

An Act

ENROLLED HOUSE
BILL NO. 3297

By: Osborn and Cockroft of the
House

and

Justice of the Senate

An Act relating to compressed natural gas; transferring the regulation of compressed natural gas fueling stations from the Corporation Commission to the Department of Labor; transferring the implementation and enforcement of the Alternative Fuels Technician Certification Act from the Office of Management and Enterprise Services to the Department of Labor; allowing certain contracts; providing for the transfer of certain funds, property, records and financial obligations; limiting expenditures of certain funds and use of certain property; providing for the transfer of funds, property and records acquired after certain date; including certain licensing fees and payment of fines; prohibiting certain contracts; providing for the enforcement of licenses, registrations, certifications and accreditations; requiring the Director of the Office of Management and Enterprise Services to coordinate certain transfers; providing for enforcement of certain administrative rules; granting the Department of Labor authority to amend or repeal certain rules; amending Section 1, Chapter 95, O.S.L. 2013 (52 O.S. Supp. 2013, Section 348), which relates to inspection of compressed natural gas fueling stations or pumps by the Corporation Commission; changing authority from the Corporation Commission to the Department of Labor; amending 74 O.S. 2011, Sections 130.11, 130.14, as amended by Section 825, Chapter 304, O.S.L. 2012, 130.15, as amended by Section 826, Chapter 304, O.S.L. 2012, 130.16, as amended by Section 827, Chapter 304, O.S.L. 2012, 130.17, as amended by Section 828, Chapter 304, O.S.L. 2012,

130.18, as amended by Section 829, Chapter 304, O.S.L. 2012, 130.19, as amended by Section 830, Chapter 304, O.S.L. 2012, 130.21, as amended by Section 831, Chapter 304, O.S.L. 2012, 130.22, as amended by Section 832, Chapter 304, O.S.L. 2012 (74 O.S. Supp. 2013, Sections 130.14, 130.15, 130.16, 130.17, 130.18, 130.19, 130.21 and 130.22), which relate to the Alternative Fuels Technician Certification Act; updating statutory language; changing references from the Director of the Office of Management and Enterprise Services to the Commissioner of Labor; changing references from the Office of Management and Enterprise Services to the Department of Labor; deleting obsolete language; deleting designation of the Alternative Fuels Technician Hearing Board; changing references from the Alternative Fuels Technician Hearing Board to the Commissioner of Labor; authorizing the Commissioner of Labor or designee to suspend or revoke a license, certificate or registration under certain circumstance; amending 68 O.S. 2011, Section 2357.22, as last amended by Section 1, Chapter 252, O.S.L. 2013 (68 O.S. Supp. 2013, Section 2357.22), which relates to credit for investments in qualified clean-burning motor fuel vehicle property; modifying credit for qualified clean-burning motor vehicle fuel property; directing the Oklahoma Tax Commission to transfer certain amount of revenue based on the credit to the Compressed Natural Gas Conversion Safety and Regulation Fund; creating the Compressed Natural Gas Conversion Safety and Regulation Fund; stating source of funding; specifying purpose of expenditures from the fund; requiring expenditures to be made on warrants; providing for codification; and providing for recodification.

SUBJECT: Compressed Natural Gas

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 142.1 of Title 40, unless there is created a duplication in numbering, reads as follows:

A. On the effective date of this act, all powers, duties, responsibilities, records and equipment of the Corporation Commission relating exclusively to the regulation of compressed natural gas fueling stations are hereby transferred and shall be placed under the authority of the Department of Labor.

B. On the effective date of this act, all powers, duties, responsibilities, records and equipment of the Office of Management and Enterprise Services relating exclusively to the implementation and enforcement of the Alternative Fuels Technician Certification Act are hereby transferred and shall be placed under the authority of the Department of Labor. To the extent practicable, the transfer shall include all computer hardware and software used in regulating the functions listed in this subsection.

C. The Corporation Commission, the Commissioner of Labor and the Director of the Office of Management and Enterprise Services may contract for additional legal and administrative services as necessary to effectuate the transfers as provided for in this section.

