

1 **SENATE FLOOR VERSION**

2 February 20, 2014

3 COMMITTEE SUBSTITUTE  
4 FOR

5 SENATE BILL NO. 1885

6 By: Griffin of the Senate

7 and

8 Murphey of the House

9 An Act relating to the Storage Tank Advisory Council;  
10 amending 17 O.S. 2011, Sections 314, 321, 325 and  
11 356.1, which relate to the Oklahoma Storage Tank  
12 Regulation Act; terminating the Storage Tank Advisory  
13 Council by certain date; providing for activities and  
14 duties to be performed by the Corporation Commission;  
15 authorizing the Commission to promulgate rules;  
16 removing references to the Storage Tank Advisory  
17 Council; repealing 17 O.S. 2011, Section 340, which  
18 relates to the Storage Tank Advisory Council;  
19 providing for noncodification; providing an effective  
20 date; and declaring an emergency.

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

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

24 On the effective date of this act, the Storage Tank Advisory  
25 Council shall cease any ongoing activities, and appointments of all  
26 current members shall be terminated. Powers, duties and authority  
27 of the Council shall, upon the effective date of this act, be  
28 performed as directed by the Corporation Commission. The Commission

1 is authorized to promulgate rules as necessary to assume any duties  
2 or responsibilities previously performed by the Storage Tank  
3 Advisory Council.

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

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

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

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

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

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

24

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

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

7 1. Eliminate overlap and duplication of effort;

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

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

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

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

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

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

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

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

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

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

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

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

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

22 SECTION 8. It being immediately necessary for the preservation  
23 of the public peace, health and safety, an emergency is hereby  
24

1 declared to exist, by reason whereof this act shall take effect and  
2 be in full force from and after its passage and approval.

3 COMMITTEE REPORT BY: COMMITTEE ON ENERGY  
4 February 20, 2014 - DO PASS AS AMENDED  
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