

# **Petroleum Storage Tank Release Indemnity Fund**

*(Administered by the Petroleum Storage Tank  
Division of the Oklahoma Corporation Commission)*

Financial Report  
June 30, 2015

## Contents

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Independent auditor's report	1-2
<hr/>	
Basic financial statements:	
Statements of net position/Governmental funds balance sheets (cash basis)	3
Statements of activities/Statements of revenues, expenditures, and changes in fund balance (cash basis)	4
Notes to cash basis financial statements	5-13
<hr/>	
Report on internal control over financial reporting and on compliance and other matters based on an audit of financial statements performed in accordance with <i>Government Auditing Standards</i>	14-15
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RSM US LLP

## Independent Auditor's Report

To the Oklahoma Corporation Commission  
Petroleum Storage Tank Release Indemnity Fund  
Oklahoma City, Oklahoma

### Report on the Financial Statements

We have audited the accompanying cash basis financial statements of governmental activities and General Fund of the Petroleum Storage Tank Release Indemnity Fund (the Indemnity Fund), administered by the Petroleum Storage Tank Division of the Oklahoma Corporation Commission, as of and for the year ended June 30, 2015, and the related notes to the cash basis financial statements, which collectively comprise the Indemnity Fund's basic financial statements as listed in the table of contents.

### Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with the cash basis of accounting described in Note 1; this includes determining that the cash basis of accounting is an acceptable basis for the preparation of the financial statements in the circumstances. Management is also responsible for the design, implementation and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

### Auditor's Responsibility

Our responsibility is to express opinions on these financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

**Opinions**

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective cash basis financial position of the governmental activities and general fund of the Indemnity Fund as of June 30, 2015, and the respective change in the cash basis financial position for the year then ended in conformity with the basis of accounting described in Note 1.

**Other Matters**

The financial statements of the Indemnity Fund as of and for the year ended June 30, 2014, were audited by other auditors whose report dated December 8, 2014 expressed an unmodified opinion on those statements.

**Required Supplementary Information**

Management has omitted budgetary comparison information and the management discussion and analysis that the basis of cash receipts and cash disbursements requires to be presented to supplement the basic financial statements. Such missing information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic or historical context. Our opinions on the basic financial statements are not affected by this missing information.

**Basis of Accounting**

We draw attention to Note 1 of the financial statements, which describes the basis of accounting. The financial statements are prepared on the cash basis of accounting, which is a basis of accounting other than accounting principles generally accepted in the United States of America. Our opinions are not modified with respect to this matter.

**Emphasis of Matter**

As discussed in Note 1, the financial statements of the Indemnity Fund are intended to present the financial position and the changes in financial position of only the Petroleum Storage Tank Division of the Oklahoma Corporation Commission that is attributable to the transactions of the Indemnity Fund. They do not purport to, and do not, present fairly the financial position of the General Fund of the Petroleum Storage Tank Division of the Oklahoma Corporation Commission as of June 30, 2015 and 2014, and the change in its financial position for the years then ended in conformity with accounting principles generally accepted in the United States of America.

**Other Reporting Required by *Government Auditing Standards***

In accordance with *Government Auditing Standards*, we have also issued our report dated June 7, 2016, on our consideration of the Indemnity Fund's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. For the year ended June 30, 2014, other auditors have issued their report dated December 8, 2014. The purpose of these reports is to describe the scope of our, and other auditors, testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on internal control over financial reporting or on compliance. These reports are an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the Indemnity Fund's internal control over financial reporting and compliance.

*RSM US LLP*

Oklahoma City, Oklahoma  
June 7, 2016

**Petroleum Storage Tank Release Indemnity Fund**  
*(Administered by the Petroleum Storage Tank Division of the Oklahoma Corporation Commission)*

**Statements of Net Position/Governmental Funds Balance Sheets (Cash Basis)**  
**Years Ended June 30, 2015 and 2014**

	General Fund/Governmental Activities	
	2015	2014
<b>Assets</b> , cash and cash equivalents	<u>\$ 19,860,212</u>	<u>\$ 22,559,488</u>
<b>Net position/fund balance</b> , unrestricted/unassigned (cash basis)	<u>\$ 19,860,212</u>	<u>\$ 22,559,488</u>

See notes to cash basis financial statements.

