

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 CONFERENCE COMMITTEE
4 SUBSTITUTE
5 FOR ENGROSSED
6 HOUSE BILL NO. 1014

By: Faught of the House

and

7 Dahm and Pittman of the
8 Senate

9
10 CONFERENCE COMMITTEE SUBSTITUTE

11 An Act relating to liquefied petroleum gas;
12 terminating the Oklahoma Liquefied Petroleum Gas
13 Research, Marketing and Safety Commission on certain
14 date; creating the Oklahoma Propane Education and
15 Safety Council; providing for continuation of certain
16 Commission members; providing for future members of
17 the Council; requiring Council to perform certain
18 duties and functions; providing powers and duties;
19 authorizing Council to make assessment on certain
20 persons; stating purpose of assessment expenditures;
21 prohibiting use of funds for certain purpose;
22 providing for collection of assessment and penalties;
23 transferring certain monies from State Treasury to
24 the Oklahoma Propane Education and Safety Council;
transferring certain property and authority;
providing exemption from certain surplus property
laws; providing for continuation of certain
contracts; providing for codification; and providing
an effective date.

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

1 SECTION 1. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 420.31 of Title 52, unless there
3 is created a duplication in numbering, reads as follows:

4 A. Effective November 1, 2015, the Oklahoma Liquefied Petroleum
5 Gas Research, Marketing and Safety Commission, created pursuant to
6 Section 420.22 of Title 52 of the Oklahoma Statutes, shall be
7 terminated and re-created as a private nonprofit successor
8 organization herein referred to as the "Oklahoma Propane Education
9 and Safety Council" or "Council". Members serving on the Oklahoma
10 Liquefied Petroleum Gas Research, Marketing and Safety Commission on
11 November 1, 2015, shall serve as the governing board of the Oklahoma
12 Propane Education and Safety Council and shall hold office until a
13 successor is elected and qualified. Future members of the Council
14 shall be elected by the membership of the organization pursuant to
15 qualifications and procedures adopted by the Council.

16 B. The Oklahoma Propane Education and Safety Council shall
17 perform the same duties and functions as required by the provisions
18 of the Oklahoma Liquefied Petroleum Gas Research, Marketing and
19 Safety Act, Section 420.20 et seq. of Title 52 of the Oklahoma
20 Statutes, subject to modifications authorized by this act, and shall
21 have the power and duty to:

22 1. Employ personnel deemed necessary by the Council, fix the
23 amount and manner of their compensation, and incur other expenses
24 that are necessary and proper to enable the Council to effectively

1 carry out the purposes of the Oklahoma Liquefied Petroleum Gas
2 Research, Marketing and Safety Act and the provisions of this act;

3 2. Adopt and amend bylaws as necessary to promptly and
4 effectively administer the Oklahoma Liquefied Petroleum Gas
5 Research, Marketing and Safety Act and the provisions of this act;

6 3. Retain legal counsel as required;

7 4. Sue and be sued;

8 5. Initiate prosecution and civil remedies necessary to collect
9 any assessments due and owing to the Council;

10 6. Cooperate with local, state, national or international
11 organizations, whether public or private, to promote the liquefied
12 petroleum gas industry;

13 7. Make such reasonable expenditures of funds as are necessary
14 to carry out the provisions of the Oklahoma Liquefied Petroleum Gas
15 Research, Marketing and Safety Act and the provisions of this act;

16 8. Call and conduct such meetings and elections as may be
17 necessary in carrying out the provisions of the Oklahoma Liquefied
18 Petroleum Gas Research, Marketing and Safety Act and the provisions
19 of this act;

20 9. Keep minutes of its meetings and other books and records
21 that clearly reflect all acts and transactions of the Council,
22 including an annual financial report in accordance with general
23 accounting practices;

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1 10. Set the rate of assessment and penalties to be assessed and
2 collected in the same manner as provided in Sections 420.27 and
3 420.28 of Title 52 of the Oklahoma Statutes;

