HOUSE OF REPRESENTATIVES - FLOOR VERSION

STATE OF OKLAHOMA

2nd Session of the 54th Legislature (2014)

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1471 By: Murphey

COMMITTEE SUBSTITUTE

An Act relating to the Storage Tank Advisory Council; amending 17 O.S. 2011, Sections 314, 321, 325 and 356.1, which relate to the Oklahoma Storage Tank Regulation Act; terminating the Storage Tank Advisory Council by certain date; providing for activities and duties to be performed by the Corporation Commission; authorizing the Commission to promulgate rules; removing references to the Storage Tank Advisory Council; repealing 17 O.S. 2011, Section 340, which relates to the Storage Tank Advisory Council; providing for noncodification; providing an effective date; and declaring an emergency.

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

SECTION 1. NEW LAW A new section of law not to be codified in the Oklahoma Statutes reads as follows:

On the effective date of this act, the Storage Tank Advisory Council shall cease any ongoing activities, and appointments of all current members shall be terminated. Powers, duties and authority of the Council shall, upon the effective date of this act, be

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performed as directed by the Corporation Commission. The Commission is authorized to promulgate rules as necessary to assume any duties or responsibilities previously performed by the Storage Tank Advisory Council.

SECTION 2. AMENDATORY 17 O.S. 2011, Section 314, is amended to read as follows:

Section 314. The Corporation Commission shall prepare an annual compilation of reported releases at the end of the fiscal year, make that report available to the public and provide that report to ~~the Storage Tank Advisory Council,~~ the Legislature and to the Governor. The report shall contain, for each reported release:

1. The corrective action or other response taken by the owner, operator or the Commission; and

2. Any information or enforcement action taken by the Commission against the owner or operator responsible for the release.

SECTION 3. AMENDATORY 17 O.S. 2011, Section 321, is amended to read as follows:

Section 321. A. It is the intent of the Legislature that the regulation of spills and releases from petroleum storage tanks, oversight of petroleum storage tank environmental cleanups, and the reimbursement of claims for costs incurred for petroleum storage tank environmental cleanups be administered by a single division of the Corporation Commission, the Petroleum Storage Tank Division.

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B. This act shall be known and may be cited as the "Oklahoma Petroleum Storage Tank Reform Act".

C. The purpose of the Oklahoma Petroleum Storage Tank Reform Act is to provide for the administration of the various programs within the Corporation Commission regulating the release or spilling of fuel from petroleum storage tanks and to:

1. Eliminate overlap and duplication of effort;

2. Provide that petroleum storage tank regulatory concerns of industry and the public shall be addressed in an expedient manner; and

3. Better utilize financial resources for petroleum storage tank regulatory services, administration, and reimbursement of claims for environmental cleanup by the Petroleum Storage Tank Indemnity Fund.

D. ~~The Storage Tank Advisory Council shall make recommendations and the Corporation Commission shall adopt rules to implement the provisions of this act by January 1, 1999. These rules shall include procedural rules specifically designed for the adjudication of cases within the jurisdiction of the Division.~~

~~E.~~ The provisions of this act shall be applicable to all current, pending, past and future contracts, claims and cases within the jurisdiction of the Division, provided that this subsection shall not apply, nor be construed to authorize or permit the reopening or re-review of the underlying claim or claims of any

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cases which were formally settled pursuant to a formal settlement agreement or in which a final order was entered by the Corporation Commission. Further, the provisions of this act shall not change or modify the terms of pay for performance or purchase order contracts entered into prior to the effective date of this act.

SECTION 4. AMENDATORY 17 O.S. 2011, Section 325, is amended to read as follows:

Section 325. The Director of the Petroleum Storage Tank Division shall make a written report on a quarterly basis to the Corporation Commissioners, ~~the Storage Tank Advisory Council,~~ the Speaker of the House of Representatives and the President Pro Tempore of the Senate detailing expenditures on personnel and equipment and other expenses concerning and incurred as a result of administering the Division. The report shall include salaries and fringe benefits of all full-time-equivalent employees of the Division and reimbursements made to the Corporation Commission by the Division for administrative or support services provided by the Commission to the Division.

SECTION 5. AMENDATORY 17 O.S. 2011, Section 356.1, is amended to read as follows:

Section 356.1 A. Upon a showing satisfactory to the Corporation Commission by any person that records, reports or information, or a particular part thereof, if made public, would divulge production or sales figures or methods, processes or

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production unique to such person or would otherwise tend to affect adversely the competitive position of such person by revealing trade secrets, the Commission shall consider such record, report or information, or particular portion thereof, confidential.

B. In order to assist a petroleum storage tank owner, operator or other person in determining fair and reasonable costs, the Indemnity Fund Program may maintain a list of customary and reasonable fees charged by service providers for work, materials, equipment, labor, consulting fees and other services eligible for reimbursement from the Petroleum Storage Tank Indemnity Fund. Such list shall be on a regionwide or statewide basis and shall be made available to the public. Such list shall be for informational purposes only and shall not establish limits on reimbursement levels from the Indemnity Fund. The Indemnity Fund Program shall maintain and make available as information used to establish a list of customary and reasonable fees. Any such list shall be compiled with the assistance of and reviewed and approved by the ~~Storage Tank Advisory Council~~ Corporation Commission.

SECTION 6. REPEALER 17 O.S. 2011, Section 340, is hereby repealed.

SECTION 7. This act shall become effective July 1, 2014.

SECTION 8. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby

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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 GOVERNMENT MODERNIZATION, dated 02/24/2014 - DO PASS, As Amended.

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