**Petroleum Storage Tank Release Indemnity Fund**  
**(Administered by the Petroleum Storage Tank Division of the Oklahoma Corporation Commission)**

**Statements of Activities/ Statements of Revenues, Expenditures,  
and Changes in Fund Balance (Cash Basis)**  
**Years Ended June 30, 2015 and 2014**

	General Fund/Governmental Activities	
	2015	2014
Program revenues:		
Proceeds from motor fuel tax assessment	\$ 22,185,911	\$ 21,675,428
Deductible on claims	76,085	70,365
<b>Total program revenues</b>	<b>22,261,996</b>	21,745,793
General revenues:		
Other revenue, interest income	374,882	427,392
<b>Total revenue</b>	<b>22,636,878</b>	22,173,185
Expenditures/Expenses:		
Claims reimbursement	21,261,150	16,945,696
Storage tank inspection and compliance	1,907,475	1,738,392
Claims processing	483,251	498,519
Administrative expenses	274,809	345,513
Allocations to the Oklahoma Corporation Commission	1,409,469	1,378,396
<b>Total expenditures/expenses</b>	<b>25,336,154</b>	20,906,516
<b>Change in net position/fund balance</b>	<b>(2,699,276)</b>	1,266,669
Net position/fund balance, beginning of year (cash basis)	22,559,488	21,292,819
Net position/fund balance, end of year (cash basis)	<b>\$ 19,860,212</b>	<b>\$ 22,559,488</b>

See notes to cash basis financial statements.

**Petroleum Storage Tank Release Indemnity Fund**  
***(Administered by the Petroleum Storage Tank Division of the Oklahoma Corporation Commission)***

**Notes to Cash Basis Financial Statements**

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**Note 1. Summary of Significant Accounting Policies**

**Principal activity:** The Petroleum Storage Tank Release Indemnity Fund (the Indemnity Fund) is administered by the Oklahoma Corporation Commission's (the Commission) Petroleum Storage Tank Division (the Division). The Indemnity Fund was created by a legislative act in 1989 to provide funding for the rehabilitation of polluted sites due to releases of petroleum from storage tank systems into the environment of the state. The Indemnity Fund encourages voluntary corrective action in a manner and to a level of completion that protects public health, safety, and welfare and minimizes damage to the environment by reimbursing to eligible persons allowable costs incurred for corrective actions to clean up eligible releases. Indemnity Fund monies are also used to pay the salaries of employees of the Compliance and Inspection Department of the Commission who are involved in the regulation of storage tanks pursuant to the Oklahoma Storage Tank Regulation Act. The activities of the Indemnity Fund are subject to Oklahoma Statutes Title 17, Chapters 14 and 15, of the Oklahoma Statutes Title 17 O.S. 350 et seq., which were last amended by Senate Bill 155, which was effective November 1, 2005, and Senate Bill 1366, which was effective July 1, 2006, and House Bill 1423, which was effective July 1, 2008, House 2381, which was effective May 25, 2012, and Senate Bill 1336, which was effective June 8, 2012.

The Indemnity Fund is currently funded by a \$0.01 assessment on the sale of each gallon of motor fuel.

Effective July 1, 2006, the first \$1,000,000 received in each fiscal year from the \$0.01 assessment on motor fuel is to be deposited directly into the Commission's Revolving Fund. Participating Native American Tribes receive four and a half percent (4.5%) of the monthly assessment once the annual payment is paid to the Commission's Revolving Fund. Eight percent (8%) of the remainder of the assessment collected during each fiscal year is to be deposited into the Department of Environmental Quality's Revolving Fund. Effective July 1, 2008, House Bill 1423 states that of the remaining assessment received, \$500,000 is to be deposited each month into the Department of Transportation's Weigh Station Improvement revolving fund until a total of \$51,000,000 is reached. Effective May 25, 2012, House Bill 2391 increased the total amount to be deposited in the Department of Transportation's Weigh Station Improvement Revolving Fund to \$81,000,000. The remaining portion each month will be deposited into the Indemnity Fund. See Note 8 for a breakdown of the required transfers under Oklahoma Statutes Title 17.

