

1 ENGROSSED SENATE  
2 BILL NO. 300

By: Bingman of the Senate

3 and

4 Thompson of the House

5  
6  
7 [ pipelines - language - powers and duties -  
8 emergency ]

9  
10 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

11 SECTION 1. AMENDATORY 52 O.S. 2001, Section 5, is  
12 amended to read as follows:

13 Section 5. The Corporation Commission is hereby authorized,  
14 directed and empowered to promulgate, adopt and enforce reasonable  
15 rules ~~and regulations~~ establishing minimum state safety standards  
16 for the design, construction, maintenance and operation of all  
17 pipelines used for the transmission and distribution of natural gas  
18 in this state; ~~provided, however, the Commission shall not~~  
19 ~~promulgate, enforce or interpret any rule or regulation unless such~~  
20 ~~rule, regulation or interpretation shall be consistent with and no~~  
21 ~~more restrictive than the rules, regulations and interpretations of~~  
22 ~~the United States Secretary of Transportation for pipeline~~  
23 ~~transportation and pipeline facilities.~~ When any such transmission  
24 pipeline shall be constructed, operated or maintained under, through

1 and across a highway, section-line road or improved public road or  
2 street, there shall be erected directly above where such pipeline  
3 enters or leaves said highway, section-line road or improved public  
4 road or street, a suitable sign or marker stating thereon the name  
5 of the owner of such pipeline and such other information as the  
6 Corporation Commission may by rule ~~or regulation~~ direct.

7 The Corporation Commission may appoint a registered professional  
8 engineer with actual experience in the design, construction,  
9 maintenance or operation of natural gas pipelines, and such other  
10 personnel as may be provided by law, to carry out the provisions of  
11 ~~this act~~ Section 1 et seq. of this title. Such engineer shall be  
12 furnished with personnel, supplies and equipment as may be necessary  
13 to carry out the provisions of ~~this act~~ 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 ~~Unless a different meaning is required by the express term of an~~  
18 ~~applicable federal statute, rule or regulation, the term "liaison"~~  
19 ~~as used in 49 C.F.R. Section 192.615 shall be interpreted by the~~  
20 ~~Corporation Commission according to this section. "Liaison" shall~~  
21 ~~mean any arrangement that is conducive to communications between a~~  
22 ~~pipeline operator or group of operators and appropriate local public~~  
23 ~~officials, including, but not limited to, fire and police officials.~~  
24 ~~Such arrangements may be established and maintained in any manner~~

1 ~~that allows the officials and the operator or operators the~~  
2 ~~opportunity to exchange information required by 49 U.S.C. Section~~  
3 ~~60102. A public official's failure to attend a face to face meeting~~  
4 ~~arranged by or on behalf of an operator or group of operators shall~~  
5 ~~not be considered by the Corporation Commission as a failure on the~~  
6 ~~part of any operator to establish or maintain a "liaison"; provided,~~  
7 ~~the operator produces either of the following:~~

8       1. ~~A written roster of persons invited to the meeting, meeting~~  
9 ~~minutes, an attendance list and return receipts indicating the~~  
10 ~~minutes were sent to those not in attendance; or~~

11       2. ~~Evidence of compliance with any alternate arrangement~~  
12 ~~acceptable to the Corporation Commission.~~

13       ~~The Corporation Commission shall not apply or enforce any~~  
14 ~~interpretations of its rules or regulations against any operator for~~  
15 ~~any practice, policy or conduct that complies with a written~~  
16 ~~procedure to minimize the hazard resulting from a gas pipeline~~  
17 ~~emergency when that procedure has been annually updated and approved~~  
18 ~~by the United States Secretary of Transportation.~~

19       SECTION 2.       AMENDATORY       52 O.S. 2001, Section 47.2, is  
20 amended to read as follows:

21       Section 47.2 As used in the Hazardous Liquid Transportation  
22 System Safety Act:

23       1. "Commission" means the Corporation Commission;  
24

1        2. "Hazardous liquid" means petroleum or petroleum products and  
2 anhydrous ammonia;

3        3. ~~"Liaison", unless a different meaning is required by the~~  
4 ~~express terms of an applicable federal statute, rule or regulation,~~  
5 ~~shall mean the same as the term "liaison" as used in 49 C.F.R.,~~  
6 ~~Section 195.402(c) (12) which means any arrangement that is conducive~~  
7 ~~to communications between a pipeline operator or group of operators~~  
8 ~~and the appropriate local public officials including, but not~~  
9 ~~limited to, fire and police officials. Such arrangements may be~~  
10 ~~established and maintained in any manner that allows the officials~~  
11 ~~and the operator or operators the opportunity to exchange~~  
12 ~~information required by 49 U.S.C. Section 60102. A public~~  
13 ~~official's failure to attend a face-to-face meeting arranged by or~~  
14 ~~on behalf of an operator or group of operators shall not be~~  
15 ~~considered by the Commission as a failure on the part of any~~  
16 ~~operator to establish or maintain a "liaison"; provided, the~~  
17 ~~operator produces either of the following:~~

