ENGROSSED SENATE AMENDMENT
TO
ENGROSSED HOUSE BILL NO. 1260

BY: HAMILTON (James) and STEIDLEY of the HOUSE

and

TAYLOR and HANEY of the SENATE

(CORPORATION COMMISSION - APPROPRIATION - CERTAIN BUDGETARY LIMITATIONS - EFFECTIVE DATE -

EMERGENCY)

AMENDMENT NO. 1. Strike the stricken title, enacting clause and entire bill and insert

[CORPORATION COMMISSION - APPROPRIATION - AMENDING SECTION 22, CHAPTER 90, O.S.L. 1989 - OPERATIVE DATE -

EMERGENCY]

SECTION 1. There is hereby appropriated to the Corporation Commission from any monies not otherwise appropriated from the General Revenue Fund of the State Treasury for the fiscal year ending June 30, 1992, the following amount or so much thereof as may be necessary to perform the duties imposed upon the Corporation Commission by law:

Personal Services	$4,201,349.00
Other Operating Expenses	221,124.00
TOTAL	$4,422,473.00

SECTION 2. The duties and compensation of employees, not otherwise prescribed by law, necessary to perform the duties imposed upon the Corporation Commission by law shall be set by the Commissioners. The Corporation Commission, for the fiscal year ending June 30, 1992, shall be subject to the following budgetary limitations on full-time-equivalent employees and expenditures excluding direct expenditures for well plugging as authorized in Section 310 of Title 52 of the Oklahoma Statutes, pit closure as authorized in Section 140 of Title 52 of the Oklahoma Statutes, and remediation of sites as authorized in Section 353 of Title 17 of the Oklahoma Statutes, except as may be authorized pursuant to the provisions of Section 3603 of Title 74 of the Oklahoma Statutes:

Budgetary Limitation	Amount
Full-time-equivalent Employees	418.0
Payroll, Salaries or Wages, Including Tax-sheltered Deferment Contracts and Longevity Payments Authorized by State Statutes $11,881,881.00	
Professional and Personal Services Contracts	$500,000.00
Purchase of Equipment	$500,000.00
Lease-Purchase Agreements	$500,000.00
Expenditure of Federal Funds	$800,000.00
Total Expenditures for Operations	$18,381,881.00

SECTION 3. The Corporation Commission is hereby authorized to expend from any monies available in the Conservation Fund of the State Treasury and the Corporation Commission Revolving Fund an amount not to exceed Five Hundred Thousand Dollars ($500,000.00), to plug or repair any oil, gas, injection or disposal well which is causing surface or subsurface pollution, pursuant to the provisions of Section 318 of Title 52 of the Oklahoma Statutes.

SECTION 4. The Corporation Commission is hereby authorized to expend from any monies available in the Petroleum Underground Tank Release Environmental Cleanup Indemnity Fund for the fiscal year ending June 30, 1992, an amount not to exceed Five Hundred Thousand Dollars ($500,000.00) for costs incurred by the Commission for the administration of such Indemnity Fund.

SECTION 5. AMENDATORY Section 22, Chapter 90, O.S.L. 1989, as last amended by Section 2, Chapter 240, O.S.L. 1990 (17 O.S. Supp. 1990, Section 353), is amended to read as follows:

Section 353. A. There is hereby created within the Corporation Commission, the "Petroleum Underground Tank Release Environmental Cleanup Indemnity Fund" (UST Indemnity Fund). The Indemnity Fund shall be administered by the Corporation Commission for the benefit of those persons determined to be eligible by the Commission to receive total or limited reimbursement for:

1. the cost of corrective action taken in response to an eligible release; and

2. payment of claims for property damage or personal injury resulting from an eligible release.

B. ~~The Indemnity Fund shall be excluded from budget and expenditure limitations.~~ Reimbursements made to or for the benefit of eligible persons shall be exempt from the Central Purchasing Act.

C. 1. Costs incurred as a result of a release from an underground storage tank system owned or operated by this state or by the federal government are not reimbursable pursuant to the provisions of the Oklahoma Petroleum Underground Release Indemnity Program. State and federally owned facilities shall take the proper corrective action as may be necessary to protect the environment from a leaking underground tank system.

2. Costs incurred as a result of a release from an underground storage tank system owned or operated by a Class I Railroad are not

reimbursable pursuant to the provisions of the Oklahoma Petroleum Underground Release Indemnity Program.

