~~
27 ~~property shall be exercised in the manner set forth in sections 76-704 to~~
28 ~~76-724.~~

29 Sec. 2. Section 57-1408, Revised Statutes Cumulative Supplement,
30 2014, is amended to read:

31 57-1408 (1) Within seven months after the receipt of the application

1 under section 57-1405, the commission shall enter an order approving the
2 application or denying the application. The commission shall include in
3 the order the findings of the commission regarding the application and
4 the reasons for approving or denying the application. ~~The order approving~~
5 ~~the application shall state that the application is in the public~~
6 ~~interest and shall authorize the pipeline carrier to act under section~~
7 ~~57-1101.~~

8 (2) The commission may, for just cause, extend the time for the
9 entry of an order under subsection (1) of this section. The extension
10 shall not exceed twelve months after the receipt of the application under
11 section 57-1405 unless all parties agree to a longer extension, except
12 that no extension shall extend more than eight months after the issuance
13 of a presidential permit authorizing the construction of the major oil
14 pipeline.

15 (3) If the commission approves the application, the pipeline carrier
16 shall file a status report with the commission regarding the construction
17 of the major oil pipeline every six months until the completion of the
18 major oil pipeline within Nebraska. The pipeline carrier shall notify the
19 commission of the completion of the major oil pipeline within Nebraska
20 within thirty days after such completion.

21 (4) If the commission denies the application, the pipeline carrier
22 may amend the denied application in accordance with the findings of the
23 commission and submit the amended application within sixty days after the
24 issuance of the order denying the application. Within sixty days after
25 the receipt of the amended application, the commission shall enter an
26 order approving or denying the amended application after making new
27 findings under subsection (4) of section 57-1407.

28 Sec. 3. Original sections 57-1101 and 57-1408, Revised Statutes
29 Cumulative Supplement, 2014, are repealed.

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