Effective July 1, 2008, House Bill 1423 amended Title 17, Section 352, by defining the "motor fuel" on which the \$0.01 per gallon assessment is based. The Indemnity Fund was previously funded by a \$0.01 assessment on the sale of each gallon of motor fuel, diesel fuel and blending materials (as defined by Title 68, Section 500.3 of the Oklahoma Statutes). House Bill 1423 condensed the wording to only include "motor fuel" as it has the same meaning as "blended fuel" (the words "diesel fuel" and "blending materials" were taken out of the statute).

Per Title 68, Section 500.3, blended fuel is defined as "a mixture composed of gasoline or diesel fuel and another liquid, other than a de minimis amount of a product such as carburetor detergent or oxidation inhibitor that can be used as a fuel in a highway vehicle. This term includes gasohol, ethanol and fuel grade ethanol."

House Bill 1423 also authorized Underground Storage Tank Operator Training and authorized either the Storage Tank Regulation Revolving Fund created in Section 315 of Title 17 or the Indemnity Fund to be able to pay for this training up to \$250,000.

**Petroleum Storage Tank Release Indemnity Fund**  
**(Administered by the Petroleum Storage Tank Division of the Oklahoma Corporation Commission)**

**Notes to Cash Basis Financial Statements**

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**Note 1. Summary of Significant Accounting Policies (Continued)**

**Funds included in presentation:** For purposes of this report, the Indemnity Fund (Fund 1185F) has been combined with Fund 205, a revolving fund established by the Commission to pay the administrative expenses of the Indemnity Fund utilizing monies transferred from the Indemnity Fund.

**Financial reporting entity:** The Indemnity Fund is included in the General Fund of the Petroleum Storage Tank Division of the Oklahoma Corporation Commission. The accompanying cash basis financial statements are intended to present the financial position and the changes in financial position of only the Petroleum Storage Tank Division of the Oklahoma Corporation Commission attributable to the transactions of the Indemnity Fund and not that of the General Fund of the Petroleum Storage Tank Division of the Oklahoma Corporation Commission.

In accordance with Governmental Accounting Standards Board (GASB) Statement No. 14, *The Financial Reporting Entity*, and as amended by GASB Statement No. 39, *Determining Whether Certain Organizations are Component Units* and GASB Statement No. 61, *The Financial Reporting Entity: Omnibus*, consists of the primary government, organizations for which the primary government is financially accountable, and other organization for which the nature and significance of their relationship with the primary government are such the exclusion could cause the financial statements to be misleading. The Indemnity Fund has determined there are no other organizations for which it has financial accountability.

**Basis of presentation:** The financial statements have been prepared using the cash basis of accounting, which is a comprehensive basis of accounting other than accounting principles generally accepted in the United States of America. GASB Statement No. 34, *Basic Financial Statements and Management's Discussion and Analysis for State and Local Governments*, defines the accounting principles to be used for the presentation of financial statements of the Indemnity Fund.

For financial statement presentation, the Indemnity Fund has only one fund, which is the General Fund. The General Fund is the operating fund of the Indemnity Fund and is used to account for all activities of the Indemnity Fund.

**Basis of accounting:** Basis of accounting refers to "when" transactions are recorded, regardless of the measurement focus applied. The accompanying financial statements have been prepared using the cash basis of accounting and are not intended to present the financial position and results of operations in conformity with accounting principles generally accepted in the United States of America.

If the aforementioned financial statements were prepared in accordance with accounting principles generally accepted in the United States of America, the following changes would be necessary:

- The Indemnity Fund would utilize the accrual basis of accounting in the government-wide financial statements and the modified accrual basis of accounting in the fund financial statements.
- The Indemnity Fund would capitalize and record on its accrual basis financial statements, at cost, capital assets (such as land, buildings, furniture and equipment) and depreciate such assets.
- The Indemnity Fund would record liabilities and long-term debt on its accrual basis financial statements.

