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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 4626

03/07/2024 Authored by Tabke and Garofalo

The bill was read for the first time and referred to the Committee on Transportation Finance and Policy

03/20/2024 Adoption of Report: Amended and re-referred to the Committee on Labor and Industry Finance and Policy

1.1 A bill for an act

1.2 relating to public safety; modifying federal pipeline inspection rules for individuals
1.3 performing construction or maintenance work; repealing prevailing wage exemption
1.4 for broadband workers; making technical corrections; amending Minnesota Statutes
1.5 2022, sections 299J.01; 299J.02, by adding a subdivision; 299J.04, subdivision 2;
1.6 299J.11; repealing Minnesota Statutes 2022, section 116J.398.

1.7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.8 Section 1. Minnesota Statutes 2022, section 299J.01, is amended to read:

1.9 **299J.01 AUTHORITY OF OFFICE OF PIPELINE SAFETY.**

1.10 The commissioner of public safety shall, to the extent authorized by agreement with the
1.11 United States Secretary of Transportation, act as agent for the United States Secretary of
1.12 Transportation to implement the federal Hazardous Liquid Pipeline Safety Act, ~~United~~
1.13 ~~States Code, title 49, sections 2001 to 2014, the federal and~~ Natural Gas Pipeline Safety
1.14 ~~Act acts~~, United States Code, title 49, sections ~~1671 to 1686~~ 60101 to 60141, and federal
1.15 pipeline safety regulations with respect to interstate pipelines located within this state. The
1.16 commissioner shall, to the extent authorized by federal law, regulate pipelines in the state
1.17 as authorized by sections 299J.01 to 299J.17 and 299F.56 to 299F.641.

1.18 Sec. 2. Minnesota Statutes 2022, section 299J.02, is amended by adding a subdivision to
1.19 read:

1.20 Subd. 14. Utility corridor. "Utility corridor" means land that contains access to
1.21 above-ground utility infrastructure or an underground facility as defined in section 216D.01,
1.22 subdivision 11.

2.1 Sec. 3. Minnesota Statutes 2022, section 299J.04, subdivision 2, is amended to read:

2.2 Subd. 2. **Delegated duties.** (a) The commissioner shall seek and accept federal
2.3 designation of the office's pipeline inspectors as federal agents for the purposes of
2.4 enforcement of the federal Hazardous Liquid Pipeline Safety Act, ~~United States Code, title~~
2.5 ~~49, sections 2001 to 2014, the federal~~ and Natural Gas Pipeline Safety Act acts, United
2.6 States Code, title 49, sections ~~1671 to 1686~~ 60101 to 60141, and federal rules adopted to
2.7 implement those acts. The commissioner shall establish and submit to the United States
2.8 Secretary of Transportation an inspection program that complies with requirements for
2.9 delegated interstate agent inspection authority.

2.10 (b) To the extent that federal delegation of interstate agent inspection authority permits,
2.11 the inspection program for interstate pipelines and LNG facilities must be the same as the
2.12 inspection program for intrastate pipelines and LNG facilities. If the United States Secretary
2.13 of Transportation delegates inspection authority to the state as provided in this subdivision,
2.14 the commissioner, at a minimum, shall do the following to carry out the delegated federal
2.15 authority:

2.16 (1) inspect pipelines and LNG facilities periodically as specified in the inspection
2.17 program;

2.18 (2) collect inspection fees;

2.19 (3) order and oversee the testing of pipelines and LNG facilities as authorized by federal
2.20 law and regulations; and

2.21 (4) file reports with the United States Secretary of Transportation as required to maintain
2.22 the delegated inspection authority.

2.23 Sec. 4. Minnesota Statutes 2022, section 299J.11, is amended to read:

2.24 **299J.11 ADOPTION OF FEDERAL PIPELINE INSPECTION RULES.**

2.25 (a) To enable the state to act as an agent of the United States Secretary of Transportation
2.26 and to qualify for annual federal certification to enforce the federal pipeline inspection
2.27 program authorized by the Hazardous Liquid Pipeline Safety Act, ~~United States Code, title~~
2.28 ~~49, sections 2001 to 2014, the federal~~ and Natural Gas Pipeline Safety Act acts, United
2.29 States Code, title 49, sections ~~1671 to 1686~~ 60101 to 60141, and the rules implementing
2.30 those acts, the federal pipeline inspection rules and safety standards, and regulations and
2.31 standards that may be adopted that amend them, are adopted.

3.1 (b) An individual or contractor performing construction or maintenance work within 20
3.2 feet of a utility corridor must comply with the operator qualification rules set forth in Code
3.3 of Federal Regulations, title 49, parts 192, subpart N, and 195, subpart G.

3.4 (c) An individual or contractor performing construction or maintenance work within 20
3.5 feet of a utility corridor must comply with the workplace drug and alcohol testing rules set
3.6 forth in Code of Federal Regulations, title 49, part 40.

3.7 Sec. 5. **REPEALER.**

3.8 Minnesota Statutes 2022, section 116J.398, is repealed.

APPENDIX
Repealed Minnesota Statutes: H4626-1

116J.398 BROADBAND PREVAILING WAGE EXEMPTION.

Notwithstanding any other law to the contrary, section 116J.871 does not apply to a project receiving a grant under section 116J.395 for the construction, installation, remodeling, and repair of last-mile infrastructure, as defined under section 116J.394, paragraph (e).