

Nebraska State Senators called back to Lincoln for Special Session to address pipeline controversy

Written by Wauneta Breeze
Thursday, 27 October 2011 17:43 -

By Russ Pankonin

The Imperial Republican

Senator Mark Christensen of Imperial will be returning to Lincoln next week for a special session of the Nebraska Legislature.

On Monday, Gov. Dave Heineman called the special legislative session, which will begin Tuesday, Nov. 1.

Senators will explore giving the state authority to change the route of TransCanada's controversial Keystone XL pipeline, along with routing of future oil pipelines.

The governor's announcement resuscitated pipeline opponents' hopes of re-routing the pipeline, which appeared all but dead last week.

Speaker of the Legislature Mike Flood of Norfolk said he would not support a special session.

Flood said legislation to stall the Keystone project at this late date could be unconstitutional and therefore subject the state to untold millions in lawsuits.

Senator Christensen said Monday that he agrees with Flood's stance. "I don't think we can change it (the route) now."

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The entire federal permitting process would have to be reopened, which would delay the pipeline for two to three years, Christensen said.

However, the 44th District senator said he would be open to listening to the case for passing legislation to re-route the pipeline.

Route bisects Nebraska

The Keystone XL project is a 36-inch pipeline that would pump oil from Canada to the United States gulf coast.

It's the routing of the pipeline that has generated such a fracas in the state — it bisects central Nebraska, the fragile Sand-hills and its shallow water table, and the Ogallala Aquifer.

Heineman said his opposition to the project was to the route, not the pipeline itself. If TransCanada would voluntarily change the route, the pipeline would be a non-issue, he said.

“Nebraskans would cheer, the controversy will disappear,” he said.

Pres. Obama's help sought

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But TransCanada has so far refused to change its proposed route, so the governor has asked President Barack Obama to deny TransCanada's permit as the "best option" to change the pipeline route.

"If the Obama administration denies the permit, the pipeline won't be built over the aquifer," he said.

The U.S. State Department has jurisdiction because the pipeline route crosses an international boundary. They are expected to make a decision on the Keystone permit by the end of the year.

Heineman's announcement of a special session marks a reversal in the governor's policy. He had refused to call the session, saying instead that it should be called by members of the Unicameral.

Monday's change of heart was fueled incrementally by the "continued discussion" of the controversial project, he said.

Heineman said he wasn't worried about the additional cost of a special session or even potential lawsuits that may result from legislative action.

"At this stage I believe it's worth the risk when you think about the cost associated with a spill or leak over the Ogallala Aquifer," he said.

The governor cautioned a special session does not guarantee any result. The legislature could potentially determine there are no legal grounds to alter the proposed route at this late stage and the project could move forward as currently planned, he said.

"We'll all be disappointed," he said, "but [Nebraskans] will know we gave it our best effort and that's what this is all about."

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Session to cost \$100K or more

Christensen said the special session must last at least 10 legislative days. He said a special session costs the people of the state \$10,000 per day, or a minimum of \$100,000. He said the senators want to complete the session before the Thanksgiving holiday.

(Reports from the Republican staff and Charlie Litton of the Nebraska News Service were used to compile this story.)