

An Act relating to petroleum storage tanks; creating the Oklahoma Storage Tank Accountability and Reform Act; providing short title; transferring programs and functions of the Oklahoma Storage Tank Regulation Act from the Corporation Commission to the Department of Environmental Quality; transferring rules and fee schedules for certain time period; requiring Environmental Quality Board to adopt new rules by certain date; providing for certain licenses, permits, certifications and registrations to remain valid; transferring rights, obligations, remedies and pending applications to Department; stating transfer of programs and functions shall not negate any existing order, claim or cause of action or affect enforcement actions; providing for transfer of funds, property, equipment, records, outstanding financial obligations and encumbrances; providing for transfer of certain employees; authorizing Environmental Quality Board and Executive Director to submit proposed statutory changes by certain date; amending 17 O.S. 2001, Section 303, which relates to definitions; modifying definitions; amending 17 O.S. 2001, Section 304, which relates to application of Act; modifying references; modifying jurisdiction of certain storage tanks; amending 17 O.S. 2001, Section 305, which relates to designation of certain agency to administer certain federal programs; modifying jurisdiction over certain program; amending 17 O.S. 2001, Section 306, which relates to powers and duties; modifying powers and duties of the Department; amending 17 O.S. 2001, Section 307, which relates to promulgation of certain rules; requiring the Environmental Quality Board to promulgate certain rules; authorizing Board to establish schedule for certain permit fees; amending 17 O.S. 2001, Section 308, which relates to permits; requiring Department to issue certain permits; requiring certain financial responsibility coverage; amending 17 O.S. 2001, Section 308.1, which relates to certain permit fees; modifying references; amending 17 O.S. 2001, Section 309, which relates to storage tank releases; requiring notification to Department; providing for certain appeal to district court; removing authorization for Commission to receive certain payments from Indemnity Fund; amending 17 O.S. 2001, Section 310, which relates to violations; modifying duties of the Department; stating procedure for appeal; removing adjudicative authority from the Corporation Commission; amending 17 O.S. 2001, Section 311, which relates to penalties; modifying reference to Department; amending 17 O.S. 2001, Section 312, which relates to enforcement of action for injunctions or recovery of penalties; modifying reference to Department; amending 17 O.S. 2001, Section 313, which relates to public information; modifying reference to Department; amending 17 O.S. 2001, Section 314, which relates to annual report of certain releases; modifying reference to Department; amending 17 O.S. 2001, Section 316, which relates to rules of political subdivisions; modifying reference to Board; amending 17 O.S. 2001, Section 365, which relates to the Oklahoma Leaking Underground Storage Tank Trust Fund; modifying reference to Department; amending 27A O.S. 2001, Section 2-2-201, which relates to advisory councils; transferring the Storage Tank Advisory Council; providing for current member to transfer and serve terms; providing for future appointments; stating membership; stating jurisdiction of council; amending 27A O.S. 2001, Section 1-3-101, as amended by Section 1, Chapter 397, O.S.L. 2002 (27A O.S. Supp. 2002, Section 1-3-101), which relates to jurisdiction of state environmental agencies; modifying jurisdiction of certain storage tanks; updating statutory reference to certain agency; removing certain jurisdiction from the Corporation Commission; amending 17 O.S. 2001, Section 52, which relates to jurisdiction of the Corporation Commission; removing jurisdiction over certain storage tanks, the Indemnity Fund and Program and the Oklahoma Leaking Underground Storage Tank Trust Fund; amending 17

O.S. 2001, Section 139, which relates to jurisdiction of the Corporation Commission; removing jurisdiction over certain storage tanks, the Indemnity Fund and Program and the Leaking Underground Storage Tank Trust Fund; updating statutory reference to certain agency; transferring programs and functions pertaining to the Indemnity Fund Program from the Corporation Commission to the Oklahoma Petroleum Storage Tank Indemnity Fund Board; transferring certain rules; requiring new rules promulgated by certain date; transferring rights, obligations, remedies, rules, settlement agreements, purchase orders, pay for performance contracts and causes of action to the Indemnity Fund Board; stating transfer of programs and functions shall not negate any existing order, claim or cause of action or affect enforcement actions; providing for transfer of funds, property, equipment, records and outstanding financial obligations and encumbrances; transferring certain proceedings to district court; stating applicability; stating construction; providing for transfer of certain employees; authorizing the Oklahoma Petroleum Storage Tank Indemnity Board and administrator to submit proposed statutory changes by certain date; amending 17 O.S. 2001, Section 350, which relates to the Oklahoma Petroleum Storage Tank Indemnity Program; providing for separate operation and administration from regulatory programs; creating the Oklahoma Petroleum Storage Tank Indemnity Fund Board; stating purpose; stating membership; providing for appointments; limiting terms; stating powers and duties; providing for meetings by certain date; requiring Indemnity Fund Board to hire Administrator of the Oklahoma Petroleum Storage Tank Indemnity Fund; stating requirements for Administrator; stating duties; providing for employees; providing for establishment of policies and procedures; authorizing administrator to enter into certain contracts; prohibiting certain business affiliations; providing for interim administrator; stating powers and duties; amending 17 O.S. 2001, Section 352, which relates to definitions; defining terms; modifying references to certain Board; modifying definitions; amending 17 O.S. 2001, Section 353, which relates to the Oklahoma Petroleum Storage Tank Indemnity Fund; stating affiliation with Department of Environmental Quality; removing reference to Corporation Commission; providing for certain expenses and contracts to be exempt from Central Purchasing Act; prohibiting certain entities from reimbursement from the Indemnity Fund; removing provision preventing certain monies from becoming monies of the state; stating prohibition for certain agencies to use Indemnity Fund monies; removing reference to certain Corporation Commission employees; amending 17 O.S. 2001, Section 354, as last amended by Section 1, Chapter 371, O.S.L. 2002 (17 O.S. Supp. 2002, Section 354), which relates to motor fuel assessment; modifying distribution of certain assessment; amending 17 O.S. 2001, Section 355, which relates to collection of certain assessment; modifying reference to Indemnity Fund Program; amending 17 O.S. 2001, Section 356, which relates to Indemnity Fund Program; modifying references to Indemnity Fund; requiring claims to be filed within certain time period; modifying certain requirements relating to pay for performance contracts; prohibiting payments for certain violations; stating requirements for purchase orders; amending 17 O.S. 2001, Section 356.1, which relates to confidential information; modifying references to reflect transfer; amending 17 O.S. 2001, Section 358, which relates to certain annual reports; modifying references to Indemnity Fund Program; amending 17 O.S. 2001, Section 359, which relates to certain independent audits; requiring annual audits; amending 17 O.S. 2001, Section 360, which relates to expenditures from Indemnity Fund; authorizing certain expenditures; imposing moratoriums on Corporation Commission relating to certain expenditures and administrative proceedings; imposing moratorium on Indemnity Fund relating to certain expenditures, purchase orders,

pay for performance contracts and administrative proceedings; requiring Board to promulgate certain rules relating to pay for performance contracts; repealing 17 O.S. 2001, Sections 306.1, 315, 318, 321, 322, 323, 324, 325, 326, 330, 340, 351 and 361, which relate to the Oklahoma Storage Tank Regulation Act, the Storage Tank Advisory Council and the Oklahoma Petroleum Storage Tank Release Indemnity Program; providing for codification; providing for noncodification; providing for recodification; providing effective dates; and declaring an emergency.