

STATE OF OKLAHOMA

2nd Session of the 44th Legislature (1994)

COMMITTEE SUBSTITUTE

FOR HOUSE BILL NO. 2023

By: Vaughn (George)

COMMITTEE SUBSTITUTE

An Act relating to the Corporation Commission; prohibiting employees of the Corporation Commission from accepting certain employment; defining certain term; providing for application of section; providing penalties; amending 52 O.S. 1991, Section 149, which relates to the Conservation Division of the Corporation Commission; requiring trial examiners to have specified term of experience; providing for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 176.1 of Title 17, unless there is created a duplication in numbering, reads as follows:

A. Any person employed by the Corporation Commission shall be prohibited from accepting employment on a part-time basis with a regulated entity, nor accept any salary, fees or remuneration for personal services or referrals during said employment.

B. For the purposes of this section the term regulated entity shall mean any person who is subject to the regulations of the Corporation Commission, or has interests in any firm, corporation or business which is subject to regulation by the Corporation Commission.

C. This section shall not be construed so as to prevent anyone from participating in and receiving compensation for Reserve or National Guard activities.

D. Any person who willfully violates any provision of this section shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than Fifty Dollars (\$50.00) nor more than One Thousand Dollars (\$1,000.00), or by

imprisonment for not longer than six (6) months, or by both such fine and imprisonment.

E. Any person who is convicted of a misdemeanor under the provisions of this section shall, for a period of five (5) years, be ineligible for appointment to or employment in a position of state service and, if at the time of conviction he or she is an employee of the state, shall forfeit his or her position.

SECTION 2. AMENDATORY 52 O.S. 1991, Section 149, is amended to read as follows:

Section 149. There is hereby created within the Corporation Commission of Oklahoma, herein called "Commission", a Conservation Division, the duties and functions of which, subject to the supervision and direction of the Commission, shall be to aid the Commission in the administration and performance of the powers, duties and functions of the Commission with respect to oil and gas conservation and the prevention of pollution resulting from oil and gas production, transportation, and refining operations. The Conservation Division so created shall consist of the following personnel:

1. A Director of Conservation, who, in addition to the duties and functions now or hereafter prescribed for such officer in this title, shall have overall responsibility, supervision and direction of the activities of the Conservation Division and the administration and enforcement of the rules, regulations and orders of the Commission relating to oil and gas conservation and the prevention of pollution. The Director of Conservation shall be a graduate of an accredited college or university with a Bachelor's Degree and shall have five (5) years' experience in a supervisory capacity in an administrative or personnel management position.

2. Duly licensed attorneys, one to be designated as Conservation Attorney who shall be subject to the supervision and direction of the Commission, and the others as Assistant Conservation Attorneys who shall be under the supervision and direction of the Conservation Attorney. The duties and functions of the Conservation Attorney and Assistant Conservation Attorneys

shall be to act as legal advisors to and to represent the Commission, the Director of Conservation, and all other personnel of the Division of Conservation, in all matters and proceedings relating to the performance of their duties and functions relating to oil and gas conservation and the prevention of pollution, including proceedings involving the validity or enforcement of the orders, rules and regulations of the Commission.

3. A Manager of Pollution Abatement, whose duties and functions shall be to direct and supervise the activities of the Conservation Division with respect to the prevention of pollution. The Manager of Pollution Abatement shall be a graduate of an accredited college or university with a Bachelor of Science Degree and shall have at least five (5) years' practical experience in the production of oil and gas.

4. A Manager of Field Operations, whose duties and functions shall be to direct, supervise and coordinate the activities of the district offices and the field activities of the Conservation Division with respect to both oil and gas conservation and the prevention of pollution. The Manager of Field Operations shall be a graduate of an accredited college or university with a Bachelor of Science Degree and at least five (5) years' practical experience in the production of oil and gas or, in the alternative, shall have at least seven (7) years' experience equivalent to that of a district drilling or production superintendent in the oil and gas industry.

5. A Manager of Office Administration, whose duties and functions shall be the administrative management of the various offices of the Conservation Division including, but not limited to, office services and procedures, personnel administration, processing of expense statements, budget preparation and cost accounting, procurement and use of supplies, files and records, and other clerical services. The Manager of Office Administration shall be a graduate of an accredited college or university with a Bachelor's Degree in Office or Business Administration and at least three (3) years' experience in a supervisory capacity in

office management or, in the alternative, shall have five (5) years' experience in a supervisory capacity in office management.