**Petroleum Storage Tank Release Indemnity Fund**  
**(Administered by the Petroleum Storage Tank Division of the Oklahoma Corporation Commission)**

**Notes to Cash Basis Financial Statements**

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**Note 1. Summary of Significant Accounting Policies (Continued)**

**Net Position/Fund Balance:** The Indemnity Fund's net position/fund balance is classified as follows:

**Unrestricted net position:** Consists of all other net position that do not meet the definition of "restricted" or "net investment in capital assets." Restricted net position consists of net position with constraints placed on its use. All net position meet the definition of unrestricted due to the presentation of these financial statements being on a cash basis, and no constraints have been placed on the remaining net position balances.

**Unassigned fund balance:** The unassigned fund balance classification is the residual classification for the General Fund only. Unassigned fund balance essentially consists of excess funds that have not been classified in the four above fund balance categories. All fund balances meet this definition.

It is the Indemnity Fund's policy to first use restricted net position/fund balance prior to the use of unrestricted net position/unassigned fund balance when an expenditure is incurred for purposes for which both restricted/assigned and unrestricted net position/unassigned fund balance are available.

**Cash and cash equivalents:** Deposits in OK INVEST (see Note 2) and highly liquid investments with original maturities of 3 months or less are considered to be cash equivalents.

**Co-pay:** Eligible claims for reimbursements are subject to a co-payment equal to 1 percent of the eligible costs, up to a maximum co-payment of \$5,000 unless the release occurred prior to June 4, 2004. Then the co-payment is \$5,000.

**Encumbrances:** Encumbrances represent commitments related to unperformed contracts for goods or services. Encumbrance accounting, under which purchase orders, contracts, and other commitments for the expenditures of resources are recorded as expenditures of the applicable funds, is used. This is an extension of the formal budgetary integration in the General Fund. Encumbrances do not represent any further constraint on the use of amounts than is already communicated by governmental fund balance classification as restricted, committed, or assigned. As of June 30, 2015 and 2014, \$19,590,240 and \$22,371,141, respectively, of encumbrances were outstanding.

**Indemnity fund maintenance level:** State statute sets forth a maintenance level of cash (presented herein as cash and cash equivalents) for the Indemnity Fund in an amount equal to \$5,000,000 plus the previous 6 months' cash disbursements for claim reimbursements. In the event the Indemnity Fund's cash balance falls below this specified maintenance level at any month end on or before December 31, 2015, the \$0.01 assessment (or applicable portion thereof) is to be deposited into the Indemnity Fund for at least the following 3 calendar months. If the Indemnity Fund's cash balance exceeds the specified maintenance level, the assessment (or applicable portion thereof) is to be deposited into other funds as directed by state statute. Senate Bill 155, which was effective November 1, 2005, amended State Statute 17 O.S. 352(7) to define disbursements as funds expended or encumbered for the purpose of calculating the regulatory maintenance level. Effective June 8, 2012, Senate Bill 1336 extended the compliance maintenance level requirement from December 31, 2012 to December 31, 2022. During the years ended and as of June 30, 2015 and 2014, the Indemnity Fund was in compliance with the maintenance level.

**Income taxes:** The Indemnity Fund is exempt from state and federal income taxes, and accordingly, no provision for income taxes is reflected by the Indemnity Fund.

**Petroleum Storage Tank Release Indemnity Fund**  
**(Administered by the Petroleum Storage Tank Division of the Oklahoma Corporation Commission)**

**Notes to Cash Basis Financial Statements**

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**Note 2. Deposits and Investments**

**Custodial credit risk—deposits:** Custodial credit risk is the risk that in the event of a bank failure, the Indemnity Fund's deposits may not be returned to it. The Indemnity Fund's deposit policy for custodial credit risk is described as follows:

Oklahoma Statutes require the State Treasurer to ensure that all State funds either be insured by Federal Deposit Insurance, collateralized by securities held by the cognizant Federal Reserve Bank, or invested in U.S. government obligations. The Indemnity Fund deposits with the State Treasurer are pooled with the funds of other State Agencies and then, in accordance with statutory limitations, placed in financial institutions or invested as the State Treasurer may determine, in the State's name.

