

1 ENGROSSED HOUSE
2 BILL NO. 2100

By: O'Donnell of the House

3 and

4 Rader of the Senate

5
6
7 [pipeline safety - construction and operation of
8 pipelines -

9 emergency]

10

11

12 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

13 SECTION 1. AMENDATORY 52 O.S. 2011, Section 5, is
14 amended to read as follows:

15 Section 5. A. The Corporation Commission is hereby authorized,
16 directed and empowered to promulgate, adopt and enforce reasonable
17 rules establishing minimum state safety standards for the design,
18 construction, maintenance and operation of all regulated pipelines
19 ~~used for the transmission and distribution of natural gas and~~
20 pipeline systems as defined by 49 C.F.R., Parts 192 and 195 in this
21 state. However, except as otherwise provided in subsection
22 subsections B and C of this section, or for the purposes of
23 regulated gas pipeline incident reporting, investigation and
24 enforcement for incidents with estimated property damage of Five

1 Thousand Dollars (\$5,000.00) or more, the Commission shall not
2 promulgate, enforce or interpret any rule or regulation unless such
3 rule, regulation or interpretation shall be consistent with and no
4 more restrictive than the rules, regulations and interpretations of
5 the United States Secretary of Transportation for pipeline
6 transportation and pipeline facilities. When any such transmission
7 pipeline shall be constructed, operated or maintained under, through
8 and across a highway, section-line road or improved public road or
9 street, there shall be erected directly above where such pipeline
10 enters or leaves said highway, section-line road or improved public
11 road or street, a suitable sign or marker stating thereon the name
12 of the owner of such pipeline and such other information as the
13 Corporation Commission may by rule direct.

14 B. The Commission is authorized and directed to promulgate and
15 enforce reasonable rules relating to an incident on a gathering
16 pipeline unit not subject to the U.S. Department of Transportation
17 Pipeline Safety Regulations, codified at 49 CFR Parts 191 and 192,
18 provided that such rules of the Commission are limited to the
19 following specified areas: telephonic notification of and a written
20 report about the incident which shall be consistent with and require
21 no more information than the rules, regulations and interpretations
22 issued by the U.S. Department of Transportation Pipeline Safety
23 Regulations relating to the reporting of incidents, maps depicting
24

1 the location of the incident, and reasonable corrective measures to
2 the gathering pipeline unit involved in the incident.

3 C. For the purposes of this section:

4 1. "Incident" shall have the same meaning as it is defined in
5 the U.S. Department of Transportation, Pipeline Safety Regulations
6 for interstate pipelines, and shall have the same meaning for
7 regulated intrastate pipelines except for the estimated property
8 damage, which shall be Five Thousand Dollars (\$5,000.00) or more;

9 and

10 2. "Gathering pipeline unit" means the portion of the
11 nonregulated gathering pipeline involved in the incident not to
12 exceed one (1) mile of pipeline.

13 D. If contacted by any other entity or person regarding an
14 incident, as defined in paragraph 1 of subsection C of this section,
15 the Commission may disclose to such entity or person the time, date
16 and location of the incident, the identity of the operator involved
17 in the incident, the size of the gathering pipeline involved and the
18 number of fatalities or injuries, if any, resulting from the
19 incident.

20 E. With the exception of the information outlined in subsection
21 D of this section, all reports, data, maps or other information
22 which the Commission may be authorized to obtain under the
23 provisions of this section may be filed as confidential and the
24 Commission shall maintain them as confidential and such records

1 shall not be subject to the provisions of the Oklahoma Open Records
2 Act. Only authorized Commission employees may obtain or access such
3 confidential records.

4 F. The Corporation Commission may appoint a registered
5 professional engineer with actual experience in the design,
6 construction, maintenance or operation of natural gas pipelines, and
7 such other personnel as may be provided by law, to carry out the
8 provisions of Section 1 et seq. of this title. Such engineer shall
9 be furnished with personnel, supplies and equipment as may be
10 necessary to carry out the provisions of Section 1 et seq. of this
11 title. The expenses of any inspection shall be borne and paid for
12 by the parties laying and constructing or operating such pipelines
13 for the transportation or transmission of natural gas.

14 SECTION 2. AMENDATORY Section 1, Chapter 243, O.S.L.
15 2014 (63 O.S. Supp. 2018, Section 142.13), is amended to read as
16 follows:

17 Section 142.13 A. The Corporation Commission is hereby
18 designated as the agency to enforce the provisions of the Oklahoma
19 Underground Facilities Damage Prevention Act, Section 142.1 et seq.
20 of ~~Title 63 of the Oklahoma Statutes~~ this title, over excavation or
21 demolition on or near or directly over the location of, and notice
22 of damage to, oil and natural gas physical facilities which are
23 described by the currently effective definition of "pipeline" in 49
24

1 CFR Part 192.3 and "pipeline" and "pipeline system" in 49 CFR Part
2 195.2.

3 B. The Corporation Commission is hereby authorized, directed
4 and empowered to promulgate, adopt and enforce reasonable rules
5 necessary for effective enforcement.

6 C. Enforcement authority granted in this section shall be
7 concurrent with and shall not be construed to modify or limit any
8 private right of action, including those available pursuant to
9 Section 142.9a of ~~Title 63 of the Oklahoma Statutes~~ this title.
10 Terms used in this section shall be as defined in the Oklahoma
11 Underground Facilities Damage Prevention Act.

12 SECTION 3. It being immediately necessary for the preservation
13 of the public peace, health or safety, an emergency is hereby
14 declared to exist, by reason whereof this act shall take effect and
15 be in full force from and after its passage and approval.

16 Passed the House of Representatives the 5th day of March, 2019.

17

18

Presiding Officer of the House
of Representatives

19

20

Passed the Senate the ____ day of _____, 2019.

21

22

23

Presiding Officer of the Senate

24