

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 83rd General Assembly
3 Regular Session, 2001
4

A Bill

Act 440 of 2001
SENATE BILL 264

5 By: Senator Fitch
6
7

For An Act To Be Entitled

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9
10 AN ACT TO AMEND ARKANSAS CODE 15-75-201, 15-75-206,
11 AND 15-75-305 TO CHANGE THE MEMBERSHIP OF THE
12 LIQUEFIED PETROLEUM GAS BOARD, TO CLARIFY THE
13 APPLICATION PROCESS FOR CLASS ONE PERMITS FOR
14 LIQUEFIED PETROLEUM GAS DEALERS, AND TO SIMPLIFY THE
15 APPLICATION PROCESS FOR THE CLASS TWO THROUGH CLASS
16 TEN PERMITS; TO DECLARE AN EMERGENCY; AND FOR OTHER
17 PURPOSES.

Subtitle

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19
20 TO CHANGE MEMBERSHIP ON THE L. P. GAS
21 BOARD AND TO CLARIFY AND SIMPLIFY THE
22 APPLICATION PROCESS FOR THE VARIOUS
23 CLASSES OF PERMITS FOR L. P. GAS DEALERS.
24
25

26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
27

28 SECTION 1. Arkansas Code 15-75-201(b), concerning the qualifications of
29 members of the Liquefied Petroleum Gas Board, is amended to read as follows:

30 (b)(1) There shall be one (1) member appointed by the Governor from
31 each congressional district.

32 (2) Terms of office of the six (6) members so appointed shall be
33 six (6) years.

34 (3) The seventh member of the board shall be appointed by the
35 Governor from the state at large for a term of two (2) years.

36 (4) ~~Beginning with the appointment of each member after July 1,~~

1 ~~1999, each appointment to the board shall be a person~~ The board shall have at
2 least one (1) member who represents the general public and who is not employed
3 by or engaged in the liquefied petroleum gas industry in any manner, nor shall
4 they have retired from it, ~~and those appointments shall continue until the~~
5 ~~board has at least two (2) members who are not from the liquefied petroleum~~
6 ~~gas industry.~~

7
8 SECTION 2. Arkansas Code 15-75-206 is amended to read as follows:
9 15-75-206. Personnel - Counsel.

10 (a) The Liquefied Petroleum Gas Board shall appoint a Director of the
11 Liquefied Petroleum Gas Board to serve with the approval and at the pleasure
12 of the Governor.

13 (b) The board shall have the authority to:

- 14 (1) Employ assistants, inspectors, and other personnel; and
- 15 (2) Retain counsel as may be necessary to aid it properly in the

16 administration of this subchapter.

17 (c)(1)(A) The director of the board shall have the power and duty to
18 receive applications for and to review and approve applications for all
19 classes of permits after applications and supporting papers have been filed
20 ~~with the director on file~~ on file for at least thirty (30) days, ~~and to issue permits~~
21 ~~with board approval after all conditions for the permits have been met.~~

22 (B) The director may issue class one permits once all
23 conditions or prerequisites are met as set out in § 15-75-307 and the
24 application has been approved by the board.

25 (C) The director may issue all class two through class ten
26 permits after all conditions and prerequisites are met as set out in §§ 15-75-
27 308 through 15-75-317.

28 (2) The director may refuse to approve applications for permits
29 for safety reasons.

30 (d)~~(1)~~ The director's decisions on the approval of the applications for
31 class one permits ~~may~~ shall be reviewed by the board at its next regularly
32 scheduled meeting.

33 ~~(2) Decisions regarding the issuance of permits shall be reviewed~~
34 ~~and approved by the board after conditions for the permits are met and prior~~
35 ~~to issuing the permits.~~

36

SECTION 3. Arkansas Code 15-75-305(a)(1) is amended to read as follows:

(a)(1) Any person desiring to engage in the liquefied petroleum gas business in this state must file a formal application and supporting papers, together with a filing fee of fifty dollars (\$50.00), with the Director of the Liquefied Petroleum Gas Board at least thirty (30) days prior to the approval of the application by the director. The Liquefied Petroleum Gas Board shall review the director's decision on the approval of class one permit applications at its next regularly scheduled meeting. Should the applicant be a corporation or partnership, copies of the articles of incorporation or partnership agreement, if any, shall accompany the application together with a certificate from the Revenue Division of the Department of Finance and Administration evidencing that all taxes due have been paid or otherwise negating state tax liability. Application forms will be furnished by the director at any time upon request. In determining whether to grant permits or certificates, the director shall be given a reasonable time in which to investigate the applicant. If the permit or certificate is denied, the applicant shall be notified by registered mail.

SECTION 4. Arkansas Code 15-75-305(a)(2) is amended to read as follows:

(2)(A)(i) The director shall have the power and duty to receive, review, and approve applications for all classes of permits after applications and supporting papers have been filed with the director for at least thirty (30) days. The director may refuse to approve applications for permits for safety reasons.

(ii) The director may issue class one permits once all conditions and prerequisites have been met as set out in § 15-75-307 and the application has been approved by the board.

~~(ii)-(iii) The director may issue all classes of class two through class ten permits after application and supporting papers have been on file for at least thirty (30) days and ~~once~~ all conditions and prerequisites for those permits have been met as set out in §§ 15-75-307 – 15-75-317 and they are approved by the board §§ 15-75-308 – 15-75-317.~~

(B) The board, at its regularly scheduled meetings, ~~may~~ shall review the director's decisions on the approval of applications for class one permits. ~~After conditions for the permits are met, the board shall review and approve any director's decision regarding the issuance of permits~~

1 ~~prior to the issuing of the permits.~~ The board may refuse to issue permits
2 for safety reasons.

3
4 SECTION 5. Arkansas Code 15-75-305(b) is amended to read as follows:

5 (b)~~(1)~~ Applicants for class one permits, as defined in § 15-75-307,
6 shall be present at the board meeting at which the review of the director's
7 action on the application is to be considered.

8 ~~(2) The presence of applicants for all other permits may be~~
9 ~~required at the discretion of the board at meetings in which the review of the~~
10 ~~director's action on the applications are to be considered.~~

11
12 SECTION 6. Arkansas Code 15-75-305(k) is amended to read as follows:

13 (k)(1) Applicants for a class one permit must attend a forty-hour basic
14 course in liquefied petroleum gas, as prescribed by the board, prior to the
15 board meeting at which the review of the final action on their application may
16 be heard.

17 (2) All owners, managers or officials, and employees connected to
18 or listed on the class one application must attend the basic training course
19 prior to the board meeting at which the review of ~~the final action on~~ their
20 application may be heard.

21
22 SECTION 7. EMERGENCY CLAUSE. It is hereby found and determined by the
23 Eighty-third General Assembly that revisions to the Liquefied Petroleum Gas
24 Laws in 1999 have caused a backlog in certain classes of LP gas license
25 permits; that this backlog reduces the gas supply being distributed to the
26 citizens of Arkansas; and that this act must take effect immediately in order
27 to clarify the provisions of the class one permit process and to simplify the
28 permit process for classes two through ten LP gas licensees so that the
29 licensing backlog can be eliminated as quickly as possible. Therefore, an
30 emergency is declared to exist and this act being immediately necessary for
31 the preservation of the public peace, health and safety shall become effective
32 on the date of its approval by the Governor. If the bill is neither approved
33 nor vetoed by the Governor, it shall become effective on the expiration of the
34 period of time during which the Governor may veto the bill. If the bill is
35 vetoed by the Governor and the veto is overridden, it shall become effective
36 on the date the last house overrides the veto. **APPROVED: 2/23/2001**