

ONE HUNDRED SECOND LEGISLATURE - SECOND SESSION - 2012
COMMITTEE STATEMENT
LB845

Hearing Date: Thursday February 16, 2012
Committee On: Natural Resources
Introducer: Sullivan
One Liner: Provide reclamation requirements under the Oil Pipeline Reclamation Act

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:

Aye: 8 Senators Carlson, Christensen, Dubas, Haar, Langemeier, McCoy, Schilz, Smith

Nay:

Absent:

Present Not Voting:

Proponents:

Senator Kate Sullivan
Dean Edson
Ernie Fellows
Alison Krohn
Ken Winston
John K. Hansen
Ben Gotschall

Representing:

Introducer
Nebraska Association of Resources Districts
Self
Self
Nebraska Sierra Club
Nebraska Farmers Union
Self

Opponents:

Representing:

Neutral:

Representing:

Summary of purpose and/or changes:

LB 845 would strengthen the reclamation requirements currently in statute under the Oil Pipeline Reclamation Act.

Section-by-section description:

Section 1 adds that the new sections of this bill are to be considered part of the Oil Pipeline Reclamation Act.

Section 2 amends 76-3303, which states the purpose of the act, by adding legislative intent language that proper reclamation is part of the oil pipeline construction process, to as close as reasonably practicable to pre-construction condition, unless otherwise agreed to by the landowner.

Section 3 amends 76-3304, which states the duties of a pipeline carrier under the act, by adding reference to the provisions in this bill.

Section 4 creates new language requiring a pipeline carrier to complete final grading, topsoil replacement, installation of erosion control structures, seeding and mulching within 30 days after backfill unless weather or other extreme circumstances do not permit it.

Section 5 creates new language requiring a pipeline carrier to ensure all reclamation is conducted in accordance with the Federal Seed Act, Nebraska Seed Law, and the Noxious Weed Control Act. Also requires assurance that genetically fit and locally adapted plants and seeds are to be used, that all seed mixes are state certified under Nebraska Seed Law, and that mulch is installed as required by site contours, seeding methods or weather conditions, or by the request of the landowner.

Section 6 repeals the original sections.

Section 7 contains an emergency clause.

Explanation of amendments:

AM 2146 deletes a requirement in the bill that a pipeline carrier ensure that all seed mixes used in reclamation are state-certified under Nebraska Seed Law and statutes related to state-certified seeds that may have had unintended consequences for locally harvested seed.

Chris Langemeier, Chairperson