SENATE BILL NO. 5

INTRODUCED BY DEVLIN

BY REQUEST OF THE DEPARTMENT OF REVENUE

IN THE SENATE

| | IN THE SENATE |
|-------------------|--|
| JANUARY 3, 1989 | INTRODUCED AND REFERRED TO COMMITTEE ON BUSINESS & INDUSTRY. |
| | FIRST READING. |
| JANUARY 9, 1989 | COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED. |
| JANUARY 10, 1989 | PRINTING REPORT. |
| JANUARY 11, 1989 | SECOND READING, DO PASS. |
| JANUARY 12, 1989 | ENGROSSING REPORT. |
| JANUARY 13, 1989 | THIRD READING, PASSED. AYES, 50; NOES, 0. |
| | TRANSMITTED TO HOUSE. |
| | IN THE HOUSE |
| JANUARY 13, 1989 | INTRODUCED AND REFERRED TO COMMITTEE ON BUSINESS & ECONOMIC DEVELOPMENT. |
| FEBRUARY 20, 1989 | FIRST READING. |
| MARCH 7, 1989 | COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED. |
| MARCH 8, 1989 | SECOND READING, CONCURRED IN. |

AYES, 93; NOES, 0.

RETURNED TO SENATE.

IN THE SENATE

MARCH 10, 1989

MARCH 9, 1989

RECEIVED FROM HOUSE.

THIRD READING, CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

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| 3 | BY REQUEST OF THE DEPARTMENT OF REVENUE |
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| 5 | A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR A |
| 6 | CONTINUOUS LICENSE FOR ANY PERSON OTHER THAN A LICENSED |
| 7 | GASOLINE DISTRIBUTOR; ELIMINATING THE LICENSE FEE; AND |
| 8 | AMENDING SECTION 15-70-203, MCA." |
| 9 | |
| 10 | BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: |
| 11 | Section 1. Section 15-70-203, MCA, is amended to read: |
| 12 | *15-70-203. License to sell gasoline on which refund |
| 13 | may be claimed. (1) Any person other than a licensed |
| 14 | distributor shall obtain a license from the department of |
| 15 | revenue prior to selling gasoline on which a refund may be |
| 16 | claimed. The application for license shall contain the |
| 17 | applicant's name, address, place or places of business in |
| 18 | the state of Montana, and other information which may be |
| 19 | required by the department. Licenses issued shall bear a |
| 20 | license number and the date of issuance. The department |
| 21 | shall keep a record of all licenses issued, canceled, or |
| 22 | suspended. A nontransferable license shall be issued for-3 |
| 23 | years-upon-payment-of-a-fee-of-\$3bicenses-must-berenewed |
| 24 | andthe-fee-paid-every-3-years-from-date-of-issuance and be |
| 25 | effective until canceled or suspended by the department. |

SENATE

BILL NO.

Montana Legislative Council

1 (2) Any person failing to comply with this section
2 shall be subject to a fine of not less than \$25 or more than
3 \$200 or imprisonment in the county jail for a period not
4 less than 10 days or more than 60 days or both fine and
5 imprisonment."

Section 2. Extension of authority. Any existing
authority to make rules on the subject of the provisions of
this act is extended to the provisions of this act.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for \$8005, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An act providing for a continuous license for any person other than a licensed gasoline distributor and eliminating the license fee.

ASSUMPTIONS:

- 1. Gasoline distributors license fee revenues are estimated to be \$944 in FY1990, and \$0 in FY1991 under current law. (The fee is collected on a 3-year cycle, so there's no effect in FY1991.)
- 2. The proposal is not expected to impact department expenditures.

FISCAL IMPACT:

| Revenue Impact: | | FY '90 | | | FY '91 | |
|----------------------------------|-------------|--------------|------------|-------------|--------------|------------|
| | Current Law | Proposed Law | Difference | Current Law | Proposed Law | Difference |
| Gasoline Distrib. License Fee | \$944 | \$ 0 | \$ (944) | \$ 0 | \$ O | \$ 0 |
| Fund Information: | | | | | | |
| DOH Special Rev. Fur | nd \$944 | \$ 0 | \$ (944) | \$ 0 | \$ 0 | \$ 0 |

TECHNICAL NOTE:

Since this bill does not specifically state an effective date, the bill will be effective on October 1, 1989. This would probably result in some gasoline distributors continuing to pay the \$3.00 license fee for one more year while those that renew after October 1, 1989, would not have to pay the license fee.

RAY/SHACKLEFORD, BUDGET DIRECTOR

DATE

Office of Budget and Program Planning

GERRY DEVLIN, PRIMARY SPONSOR

ATE

Fiscal Note for SB005 ,as introduced

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APPROVED BY COMM. ON BUSINESS & INDUSTRY

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SENATE BILL NO. 5

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| 5 | less than 10 days or more than 60 days or both 6: |

effective until canceled or suspended by the department.

NEW SECTION. Section 2. Extension of authority. Any existing authority to make rules on the subject of the provisions of [this act] is extended to the provisions of

10 (this act).

imprisonment."

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6

NEW SECTION. SECTION 3. EFFECTIVE DATE. [THIS ACT]
12 IS EFFECTIVE ON JULY 1, 1989.

-End-

51st Legislature

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SB 0005/02

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SB 0005/02

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-End-

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(2) Any person failing to comply with this section

SB 5

SB 0005/02

51st Legislature

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SB 0005/02

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