STATE OF OKLAHOMA

1st Session of the 54th Legislature (2013)

COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL NO. 969 By: Branan and Ivester of the Senate

and

Watson of the House

COMMITTEE SUBSTITUTE

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

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

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

A. There is hereby created the Pipeline Safety Task Force to study the issues related to pipeline safety and prevention of excavation damage. The task force shall consist of twelve (12) members.

B. Three members shall be appointed by the Governor, four members shall be appointed by the President Pro Tempore of the Senate, and four members shall be appointed by the Speaker of the House of Representatives. In addition to the appointed members, a Commissioner of the Oklahoma Corporation Commission shall be a member and shall serve as the chair of the task force. At least eight members appointed to the task force shall be operators of pipeline facilities and excavators as defined in the Oklahoma Underground Facilities Damage Prevention Act.

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

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

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

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

4. The need to authorize the Commission to take enforcement 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.

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

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

SECTION 2. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby

declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

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