The Indemnity Fund's carrying amount of the deposits with the State Treasurer were \$19,860,212 and \$22,559,488 at June 30, 2015 and 2014, respectively.

The differences between the bank balances of deposits and the related carrying amounts were generally not significant and are due to outstanding checks and deposits in-transit.

Agencies and funds that are considered to be part of the State's reporting entity in the State's Comprehensive Annual Financial Report are allowed to participate in OK INVEST. Oklahoma statutes and the State Treasurer establish the primary objectives and guidelines governing the investment of funds in OK INVEST. Safety, liquidity and return on investment are the objectives which establish the framework for the day to day OK INVEST management with an emphasis on safety of the capital and the probable income to be derived and meeting the State and its funds and agencies' daily cash flow requirements. Guidelines in the Investment Policy address credit quality requirements and diversification percentages and specify the types and maturities of allowable investments, and the specifics regarding these policies can be found on the State Treasurer's website at <http://www.treasurer.state.ok.us/>. The State Treasurer, at his discretion, may further limit or restrict such investments on a day to day basis. OK INVEST includes a substantial investment in securities with an overnight maturity as well as in U.S. government securities with a maturity of up to ten years. OK INVEST maintains an overall weighted average maturity of no more than four years.

OK INVEST pools the resources and invests them in (a) U.S. treasury securities which are explicitly backed by the full faith and credit of the U.S. government; (b) U.S. agency securities which carry an implicit guarantee of the full faith and credit of the U.S. government; (c) money market mutual funds which participates in investments, either directly or indirectly, in securities issued by the U.S. treasury and/or agency and repurchase agreements relating to such securities; (d) investments related to tri-party repurchase agreements which are collateralized at 102% and, whereby, the collateral is held by a third party in the name of the State Treasurer; (e) collateralized certificates of deposits; (f) commercial paper; (g) obligations of state and local governments; and (h) State of Israel bonds.

Of funds on deposit with the State Treasurer, amounts invested in OK INVEST total \$20,275,655 in 2015 and \$22,604,640 in 2014.

For financial reporting purposes, deposits with the State Treasurer that are invested in OK INVEST are classified as cash equivalents given the Indemnity Fund may withdraw the funds at any time.

**Petroleum Storage Tank Release Indemnity Fund**  
**(Administered by the Petroleum Storage Tank Division of the Oklahoma Corporation Commission)**

**Notes to Cash Basis Financial Statements**

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**Note 3. Claims Reimbursements**

Claims reimbursements for the years ended June 30 consisted of the following:

	2015	2014
Third-party claims	\$ 20,576,956	\$ 16,595,435
Suspicion of releases	684,194	350,261
	<u>\$ 21,261,150</u>	<u>\$ 16,945,696</u>

Third-party claims are those claims in which an eligible tank owner has received reimbursement from the Indemnity Fund for allowable cleanup costs incurred.

Payments for suspicion of releases are payments to third parties for costs incurred to investigate and assess a site for a confirmed release and to determine whether additional cleanup procedures are necessary.

**Note 4. Operating Expenses**

Operating expenses at June 30 consisted of the following:

	2015		
	Administrative Expenses	Claims Processing	Storage Tank Inspection and Compliance
Salaries and benefits	\$ 250,157	\$ 429,926	\$ 1,530,784
Professional services	14,428	16,294	162,996
Other	10,224	37,031	213,695
	<u>\$ 274,809</u>	<u>\$ 483,251</u>	<u>\$ 1,907,475</u>
	2014		
	Administrative Expenses	Claims Processing	Storage Tank Inspection and Compliance
Salaries and benefits	\$ 298,670	\$ 451,959	\$ 1,462,914
Professional services	23,612	17,967	73,134
Other	23,231	28,593	202,344
	<u>\$ 345,513</u>	<u>\$ 498,519</u>	<u>\$ 1,738,392</u>

**Note 5. Allocations to the Oklahoma Corporation Commission**

The overhead allocation paid to the Commission is determined by the Comptroller of the Commission. For the years ended June 30, 2015 and 2014, amounts paid included \$217,032 and \$287,273, respectively, for salaries of personnel in the Office of General Counsel and \$1,192,437 and \$1,091,123, respectively, for other general and administrative expenses of the Commission.

