

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. Upon the effective date of this act, the Oklahoma Liquefied
5 Petroleum Gas Research, Marketing and Safety Commission, created
6 pursuant to Section 420.20 et seq. of Title 52 of the Oklahoma
7 Statutes, shall be terminated and re-created as a private nonprofit
8 successor organization herein referred to as the "Oklahoma Propane
9 Education and Safety Council" or "Council". Members serving on the
10 board of the Oklahoma Liquefied Petroleum Gas Research, Marketing
11 and Safety Commission, upon the effective date of this act, shall
12 continue to serve as the governing board of the Oklahoma Propane
13 Education and Safety Council and shall hold office until a successor
14 is elected and qualified. Future members of the Council shall be
15 elected by the membership of the organization pursuant to
16 qualifications and procedures adopted by the Council.

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

23 1. Employ personnel deemed necessary by the Council, fix the
24 amount and manner of their compensation, and incur other expenses

1 that are necessary and proper to enable the Council to effectively
2 carry out the purposes of the Oklahoma Liquefied Petroleum Gas
3 Research, Marketing and Safety Act and the provisions of this act;

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

7 3. Retain legal counsel as required;

8 4. Sue and be sued;

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

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

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

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

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

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
6 selected by the Council and invest in securities of the state or
7 federal government, certificates of deposit or certificates of any
8 bank, trust company or savings and loan association insured by a
9 federal 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
22 shall no longer be considered state funds or state property and may
23 be 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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7 COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 04/01/2015 - DO PASS.
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