

1 STATE OF OKLAHOMA

2 2nd Session of the 54th Legislature (2014)

3 HOUSE BILL 3043

By: Shannon

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5
6 AS INTRODUCED

7 An Act relating to storage tanks; amending 17 O.S.
8 2011, Section 340, which relates to the Storage Tank
9 Advisory Council; clarifying statutory language; and
10 providing an effective date.

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

12 SECTION 1. AMENDATORY 17 O.S. 2011, Section 340, is
13 amended to read as follows:

14 Section 340. A. 1. There is hereby created within the
15 Corporation Commission the Storage Tank Advisory Council. The
16 Council shall consist of eleven (11) members.

17 2. Three members shall be appointed by the Governor, four
18 members shall be appointed by the Speaker of the House of
19 Representatives and four members shall be appointed by the President
20 Pro Tempore of the Senate.

21 3. The initial appointments for each gubernatorial and
22 legislative member shall be for progressive terms of one (1) through
23 three (3) years so that only one term expires each calendar year;
24 subsequent appointments shall be for three-year terms.

1 4. Members shall continue to serve until their successors are
2 appointed.

3 5. If a member resigns or fails to attend three meetings with
4 unexcused absences as determined by the chair of the Council in a
5 twelve-month period of the Council, their appointment shall be
6 deemed vacant and the chair of the Council shall notify the original
7 appointing authority.

8 6. Any vacancy shall be filled in the same manner as the
9 original appointments.

10 7. Six members shall constitute a quorum.

11 B. The Council shall be composed as follows:

12 1. The Governor shall appoint three members as follows:

13 a. one member shall be a petroleum storage tank owner,
14 operator, or agent, and

15 b. two members may include:

16 (1) a petroleum storage tank owner, operator or
17 agent, or

18 (2) an engineer who holds a remediation consultant's
19 license issued by the Petroleum Storage Tank
20 Division or works for a company that performs
21 petroleum storage tank services, or

22 (3) a licensed remediation consultant, or

23 (4) an owner-operator of an environmental company;
24

1 2. The President Pro Tempore of the Senate shall appoint four
2 members as follows:

3 a. one member shall be a petroleum storage tank owner,
4 operator or agent,

5 b. one member shall be a petroleum storage tank operator
6 or agent for an agricultural cooperative, and

7 c. two members may include:

8 (1) a petroleum storage tank owner, operator or
9 agent, or

10 (2) an engineer who holds a remediation consultant's
11 license issued by the Petroleum Storage Tank
12 Division or works for a company that performs
13 petroleum storage tank services, or

14 (3) a licensed remediation consultant, or

15 (4) an owner-operator of an environmental company;

16 and

17 3. The Speaker of the House of Representatives shall appoint
18 four members as follows:

19 a. one member shall be a petroleum storage tank owner,
20 operator or agent,

21 b. one member shall be a county commissioner or a
22 petroleum storage tank operator or agent for a county
23 commissioner, and

24 c. two members may include:

- 1 (1) a petroleum storage tank owner, operator or
2 agent, or
- 3 (2) an engineer who holds a remediation consultant's
4 license issued by the Petroleum Storage Tank
5 Division or works for a company that performs
6 petroleum storage tank services, or
- 7 (3) a licensed remediation consultant, or
- 8 (4) an owner-operator of an environmental company.

9 C. The Council shall elect a chair and a vice-chair from among
10 its members. The Council shall meet as required for rule
11 development, review and recommendation and for ~~such~~ any other
12 purposes specified by law. Special meetings may be called by the
13 chair or by the concurrence of any five members.

14 D. The Storage Tank Advisory Council shall:

15 1. Have authority to recommend to the Commission rules to
16 implement the Oklahoma Storage Tank Regulation Act and the Petroleum
17 Storage Tank Indemnity Fund. The staff of the storage tank
18 regulatory program and the Petroleum Storage Tank Indemnity Fund
19 shall not have standing to recommend to the Commission proposed
20 permanent rules or changes to ~~such~~ the rules which have not
21 previously been submitted to the Council for action prior to the
22 hearing for adoption of the rules by the Commission;

23 2. Before recommending any permanent rules to the Commission,
24 give public notice, offer opportunity for public comment and conduct

1 a public rulemaking hearing when required by the Administrative
2 Procedures Act and rules of the Commission;

3 3. Have authority to make written recommendations to the
4 Commission which have been concurred upon by at least a majority of
5 the membership of the Council; and

6 4. Have the authority to provide a public forum for the
7 discussion of issues it considers relevant to its area of
8 jurisdiction, and to:

9 a. pass nonbinding resolutions expressing the sense of
10 the Council, and

11 b. make recommendations to the Commission and its
12 regulatory programs and the Petroleum Storage Tank
13 Indemnity Fund concerning the need and the
14 desirability of conducting public meetings, workshops
15 and seminars.

16 E. The Council shall not recommend rules for promulgation by
17 the Commission unless all applicable requirements of the
18 Administrative Procedures Act and rules of the Commission have been
19 followed, including but not limited to notice, rule impact statement
20 and rule-making hearings. All actions of the Council with regard to
21 rule-making shall be deemed actions of the Commission for the
22 purposes of complying with the Administrative Procedures Act and
23 rules of the Commission. The Council shall advise the Commission on
24 initiating and conducting rule-making proceedings pursuant to the

1 Oklahoma Petroleum Storage Tank Reform Act, Oklahoma Storage Tank
2 Regulation Act and the Oklahoma Petroleum Storage Tank Release
3 Indemnity Program.

4 F. Members of the Council shall serve without compensation but
5 may be reimbursed expenses incurred in the performance of their
6 duties, as provided in the State Travel Reimbursement Act. The
7 Council is authorized to utilize the conference rooms of the
8 Commission and obtain administrative assistance from the Commission,
9 as required.

10 G. 1. The Commission is specifically charged with the duty of
11 promulgating rules which will implement the duties and
12 responsibilities of the Oklahoma Storage Tank Regulation Act and the
13 Oklahoma Petroleum Storage Tank Release Indemnity Program.

14 2. Except as provided in this subsection, rules within the
15 jurisdiction of the Council provided for by this section shall be
16 promulgated with the advice of ~~such~~ the Council.

17 3. The Commission may promulgate emergency rules without the
18 advice of the Council when the time constraints of the emergency, as
19 determined by the Commission, do not permit timely development of
20 recommendations by the Council.

21 4. If the Commission adopts any proposed permanent rules
22 without the advice of the Council or not in accord with the advice
23 of the Council, the Commission shall detail the reasons on the rule
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1 report submitted to the Governor and the Legislature pursuant to
2 Article I of the Administrative Procedures Act.

3 SECTION 2. This act shall become effective November 1, 2014.

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