STATE OF OKLAHOMA

1st Session of the 55th Legislature (2015)

SENATE BILL 402 By: Schulz

AS INTRODUCED

An Act relating to Liquefied Petroleum Gas; terminating the Oklahoma Liquefied Petroleum Gas Research, Marketing and Safety Commission on certain date; creating the Oklahoma Propane Education and Safety Council; providing for continuation of certain board members; providing for future board members; requiring council to perform certain duties and functions; providing powers and duties; authorizing council to make assessment on certain persons; stating purpose of assessment expenditures; prohibiting use of funds for certain purpose; providing for collection of assessment and penalties; transferring certain monies from State Treasury to 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:

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

A. Upon the effective date of this act, the Oklahoma Liquefied Petroleum Gas Research, Marketing and Safety Commission, created pursuant to Section 420.20 et seq. of Title 52 of the Oklahoma

Statutes, shall be terminated and re-created as a private nonprofit successor organization herein referred to as the "Oklahoma Propane Education and Safety Council" or "Council". Members serving on the board of the Oklahoma Liquefied Petroleum Gas Research, Marketing and Safety Commission, upon the effective date of this act, shall continue to serve as the governing board of the Oklahoma Propane Education and Safety Council and shall hold office until a successor is elected and qualified. Future members of the Council shall be elected by the membership of the organization pursuant to qualifications and procedures adopted by the Council.

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

1. Employ personnel deemed necessary by the Council, fix the amount and manner of their compensation, and incur other expenses that are necessary and proper to enable the Council to effectively carry out the purposes of the Oklahoma Liquefied Petroleum Gas Research, Marketing and Safety Act and the provisions of this act;

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

3. Retain legal counsel as required;

4. Sue and be sued;

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

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

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

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

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

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

11. Deposit all monies received by the Council including, but not limited to, assessments, donations, and grants in a bank selected by the Council and invest in securities of the state or

federal government, certificates of deposit or certificates of any bank, trust company or savings and loan association insured by a federal agency;

12. Establish an office or headquarters as necessary;

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

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

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

16. Borrow money for any lawful purpose;

17. Act separately or in cooperation with any person in developing, carrying out, and participating in programs of research, education, and promotion designed to encourage the production, marketing, and use of liquefied petroleum gas; and

18. Exercise such other powers as necessary to carry out the purpose of the Oklahoma Liquefied Petroleum Gas Research, Marketing and Safety Act and the provisions of this act.

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

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

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

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

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

F. A violation of any provision of the Oklahoma Liquefied Petroleum Gas Research, Marketing and Safety Act or the provisions of this act is unlawful and may be enjoined by a district court of competent jurisdiction. In any action brought by the Council which results in an injunction against a person and the court determines that such person has violated any provision of the Oklahoma Liquefied Petroleum Gas Research, Marketing and Safety Act or the

provisions of this act, the court shall award costs and attorney fees to the Council.

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

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

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

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

55-1-897 MJM 2/18/2016 7:06:20 PM