

<DateSubmitted>

HOUSE OF REPRESENTATIVES  
CONFERENCE COMMITTEE REPORT

Mr. President:  
Mr. Speaker:

The Conference Committee, to which was referred

**HB2391**

By: Liebmann of the House and Bingman of the Senate

Title: Corporation Commission; providing for apportionment to the Weigh Station Improvement Revolving Fund; effective date.

Together with Engrossed Senate Amendments thereto, beg leave to report that we have had the same under consideration and herewith return the same with the following recommendations:

1. That the Senate recede from its Amendment No. 1.
2. That the attached Conference Committee Substitute be adopted.

Respectfully submitted,

House Action \_\_\_\_\_ Date \_\_\_\_\_ Senate Action \_\_\_\_\_ Date \_\_\_\_\_

**HOUSE CONFEREES**

Armes

Don F. Armes Sears

Earl Sears

Billy

~~[Signature]~~ Walker

Ernest D. Walker

Blackwell

\_\_\_\_\_

Brown

Mike Brown

Cox

Douglas G. Cox M.P.

Dank

\_\_\_\_\_

DeWitt

Hale DeWitt

Denney

Lee Denney

Dorman

Joe Dorman

Hoskin

Charles Hoskin

Liebmann

Ray Liebmann

Martin (Scott)

\_\_\_\_\_

McPeak

Jerry McPeak

Nelson

\_\_\_\_\_

Peters

Jon Peters

**SENATE CONFEREES**

Ballenger \_\_\_\_\_  
Branan \_\_\_\_\_  
Brinkley \_\_\_\_\_  
Burrage \_\_\_\_\_  
Crain \_\_\_\_\_  
David \_\_\_\_\_  
Ford \_\_\_\_\_  
Griffin \_\_\_\_\_  
Halligan \_\_\_\_\_  
Ivester \_\_\_\_\_  
Jolley \_\_\_\_\_  
Justice \_\_\_\_\_  
Marlatt \_\_\_\_\_  
Mazzei \_\_\_\_\_  
McAffrey \_\_\_\_\_  
Newberry \_\_\_\_\_  
Nichols \_\_\_\_\_  
Paddack \_\_\_\_\_  
Stanislowski \_\_\_\_\_  
Sykes \_\_\_\_\_  
Wilson \_\_\_\_\_  
Wyrick \_\_\_\_\_  
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1 STATE OF OKLAHOMA

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

3 CONFERENCE COMMITTEE  
4 SUBSTITUTE  
5 FOR ENGROSSED  
6 HOUSE BILL NO. 2391

By: Liebmann and Brumbaugh of  
the House

and

Bingman and Stanislawski of  
the Senate

7  
8  
9  
10 CONFERENCE COMMITTEE SUBSTITUTE

11 An Act relating to the Corporation Commission;  
12 amending 17 O.S. 2011, Section 354, which relates to  
13 motor fuel; modifying apportionment of motor fuel  
14 assessment; providing for apportionment to the Weigh  
15 Station Improvement Revolving Fund; and modifying  
16 amount of apportionment.

17 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

18 SECTION 1. AMENDATORY 17 O.S. 2011, Section 354, is  
19 amended to read as follows:

20 Section 354. A. Except as otherwise provided by this section,  
21 there shall be an assessment of one cent (\$0.01) per gallon upon the  
22 sale of each gallon of motor fuel used or consumed in this state.  
23 The assessment imposed pursuant to the provisions of this section  
24 shall be for the purposes of providing revenue to:

1        1. The ~~Oklahoma~~ Corporation Commission Revolving Fund pursuant  
2 to paragraph 1 of subsection C of this section;

3        2. The Petroleum Storage Tank Indemnity Fund pursuant to  
4 paragraphs 3 and 4 of subsection C of this section;

5        3. The State Transportation Fund pursuant to subparagraph b of  
6 paragraph 5 of subsection C of this section;

7        4. The Corporation Commission Storage Tank Regulation Revolving  
8 Fund pursuant to subparagraph a of paragraph 5 of subsection C of  
9 this section;

10       5. The Department of Environmental Quality Revolving Fund  
11 pursuant to paragraph 2 of subsection C of this section; and

12       6. The ~~Higher Education Facilities~~ Weigh Station Improvement  
13 Revolving Fund pursuant to paragraph 3 of subsection C of this  
14 section.

15       The assessment shall be imposed at the time of the sale of the  
16 motor fuel and shall be precollected and remitted to the Oklahoma  
17 Tax Commission in accordance with Section 500.1 et seq. of Title 68  
18 of the Oklahoma Statutes and as provided by Section 355 of this  
19 title.

20       B. 1. Exempt from the assessment imposed pursuant to  
21 subsection A of this section are:

22           a. the state government,

23           b. the federal government,

24           c. class I and class II railroads, and

1           d.    sales for exportation outside of this state by a  
2                    licensed exporter.

3           2.   Exempt from the assessment imposed for purposes specified in  
4 paragraph 3 of subsection A of this section are sales of:

5           a.    motor fuel used solely and exclusively in district-  
6                    owned or leased public school buses, FFA and 4-H club  
7                    trucks for the purposes of legally transporting public  
8                    school children, or in the operation of vehicles used  
9                    in driver training,

10          b.    motor fuels used solely and exclusively to propel  
11                    motor vehicles on the public roads and highways of  
12                    this state when leased or owned and being operated for  
13                    the sole benefit of a county, city, town, volunteer  
14                    fire department with a state certification and rating,  
15                    rural electric cooperative, rural water and sewer  
16                    district, rural ambulance service district, or  
17                    federally recognized Indian tribe as specified by  
18                    Section 500.10 of Title 68 of the Oklahoma Statutes,

19          c.    motor fuel to counties and cities and towns,

20          d.    diesel fuel for off-road purposes specified by Section  
21                    500.10 of Title 68 of the Oklahoma Statutes,

22          e.    motor fuel used for agricultural purposes specified by  
23                    Section 500.10 of Title 68 of the Oklahoma Statutes,  
24                    and

1 f. motor fuel used in aircraft or in aircraft engines  
2 pursuant to Section 500.10 of Title 68 of the Oklahoma  
3 Statutes.