4 11. Deposit all monies received by the Council including, but
5 not limited to, assessments, donations and grants in a bank selected
6 by the Council and invest in securities of the state or federal
7 government, certificates of deposit or certificates of any bank,
8 trust company or savings and loan association insured by a federal
9 agency;

10 12. Establish an office or headquarters as necessary;

11 13. Purchase, lease, sell, exchange or dispose of real or
12 personal property;

13 14. Formulate general policies and programs for the education,
14 discovery, promotion and development of markets and industries for
15 the utilization of liquefied petroleum gas;

16 15. Hire or retain legal counsel to represent the Council in
17 any matter;

18 16. Borrow money for any lawful purpose;

19 17. Act separately or in cooperation with any person in
20 developing, carrying out and participating in programs of research,
21 education and promotion designed to encourage the production,
22 marketing and use of liquefied petroleum gas; and
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1 18. Exercise such other powers as necessary to carry out the
2 purpose of the Oklahoma Liquefied Petroleum Gas Research, Marketing
3 and Safety Act and the provisions of this act.

4 C. 1. The Oklahoma Propane Education and Safety Council is
5 authorized to receive assessments as provided for in the Oklahoma
6 Liquefied Petroleum Gas Research, Marketing and Safety Act and the
7 provisions of this act and donations and grants from any source.

8 2. Money received by the Council may be expended for the
9 purpose of implementing the provisions of the Oklahoma Liquefied
10 Petroleum Gas Research, Marketing and Safety Act and the provisions
11 of this act.

12 3. The Council shall follow the assessment requirements and
13 procedures established in the statutory provisions of the Oklahoma
14 Liquefied Petroleum Gas Research, Marketing and Safety Act and the
15 provisions of this act.

16 D. Funds assessed and collected under this act shall not be
17 expended for use directly or indirectly to promote or oppose the
18 election of any candidate for public office.

19 E. The Council may investigate conditions that relate to the
20 prompt remittance of the assessment. If the Council determines that
21 a person or company has failed to remit to the Council the required
22 assessment, the Council may independently institute proceedings for
23 recovery of the amount due to the Council or for injunctive or other
24 appropriate relief.

1 F. A violation of any provision of the Oklahoma Liquefied
2 Petroleum Gas Research, Marketing and Safety Act or the provisions
3 of this act is unlawful and may be enjoined by a district court of
4 competent jurisdiction. In any action brought by the Council which
5 results in an injunction against a person and the court determines
6 that such person has violated any provision of the Oklahoma
7 Liquefied Petroleum Gas Research, Marketing and Safety Act or the
8 provisions of this act, the court shall award costs and attorney
9 fees to the Council.

10 G. 1. All funds accredited to the LP Gas Research, Marketing
11 and Safety Revolving Fund, established pursuant to Section 420.26 of
12 Title 52 of the Oklahoma Statutes, including any encumbered
13 assessments due to the Oklahoma Liquefied Petroleum Gas Research,
14 Marketing and Safety Commission, equipment and all other property
15 shall transfer from the possession and control of the Oklahoma
16 Liquefied Petroleum Gas Research, Marketing and Safety Commission
17 created pursuant to Section 420.22 of Title 52 of the Oklahoma
18 Statutes to the possession and control of the private nonprofit
19 organization, Oklahoma Propane Education and Safety Council, created
20 pursuant to subsection A of this section.

21 2. All funds, equipment and other property so transferred shall
22 no longer be considered state funds or state property and may be
23 transferred or disposed of by the Council without regard to state
24 surplus property laws.

1 3. Contracts and financial obligations of the Oklahoma
2 Liquefied Petroleum Gas Research, Marketing and Safety Commission in
3 effect upon the effective date of this act shall remain in effect
4 until fulfilled.

5 SECTION 2. This act shall become effective November 1, 2015.

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