

HOUSE BILL NO. 53

INTRODUCED BY NISBET
BY REQUEST OF THE DEPARTMENT OF COMMERCE

IN THE HOUSE

DECEMBER 29, 1990	INTRODUCED AND REFERRED TO COMMITTEE ON STATE ADMINISTRATION.
JANUARY 7, 1991	FIRST READING.
JANUARY 10, 1991	ON MOTION, REREFERRED TO COMMITTEE ON BUSINESS & ECONOMIC DEVELOPMENT.
JANUARY 23, 1991	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
JANUARY 24, 1991	PRINTING REPORT.
JANUARY 26, 1991	SECOND READING, DO PASS.
JANUARY 28, 1991	ENGROSSING REPORT.
JANUARY 30, 1991	THIRD READING, PASSED. AYES, 70; NOES, 25.
	TRANSMITTED TO SENATE.

IN THE SENATE

JANUARY 31, 1991	INTRODUCED AND REFERRED TO COMMITTEE ON TAXATION.
	FIRST READING.
FEBRUARY 8, 1991	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
FEBRUARY 9, 1991	SECOND READING, CONCURRED IN.
FEBRUARY 11, 1991	THIRD READING, CONCURRED IN. AYES, 45; NOES, 3.
	RETURNED TO HOUSE.

IN THE HOUSE

FEBRUARY 12, 1991

RECEIVED FROM SENATE.

FEBRUARY 21, 1991

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 HOUSE BILL NO. 53

2 INTRODUCED BY NISBET

3 BY REQUEST OF THE DEPARTMENT OF COMMERCE

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING THE LICENSE
6 FEES FOR PETROLEUM AND LIQUEFIED PETROLEUM DEALERS;
7 CLARIFYING THE STATUS OF LICENSES UPON CHANGE OF OWNERSHIP
8 OF MEASURING DEVICES; AMENDING SECTION 82-15-105, MCA; AND
9 PROVIDING A DELAYED EFFECTIVE DATE AND AN APPLICABILITY
10 DATE."

11
12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

13 Section 1. Section 82-15-105, MCA, is amended to read:

14 "82-15-105. Licenses and fees -- status of license on
15 transfer of ownership. (1) A petroleum dealer or liquefied
16 petroleum dealer may not do business in this state until a
17 license has been issued to him by the department. The
18 license ~~shall~~ must be obtained by the dealer by making
19 application to the department upon blank forms provided by
20 the department. A dealer who has not been issued a license
21 and who is found selling, offering for sale, delivering, or
22 distributing petroleum products shall upon conviction be
23 punished as provided by this part.

24 (2) The fee for this license ~~shall be~~ is determined as
25 follows and depends upon the number of devices utilized by

1 the dealer:

2 (a) each gasoline pump, diesel pump, or fuel oil pump
3 measuring device--\$5 \$10;

4 (b) each petroleum vehicle tank meter or bulk petroleum
5 meter of 2 inches (5.08 centimeters) and under--\$15 \$30;

6 (c) each bulk petroleum meter over 2 inches (5.08
7 centimeters)--\$20 \$40;

8 (d) each liquefied petroleum liquid meter--\$25 \$50;

9 (e) each vapor meter--\$3 \$6;

10 (f) each petroleum and liquefied petroleum vehicle tank
11 up to and including 2,000 gallons (7,570 liters)--\$20 \$40;

12 (g) each petroleum and liquefied petroleum vehicle tank
13 over 2,000 gallons (7,570 liters)--\$20 \$40 plus \$4 \$8 for
14 each additional 1,000 gallons (3,785 liters).

15 (3) All licenses are annual ~~and nontransferable as to~~
16 ~~person or location~~ and expire on December 31 of each year.
17 There is an additional charge of 50% on all license fees
18 that are not paid before March 1 of each year in which the
19 vehicle tank, meter, or measuring device is in use. If the
20 fee is not paid, the equipment ~~shall~~ must be sealed and
21 removed from service by the department. It is unlawful for
22 anyone to use a device so removed from service or to break
23 the seal until all fees have been paid.

24 (4) If ownership of a measuring device changes and the
25 device:

1 (a) remains at the same location, the license transfers
2 to the new owner and remains in effect until December 31 of
3 that year;

4 (b) is moved to a new location, the license is void,
5 and the new owner shall:

6 (i) apply for a new license that will expire on
7 December 31 of that year; and

8 (ii) pay the applicable fees prescribed in subsection
9 (2)."

