



Senate Fiscal Agency
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BILL ANALYSIS

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House Bill 4900 (Substitute H-1 as passed by the House)
Sponsor: Representative Larry Julian
House Committee: Regulatory Reform
Senate Committee: Economic Development, Small Business and Regulatory Reform

Date Completed: 3-17-04

CONTENT

The bill would amend Public Act 241 of 1959, which governs the marking of liquefied petroleum gas or carbonic gas containers, to change current violations from misdemeanors to felonies, and make it a felony to transfer gas into or out of a container without training. The felonies would be punishable by imprisonment for up to two years or a maximum fine of \$1,000, or both. The bill would take effect on July 1, 2004.

Specifically, the bill would prohibit a person from transferring liquefied petroleum gas (propane), carbonic gas, or any other gas or compound into or out of a stationary liquefied petroleum gas or carbonic gas container, unless he or she was trained in proper handling and operating procedures in accordance with rules promulgated by the Department of Environmental Quality.

Under the Act, a person may not buy, sell, offer for sale, give, take, loan, deliver, or permit to be delivered, or otherwise dispose of or traffic in a liquefied petroleum or carbonic gas container or containers unless the surface bears the plainly legible name, initials, mark, or other device of the owner. The Act also prohibits a person from defacing, erasing, obliterating, covering up, or otherwise removing or concealing such markings. In addition, a person other than the container owner or someone with the owner's written authorization, may not fill or refill a container with liquefied petroleum or carbonic gas. (The bill would prohibit transferring gas into or out of a container, rather than filling or refilling a container, without the owner's written authorization.)

Presently, a violation of the Act is a misdemeanor. (Under the Michigan Penal Code, a misdemeanor for which the penalty is not fixed in statute is punishable by up to 90 days' imprisonment and/or a maximum fine of \$500.) The bill would make the prohibited behavior felonies, subject to the penalty described above. The bill also would refer to "stationary" liquefied petroleum or carbonic gas containers.

MCL 429.112 & 429.113

Legislative Analyst: J.P. Finet

FISCAL IMPACT

The bill would have an indeterminate fiscal impact on State and local government. There are no data to indicate how many offenders are currently convicted of violating the Act, or how many offenders would be convicted under the proposed changes. Currently, a violation is a misdemeanor, so the costs of probation and incarceration are incurred only by local units of government. Under the bill, an offender would be guilty of a felony punishable by

up to two years' imprisonment and/or a fine of up to \$1,000. The cost of incarceration in a local facility still would be incurred by local governments, and it varies by county. The State would incur the costs of felony probation at an average annual cost of \$1,800 and the costs of incarceration in a State facility at an average annual cost of \$28,000. Any additional penal fine revenue would benefit public libraries.

Fiscal Analyst: Bethany Wicksall

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.