D. 1. All unexpended funds, property, furnishings, equipment, supplies, records, and outstanding financial obligations and encumbrances of the Corporation Commission relating to the regulation of natural gas fueling stations and of the Office of Management and Enterprise Services relating to the implementation and enforcement of the Alternative Fuels Technician Certification Act shall be transferred to the Department of Labor for the continuing performance of duties relating to the regulation of natural gas fueling stations and implementation and enforcement of the Alternative Fuels Technician Certification Act. No funds, property, furnishings, equipment, supplies or records may be expended or used for any purpose other than the performance of duties and responsibilities as directed and required in this act.

2. Any funds, properties, furnishings, equipment, supplies, or records related in any manner to the regulation of natural gas fueling stations and implementation and enforcement of the Alternative Fuels Technician Certification Act which may not be in the current possession of the Corporation Commission or the Office of Management and Enterprise Services on the effective date of this

act, but which come into the possession of the Corporation Commission or the Office of Management and Enterprise Services after the transfer of authority to the Department of Labor as provided in this act, shall immediately be transferred to the Department of Labor. Items subject to the immediate transfer shall include, but are not limited to, any misdirected licensing fees or payments of outstanding administrative fines.

E. The Corporation Commission and the Director of the Office of Management and Enterprise Services shall not enter into any contract or agreement relating to the regulation of natural gas fueling stations or implementation and enforcement of the Alternative Fuels Technician Certification Act extending beyond the effective date of the transfer without approval by the Commissioner of Labor.

F. All licenses, registrations, certifications and accreditations issued by the Office of Management and Enterprise Services pursuant to the Alternative Fuels Technician Certification Act that are in effect on the effective date of this act shall remain in full force and effect and shall be enforceable by the Department of Labor.

G. The Director of the Office of Management and Enterprise Services shall coordinate the transfer of funds, allotments, purchase orders and outstanding financial obligations and encumbrances relating to the regulation of natural gas fueling stations and the implementation and enforcement of the Alternative Fuels Technician Certification Act as transferred pursuant to the provisions of this act.

H. Upon the effective date of this act, all administrative rules promulgated by the Office of Management and Enterprise Services relating to the implementation and enforcement of the Alternative Fuels Technician Certification Act shall be enforceable by the Commissioner of Labor. The rules shall continue in force and effect after the effective date of this act, and the Commissioner of Labor shall have authority to amend, repeal, recodify or make additions to the rules pursuant to the Administrative Procedures Act.

SECTION 2. AMENDATORY Section 1, Chapter 95, O.S.L. 2013 (52 O.S. Supp. 2013, Section 348), is amended to read as follows:

Section 348. A. ~~The Corporation Commission~~ Department of Labor shall have authority to have access to and inspect any equipment,

including compression equipment and storage tanks, practices or methods used by or in association with any public access compressed natural gas fueling station or pump.

B. The ~~Commission~~ Department may promulgate rules as necessary to implement the provisions of this section.

SECTION 3. AMENDATORY 74 O.S. 2011, Section 130.11, is amended to read as follows:

Section 130.11 ~~Sections 1 through 14 of this~~ This act shall be known and may be cited as the "Alternative Fuels Technician Certification Act".

SECTION 4. AMENDATORY 74 O.S. 2011, Section 130.14, as amended by Section 825, Chapter 304, O.S.L. 2012 (74 O.S. Supp. 2013, Section 130.14), is amended to read as follows:

Section 130.14 A. There is hereby established the Committee of Alternative Fuels Technician Examiners which shall consist of eight (8) members. All members of the Committee shall be residents of this state.

B. Five voting members of the Committee shall be appointed by the ~~Director of the Office of Management and Enterprise Services~~ Commissioner of Labor as follows:

1. ~~Beginning September 1, 1994, three~~ Three members shall be alternative fuels technicians selected from a list of names submitted by the State Board of Career and Technology Education, with at least one member being an alternative fuels equipment technician and at least one member being an alternative fuels compression technician;

2. One member shall be a person involved in compressed natural gas technology in an oil and/or gas industry; and

3. One member shall be a person involved in liquefied petroleum gas technology in an oil and/or gas industry.

C. ~~Beginning November 1, 1998, two~~ Two additional voting members shall be appointed by the ~~Director of the Office of Management and Enterprise Services~~ Commissioner of Labor, one of whom shall be selected from a list of names submitted by the State Board of Career and Technology Education and shall be an electric