6. A Senior Engineer and a Senior Geologist, whose duties and functions shall be to provide the Commission, the Director of Conservation, and the Conservation Division with engineering, geological and other technical advice and assistance as needed with respect to oil and gas conservation and the prevention of pollution, including participation in hearings before the Commission or Trial Examiners. The Senior Engineer shall be a graduate of an accredited college or university, with a Bachelor of Science Degree in Petroleum Engineering and at least five (5) years' experience as a petroleum engineer. The Senior Geologist shall be a graduate of an accredited college or university, with a Bachelor of Science Degree in Geology and shall have five (5) years' practical experience in petroleum geology.

7. Staff Engineers and Geologists to serve on the staff and as assistants to the Senior Engineer. The Staff Engineers and Geologists shall be graduates of accredited colleges or universities, with Bachelor of Science Degrees in Engineering or Geology, as the case may be, and have a knowledge of petroleum engineering or geology and its application.

8. District Managers, whose duties and functions shall be to supervise and direct the district offices and all field activities of the Conservation Division, including both oil and gas conservation and the prevention of pollution in the respective districts to which they are assigned. A District Manager shall be a graduate of an accredited college or university with a Bachelor of Science Degree in Petroleum Engineering and shall have five (5) years' practical experience in the production of oil and gas or, in lieu of a college degree, shall have ten (10) years' experience in the production of oil and gas, of which five (5) years' experience shall be in a supervisory capacity.

9. District Office Assistants, who, under the direction and supervision of the District Manager in the respective districts to which they are assigned, shall perform the administrative and clerical functions of the district offices including, but not

limited to, the preparation and filing of reports, keeping of files and records, providing dispatcher service to the field supervisors, and receipt of requests, complaints and other communications from industry representatives, landowners or the general public. A District Office Assistant shall be a graduate of a high school or business college and shall have at least three (3) years' practical experience in office administration and a general knowledge of oil and gas production practices.

10. Field Inspectors, whose duties and functions, subject to the direction and supervision of the District Manager of the respective district to which they are assigned, shall be to make inspections and investigations, witness tests, and generally serve as enforcement officers and representatives of the Commission in the administration and enforcement of the rules, regulations and orders of the Commission relating to both oil and gas conservation and the prevention of pollution. A Field Inspector shall be a high school graduate with at least one (1) year's experience in oil field production and drilling operations or equivalent training and experience with the Commission.

11. Trial Examiners, who shall severally or jointly, as the Commission may direct, hear cases referred to them by the Commission for hearing, and who shall then file with the Commission a report of the proceedings and their recommendations as to the disposition thereof. The Commission is hereby authorized to refer any and all cases it sees fit to such Trial Examiners for hearing. A Trial Examiner shall be a graduate of an accredited college or university with a degree in law, petroleum engineering or geology and at least five (5) years of responsible experience in the practice of the profession and knowledge of oil and gas law, courtroom procedure, the technical aspects of oil and gas operations, and a knowledge of state statutes and rules and regulations governing such operations.

12. Court Reporters, who shall make a record of the proceedings and evidence at all hearings conducted before the Commission, the Trial Examiners, or an employee of the

Conservation Division named to act in the capacity of a Trial Examiner.

13. A Senior Statistician and Assistant Statisticians, whose duties and functions shall be the procurement, compilation, analysis and preparation of reports and schedules containing statistics necessary or desirable to the administration or performance of the powers, duties and functions of the Commission and of the Conservation Division with respect to oil and gas conservation and the prevention of pollution. The Senior Statistician shall be a graduate of an accredited college or university with a Bachelor's Degree in Accounting, Business Administration, Mathematics or the sciences and at least two (2) years' experience in the processing of large volumes of data with respect to oil and gas operations. An Assistant Statistician shall have at least a high school education and an aptitude and experience in working with the tabulation of numbers.

14. Secretaries, who shall be qualified to accurately take and transcribe dictation and perform normal duties performed by a secretary; stenographer-clerks who shall be qualified to do typing, filing, handling of mail, and the routine clerical duties of an office; file clerks or librarians who shall be qualified to keep and maintain the central files and records of the Division; and duplicating machine operators.

The employees of the Commission who at the effective date of this act are holding positions or performing functions corresponding to those herein prescribed but who do not have the qualifications required by this act for such positions or functions shall not, for that reason, be disqualified to continue in such positions or to perform such functions, but at such time as there is a vacancy in such position it shall be filled by an employee having the qualifications herein prescribed.

SECTION 3. This act shall become effective September 1, 1994.

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