

1 STATE OF OKLAHOMA

2 2nd Session of the 53rd Legislature (2012)

3 SENATE JOINT
4 RESOLUTION 47

By: Brecheen

5
6 AS INTRODUCED

7 A Joint Resolution directing the Secretary of State
8 to refer to the people for their approval or
9 rejection a proposed amendment to the Oklahoma
10 Constitution by adding a new Section 44 to Article X;
11 providing ballot title; and directing filing.

12 BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE
13 2ND SESSION OF THE 53RD OKLAHOMA LEGISLATURE:

14 SECTION 1. The Secretary of State shall refer to the people for
15 their approval or rejection, as and in the manner provided by law,
16 the following proposed amendment to the Oklahoma Constitution by
17 adding a new Section 44 to Article X to read as follows:

18 Section 44. A. There is hereby created a trust fund to be
19 known as the "Petroleum Storage Tank Indemnity Trust Fund" converted
20 from the "Petroleum Storage Tank Indemnity Fund", created in Section
21 353 of Title 17 of the Oklahoma Statutes. The trust fund principal
22 shall consist of:

23 1. The balance of funds in the Petroleum Storage Tank Indemnity
24 Fund of the State Treasury as of January 1, 2013;

1 2. All revenue collected from the one-cent-per-gallon
2 assessment on motor fuel found in paragraphs 3 and 4 of subsection C
3 of Section 354 of Title 17 of the Oklahoma Statutes; and

4 3. Any interest attributable to investment of money in the
5 Petroleum Storage Tank Indemnity Trust Fund.

6 B. There is hereby created the Board of Trustees to administer
7 the Petroleum Storage Tank Indemnity Trust Fund. The Board of
8 Trustees shall consist of the three Corporation Commissioners.

9 C. Monies in the Petroleum Storage Tank Indemnity Trust Fund
10 shall be expended by the Board of Trustees only for the following
11 specified purposes:

12 1. Reimbursements to eligible persons for eligible expenses
13 including the costs to identify and confirm the existence of a
14 suspected release or when such expenses are necessary and
15 appropriate to protect the health, safety and welfare of the public
16 and the environment;

17 2. Payment of actual costs incurred by the Corporation
18 Commission in evaluating claims and determining whether specific
19 claims qualify for payment or reimbursement by the Oklahoma
20 Petroleum Storage Tank Release Indemnity Program;

21 3. Payment of actual costs incurred by the Corporation
22 Commission for the administration of the Petroleum Storage Tank
23 Indemnity Trust Fund; and
24

1 4. Purchase of real property, personal property and easements
2 in conjunction with remediation efforts or the establishment of an
3 alternative water supply.

4 D. The Legislature may by law provide for a Storage Tank
5 Advisory Council to make recommendations to the Board of Trustees
6 regarding rules for the implementation of the Petroleum Storage Tank
7 Indemnity Trust Fund.

8 E. The Legislature shall enact, amend or repeal sections of the
9 Oklahoma Statutes to conform to and implement this section.

10 SECTION 2. The Ballot Title for the proposed Constitutional
11 amendment as set forth in SECTION 1 of this resolution shall be in
12 the following form:

13 BALLLOT TITLE
14 Legislative Referendum No. _____ State Question No. _____

15 THE GIST OF THE PROPOSITION IS AS FOLLOWS:

16 This measure amends the Oklahoma Constitution. It adds a new
17 Section 44 to Article 10. This measure would change the Oklahoma
18 Petroleum Storage Tank Indemnity Fund to a trust fund. The trust
19 fund would consist of the current one-cent-per-gallon tax on
20 motor fuel and funds currently held in the Indemnity Fund. The
21 measure also creates a Board of Trustees to manage the trust
22 fund. The Board of Trustees would be the three Corporation
23 Commissioners. The monies of the trust fund may only be used for
24 specific purposes. The trust fund may be used for cleaning up

1 leaking petroleum storage tanks to prevent or stop pollution.
2 The monies in the trust fund may not be used for any other
3 purpose. Presently, it is possible for monies in the Indemnity
4 Fund to be used for purposes not related to leaking petroleum
5 storage tanks. The measure allows the Legislature to pass,
6 amend, or repeal laws to further implement this section.

7 SHALL THE PROPOSAL BE APPROVED?

8 FOR THE PROPOSAL - YES _____

9 AGAINST THE PROPOSAL - NO _____

10 SECTION 3. The President Pro Tempore of the Senate shall,
11 immediately after the passage of this resolution, prepare and file
12 one copy thereof, including the Ballot Title set forth in SECTION 2
13 hereof, with the Secretary of State and one copy with the Attorney
14 General.

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