

EHJR 1003

1 THE STATE SENATE
2 Tuesday, April 5, 2005

3 ENGROSSED

4 House Joint

5 Resolution No. 1003

6 As Amended

7 ENGROSSED HOUSE JOINT RESOLUTION NO. 1003 - By: COX, SMITHSON,
8 HARRISON, BRANNON and MILLER (Ray) of the House and WYRICK and GUMM
9 of the Senate.

10 [permanent rules - Oklahoma Corporation Commission -
11 storage tank systems - gasoline and diesel fuel -
12 emergency]

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

18 WHEREAS, pursuant to Section 305 of Title 17 and Section 1-3-101
19 of Title 27A of the Oklahoma Statutes, the Oklahoma Corporation
20 Commission shall have jurisdiction over underground and aboveground
21 storage tanks that contain antifreeze, motor oil, motor fuel,
22 gasoline, kerosene, diesel, or aviation fuel and that are not
23 located at refineries or intermediate shipment points of pipeline
24 operation. The Corporation Commission shall also have jurisdiction

1 of all pumps and ancillary equipment associated with the storage
2 tank systems, whether above the ground or below; and

3 WHEREAS, pursuant to Sections 305 and 307 of Title 17 of the
4 Oklahoma Statutes, the Oklahoma Corporation Commission shall
5 promulgate rules to implement the Oklahoma Storage Tank Regulation
6 Act, Sections 301 through 318 of Title 17 of the Oklahoma Statutes,
7 including minimum schedules and standards for storage tank systems,
8 including the underground piping connected to such tanks; and

9 WHEREAS, the Oklahoma Corporation Commission promulgated
10 permanent rules regarding the storage, handling and use of gasoline
11 and diesel fuel at marinas, including requirements for aboveground
12 and underground piping at marinas, which may be found in Subchapter
13 8 of Chapter 25 and Subchapter 8 of Chapter 26 of Title 165 of the
14 Oklahoma Administrative Code; and

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

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

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

8 SECTION 2. The Legislature hereby declares that it is the
9 intent of the Legislature that the Oklahoma Corporation Commission
10 promulgate rules protecting the public health, safety, welfare, the
11 state economy and the environment of this state from the potential
12 harmful effects of petroleum storage tank systems. Such rules shall
13 include provisions relating specifically to marinas so as to protect
14 the natural resources of our state, but it is also the intent of the
15 Legislature that these rules not unduly restrict or burden private
16 business in this state.

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

21 SECTION 4. It being immediately necessary for the preservation
22 of the public peace, health and safety, an emergency is hereby

1 declared to exist, by reason whereof this resolution shall take
2 effect and be in full force from and after its passage and approval.
3 COMMITTEE REPORT BY: COMMITTEE ON ENERGY & ENVIRONMENT, dated
4 3-31-05 - DO PASS, As Amended and Coauthored.