10 NEW SECTION. Section 2. Effective date --
11 applicability. [This act] is effective January 1, 1992, and
12 applies to licenses and fees for years beginning after
13 December 31, 1991.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0053, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An act increasing the license fees for petroleum and liquefied petroleum dealers; clarifying the status of licenses upon change of ownership of measuring devices; amending section 82-15-105, MCA; and providing a delayed effective date and an applicability data.

ASSUMPTIONS:

1. The current number of devices utilized by the dealers will remain unchanged.
2. License fee revenues will double from \$80,000 to \$160,000 per annum.
3. The equipment budget modification recommended in the executive budget will be funded with general fund derived from the increased fee revenue and there also will be a net general fund increase. All fees collected by the Weights and Measures Bureau will continue to be deposited to the general fund.
4. Current law is the base Weights and Measures Bureau program budget and the proposed law is the recommended executive budget for the program.

FISCAL IMPACT:

Department of Commerce, Weights & Measures:

	<u>FY 92</u>			<u>FY 93</u>		
	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>
<u>Expenditures:</u>						
Personal Services	299,793	299,793	0	300,109	300,109	0
Operating Costs	128,671	128,671	0	127,465	127,465	0
Equipment	<u>23,000</u>	<u>82,386</u>	<u>59,386</u>	<u>0</u>	<u>24,353</u>	<u>24,353</u>
Total	451,464	510,850	59,386	427,574	451,927	24,353
<u>Funding:</u>						
General Fund	<u>451,464</u>	<u>510,850</u>	<u>59,386</u>	<u>427,574</u>	<u>451,927</u>	<u>24,353</u>
Total	451,464	510,850	59,386	427,574	451,927	24,353
<u>Revenue:</u>						
Petro Licenses & Permits (01)	80,000	160,000	80,000	80,000	160,000	80,000
Net General Fund Impact			20,614			55,647


 ROD SUNDSTED, BUDGET DIRECTOR 1-5-91
 DATE


 JERRY NISBET, PRIMARY SPONSOR 1-7-91
 DATE
 HB 53

STATE OF MONTANA - FISCAL NOTE
Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0053, second reading.

DESCRIPTION OF PROPOSED LEGISLATION:

An act increasing the license fees for petroleum and liquefied petroleum dealers; clarifying the status of licenses upon change of ownership of measuring devices; amending section 82-15-105, MCA; and providing a delayed effective date and an applicability data.

ASSUMPTIONS:

1. The current number of devises utilized by the dealers will remain unchanged.
2. The equipment budget modification recommended in the executive budget will be funded with general fund derived in part from the increased fee revenue. However, there will be a net general fund cost of \$39,386 in FY92 and \$4,353 in FY93. All fees collected by the Weights and Measures Bureau will continue to be deposited to the general fund.
3. Current law is the base Weights and Measures Bureau program budget and the proposed law is the recommended executive budget for the program.

FISCAL IMPACT:

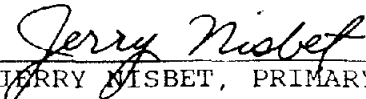
Department of Commerce, Weights & Measures:

	FY 92			FY 93		
	Current Law	Proposed Law	Difference	Current Law	Proposed Law	Difference
<u>Expenditures:</u>						
Personal Services	299,793	299,793	0	300,109	300,109	0
Operating Costs	128,671	128,671	0	127,465	127,465	0
Equipment	23,000	82,386	59,386	0	24,353	24,353
Total	451,464	510,850	59,386	427,574	451,927	(24,353)
<u>Funding:</u>						
General Fund	451,464	510,850	59,386	427,574	451,927	24,353
Total	451,464	510,850	59,386	427,574	451,927	24,353
<u>Revenue:</u>						
Petro Licenses & Permits (01)	80,000	100,000	20,000	80,000	100,000	20,000
Net General Fund Impact			(39,386)			(4,353)

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

Reduce the Weights and Measures Bureau expenditure impact on general fund due to increased fees.


