

**SENATE CHAMBER**  
**STATE OF OKLAHOMA**

DISPOSITION

FLOOR AMENDMENT

No. \_\_\_\_\_

\_\_\_\_\_

COMMITTEE AMENDMENT

\_\_\_\_\_

(Date)

Mr./Madame President:

I move to amend House Bill No. 3407, by substituting the attached floor substitute for the title, enacting clause and entire body of the measure.

Submitted by:

\_\_\_\_\_  
Senator Allen

Allen-CB-FS-Req#3589  
4/9/2018 2:29 PM

(Floor Amendments Only) Date and Time Filed: \_\_\_\_\_

Untimely

Amendment Cycle Extended

Secondary Amendment

1 STATE OF OKLAHOMA

2 2nd Session of the 56th Legislature (2018)

3 FLOOR SUBSTITUTE  
4 FOR ENGROSSED  
5 HOUSE BILL NO.3407

By: Watson of the House

and

Allen of the Senate

6  
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8  
9 FLOOR SUBSTITUTE

10 An Act relating to public health and safety; amending  
11 63 O.S. 2011, Section 142.2, as amended by Section 1,  
12 Chapter 192, O.S.L. 2017 (63 O.S. Supp. 2017, Section  
13 142.2), which relates to the Oklahoma Underground  
14 Facilities Damage Prevention Act; amending  
15 definition; and providing an effective date.

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

17 SECTION 1. AMENDATORY 63 O.S. 2011, Section 142.2, as  
18 amended by Section 1, Chapter 192, O.S.L. 2017 (63 O.S. Supp. 2017,  
19 Section 142.2), is amended to read as follows:

20 Section 142.2. As used in the Oklahoma Underground Facilities  
21 Damage Prevention Act:

22 1. "Certified project" means a project where the public agency  
23 responsible for the public project, as part of its procedure,  
24 certifies that the project right-of-way is free and clear of  
underground facilities or wherein the public agency responsible for

1 such project, as part of its procedure, notifies all persons  
2 determined by the public agency to have underground facilities  
3 located within the construction right-of-way and certifies that all  
4 known underground facilities are duly located or noted on the  
5 engineering drawings for the project;

6 2. "Damage" means any impact upon or removal of support from an  
7 underground facility as a result of explosion, excavation or  
8 demolition which according to the operating practices of the  
9 operator of the underground facilities would necessitate the repair  
10 thereof;

11 3. "Demolish" means to wreck, raze, render, move or remove a  
12 structure by means of any equipment or explosive;

13 4. "Demolition" means the act or operation of demolishing a  
14 structure;

15 5. "Excavate" means to dig, compress or remove earth, rock or  
16 other materials in or on the ground by use of mechanized equipment  
17 or blasting, including, but not necessarily limited to, augering,  
18 boring, backfilling, drilling, grading, pile driving, plowing in,  
19 pulling in, trenching, tunneling and plowing; provided, however,  
20 that neither:

- 21 a. the moving of earth by tools manipulated only by human  
22 or animal power, nor
- 23 b. any form of cultivation for agricultural purposes, nor  
24 any augering, dozing by noncommercial dozer operators

- 1 or digging for postholes, farm ponds, land clearing or  
2 other normal agricultural purposes, nor  
3 c. routine maintenance, nor  
4 d. work by a public agency or its contractors on a  
5 preengineered project, nor  
6 e. work on a certified project, nor  
7 f. work on a permitted project, nor  
8 g. the opening of a grave in a cemetery, nor  
9 h. a solid waste disposal site which is a preengineered  
10 project, nor  
11 i. any individual ~~excavating on his own property and who~~  
12 ~~is not in the excavating business for hire~~ who has  
13 called the Oklahoma One-Call System before digging on  
14 his or her own property,

15 shall be deemed excavation;

16 6. "Excavation" means the act or operation of excavating;

17 7. "Excavator" means a person or public agency that intends to  
18 excavate or demolish within the State of Oklahoma;

19 8. "Notification center" means the statewide center currently  
20 known as the Oklahoma One-Call System, Inc., which has as one of its  
21 purposes to receive notification of planned excavation and  
22 demolition in a specified area from excavators, and to disseminate  
23 such notification of planned excavation or demolition to operators  
24 who are members and participants;

1       9. "Operator" shall mean and include any person or public  
2 agency owning or operating underground facilities;

3       10. "Permitted project" means a project where a permit for the  
4 work to be performed must be issued by a state or federal agency  
5 and, as a prerequisite to receiving such permit, the applicant must  
6 locate all underground facilities in the area of the work and in the  
7 vicinity of any blasting and notify each owner of such underground  
8 facilities;

9       11. "Person" includes any individual, partnership, corporation,  
10 association, cooperative, trust or other entity, including a person  
11 engaged as a contractor by a public agency, but not including a  
12 public agency;

13       12. "Preengineered project" means a public project wherein the  
14 public agency responsible for such project, as part of its  
15 engineering and contract procedures, holds a meeting prior to the  
16 commencement of any construction work on such project in which all  
17 persons, determined by the public agency to have underground  
18 facilities located within the construction area of the project, are  
19 invited to attend and given an opportunity to verify or inform the  
20 public agency of the location of their underground facilities, if  
21 any, within the construction area and where the location of all  
22 known underground facilities are duly located or noted on the  
23 engineering drawing and specifications for the project;

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1 13. "Public agency" means the state or any board, commission or  
2 agency of the state;

3 14. "Routine maintenance" means the grading of roads and barrow  
4 or drainage ditches, the removal and replacement of pavement,  
5 including excavation relating thereto and the installation and  
6 maintenance of drainage and bridge facilities, signs, guardrails,  
7 and electrical and communications facilities in or on the public  
8 rights-of-way by a public agency; and

9 15. "Underground facility" means any underground line, cable,  
10 facility, system and appurtenances thereto, for producing, storing,  
11 conveying, transmitting or distributing communication (including  
12 voice, video, or data information), electricity, power, light, heat,  
13 refined petroleum products, water (including storm water), steam,  
14 sewage and other commodities. Underground facilities shall also  
15 mean oil and natural gas pipelines that are subject to the Hazardous  
16 Liquid Transportation System Safety Act and natural gas pipelines  
17 subject to the jurisdiction of the Oklahoma Corporation Commission  
18 Pipeline Safety Department, and any oil and gas pipeline located in  
19 a public right-of-way.

20 SECTION 2. This act shall become effective November 1, 2018.

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22 56-2-3589 CB 4/9/2018 2:29:57 PM

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