4 C. The assessment imposed by subsection A of this section shall  
5 be distributed in the following manner:

6 1. The first One Million Dollars (\$1,000,000.00) collected  
7 during each fiscal year shall be deposited into the Corporation  
8 Commission Revolving Fund created in Section 180.7 of this title;

9 2. After deduction of the amount required pursuant to paragraph  
10 1 of this subsection, eight percent (8%) of the remainder of the  
11 revenue collected during each fiscal year shall be deposited into  
12 the Department of Environmental Quality Revolving Fund created in  
13 Section 2-3-401 of Title 27A of the Oklahoma Statutes;

14 3. Until the total amount deposited since July 1, 2008, in the  
15 ~~State Transportation Weigh Station Improvement Revolving~~ Fund totals  
16 ~~Fifty-one Million Dollars (\$51,000,000.00)~~ Eighty-one Million  
17 Dollars (\$81,000,000.00), Five Hundred Thousand Dollars  
18 (\$500,000.00) per month of all revenue from the assessment received  
19 over the amount required by paragraphs 1 and 2 of this subsection  
20 shall be deposited in the Weigh Station Improvement Revolving Fund,  
21 created in Section 1167 of Title 47 of the Oklahoma Statutes and  
22 shall be used solely for the purpose of constructing weigh stations;

23 4. After the total amount deposited in the Weigh Station  
24 Improvement Revolving Fund totals ~~Fifty-one Million Dollars~~

1 ~~(\$51,000,000.00)~~ Eighty-one Million Dollars (\$81,000,000.00), any  
2 revenue from the assessment received over the amounts required in  
3 paragraphs 1 and 2 of this subsection shall be deposited in the  
4 Petroleum Storage Tank Indemnity Fund created in Section 353 of this  
5 title in amounts necessary to maintain the maintenance level of the  
6 Indemnity Fund pursuant to subsection D of this section; and

7 5. The balance of any revenue from the assessment remaining  
8 above the amount required in paragraphs 1 through 4 of this  
9 subsection shall be deposited as follows:

10 a. the first One Million Dollars (\$1,000,000.00)  
11 collected during each fiscal year shall be deposited  
12 in the Corporation Commission Storage Tank Regulation  
13 Revolving Fund for the purpose of implementing the  
14 provisions of the Oklahoma Storage Tank Regulation Act  
15 and the rules promulgated thereunder, and

16 b. the balance of the monies collected during each fiscal  
17 year shall be deposited in the State Transportation  
18 Fund and shall be used solely for the purpose of  
19 matching Federal-Aid funds for the construction of  
20 highways and roads in this state.

21 D. 1. If at any time the Petroleum Storage Tank Indemnity Fund  
22 falls below the required maintenance level on or before December 31,  
23 2012, the Administrator shall notify the Tax Commission that the  
24 Indemnity Fund has fallen below the required maintenance level and

1 that the assessment is to be deposited into the Indemnity Fund for  
2 at least three (3) calendar months pursuant to the provisions of  
3 paragraph 2 of this subsection.

4 2. At least fifteen (15) days prior to the calendar month in  
5 which the assessment is to be collected for credit to the Indemnity  
6 Fund, the Tax Commission, upon notification by the Administrator  
7 that the Indemnity Fund has fallen below the required maintenance  
8 level, shall notify the suppliers, licensed importers or other  
9 appropriate persons that the assessment is being imposed for  
10 purposes of maintaining the Indemnity Fund. The notice shall  
11 include a date certain upon which to begin collecting the assessment  
12 for credit to the Indemnity Fund and a date certain for ending the  
13 assessment for credit to the Indemnity Fund. Upon notice by the Tax  
14 Commission that the assessment imposed is for credit to the  
15 Indemnity Fund, the supplier, licensed importer or other appropriate  
16 person shall also assess, for the specified period required by the  
17 Tax Commission, the sales of:

- 18 a. motor fuel used solely and exclusively in district-  
19 owned or leased public school buses, FFA and 4-H Club  
20 trucks for the purposes of legally transporting public  
21 school children or in the operation of vehicles used  
22 in driver's training,
- 23 b. motor fuels used solely and exclusively to propel  
24 motor vehicles on the public roads and highways of the

1 state when leased or owned and being operated for the  
2 sole benefit of a county, city or town, volunteer fire  
3 department with a state certification and rating,  
4 rural electric cooperative, rural water and sewer  
5 district, rural ambulance service district, or  
6 federally recognized Indian tribe as specified by  
7 Section 500.10 of Title 68 of the Oklahoma Statutes,

8 c. motor fuel to counties and cities and towns,

9 d. diesel fuel for off-road purposes specified by Section  
10 500.10 of Title 68 of the Oklahoma Statutes,

11 e. motor fuel used for agricultural purposes specified by  
12 Section 500.10 of Title 68 of the Oklahoma Statutes,  
13 and

14 f. motor fuel used in aircraft and aircraft engines  
15 pursuant to Section 500.10 of Title 68 of the Oklahoma  
16 Statutes.

17 3. After the collection period required by this subsection has  
18 expired, the revenue collected from the assessment shall be again  
19 deposited in the Corporation Commission Storage Tank Regulation  
20 Revolving Fund and the State Transportation Fund as provided in  
21 paragraph 5 of subsection C of this section.

22  
23 53-2-10459 CJB 05/08/12  
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