

## **Opinion No. 69-94**

August 13, 1969

**BY:** OPINION OF JAMES A. MALONEY, Attorney General Vince D'Angelo, Assistant Attorney General

**TO:** New Mexico Liquefied Petroleum Gas Comm., C. P. Correll, Director, 1040 Don Diego, Santa Fe, New Mexico 87501

### **QUESTIONS**

#### **FACTS**

The New Mexico Liquefied Petroleum Gas Commission requires licensees to file a form with the Commission indicating that any installation, testing or modification of liquefied gas containers, piping or appliance has been inspected by an inspector of the Commission. A printed form identified as Form 1 is used for this purpose.

#### **QUESTIONS**

Does Section 65-7-4(b) of the Liquefied Petroleum Gas Act allow the New Mexico Liquefied Petroleum Gas Commission to charge a reasonable fee for filing each Form 1 submitted by a licensee?

#### **CONCLUSION**

Yes.

### **OPINION**

#### **{\*149} ANALYSIS**

Section 65-7-4(a), N.M.S.A., 1953 Compilation, gives the New Mexico Liquefied Petroleum Gas Commission full power and authority to adopt and promulgate such rules and regulations as shall be necessary to carry out the purpose of sections 65-7-1 to 65-7-22, inclusive. Section A of General Order Number 5, issued by the Commission, provides that the Commission may prescribe standardized forms for certain purposes where the Commission considers them necessary or expedient. Section A.I.b. of the Basic Rules adopted by the Commission lists various forms which must be used. That rule provides:

"b. Printed forms listed below by number or name are hereby adopted and their use for the purposes stated herein is required:

Form 1 Record of Installation Test or Modification. To be used to record the following:

1. Sale or installation of LPG containers
2. Installation of piping or appliances
3. Test (only) of a system
- {\*150} 4. Modification of system or a part thereof."

Section 65-7-4 (b) provides:

"The commission may adopt a schedule of reasonable fees to be charged and collected in advance for furnishing any printed matter or forms upon request, for filing or recording any data sheets, blue prints, drawings, plans, specifications, reports, and any other instrument or document, and for making and furnishing certified copies of any record, report, regulation, rule, law or any other matter on file with the commission."

Thus, the Commission has the authority to promulgate necessary rules; the Commission has enacted a rule requiring the use of Form 1; the Commission may adopt reasonable fees "for filing or recording" any data sheets. Form 1 is a data sheet. Consequently, it is our opinion that Section 65-7-4(b) clearly permits the Commission to charge a reasonable fee for filing each Form 1 submitted by a licensee.