

1 STATE OF OKLAHOMA

2 1st Session of the 54th Legislature (2013)

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL NO. 969

6 By: Branam of the Senate

7 and

8 Watson of the House

9 COMMITTEE SUBSTITUTE

10 An Act relating to pipeline safety; creating the
11 Pipeline Safety Task Force; stating membership;
12 providing for appointments; stating duties; requiring
13 report by certain date; providing for termination of
14 task force; providing for travel reimbursement;
15 providing for noncodification; and declaring an
16 emergency.

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

18 SECTION 1. NEW LAW A new section of law not to be
19 codified in the Oklahoma Statutes reads as follows:

20 A. There is hereby created the Pipeline Safety Task Force to
21 study the issues related to pipeline safety and prevention of
22 excavation damage. The task force shall consist of eleven (11)
23 appointed members and a chair, appointed by the Oklahoma Corporation
24 Commission.

25 B. Three members shall be appointed by the Governor, four
26 members shall be appointed by the President Pro Tempore of the
27 Senate, and four members shall be appointed by the Speaker of the

1 House of Representatives. In addition to the appointed members, the
2 task force shall be chaired by a Commissioner of the Oklahoma
3 Corporation Commission appointed by the Chair of the Commission. At
4 least eight members appointed to the task force shall be operators
5 of pipeline facilities and excavators covered by the Oklahoma
6 Underground Facilities Damage Prevention Act.

7 C. The task force shall assess pipeline safety and prevention
8 of excavation damage in connection with the Pipeline Inspection,
9 Protection, Enforcement and Safety Act of 2006, the Pipeline Safety,
10 Regulatory Certainty and Job Creation Act of 2011 relating to
11 underground damage prevention programs and any Pipeline and
12 Hazardous Materials Safety Administration rules resulting from
13 authority granted under either act, including but not limited to:

14 1. Whether the Oklahoma Underground Facilities Damage
15 Prevention Act is consistent with any final rules issued in the
16 Pipeline and Hazardous Materials Safety Administration, Notice of
17 Proposed Rulemaking, 77 C.F.R. 19,800 (April 2, 2012), Docket No.
18 PHMSA-2009-0192;

19 2. The need to implement a complaint process under the
20 regulatory authority of the Corporation Commission;

21 3. The adequacy of the current enforcement powers of the
22 Commission;

23 4. The need to authorize the Commission to take enforcement
24 action with respect to any of the following prohibited practices:

- a. excavation or demolition by an excavator without first notifying all operators in the geographic area, as required by law,
- b. failure by an excavator to employ excavation or demolition procedures specified by law,
- c. failure by an excavator to report damage to the operator as required by law,
- d. in the event of damage to a pipeline that results in the escape of any flammable, toxic, or corrosive gas or liquid that may endanger life or cause serious bodily harm or damage to property, failure to report the incident promptly to local 911 emergency authority,
- e. failure by a pipeline operator to report to the Commission those incidents involving its facilities as required by law,
- f. frivolous and malicious notifications to operators of pipelines, and
- g. repeated instances of any of these prohibited practices;

5. Whether providing enforcement authority requires clarifying the private rights-of-action provided by the Oklahoma Underground Facilities Damage Prevention Act; and

6. Any other issues the task force deems advisable.

1 D. The task force shall report to the Governor, the President
2 Pro Tempore of the Senate and the Speaker of the House of
3 Representatives no later than December 1, 2013, the results of its
4 assessment and any recommendations approved by a majority of the
5 members. If the Pipeline and Hazardous Materials Safety
6 Administration has not issued final rules in Docket No. PHMSA-2009-
7 0192 by December 1, 2013, then the task force shall issue its
8 preliminary findings on December 1, 2013, and shall issue its final
9 report thirty (30) days after the issuance of final rules in Docket
10 No. PHMSA-2009-0192. Upon issuance of its final report, the task
11 force shall be disbanded.

12 E. Members of the task force shall serve without compensation
13 but may be reimbursed expenses incurred in the performance of their
14 duties, as provide in the State Travel Reimbursement Act to be paid
15 by the member's appointing authority.

16 SECTION 2. It being immediately necessary for the preservation
17 of the public peace, health and safety, an emergency is hereby
18 declared to exist, by reason whereof this act shall take effect and
19 be in full force from and after its passage and approval.

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