ROD SUNDSTED, BUDGET DIRECTOR 1-24-91 DATE
 Office of Budget and Program Planning


JERRY NISBET, PRIMARY SPONSOR 1-25-91 DATE
 Fiscal Note for HB0053, second reading **HB53**

HOUSE BILL NO. 53

INTRODUCED BY NISBET

BY REQUEST OF THE DEPARTMENT OF COMMERCE

A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING THE LICENSE FEES FOR PETROLEUM AND LIQUEFIED PETROLEUM DEALERS; CLARIFYING THE STATUS OF LICENSES UPON CHANGE OF OWNERSHIP OF MEASURING DEVICES; AMENDING SECTION 82-15-105, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE AND AN APPLICABILITY DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 82-15-105, MCA, is amended to read:

"82-15-105. Licenses and fees -- status of license on transfer of ownership. (1) A petroleum dealer or liquefied petroleum dealer may not do business in this state until a license has been issued to him by the department. The license shall must be obtained by the dealer by making application to the department upon blank forms provided by the department. A dealer who has not been issued a license and who is found selling, offering for sale, delivering, or distributing petroleum products shall upon conviction be punished as provided by this part.

(2) The fee for this license shall ~~be~~ is determined as follows and depends upon the number of devices utilized by

the dealer:

(a) each gasoline pump, diesel pump, or fuel oil pump measuring device--~~\$5~~ \$18 \$7;

(b) each petroleum vehicle tank meter or bulk petroleum meter of 2 inches (5.08 centimeters) and under--~~\$15~~ \$30 \$20;

(c) each bulk petroleum meter over 2 inches (5.08 centimeters)--~~\$20~~ \$40 \$25;

(d) each liquefied petroleum liquid meter--~~\$25~~ \$50 \$30;

(e) each vapor meter--~~\$3~~ \$6 \$4;

(f) each petroleum and liquefied petroleum vehicle tank up to and including 2,000 gallons (7,570 liters)--~~\$20~~ \$40 \$25;

(g) each petroleum and liquefied petroleum vehicle tank over 2,000 gallons (7,570 liters)--~~\$20~~ \$40 \$25 plus \$4 \$8 \$5 for each additional 1,000 gallons (3,785 liters).

(3) All licenses are annual ~~and nontransferable as to person or location~~ and expire on December 31 of each year. There is an additional charge of 50% on all license fees that are not paid before March 1 of each year in which the vehicle tank, meter, or measuring device is in use. If the fee is not paid, the equipment shall must be sealed and removed from service by the department. It is unlawful for anyone to use a device so removed from service or to break the seal until all fees have been paid.

(4) If ownership of a measuring device changes and the

SECOND READING



1 device:

2 (a) remains at the same location, the license transfers
3 to the new owner and remains in effect until December 31 of
4 that year;

5 (b) is moved to a new location, the license is void,
6 and the new owner shall:

7 (i) apply for a new license that will expire on
8 December 31 of that year; and

9 (ii) pay the applicable fees prescribed in subsection
10 (2)."

11 NEW SECTION. Section 2. Effective date --
12 applicability. [This act] is effective January 1, 1992, and
13 applies to licenses and fees for years beginning after
14 December 31, 1991.

-End-

1 HOUSE BILL NO. 53

2 INTRODUCED BY NISBET

3 BY REQUEST OF THE DEPARTMENT OF COMMERCE

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING THE LICENSE
6 FEES FOR PETROLEUM AND LIQUEFIED PETROLEUM DEALERS;
7 CLARIFYING THE STATUS OF LICENSES UPON CHANGE OF OWNERSHIP
8 OF MEASURING DEVICES; AMENDING SECTION 82-15-105, MCA; AND
9 PROVIDING A DELAYED EFFECTIVE DATE AND AN APPLICABILITY
10 DATE."

11
12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

13 Section 1. Section 82-15-105, MCA, is amended to read:

14 "82-15-105. Licenses and fees -- status of license on
15 transfer of ownership. (1) A petroleum dealer or liquefied
16 petroleum dealer may not do business in this state until a
17 license has been issued to him by the department. The
18 license ~~shall~~ must be obtained by the dealer by making
19 application to the department upon blank forms provided by
20 the department. A dealer who has not been issued a license
21 and who is found selling, offering for sale, delivering, or
22 distributing petroleum products shall upon conviction be
23 punished as provided by this part.

24 (2) The fee for this license ~~shall be~~ is determined as
25 follows and depends upon the number of devices utilized by

1 the dealer:

2 (a) each gasoline pump, diesel pump, or fuel oil pump
3 measuring device--~~\$5~~ \$10 \$7;

4 (b) each petroleum vehicle tank meter or bulk petroleum
5 meter of 2 inches (5.08 centimeters) and under--~~\$15~~ \$30 \$20;

6 (c) each bulk petroleum meter over 2 inches (5.08
7 centimeters)--~~\$20~~ \$40 \$25;

8 (d) each liquefied petroleum liquid meter--~~\$25~~ \$50 \$30;

9 (e) each vapor meter--~~\$3~~ \$6 \$4;

10 (f) each petroleum and liquefied petroleum vehicle tank
11 up to and including 2,000 gallons (7,570 liters)--~~\$20~~ \$40
12 \$25;

13 (g) each petroleum and liquefied petroleum vehicle tank
14 over 2,000 gallons (7,570 liters)--~~\$20~~ \$40 \$25 plus ~~\$4~~ \$0 \$5
15 for each additional 1,000 gallons (3,785 liters).

