

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 57th Legislature (2019)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 2100

By: O'Donnell

7
8 COMMITTEE SUBSTITUTE

9 An Act relating to pipeline safety; amending 52 O.S.
10 2011, Section 5, which relates to construction and
11 operation of pipelines; modifying scope of certain
12 rules; modifying definition; amending Section 1,
13 Chapter 243, O.S.L. 2014 (63 O.S. Supp. 2018, Section
14 142.13), which relates to the Corporation
15 Commission's enforcement authority; authorizing
16 Commission to promulgate, adopt and enforce certain
17 rules; and declaring an emergency.

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

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

Section 5. A. The Corporation Commission is hereby authorized,
directed and empowered to promulgate, adopt and enforce reasonable
rules establishing minimum state safety standards for the design,
construction, maintenance and operation of all regulated pipelines
~~used for the transmission and distribution of natural gas and~~
pipeline systems as defined by 49 C.F.R., Parts 192 and 195 in this

1 state. However, except as otherwise provided in ~~subsection~~
2 subsections B and C of this section, or for the purposes of
3 regulated gas pipeline incident reporting, investigation and
4 enforcement for incidents with estimated property damage of Five
5 Thousand Dollars (\$5,000.00) or more, the Commission shall not
6 promulgate, enforce or interpret any rule or regulation unless such
7 rule, regulation or interpretation shall be consistent with and no
8 more restrictive than the rules, regulations and interpretations of
9 the United States Secretary of Transportation for pipeline
10 transportation and pipeline facilities. When any such transmission
11 pipeline shall be constructed, operated or maintained under, through
12 and across a highway, section-line road or improved public road or
13 street, there shall be erected directly above where such pipeline
14 enters or leaves said highway, section-line road or improved public
15 road or street, a suitable sign or marker stating thereon the name
16 of the owner of such pipeline and such other information as the
17 Corporation Commission may by rule direct.

18 B. The Commission is authorized and directed to promulgate and
19 enforce reasonable rules relating to an incident on a gathering
20 pipeline unit not subject to the U.S. Department of Transportation
21 Pipeline Safety Regulations, codified at 49 CFR Parts 191 and 192,
22 provided that such rules of the Commission are limited to the
23 following specified areas: telephonic notification of and a written
24 report about the incident which shall be consistent with and require

1 no more information than the rules, regulations and interpretations
2 issued by the U.S. Department of Transportation Pipeline Safety
3 Regulations relating to the reporting of incidents, maps depicting
4 the location of the incident, and reasonable corrective measures to
5 the gathering pipeline unit involved in the incident.

6 C. For the purposes of this section:

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

13 2. "Gathering pipeline unit" means the portion of the
14 nonregulated gathering pipeline involved in the incident not to
15 exceed one mile of pipeline.

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

23 E. With the exception of the information outlined in subsection
24 D of this section, all reports, data, maps or other information

1 which the Commission may be authorized to obtain under the
2 provisions of this section may be filed as confidential and the
3 Commission shall maintain them as confidential and such records
4 shall not be subject to the provisions of the Oklahoma Open Records
5 Act. Only authorized Commission employees may obtain or access such
6 confidential records.

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

17 SECTION 2. AMENDATORY Section 1, Chapter 243, O.S.L.
18 2014 (63 O.S. Supp. 2018, Section 142.13), is amended to read as
19 follows:

20 Section 142.13 A. The Corporation Commission is hereby
21 designated as the agency to enforce the provisions of the Oklahoma
22 Underground Facilities Damage Prevention Act, Section 142.1 et seq.
23 of Title 63 of the Oklahoma Statutes, over excavation or demolition
24 on or near or directly over the location of, and notice of damage

1 to, oil and natural gas physical facilities which are described by
2 the currently effective definition of "pipeline" in 49 CFR Part
3 192.3 and "pipeline" and "pipeline system" in 49 CFR Part 195.2.

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

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

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

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18 COMMITTEE REPORT BY: COMMITTEE ON ENERGY AND NATURAL RESOURCES,
19 dated 02/27/2019 - DO PASS, As Amended.
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