SJR 10

THE STATE SENATE
Monday, February 21, 2005

Senate Joint Resolution No. 10

As Amended

SENATE JOINT RESOLUTION NO. 10 - By: WYRICK and GUMM of the Senate and COX of the House.

[Corporation Commission - rules - fuel storage tank systems - marinas - 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 portion thereof at any time; and

WHEREAS, pursuant to the provisions of Section 52 of Title 17 of the Oklahoma Statutes, the Corporation Commission shall be responsible for regulating fuel storage tank systems utilized by marinas; and

WHEREAS, permanent rules adopted by the Corporation Commission in March of 2004 and which became effective in July 2004 governing the regulation of fuel systems at marinas located in this state do not reflect the intent of the Oklahoma Legislature.

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

SECTION 1. The Legislature hereby disapproves all revisions and additions to the following Sections in Subchapter 8 of Chapter 25 of Title 165 of the Oklahoma Administrative Code (OAC), which were adopted by the Corporation Commission on March 29, 2004, finally adopted on May 21, 2004, and promulgated in the Oklahoma Register, Volume 21, Number 16, pages 2066 through 2069 with an effective date of July 1, 2004:

OAC 165:25-8-1

OAC 165:25-8-5

OAC 165:25-8-7

OAC 165:25-8-8

OAC 165:25-8-13

OAC 165:25-8-14

OAC 165:25-8-23

OAC 165:25-8-36

OAC 165:25-8-37

SECTION 2. The Legislature hereby directs the Corporation Commission to operate under the rules in Subchapter 8 of Chapter 25 of Title 165 of the Oklahoma Administrative Code which were in effect prior to July 1, 2004.

SECTION 3. The Secretary of State is hereby directed to distribute copies of this resolution to the Governor, the 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 act shall take effect and be in full force from and after its passage and approval.

COMMITTEE REPORT BY: COMMITTEE ON ENERGY & ENVIRONMENT, dated 2-17-05 - DO PASS, As Amended and Coauthored.