16 (3) All licenses are annual ~~and nontransferable as to~~
17 ~~person or location~~ and expire on December 31 of each year.
18 There is an additional charge of 50% on all license fees
19 that are not paid before March 1 of each year in which the
20 vehicle tank, meter, or measuring device is in use. If the
21 fee is not paid, the equipment ~~shall~~ must be sealed and
22 removed from service by the department. It is unlawful for
23 anyone to use a device so removed from service or to break
24 the seal until all fees have been paid.

25 (4) If ownership of a measuring device changes and the

THIRD READING

1 device:

2 (a) remains at the same location, the license transfers
3 to the new owner and remains in effect until December 31 of
4 that year;

5 (b) is moved to a new location, the license is void,
6 and the new owner shall:

7 (i) apply for a new license that will expire on
8 December 31 of that year; and

9 (ii) pay the applicable fees prescribed in subsection
10 (2)."

11 NEW SECTION. Section 2. Effective date --
12 applicability. [This act] is effective January 1, 1992, and
13 applies to licenses and fees for years beginning after
14 December 31, 1991.

-End-

HOUSE BILL NO. 53
INTRODUCED BY NISHET

BY REQUEST OF THE DEPARTMENT OF COMMERCE

A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING THE LICENSE FEES FOR PETROLEUM AND LIQUEFIED PETROLEUM DEALERS; CLARIFYING THE STATUS OF LICENSES UPON CHANGE OF OWNERSHIP OF MEASURING DEVICES; AMENDING SECTION 82-15-105, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE AND AN APPLICABILITY DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 82-15-105, MCA, is amended to read:

"82-15-105. Licenses and fees -- status of license on transfer of ownership. (1) A petroleum dealer or liquefied petroleum dealer may not do business in this state until a license has been issued to him by the department. The license shall must be obtained by the dealer by making application to the department upon blank forms provided by the department. A dealer who has not been issued a license and who is found selling, offering for sale, delivering, or distributing petroleum products shall upon conviction be punished as provided by this part.

(2) The fee for this license shall ~~be~~ is determined as follows and depends upon the number of devices utilized by

the dealer:

(a) each gasoline pump, diesel pump, or fuel oil pump measuring device--~~\$5~~ \$10 \$7;

(b) each petroleum vehicle tank meter or bulk petroleum meter of 2 inches (5.08 centimeters) and under--~~\$15~~ \$30 \$20;

(c) each bulk petroleum meter over 2 inches (5.08 centimeters)--~~\$20~~ \$40 \$25;

(d) each liquefied petroleum liquid meter--~~\$25~~ \$50 \$30;

(e) each vapor meter--~~\$3~~ \$6 \$4;

(f) each petroleum and liquefied petroleum vehicle tank up to and including 2,000 gallons (7,570 liters)--~~\$20~~ \$40 \$25;

(g) each petroleum and liquefied petroleum vehicle tank over 2,000 gallons (7,570 liters)--~~\$20~~ \$40 \$25 plus \$4 \$8 \$5 for each additional 1,000 gallons (3,785 liters).

(3) All licenses are annual ~~and nontransferable as to person or location~~ and expire on December 31 of each year. There is an additional charge of 50% on all license fees that are not paid before March 1 of each year in which the vehicle tank, meter, or measuring device is in use. If the fee is not paid, the equipment shall must be sealed and removed from service by the department. It is unlawful for anyone to use a device so removed from service or to break the seal until all fees have been paid.

(4) If ownership of a measuring device changes and the

REFERENCE BILL



1 device:

2 (a) remains at the same location, the license transfers
3 to the new owner and remains in effect until December 31 of
4 that year;

5 (b) is moved to a new location, the license is void,
6 and the new owner shall:

7 (i) apply for a new license that will expire on
8 December 31 of that year; and

9 (ii) pay the applicable fees prescribed in subsection
10 (2)."

11 NEW SECTION. Section 2. Effective date --
12 applicability. [This act] is effective January 1, 1992, and
13 applies to licenses and fees for years beginning after
14 December 31, 1991.

-End-