An Act

ENROLLED SENATE
BILL NO. 300

By: Bingman of the Senate

and

Thompson of the House

An Act relating to oil and gas; amending 52 O.S. 2001, Section 5, which relates to pipeline safety; authorizing the Corporation Commission to promulgate rules relating to certain pipeline gathering incidents; stating requirements for information; defining terms; authorizing Commission to release certain information relating to incidents; providing for information to remain confidential; updating statutory references; removing certain definition and requirements for liaisons; amending 52 O.S. 2001, Sections 47.2 and 47.3, which relate to the Hazardous Liquid Transportation System Safety Act; modifying definitions; providing for certain data to be confidential; and declaring an emergency.

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

SECTION 1. AMENDATORY 52 O.S. 2001, 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 ~~and regulations~~ establishing minimum state safety standards for the design, construction, maintenance and operation of all pipelines used for the transmission and distribution of natural gas in this state~~; provided, however,~~. However, except as otherwise provided in subsection B of this section, the Commission shall not

promulgate, enforce or interpret any rule or regulation unless such rule, regulation or interpretation shall be consistent with and no more restrictive than the rules, regulations and interpretations of the United States Secretary of Transportation for pipeline transportation and pipeline facilities. When any such transmission pipeline shall be constructed, operated or maintained under, through and across a highway, section-line road or improved public road or street, there shall be erected directly above where such pipeline enters or leaves said highway, section-line road or improved public road or street, a suitable sign or marker stating thereon the name of the owner of such pipeline and such other information as the Corporation Commission may by rule ~~or regulation~~ direct.

B. The Commission is authorized and directed to promulgate and enforce reasonable rules relating to an incident on a gathering pipeline unit not subject to the U.S. Department of Transportation Pipeline Safety Regulations, codified at 49 CFR Parts 191 and 192, provided that such rules of the Commission are limited to the following specified areas: telephonic notification of and a written report about the incident which shall be consistent with and require no more information than the rules, regulations and interpretations issued by the U.S. Department of Transportation Pipeline Safety Regulations relating to the reporting of incidents, maps depicting the location of the incident, and reasonable corrective measures to the gathering pipeline unit involved in the incident.

C. For the purposes of this section:

1. "Incident" shall have the same meaning as it is defined in the U.S. Department of Transportation, Pipeline Safety Regulations; and

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

D. If contacted by any other entity or person regarding an incident, as defined in paragraph 1 of subsection C of this section, the Commission may disclose to such entity or person the time, date and location of the incident, the identity of the operator involved in the incident, the size of the gathering pipeline involved and the

number of fatalities or injuries, if any, resulting from the incident.

E. With the exception of the information outlined in subsection D of this section, all reports, data, maps or other information which the Commission may be authorized to obtain under the provisions of this section may be filed as confidential and the Commission shall maintain them as confidential and such records shall not be subject to the provisions of the Oklahoma Open Records Act. Only authorized Commission employees may obtain or access such confidential records.

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

~~Unless a different meaning is required by the express term of an applicable federal statute, rule or regulation, the term "liaison" as used in 49 C.F.R. Section 192.615 shall be interpreted by the Corporation Commission according to this section. "Liaison" shall mean any arrangement that is conducive to communications between a pipeline operator or group of operators and appropriate local public officials, including, but not limited to, fire and police officials. Such arrangements may be established and maintained in any manner that allows the officials and the operator or operators the opportunity to exchange information required by 49 U.S.C. Section 60102. A public official's failure to attend a face to face meeting arranged by or on behalf of an operator or group of operators shall not be considered by the Corporation Commission as a failure on the part of any operator to establish or maintain a "liaison"; provided, the operator produces either of the following:~~

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

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

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

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

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

1. "Commission" means the Corporation Commission;

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

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

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

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

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

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

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

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

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

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

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

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

5. Make periodic investigations and inspections of hazardous liquid transportation systems to ensure compliance with the provisions of the Hazardous Liquid Transportation System Safety Act and rules ~~and regulations~~ promulgated by the Commission pursuant to the provisions of the Hazardous Liquid Transportation System Safety Act;

6. Require the submission of plans, specifications, and other data relative to hazardous liquid transportation systems, and review said plans, specifications, and other data. All data filed as confidential shall be maintained as confidential and shall not be subject to the provisions of the Oklahoma Open Records Act. Only authorized Commission employees may access such confidential data;

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

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

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

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

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

SECTION 4. 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.

Passed the Senate the 6th day of May, 2010.

Presiding Officer of the Senate

Passed the House of Representatives the 11th day of May, 2010.

Presiding Officer of the House of Representatives

OFFICE OF THE GOVERNOR

Received by the Governor this 12th

day of May, 2010,

at 1:17 o'clock P M.

By: [illegible]

Approved by the Governor of the State of Oklahoma the 14th day of

May, 2010, at 3:35 o'clock P M.

[illegible]

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Secretary of State this

17th day of May, 2010,

at 1:55 o'clock P M.

By: M. Susan Savage