

ENGROSSED HOUSE  
JOINT  
RESOLUTION NO. 1003

By: Cox, Smithson, Harrison,  
Brannon and Miller (Ray) of  
the House

and

Wyrick of the Senate

A Joint Resolution relating to permanent rules of the Oklahoma Corporation Commission; disapproving permanent rules regarding underground and aboveground storage tank systems utilized by marinas for the storage, handling and use of gasoline and diesel fuel; directing distribution; and declaring an emergency.

WHEREAS, pursuant to Sections 250.2 and 308 of Title 75 of the Oklahoma Statutes, the Legislature reserves the right to designate the method for rule promulgation, establish policy, determine that a rule is not consistent with legislative intent and disapprove any rule or any portion thereof at any time; and

WHEREAS, pursuant to Section 305 of Title 17 and Section 1-3-101 of Title 27A of the Oklahoma Statutes, the Oklahoma Corporation Commission shall have jurisdiction over underground and aboveground storage tanks that contain antifreeze, motor oil, motor fuel, gasoline, kerosene, diesel, or aviation fuel and that are not located at refineries or intermediate shipment points of pipeline operation. The Corporation Commission shall also have jurisdiction of all pumps and ancillary equipment associated with the storage tank systems, whether above the ground or below; and

WHEREAS, pursuant to Sections 305 and 307 of Title 17 of the Oklahoma Statutes, the Oklahoma Corporation Commission shall promulgate rules to implement the Oklahoma Storage Tank Regulation Act, Sections 301 through 318 of Title 17 of the Oklahoma Statutes,

including minimum schedules and standards for storage tank systems, including the underground piping connected to such tanks; and

WHEREAS, the Oklahoma Corporation Commission promulgated permanent rules regarding the storage, handling and use of gasoline and diesel fuel at marinas, including requirements for aboveground and underground piping at marinas, which may be found in Subchapter 8 of Chapter 25 and Subchapter 8 of Chapter 26 of Title 165 of the Oklahoma Administrative Code; and

WHEREAS, the Legislature recognizes that the rules of the Oklahoma Corporation Commission in Subchapter 8 of Chapter 25 and Subchapter 8 of Chapter 26 of Title 165 of the Oklahoma Administrative Code, which relate to marinas, are not consistent with legislative intent, exceed the statutory authority of the Oklahoma Corporation Commission, violate state statutes and violate the public policy of this state.

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE 1ST SESSION OF THE 50TH OKLAHOMA LEGISLATURE:

SECTION 1. The Legislature hereby disapproves all rules of the Oklahoma Corporation Commission relating to the storage, handling and use of gasoline and diesel fuel at marinas, Subchapter 8 of Chapter 25 and Subchapter 8 of Chapter 26 of Title 165 of the Oklahoma Administrative Code, including all rules relating to underground and aboveground piping requirements for storage tank systems at marinas.

SECTION 2. The Legislature hereby declares that it is the intent of the Legislature that the Oklahoma Corporation Commission promulgate rules protecting the public health, safety, welfare, the state economy and the environment of this state from the potential harmful effects of petroleum storage tank systems. Such rules shall include provisions relating specifically to marinas so as to protect the natural resources of our state, but it is also the intent of the

Legislature that these rules not unduly restrict or burden private business in this state.

SECTION 3. The Secretary of State is hereby directed to distribute copies of the resolution to the Governor, the Commissioners of the Oklahoma Corporation Commission and the editor of "The Oklahoma Register".

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 resolution shall take effect and be in full force from and after its passage and approval.

Passed the House of Representatives the 16th day of March, 2005.

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Presiding Officer of the House of  
Representatives

Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2005.

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Presiding Officer of the Senate