By Charlie Litton
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Speaker of the Legislature Mike Flood of Norfolk brought the ninth day of the special session to sudden and unexpected calm and content.

About 90 minutes into debate of Schuyler Sen. Chris Langemeier's oil pipeline routing bill, Flood stunned lawmakers and onlookers with news that TransCanada will voluntarily re-route its controversial pipeline. Called Keystone XL, the pipeline would have bisected Nebraska, its fragile Sandhills and the massive Ogallala Aquifer as it pumped Albert, Canada, tar sands oil to American refineries along the Gulf of Mexico.

"This is a good day for Nebraska," Flood said during a press conference after the session. "This does not belong to government. This does not belong TransCanada. It belongs to the people."

Jane Kleeb, founder of the progressive advocacy group called Bold Nebraska, was pleased with the development but remained skeptical.

"We do not trust TransCanada," she said. "We will be watching them like hawks."

Alex Pourbaix, TransCanada's president for oil and energy pipelines was present at the press conference. He told the gathering that he remains convinced that the proposed route through the Sandhills would have been safe, but agreed to change the route once the U.S. State Department extended its final permit decision from December this year to 2013.

"The State Department, by changing the rules, has given us this opportunity," he said.

Pourbaix said routing out of the Sandhills did not necessarily mean that the pipeline would not cross the Ogallala Aquifer, a key source of water for the Midwest. But he was "confident that it would move away from areas where water is near the surface."

When floor debate began on Langemeier's bill, the Legislature was clearly divided. Several lawmakers stood in support of the bill, but just as many seemed opposed, including Holdrege Sen. Tom Carlson who threatened to filibuster any bill that would apply to the Keystone XL pipeline.

Carlson was also present at the post-session press conference, and voiced his support for Flood's compromise solution.

Flood announced his plan when it was his turn to speak on Langemeier's bill. At that point he introduced an amendment to the LB4, called for LB1 to be pushed out of committee for debate as soon as Nov. 15, and hushed the room with TransCanada's late reversal.

"TransCanada has voluntarily agreed to move the route," he said. "TransCanada is willing to consider a route that doesn't cross the Sandhills."

The remaining speakers uniformly praised Flood for his "leadership" and supported his proposed amendment.

Sen. Brad Ashford of Omaha was nearly speechless moments later.

"My-my, gracious," said Ashford, who is also the Judiciary Committee chairman. "There will not be a better day than this."

Malcolm Sen. Ken Haar, who was the most vocal in calling for a special session aimed at legislating the Keystone XL pipeline, was also pleased with the compromise.

"I believe this is a win-win," he said. "It happened across the aisle. The process works."

Flood's amendment essentially dumps all the language from Langemeier's LB4 and creates within the Department of Environmental Quality the authority to perform its own environmental assessment for newly proposed pipeline routes. This process would be used as TransCanada

begins plans for an alternate route for Keystone XL.

Flood also called for LB1 to be immediately pushed out of the Natural Resources Committee for floor debate. LB1 is Sen. Annette Dubas' (Fullerton) plan to vest oil pipeline siting authority within the Public Service Commission. Should this bill pass, TransCanada would be exempt from the process, but all future pipelines would not.

"It's appropriate that this bill be passed this session," Flood said, "so we never have to relive this nightmare again."

Flood said his solution "respects our citizens, moves the pipeline," and protects the state in the future.

Flood's amendment will go before the Natural Resources Committees Tuesday.