

1 ENGROSSED HOUSE
2 BILL NO. 3050

By: Boles of the House

and

Green of the Senate

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8 An Act relating to petroleum storage tanks; amending
9 17 O.S. 2021, Section 310, which relates to
10 inspections and investigations; modifying time frame
11 for appeal; removing certain statutory references;
12 and providing an effective date.

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

15 SECTION 1. AMENDATORY 17 O.S. 2021, Section 310, is
16 amended to read as follows:

17 Section 310. A. If upon inspection or investigation, or
18 whenever the Corporation Commission determines that there are
19 reasonable grounds to believe that a storage tank system owner,
20 operator or responsible person is in violation of the Oklahoma
21 Petroleum Storage Tank Consolidation Act or of any rule promulgated
22 pursuant thereto or of any order of the Commission, the Commission
23 shall give written notice or issue a Notice of Violation to the
24 alleged violator specifying the cause of complaint. Such notice

1 shall require that action or corrective action be immediately
2 initiated. The notice shall be delivered to the alleged violator in
3 accordance with the provisions of subsection C of this section.

4 B. 1. If action or corrective action is not taken in response
5 to the notice issued pursuant to subsection A of this section, the
6 Commission shall initiate proceedings and hold a hearing to
7 determine if:

- 8 a. the alleged violator should be found in contempt or in
9 violation of Commission rules, requirements, enabling
10 statutes, and/or Commission orders,
- 11 b. any permit or license issued to the alleged violator
12 should be suspended, revoked or not reissued, or
- 13 c. whether any other appropriate relief should be
14 granted.

15 2. Notice of the hearing shall be delivered to the alleged
16 violator at least twenty (20) days prior to the time set for
17 hearing. The notice shall be delivered to the alleged violator in
18 accordance with the provisions of subsection C of this section.

19 3. After hearing, the Commission shall make findings of fact
20 and conclusions of law, and enter its order reflecting its decision
21 in the matter. The order of the Commission shall become final and
22 binding on all parties unless appealed to the Supreme Court ~~as~~
23 ~~provided in Section 318 of Title 75 of the Oklahoma Statutes~~ within
24 ~~sixty (60)~~ thirty (30) days of the Commission's order. ~~Except as~~

1 ~~otherwise provided by this section, Sections 319 through 322 of~~
2 ~~Title 75 of the Oklahoma Statutes shall be applicable to such~~
3 ~~appeals.~~

4 C. 1. Except as otherwise expressly provided by law, any
5 notice, order, or other instrument issued by or pursuant to
6 authority of the Commission may be served on any person affected
7 thereby personally, by publication, or by mailing a copy of the
8 notice, order, or other instrument by certified mail directed to the
9 person affected at the last-known post office address as shown by
10 the files or records of the Commission. Service shall be considered
11 complete if certified mail service is returned unclaimed,
12 undeliverable, unable to forward, vacant or refused. Proof of
13 service shall be made as in the case of service of a summons or by
14 publication or may be made by the affidavit of the person who did
15 the mailing.

16 2. Such proof of service shall be filed in the court clerk's
17 office of the Commission.

18 3. Every certificate or affidavit of service made and filed as
19 provided in this section shall be prima facie evidence of the facts
20 therein stated. A certified copy thereof shall have like force and
21 effect.

22 SECTION 2. This act shall become effective November 1, 2024.
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1 Passed the House of Representatives the 26th day of February,
2024.

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Presiding Officer of the House
of Representatives

6 Passed the Senate the ____ day of _____, 2024.

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Presiding Officer of the Senate