D. The Indemnity Fund shall consist of:

1. all monies received by the Commission as proceeds from the assessment imposed pursuant to Section 354 of this title;

2. interest attributable to investment of money in the Indemnity Fund; and

3. money received by the Corporation Commission in the form of gifts, grants, reimbursements, or from any other source intended to be used for the purposes specified by or collected pursuant to the provisions of the Oklahoma Petroleum Underground Release Indemnity Program.

E. 1. The monies deposited in the Indemnity Fund shall at no time become monies of the state and shall not become part of the general budget of the Corporation Commission or any other state agency. Except as otherwise authorized by this subsection, no monies from the Indemnity Fund shall be transferred for any purpose to any other state agency or any account of the Commission or be used for the purpose of contracting with any other state agency or reimbursing any other state agency for any expense.

2. Monies in the Indemnity Fund shall only be expended for:

a. reimbursements for the benefit of or to eligible persons, and

b. costs incurred by the Commission for the administration of such Indemnity Fund.

Any costs incurred by the Commission pursuant to the provisions of the Oklahoma Petroleum Underground Release Indemnity Program shall not exceed the actual expenditures made by the Commission to implement the provisions of the Oklahoma Petroleum Underground Release Indemnity Program.

Such payment shall be deposited in the Corporation Commission Underground Storage Tank Regulation Revolving Fund.

3. Payment of claims from the Indemnity Fund shall not become or be construed to be an obligation of this state. No claims submitted for reimbursement from the Indemnity Fund shall be paid with state monies.

SECTION 6. Of the four hundred eighteen (418.0) full-time-equivalent employees authorized in Section 2 of this act, seven (7.0) shall perform duties in accordance with Underground Storage Tank duties as authorized in the Oklahoma Underground Storage Tank Regulation Act, Section 301 et seq. of Title 17 of the Oklahoma Statutes and at least two (2.0) other employees shall be utilized to perform the Oklahoma Petroleum Underground Release Indemnity Program duties as authorized in Section 351 et seq. of Title 17 of the Oklahoma Statutes. The continuation of these full-time-equivalent employees is contingent upon sufficient funding under the Underground Storage Tank Regulation Act, Section 301 et seq. of Title 17 of the Oklahoma Statutes and the Oklahoma Petroleum Underground Release Indemnity Program, Section 351 et seq. of Title 17 of the Oklahoma Statutes, to support them.

SECTION 7. Of the four hundred eighteen (418.0) full-time-equivalent employees authorized in Section 2 of this act, twenty-eight (28.0) shall perform duties in accordance with the Underground Injection Control and Underground Storage Tank programs. The continuation of these full-time-equivalent employees is contingent upon sufficient federal funding or funding under the Oklahoma Petroleum Underground Release Indemnity Program, Section 351 et seq. of Title 17 of the Oklahoma Statutes, to support them.

SECTION 8. The authorized number and maximum annual salary, payable monthly, for the unclassified employee positions utilized in the operation of the Corporation Commission shall be as set forth below. The amounts listed do not constitute an appropriation but are listed to establish salary maximums only for the fiscal year ending June 30, 1992.

TITLE	NUMBER AUTHORIZED	MAXIMUM SALARY
Senior Rate Analyst	1	$42,100.00
General Administrator	1	$52,115.00
Director, Data Processing	1	$52,115.00
Administrative Aide	3	$37,645.00

SECTION 9. It is the intent of the Legislature that One Hundred Twenty Thousand Dollars ($120,000.00) shall be spent from any monies available in the Corporation Commission Revolving Fund to implement the provisions of Section 40.1 of Title 17 of the Oklahoma Statutes.

SECTION 10. From any monies appropriated in this act, One Hundred Thousand Dollars ($100,000.00) shall be expended for a pollution response group to respond to and investigate reports of pollution.

SECTION 11. The appropriation made by this act shall be subject to fiscal year limitations and may be encumbered through June 30, 1992. Any unexpended funds remaining after November 15, 1992, shall lapse and be transferred to the credit of the proper fund for the then current fiscal year.

SECTION 12. This act shall become operative July 1, 1991.

SECTION 13. 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 2d day of April, 1991.

President of the Senate

Passed the House of Representatives the ____ day of _____, 1991.

Speaker of the House of Representatives