

2016 Regular Session

HOUSE BILL NO. 1059

BY REPRESENTATIVE DAVIS

FUELS/LIQ PETROLEUM GAS: Provides relative to permits issued by the Liquefied Petroleum Gas Commission

1 AN ACT

2 To amend and reenact R.S. 40:1846(C), 1849(A), and 1851(A) and (F) and to repeal R.S.
3 40:1851(B), (G), and (H), relative to the Louisiana Liquefied Petroleum Gas
4 Commission, to authorize the Louisiana Liquefied Petroleum Gas Commission to
5 print rules and regulations of the commission on the commission's website; to
6 provide relative to the amount the Louisiana Liquefied Petroleum Gas Commission
7 may charge for permits; to provide that an assessment may be levied on holders of
8 a certain class of permit holders; to provide relative to membership of an advisory
9 board to the Louisiana Liquefied Petroleum Gas Commission; to repeal provisions
10 of law relating to elections and assessments; and to provide for related matters.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. R.S. 40:1846(C), 1849(A), and 1851(A) and (F) are hereby amended and
13 reenacted to read as follows:

14 §1846. Rules and regulations of commission; exceptions; reporting; data sharing;
15 permit requirements; penalties; liability; state of emergency or disaster

16 * * *

17 C. The rules and regulations adopted by the commission shall be ~~printed in~~
18 ~~pamphlet form~~ available to the public on the website of the commission. Any
19 applicant, upon filing a formal application for a permit or registration, shall be
20 mailed a copy of these rules and regulations upon receipt of his request. These rules

1 and regulations may be supplemented from time to time in accordance with
2 Administrative Procedure Act, R.S. 49:950 et seq. No other form of promulgation
3 shall be required to make such rules and regulations or supplements thereto effective.

4 * * *

5 §1849. Permit fees; minimum; maximum; transport registration fees; personnel
6 qualification fees; rainy day fund

7 A. Except as provided for in Subsection E of this Section, every applicant
8 for a permit shall, at the time of the issuance of the permit by the Liquefied
9 Petroleum Gas Commission and annually thereafter pay to the commission a permit
10 fee which shall be fixed by the commission in an amount which shall not exceed
11 four-tenths of one percent of the gross annual sales of liquefied petroleum gas of
12 such dealer or permit holder. The minimum permit fee shall be ~~not less than~~
13 ~~seventy-five dollars~~ not more than one hundred fifty dollars. No permit or renewal
14 permit shall be issued by the commission except upon payment of such fee as herein
15 provided. The commission may formulate and enforce necessary rules and
16 regulations for the renewal of permits and the collection of the fees.

17 * * *

18 §1851. Assessment

19 A. Subject to the provisions of this Section, there is hereby levied an
20 assessment in the amount of five one-hundredths of one percent of the gross annual
21 sales of liquefied petroleum gas of each person who holds a Class I₂ ~~or a Class IV₂~~
22 or Class VI permit. The assessment shall be determined in the same manner as the
23 permit fee is determined.

24 * * *

25 F. The commission shall establish a board to advise the commission on the
26 expenditure of funds collected under this Section. One advisory board member shall
27 be appointed by the commission from each commission inspector's area, as
28 designated by the commission, and two members shall be appointed at large. ~~Each~~
29 ~~member of the advisory board shall be a holder of a Class I or Class IV permit.~~ Each

1 class of permit holders for which this Section levies an assessment on shall have at
 2 least two members who hold permits for their respective classes on the advisory
 3 board. There shall be not more than nine members of the advisory board. The
 4 advisory board members shall serve a term concurrent with that of the governor and,
 5 in case of resignation, the appointee will fill the unexpired term. Members shall not
 6 receive any compensation for serving on the advisory board.

7 * * *

8 Section 2. R.S. 40:1851(B), (G), and (H) are hereby repealed in their entirety.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 1059 Original

2016 Regular Session

Davis

Abstract: Provides relative to permit fees charged by the Louisiana Liquefied Petroleum Gas Commission. Adds a class of permit holders for which an assessment shall be levied on by the Louisiana Liquefied Petroleum Gas Commission. Changes membership requirements of the board which advises the Louisiana Liquefied Petroleum Gas Commission on the expenditure of funds from such assessment.

Present law provides that the Louisiana Liquefied Petroleum Gas Commission (commission) has the power to make and enforce reasonable rules and regulations governing the storage, sale, and transportation of liquefied petroleum gases over the highways of the state, the installation of tanks or systems for the use of liquefied petroleum gases, and the installation and use of liquefied petroleum gas appliances as the commission may deem necessary in the interest of public safety.

Proposed law retains present law.

Present law requires that the rules and regulations adopted by the commission be printed in pamphlet form.

Proposed law deletes present law and instead requires the rules and regulations adopted by the commission be available on the commission's website.

Present law requires that every person, firm, or corporation, as a prerequisite to his or its right to store, sell, or transport liquefied petroleum gases over the highways of the state of Louisiana or to his or its right to install storage tanks or systems for the use of liquefied petroleum gases, or to his or its right to install liquefied petroleum gas appliances, to obtain a permit or registration from the commission.

Proposed law retains present law.

Present law requires that every applicant for a permit shall, at the time of the issuance of the permit by the commission and annually thereafter pay the commission a permit fee which is fixed by the commission in an amount which cannot exceed four-tenths of one percent of the gross annual sales of liquefied petroleum gas of such dealer or permit holder. The

minimum permit fee cannot be less than \$75. Classes of permits are set by administrative rules promulgated by the commission.

Proposed law changes the requirement in present law that the permit cannot be less than \$75 to provide that the permit fee cannot be more than \$150.

Present law provides that an assessment in the amount of five one-hundredths of one percent of the gross annual sales of liquefied petroleum gas is levied on each person who holds a Class I or a Class IV permit.

Proposed law retains present law and adds Class VI permit holders to the class of permit holders for which an assessment is levied by present law.

Present law required the commission to conduct a referendum within 90 days after Sept. 3, 1989, on whether or not the assessment in present law would be levied.

Proposed law repeals present law.

Present law required the commission to conduct a new referendum within 90 days after Sept. 3, 2004, on whether or not the assessment in present law would be levied.

Proposed law repeals present law.

Present law establishes a board to advise the commission on the expenditure of funds collected by this assessment.

Proposed law retains present law.

Present law provides that each member of the advisory board shall be a holder of a Class I or Class IV permit.

Proposed law deletes present law and provides instead that each class of permit holders for which present law and proposed law levies an assessment on shall have at least two members who hold permits for their respective classes on the advisory board.

Present law provides that a referendum to terminate the assessment shall be called by the commission upon receipt of a petition signed by more than 50% of those Class I and Class IV permit holders subject to the assessment. Provides that the referendum is to be held within 90 days of the filing of a petition with the required number of signatures. Specifies that all Class I and Class IV permit holders are eligible to vote in the referendum. Specifies that the assessment would be terminated only if a majority of those eligible to vote approve the termination of the assessment.

Proposed law repeals present law.

(Amends R.S. 40:1846(C), 1849(A), and 1851(A) and (F); Repeals R.S. 40:1851(B), (G), and (H))