

STATE OF OKLAHOMA

2nd Session of the 44th Legislature (1994)

HOUSE BILL NO. 2415

By: Erwin

AS INTRODUCED

An Act relating to oil and gas; amending 52 O.S.

1991, Section 420.3, which relates to liquefied petroleum gases; prohibiting standards extending the liability of certain distributors; and providing an effective date.

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

SECTION 1. AMENDATORY 52 O.S. 1991, Section 420.3, is amended to read as follows:

Section 420.3 (a) There is hereby re-created the Oklahoma Liquefied Petroleum Gas Board, hereinafter sometimes referred to as "LP-Gas Board" or "Board". The Board shall be composed of seven (7) members, one each from the southeastern, northeastern, northwestern and southwestern quarters of the state, one from central Oklahoma, and two from the state at large. Each such appointment shall be made by the Governor, from a list of three or more nominees who have certified in writing their willingness to serve, to be submitted to him by the persons, firms or corporations required to be registered pursuant to the provisions of Sections 420.1 through 420.15 of this title, or by their representatives, and shall be subject to confirmation by the Senate.

(b) No person shall be appointed as a member of the Board unless at the time of his appointment he or she be a citizen of the United States and shall have been a legal resident of the State of Oklahoma for at least five (5) years next preceding the date of his or her appointment and, except for the two members at large, shall have actively engaged in the retail distribution of liquefied petroleum gas in Oklahoma for a period of one (1) year, or more. One of the members at large shall be engaged in and representative of the container and appliance phases of the LPG business in Oklahoma, and the other shall have a general familiarity with the regulatory problems of the industry and the consuming public. Provided, however, that the appointment of such public member shall not be subject to the aforementioned list which is required to be submitted to the Governor. Members shall be eligible for reappointment for successive terms, and shall be removable for cause by the Governor. A member shall automatically be disqualified to hold such office in event he or she ceases to be a legal resident of the State of Oklahoma or ceases to be actively engaged in the liquefied petroleum gas business in Oklahoma.

(c) Re-creation shall not alter existing membership or terms of office. Members shall serve until their successors in office are duly appointed and qualified. Initial appointments of those members of the Board from the designated geographical areas of the state shall be for terms ranging from one (1) to five (5) years, the Governor to designate same, and the initial terms of office of the members at large on said Board shall be for one (1) and two (2) years, respectively, as designated by the Governor. Thereafter, the terms of all members shall be for four (4) years. In the event of the death, resignation, disqualification or incapacity of one or more members of said Board, a recess appointment for the unexpired term of each such member may be made by the Governor as hereinabove provided. Members of the Board shall be entitled to be reimbursed

for necessary travel expenses as provided in the State Travel Reimbursement Act.

(d) The Board shall organize by electing one of its members as chairman and one member as vice-chairman. Regular meetings of said Board shall be held monthly. The date, time and place of any regular meeting shall be as designated by vote of the majority of the membership. Four (4) members of said Board shall constitute a quorum for all purposes. The chairman or vice-chairman may, upon approval of a majority of the members present and voting at any meeting, designate the time, place and date of any scheduled special meeting, and the chairman or vice-chairman shall have the power to call an unscheduled special meeting of the Board upon not less than five (5) days' notice in writing to each member thereof.

(e) The standards for the storage and handling of liquefied petroleum gases adopted by the National Fire Protection Association in 1969 and published in its Pamphlet No. 58, and the standards for the installation of gas appliances and gas piping adopted by said National Fire Protection Association in 1969 and published in its Pamphlet No. 54 shall be the accepted standards for this state. Any supplementary or additional rules and regulations adopted by the National Fire Protection Association subsequent to the date of this act and included in said Pamphlet No. 58 or said Pamphlet No. 54 shall be the accepted standards for this state and are hereby adopted. The said Board is hereby empowered and authorized, and it shall be its duty to prescribe, adopt and promulgate, in the manner set forth in this act, such rules, regulations or specifications relating to safety in the storage, distribution, dispensing, transporting and utilization of LPG in this state and in the manufacture, fabrication, assembly, sale, installation or use in this state of LPG systems, containers, apparatus or appliances, and reasonable rules and regulations governing the issuance of such permits and operations thereunder, and not inconsistent with this

act, as it shall deem just and reasonable, and to revoke, amend or supersede such supplementary rules and regulations. The standards adopted by the Board shall not be construed as making a distributor of LPG who is registered pursuant to Section 420.1 et seq. of this title liable for damages to any property or residence caused by an LPG related accident and the liability of a distributor shall be limited to the LPG tank.

(f) The Administrator shall administer and enforce all rules and regulations formulated and adopted by the Board and administer and enforce the safety rules, regulations and specifications prescribed, adopted or promulgated by said Board under and by virtue of the provisions of this act, and incur all necessary expenditures in effectuating the purposes of this subsection. The Administrator shall serve as secretary to said Board, and shall be subject to confirmation by the Senate.

(g) Before any rules, regulations or specifications are revised, amended, adopted or promulgated hereunder, the Administrator, acting on behalf of said Board, shall give at least ten (10) days' notice to all registrants under the act, by mailing to such registrants a written notice, signed by the Administrator, on behalf of the Board, containing either a statement of the terms or substance of the intended action, a description of the subjects and issues involved, or an accurate copy of the new, revised or amended rules, regulations or specifications which the Board proposes to adopt and promulgate, stating the date, time and place of a public hearing at which oral or written objections to such proposals shall be heard and considered. Notice shall also be given as required by the Administrative Procedures Act therein set forth. Nothing in this subsection shall prevent the furnishing of such other or additional notice as the Board shall direct.

(h) At any hearing held under this section, not less than a quorum of said Board shall be present and shall preside; provided,

however, that by unanimous vote and resolution the Board may authorize the Administrator to preside at any or all such hearings, and in such event no Board member need be present. After any such hearing the Board may, by majority vote, adopt any proposed new, revised or amended rules, regulations or specifications, with such amendments and modifications thereof as the said Board shall deem just and reasonable, and a certificate reciting such adoption and the effective date thereof shall be signed by the members comprising said majority of said Board. The Administrator shall thereafter, within ten (10) days, cause such rules, regulations or specifications as so adopted to be mailed to each registrant pursuant to the provisions of ~~Sections~~ Section 420.1 ~~through 420.15~~ et seq. of this title.

(i) Any new, revised or amended rule, regulation or specification adopted as aforesaid shall become effective on a date designated in said certificate, but not earlier than the tenth day following the date of promulgation.

SECTION 2. This act shall become effective September 1, 1994.

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