

1 STATE OF OKLAHOMA

2 1st Session of the 54th Legislature (2013)

3 SENATE BILL 136

By: Anderson

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5
6 AS INTRODUCED

7 An Act relating to oil and gas; amending 52 O.S.
8 2011, Section 420.3, which relates to the Oklahoma
9 Liquefied Petroleum Gas Board; clarifying language;
and providing an effective date.

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

12 SECTION 1. AMENDATORY 52 O.S. 2011, Section 420.3, is
13 amended to read as follows:

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

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

21 C. Re-creation shall not alter existing membership or terms of
22 office. Members shall serve until their successors in office are
23 duly appointed and qualified. Initial appointments of those members
24 of the Board from the designated geographical areas of the state

1 shall be for terms ranging from one (1) to five (5) years, the
2 Governor to designate same, and the initial terms of office of the
3 members at large on said Board shall be for one (1) and two (2)
4 years, respectively, as designated by the Governor. Thereafter, the
5 terms of all members shall be for four (4) years. In the event of
6 the death, resignation, disqualification or incapacity of one or
7 more members of said Board, a recess appointment for the unexpired
8 term of each such member may be made by the Governor as hereinabove
9 provided. Members of the Board shall be entitled to be reimbursed
10 for necessary travel expenses as provided in the State Travel
11 Reimbursement Act.

12 D. The Board shall organize by electing one of its members as
13 chairman and one member as vice-chairman. The Board shall hold
14 regular meetings. The date, time and place of any regular meeting
15 shall be as designated by vote of the majority of the membership.
16 Four members of said Board shall constitute a quorum for all
17 purposes. The chairman or vice-chairman may, upon approval of a
18 majority of the members present and voting at any meeting, designate
19 the time, place and date of any scheduled special meeting, and the
20 chairman or vice-chairman shall have the power to call an
21 unscheduled special meeting of the Board upon not less than five (5)
22 days' notice in writing to each member thereof.

23 E. The standards for the storage and handling of liquefied
24 petroleum gases adopted by the National Fire Protection Association

1 and published in Pamphlet No. 58 including current and subsequent
2 editions and any subsequent changes and/or additions to the
3 pamphlet, and the standards for the installation of gas appliances
4 and gas piping adopted by the National Fire Protection Association
5 and published in Pamphlet No. 54 including the current and any
6 subsequent editions and any subsequent changes and/or additions to
7 the pamphlet shall be the accepted standards for this state. The
8 said Board is hereby empowered and authorized, and it shall be its
9 duty to prescribe, adopt and promulgate, in the manner set forth in
10 Section 420.1 et seq. of this title, rules relating to safety in the
11 storage, distribution, dispensing, transporting and utilization of
12 LPG in this state and in the manufacture, fabrication, assembly,
13 sale, installation or use in this state of LPG systems, containers,
14 apparatus or appliances, and reasonable rules governing the issuance
15 of such permits and operations thereunder, and not inconsistent with
16 this act, as it shall deem just and reasonable, and to revoke, amend
17 or supersede such supplementary rules.

18 F. The Administrator shall administer and enforce all rules
19 formulated and adopted by the Board and administer and enforce the
20 safety rules prescribed, adopted or promulgated by said Board under
21 and by virtue of the provisions of this act, and incur all necessary
22 expenditures in effectuating the purposes of this subsection. The
23 Administrator shall serve as secretary to said Board, and shall be
24 subject to confirmation by the Senate.

1 G. Before any rules are revised, amended, adopted or
2 promulgated hereunder, the Administrator, acting on behalf of said
3 Board, shall give ten (10) days' notice to all Class I and Class II
4 permit holders under the act, by mailing to the permit holders a
5 written notice, signed by the Administrator, on behalf of the Board,
6 containing either a statement of the terms or substance of the
7 intended action, a description of the subjects and issues involved,
8 or an accurate copy of the new, revised or amended rules which the
9 Board proposes to adopt and promulgate, stating the date, time and
10 place of a public hearing at which oral or written objections to
11 such proposals shall be heard and considered. Notice shall also be
12 given as required by the Administrative Procedures Act. Nothing in
13 this subsection shall prevent the furnishing of such other or
14 additional notice as the Board shall direct.

15 H. At any hearing held under this section, not less than a
16 quorum of said Board shall be present and shall preside; provided,
17 however, that by unanimous vote and resolution the Board may
18 authorize the Administrator to preside at any or all such hearings,
19 and in such event no Board member need be present. After any such
20 hearing the Board may, by majority vote, adopt any proposed new,
21 revised or amended rules with such amendments and modifications
22 thereof as the said Board shall deem just and reasonable, and a
23 certificate reciting such adoption and the effective date thereof
24 shall be signed by the members comprising said majority of said

1 Board. The Administrator shall thereafter, within ten (10) days,
2 cause such rules so adopted to be mailed to each Class I and Class
3 II permit holder under this act.

4 SECTION 2. This act shall become effective November 1, 2013.

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