18            a. ~~a written roster of persons invited to the meeting,~~  
19                 ~~meeting minutes, an attendance list and return~~  
20                 ~~receipts indicating the minutes were sent to those not~~  
21                 ~~in attendance, or~~

22            b. ~~evidence of compliance with any alternate arrangement~~  
23                 ~~acceptable to the Commission;~~

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1       4. "Person" means any individual, corporation, industry, firm,  
2 partnership, association, venture, trust, institution, or federal,  
3 state, or local governmental instrumentality, or any legal entity  
4 however organized; and

5       ~~5.~~ 4. "Transportation system" means a system of pipelines,  
6 conduits, pumping stations and force mains, temporary storage  
7 facilities, and all other constructions, devices, appurtenances, and  
8 facilities used in the movement of hazardous liquids. Said term  
9 does not include gathering pipelines in rural areas, onshore oil or  
10 gas production, refining, or manufacturing facilities, oil or gas  
11 storage facilities, or in-plant piping systems associated with said  
12 oil or gas facilities.

13       SECTION 3.       AMENDATORY       52 O.S. 2001, Section 47.3, is  
14 amended to read as follows:

15       Section 47.3 The Corporation Commission shall have the power  
16 and duty to:

17       1. Establish, administer, and enforce safety standards for the  
18 design, construction, maintenance, and operation of all  
19 transportation systems for hazardous liquid;

20       2. Advise, consult, and cooperate with other agencies of this  
21 state, the federal government, other states, interstate agencies,  
22 political subdivisions, and industries, as may be necessary for the  
23 discharge of the duties of the Commission pursuant to the provisions  
24 of the Hazardous Liquid Transportation System Safety Act;

1           3. Accept and administer loans and grants from the federal  
2 government and from other sources, public or private, for  
3 implementing the provisions of the Hazardous Liquid Transportation  
4 System Safety Act;

5           4. Adopt, modify, repeal, promulgate, and enforce rules and  
6 ~~regulations~~ implementing or effectuating the powers and duties of  
7 the Commission pursuant to the provisions of the Hazardous Liquid  
8 Transportation System Safety Act, ~~provided such rules and~~  
9 ~~regulations shall not exceed those found in 49 CFR, Part 195, as~~  
10 ~~provided for by P.L. 96 129; provided that, the Commission shall not~~  
11 ~~promulgate, enforce or interpret any rule or regulation unless such~~  
12 ~~rule, regulation or interpretation shall be consistent with and no~~  
13 ~~more restrictive than the applicable rules, regulations and~~  
14 ~~interpretations of the United States Secretary of Transportation;~~  
15 ~~provided further that, the Commission shall not apply or enforce any~~  
16 ~~interpretation of its rules or regulations against any operator for~~  
17 ~~any practice, policy or conduct that complies with a written~~  
18 ~~procedure to minimize the hazard resulting from a hazardous liquid~~  
19 ~~or carbon dioxide pipeline emergency when that procedure has been~~  
20 ~~annually updated and approved by the United States Secretary of~~  
21 ~~Transportation;~~

22           5. Make periodic investigations and inspections of hazardous  
23 liquid transportation systems to ensure compliance with the  
24 provisions of the Hazardous Liquid Transportation System Safety Act

1 and rules and regulations promulgated by the Commission pursuant to  
2 the provisions of the Hazardous Liquid Transportation System Safety  
3 Act;

4 6. Require the submission of plans, specifications, and other  
5 data relative to hazardous liquid transportation systems, and review  
6 said plans, specifications, and other data;

7 7. Approve or disapprove written safety plans for the  
8 inspection and maintenance of said transportation systems;

9 8. Require reports from all persons operating or owning a  
10 hazardous liquid transportation system;

11 9. Require the maintenance of records relating to the operation  
12 of hazardous liquid transportation systems;

13 10. Institute or cause to be instituted any necessary legal  
14 proceedings in any court of competent jurisdiction for an injunction  
15 or other appropriate relief to enforce the provisions of the  
16 Hazardous Liquid Transportation System Safety Act; and

17 11. Exercise all incidental powers which are necessary and  
18 proper to perform the duties of the Commission pursuant to the  
19 provisions of the Hazardous Liquid Transportation System Safety Act.

20 SECTION 4. It being immediately necessary for the preservation  
21 of the public peace, health and safety, an emergency is hereby  
22 declared to exist, by reason whereof this act shall take effect and  
23 be in full force from and after its passage and approval.

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1 Passed the Senate the 25th day of February, 2009.

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3 \_\_\_\_\_  
4 Presiding Officer of the Senate

5 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
6 2009.

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8 \_\_\_\_\_  
9 Presiding Officer of the House  
10 of Representatives