**Petroleum Storage Tank Release Indemnity Fund**  
*(Administered by the Petroleum Storage Tank Division of the Oklahoma Corporation Commission)*

**Notes to Cash Basis Financial Statements**

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**Note 6. Retirement Plan**

**Plan description:** The Indemnity Fund indirectly contributes to the Oklahoma Public Employees Retirement Plan (the Retirement Plan), a cost-sharing, multiple-employer public employee retirement system administered by the Oklahoma Public Employees Retirement System (the System). The Retirement Plan provides retirement, disability, and death benefits to plan members and beneficiaries. The benefit provisions are established and may be amended by the Oklahoma Legislature.

Title 74 of the Oklahoma Statutes, Sections 901 through 932 and 935, as amended, assigns the authority for management and operation of the Retirement Plan to the Board of Trustees of the System. The System issues a publicly available annual financial report that includes financial statements and required supplementary information for the Retirement Plan. That annual report may be obtained by writing to the Oklahoma Public Employees Retirement System, 5801 N. Broadway Extension, Suite 400, Oklahoma City, Oklahoma 73118 or by calling 1-800-733-9008.

**Funding policy:** Retirement Plan members and the Indemnity Fund are required to contribute at a rate set by statute. The contribution requirements of Retirement Plan members and the Indemnity Fund are established and may be amended by the Oklahoma Legislature. The contribution rates are as follows:

Fiscal Year 2015		Fiscal Year 2014	
State Employees	Indemnity Fund	State Employees	Indemnity Fund
All Salary	All Salary	All Salary	All Salary
3.5%	16.5%	3.5%	16.5%

  

Fiscal Year 2013	
State Employees	Indemnity Fund
All Salary	All Salary
3.5%	16.5%

The Indemnity Fund's contributions to the Retirement Plan for the years ended June 30, 2015, 2014, and 2013, were approximately \$355,000, \$352,000, and \$312,000, respectively, and were equal to its required contributions for each year.

**Note 7. Oklahoma State Employees Deferred Compensation Plan and Deferred Savings Incentive Plan**

**Deferred compensation plan:** The State of Oklahoma offers its employees a Deferred Compensation Plan (the Plan) as authorized by Section 457 of the Internal Revenue Code (IRC), as amended by the Tax Reform Act of 1986, and in accordance with the provisions of Sections 1701 through 1706 of Title 74 of the Oklahoma Statutes.

The supervisory authority for the management and operation of the Plan is the Board of Trustees of the Oklahoma Public Employees Retirement System (the Board).

**Petroleum Storage Tank Release Indemnity Fund**  
**(Administered by the Petroleum Storage Tank Division of the Oklahoma Corporation Commission)**

**Notes to Cash Basis Financial Statements**

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**Note 7. Oklahoma State Employees Deferred Compensation Plan and Deferred Savings Incentive Plan (Continued)**

The Plan is available to all State of Oklahoma employees, as well as any elected officials receiving a salary from the State of Oklahoma. Participants may direct the investment of their contributions in available investment options offered by the Plan. The minimum contribution amount is the equivalent of \$25 per month, and participants are immediately 100% vested in their respective accounts. All interest, dividends and investment fees are allocated to participants' accounts.

Participants may defer until future years up to the lesser of 100 percent of their compensation as defined by Plan documents or the maximum amount allowed each year as determined by the Internal Revenue Service, currently \$16,500.

The Plan offers a catch-up program to participants, which allows them to defer annually for the 3 years prior to their year of retirement up to twice that plan year's deferral limit. The amount of additional contributions in excess of the normal maximum contributions to the Plan is also limited to contributions for years in which the participant was eligible but did not participate in the Plan or the difference between contributions made and the maximum allowable level. To be eligible for the catch-up program, the participant must be within 3 years of retirement with no reduced benefits. Participants age 50 or older may make additional contributions of up to \$5,500 annually, subject to certain limits.

