

2016 Regular Session

HOUSE BILL NO. 1059

BY REPRESENTATIVE DAVIS

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

1 AN ACT

2 To amend and reenact R.S. 40:1846(C) and 1851(A) and (F) and to repeal R.S. 40:1851(B),

3 (G), and (H), relative to the Louisiana Liquefied Petroleum Gas Commission; to

4 authorize the Louisiana Liquefied Petroleum Gas Commission to print rules and

5 regulations of the commission on the commission's website; to provide that an

6 assessment may be levied on holders of a certain class of permit holders; to provide

7 relative to membership of an advisory board to the Louisiana Liquefied Petroleum

8 Gas Commission; to repeal provisions of law relating to elections and assessments;

9 and to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

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

13 §1846. Rules and regulations of commission; exceptions; reporting; data sharing;
14 permit requirements; penalties; liability; state of emergency or disaster

15 * * *

16 C. The rules and regulations adopted by the commission shall be ~~printed in~~
17 ~~pamphlet form~~ available to the public on the website of the commission. Any
18 applicant, upon filing a formal application for a permit or registration, shall be
19 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 §1851. Assessment

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

11 * * *

12 F. The commission shall establish a board to advise the commission on the
13 expenditure of funds collected under this Section. One advisory board member shall
14 be appointed by the commission from each commission inspector's area, as
15 designated by the commission, and two members shall be appointed at large. Each
16 member of the advisory board shall be a holder of a Class I₂ ~~or Class IV₂~~ or Class VI
17 permit. Each class of permit holders on which this Section levies an assessment shall
18 have at least two members who hold permits for their respective classes on the
19 advisory board. There shall be not more than nine members of the advisory board.
20 The advisory board members shall serve a term concurrent with that of the governor
21 and, in case of resignation, the appointee will fill the unexpired term. Members shall
22 not receive any compensation for serving on the advisory board.

23 * * *

24 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 Reengrossed

2016 Regular Session

Davis

Abstract: 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 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 retains present law and adds each member of the advisory board shall be a holder of a Class I, Class IV, or Class VI permit.

Proposed law provides 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) and 1851(A) and (F); Repeals R.S. 40:1851(B), (G), and (H))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Transportation, Highways and Public Works to the original bill:

1. Remove proposed law regarding permit fee.
2. Add a requirement that each member of the advisory board be a holder of a Class I, Class IV, or Class VI permit.