

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 59th Legislature (2024)

4 HOUSE BILL 3050

By: Boles of the House

5 and

6 **Green** of the Senate

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10 AS INTRODUCED

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

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

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

20 Section 310. A. If upon inspection or investigation, or
21 whenever the Corporation Commission determines that there are
22 reasonable grounds to believe that a storage tank system owner,
23 operator or responsible person is in violation of the Oklahoma
24 Petroleum Storage Tank Consolidation Act or of any rule promulgated

1 pursuant thereto or of any order of the Commission, the Commission
2 shall give written notice or issue a Notice of Violation to the
3 alleged violator specifying the cause of complaint. Such notice
4 shall require that action or corrective action be immediately
5 initiated. The notice shall be delivered to the alleged violator in
6 accordance with the provisions of subsection C of this section.

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

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

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

22 3. After hearing, the Commission shall make findings of fact
23 and conclusions of law, and enter its order reflecting its decision
24 in the matter. The order of the Commission shall become final and

1 binding on all parties unless appealed to the Supreme Court ~~as~~
2 ~~provided in Section 318 of Title 75 of the Oklahoma Statutes~~ within
3 ~~sixty (60)~~ thirty (30) days of the Commission's order. ~~Except as~~
4 ~~otherwise provided by this section, Sections 319 through 322 of~~
5 ~~Title 75 of the Oklahoma Statutes shall be applicable to such~~
6 ~~appeals.~~

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

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

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

1 SECTION 2. This act shall become effective November 1, 2024.

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3 COMMITTEE REPORT BY: COMMITTEE ON ENERGY AND NATURAL RESOURCES,
4 dated 02/15/2024 - DO PASS, As Coauthored.
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