Deferred compensation benefits are paid to participants or beneficiaries upon termination, retirement, death or unforeseeable emergency. Such benefits are based on a participant's account balance and are disbursed in a lump sum or periodic payments at the option of the participant or beneficiaries in accordance with the Plan's provisions.

Effective January 1, 1998, the Board established a trust and a trust fund covering the Plan's assets, pursuant to federal legislation enacted in 1996, requiring public employers to establish such trusts for plans meeting the requirements of Section 457 of the IRC no later than January 1, 1999. Under the terms of the trust, the corpus or income of the trust fund may be used only for the exclusive benefit of the Plan's participants and their beneficiaries. Prior to the establishment of the trust, the Plan's assets were subject to the claims of general creditors of the State of Oklahoma. The Board acts as trustee of the trust. The participants' accounts are invested in accordance with the investment elections of the participants. The Board is accountable for all deferred compensation received, but has no duty to require any compensation to be deferred or to determine that the amounts received comply with the Plan or to determine that the trust fund is adequate to provide the benefits payable pursuant to the Plan.

Further information may be obtained from the Oklahoma State Employees Deferred Compensation Plan's audited financial statements for the years ended June 30, 2015 and 2014. The Indemnity Fund believes that it has no liabilities with respect to the Plan.

**Deferred savings incentive plan:** Effective January 1, 1998, the State of Oklahoma established the Oklahoma State Employees Deferred Savings Incentive Plan (the Savings Incentive Plan) as a money purchase pension plan pursuant to IRC Section 401(a). The Savings Incentive Plan and its related trust are intended to meet the requirements of IRC Sections 401(a) and 501(a).

Any qualified participant who is a State of Oklahoma employee that is an active participant in the Oklahoma State Employees Deferred Compensation Plan is eligible for a contribution of the amount determined by the Oklahoma Legislature, currently the equivalent of \$25 per month. Participation in the Savings Incentive Plan is automatic in the month of participation in the Plan and is not voluntary.

**Petroleum Storage Tank Release Indemnity Fund**  
**(Administered by the Petroleum Storage Tank Division of the Oklahoma Corporation Commission)**

**Notes to Cash Basis Financial Statements**

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**Note 7. Oklahoma State Employees Deferred Compensation Plan and Deferred Savings Incentive Plan (Continued)**

Upon cessation of contributions to the Plan, termination of employment with the State of Oklahoma, retirement, or death, a participant will no longer be eligible for contributions from the State of Oklahoma into the Savings Incentive Plan. Participants are at all times 100% vested in their Savings Incentive Plan account. Participant contributions are not required or permitted.

Qualified participants may make rollover contributions to the Savings Incentive Plan, provided such rollover contributions meet applicable requirements of the IRC. Plan participants may direct the investment of the contributions in available investment options offered by the Savings Incentive Plan. All interest, dividends and investment fees are allocated to the participants' accounts.

Savings Incentive Plan benefits are paid to participants or beneficiaries upon termination, retirement or death. Such benefits are based on a participant's account balance and are disbursed in a lump sum or periodic payments or may be rolled over to a qualified plan at the option of the participant or beneficiaries.

**Note 8. Required Transfers Under Oklahoma Statutes Title 17**

As required by Oklahoma Statutes Title 17, the Participating Native American Tribes received 4.5 percent of the total funds collected from the motor fuel assessment for the years ended June 30, 2015 and 2014, which approximated \$1,504,000 and \$1,464,000, respectively.

As required by Oklahoma Statutes Title 17, the Department of Environmental Quality Revolving Fund received the first 8 percent of the gross motor fuel assessment collected after the annual payments to the Commission's Revolving Fund and the participating tribes for the years ended June 30, 2015 and 2014, which approximated \$2,451,000 and \$2,407,000, respectively.

