

STATE OF OKLAHOMA

2nd Session of the 46th Legislature (1998)

HOUSE BILL NO. 2341

By: Fields

AS INTRODUCED

An Act relating to oil and gas; amending 52 O.S. 1991, Sections 420.6, as amended by Section 3, Chapter 234, O.S.L. 1997 and 420.10 (52 O.S. Supp. 1997, Section 420.6), which relate to the regulation of liquefied petroleum gas; providing for certain notification relating to certain fines; authorizing the Administrator to appoint certain administrative staff; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 52 O.S. 1991, Section 420.6, as amended by Section 3, Chapter 234, O.S.L. 1997 (52 O.S. Supp. 1997, Section 420.6), is amended to read as follows:

Section 420.6 ~~(a)~~ A. The Administrator is authorized to suspend or revoke any registration permit issued by the Board, if it is found at a hearing on the matter, that the registrant has violated or is violating or has failed or is failing to comply with any provisions of Section 420.1 et seq. of this title, or the rules or specifications promulgated thereunder, or has delivered a lesser quantity of gas than the registrant bills the customer for with intent to defraud.

~~(b)~~ B. Upon ~~his or her own~~ the motion of the Administrator, or upon the receipt of written complaint from any member of the Board, or from any deputy administrator or inspector, that a registrant has violated or is violating or has failed or is failing to comply with any of the provisions of Section 420.1 et seq. of this title, or the safety rules, regulations and/or specifications promulgated thereunder, the Administrator is authorized and it shall be his or her duty to hold a public hearing to consider such complaint. The Administrator shall have the power to conduct investigations; to summon and compel the attendance at such hearing of witnesses; to require the production of any records or documents pertinent to the subject matter of any investigation or hearing; and to provide for the taking of depositions of witnesses in accordance with the rules for the district courts of this state. Notice of the date, time and place of any such hearing shall be given by registered mail not less than ten (10) days, exclusive of the date of mailing, before the date thereof, addressed to the registrant complained against and to any other parties involved, each of whom shall have the right to file answer, to appear and be heard in person and by counsel, and to present evidence at such hearing.

~~(c)~~ C. If the Administrator finds at a hearing that the registrant has violated or is violating or has failed or is failing to comply with any provision of this act or such rules or specifications, the Administrator, if the findings justify such action, shall issue an order suspending the registrant's registration permit for a period not to exceed ninety (90) days, revoking the registration permit, or imposing a fine of not more than Five Hundred Dollars (\$500.00) for each separate offense. Any fine imposed pursuant to this section shall be deposited with the State Treasurer for credit to the General Revenue Fund.

~~(d)~~ D. The Administrator's findings, judgment and order shall be reduced to writing and be recorded in a permanent public record

to be retained in the office of the Administrator. Copies shall be furnished to the registrant complained against and to the Oklahoma LP-Gas Board. Any registrant who has been fined or whose registration permit is suspended or revoked by the Administrator may, within thirty (30) days after such fine, suspension or revocation, file an appeal with the district court of Oklahoma County or in the county wherein the registrant resides or has its principal place of business in this state, where the matter shall be heard de novo, but the Administrator's order shall be affirmed if supported by substantial evidence. Upon filing of such appeal, enforcement of the Administrator's order shall be stayed pending final disposition of such appeal. Upon affirmance, the order shall become final and conclusive and the stay of enforcement shall be vacated.

~~(e)~~ E. The Board shall adopt reasonable rules governing the sale or transfer of business, facilities or a permit connected with or to be used in operations subject to regulation under this act.

SECTION 2. AMENDATORY 52 O.S. 1991, Section 420.10, is amended to read as follows:

Section 420.10 ~~(a) In addition to the other personnel herein provided for, there are hereby created the positions of, and the~~ The Administrator is empowered and authorized to appoint from time to time ~~one license clerk, one bookkeeper, and one secretary to the Administrator, who shall each receive a salary of not to exceed Three Thousand Dollars (\$3,000.00) per annum, payable monthly~~ such administrative staff as the Administrator reasonably determines is necessary to assist the Administrator and the Board in the performance of their functions.

SECTION 3. This act shall become effective July 1, 1998.

SECTION 4. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby

declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

46-2-8901

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