The first \$500,000 received each month from the motor fuel assessment after the \$1,000,000 annual payment to the Commission's Revolving Fund and 8 percent payment to the Department of Environmental Quality Revolving Fund must be paid to the Department of Transportation's Weigh Station Revolving Fund until the revolving fund receives \$81,000,000 in accordance with House Bill 2391. The amount paid to the Department of Transportation's Weigh Station Improvement Revolving Fund for the years ended June 30 was as follows:

	2015	2014
Cumulative amount to be paid, beginning of year	\$ 45,000,000	\$ 51,000,000
Payments during the year	(6,000,000)	(6,000,000)
Cumulative amount to be paid, end of year	\$ 39,000,000	\$ 45,000,000

The LUST Trust Fund Grant pays for the cost of remediating polluted sites when the tank owner cannot be located, is financially unable or is unwilling to remediate the site. After the site is remediated, application can be made to the Indemnity Fund on behalf of the LUST Trust Fund Grant to recover those funds spent. Recovered funds are spent by the LUST Trust Fund Grant on other remediation projects. At June 30, 2015 and 2014, there was approximately \$0 and \$145,000, respectively, paid from the Indemnity Fund to the LUST Trust Fund Grant for such sites.

**Petroleum Storage Tank Release Indemnity Fund**  
**(Administered by the Petroleum Storage Tank Division of the Oklahoma Corporation Commission)**

**Notes to Cash Basis Financial Statements**

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**Note 9. Related Party Transactions**

Included in administrative expenses and claims processing are payments to other state agencies for various goods and services which approximated \$562,000 and \$375,000 for the years ended June 30, 2015 and 2014, respectively.

**Note 10. Commitments and Contingencies**

From time to time, the Indemnity Fund is subject to claims and lawsuits which arise primarily in the ordinary course of business. Based on information presently available and advice received from legal counsel in connection with such claims and lawsuits, it is the opinion of management that the disposition or ultimate determination of such claims and lawsuits will not have a material effect on the cash basis financial position of the Indemnity Fund.

**Note 11 New Accounting Pronouncements Issued Not Yet Adopted**

The GASB has issued a new accounting pronouncement which will be effective to the Indemnity Fund in fiscal year 2016. A description of the new accounting pronouncement and the Indemnity Fund's consideration of the impact of these pronouncements are described below:

Statement No. 76, The Hierarchy of Generally Accepted accounting Principles for State and Local Governments (GASB No. 76), was issued in June 2015 and supersedes Statement No. 55, The Hierarchy of Generally Accepted Accounting Principles for State and Local Governments. The requirements of this statement are effective for financial statements for periods beginning after June 15, 2015, and should be applied retroactively. Earlier application is permitted.

The Indemnity Fund is currently evaluating the impact that this new standard will have on its financial statements.

**Report on Internal Control Over Financial Reporting and on  
Compliance and Other Matters Based on an Audit of  
Financial Statements Performed in Accordance With  
*Government Auditing Standards***

**Independent Auditor's Report**

To the Oklahoma Corporation Commission  
Petroleum Storage Tank Release Indemnity Fund  
Oklahoma City, Oklahoma

We have audited, in accordance with the auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the cash basis financial statements of the governmental activities and the General Fund of the Petroleum Storage Tank Release Indemnity Fund (the Indemnity Fund), administered by the Petroleum Storage Tank Division of the Oklahoma Corporation Commission, as of and for the year ended June 30, 2015, and the related notes to the cash basis financial statements which collectively comprise the Indemnity Fund's basic financial statements, and have issued our report thereon dated June 7, 2016. Our report was modified to include explanatory paragraphs noting that the financial statements of the Indemnity Fund were prepared on the cash basis of accounting and are intended to present the financial position (cash basis) and changes in financial position (cash basis) of only that portion of the governmental activities and the General Fund of the Petroleum Storage Tank Division of the Oklahoma Corporation Commission that is attributable to the transactions of the Indemnity Fund.

**Internal Control Over Financial Reporting**

In planning and performing our audit of the financial statements, we considered the Indemnity Fund's internal control over financial reporting (internal control) to determine the audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the Indemnity Fund's internal control. Accordingly, we do not express an opinion on the effectiveness of the Indemnity Fund's internal control.

*A deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

### **Compliance and Other Matters**

As part of obtaining reasonable assurance about whether the Indemnity Fund's financial statements are free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

### **Purpose of this Report**

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

*RSM US LLP*

Oklahoma City, Oklahoma  
June 7, 2016

