

HOUSE BILL NO. 70

INTRODUCED BY S. RICE  
BY REQUEST OF THE DEPARTMENT OF COMMERCE

IN THE HOUSE

DECEMBER 23, 1992	INTRODUCED AND REFERRED TO COMMITTEE ON BUSINESS & ECONOMIC DEVELOPMENT.
JANUARY 4, 1993	FIRST READING.
JANUARY 9, 1993	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
JANUARY 11, 1993	PRINTING REPORT.
JANUARY 13, 1993	ON MOTION, CONSIDERATION PASSED.
JANUARY 16, 1993	ON MOTION, REREFERRED TO COMMITTEE ON TAXATION.
MARCH 20, 1993	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
MARCH 22, 1993	PRINTING REPORT.
MARCH 27, 1993	SECOND READING, DO PASS.
MARCH 29, 1993	ENGROSSING REPORT.
MARCH 30, 1993	THIRD READING, PASSED. AYES, 71; NOES, 29.
MARCH 31, 1993	TRANSMITTED TO SENATE.

IN THE SENATE

APRIL 1, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON BUSINESS & INDUSTRY.  FIRST READING.
APRIL 8, 1993	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
APRIL 12, 1993	SECOND READING, NOT CONCURRED IN.  SECOND READING, INDEFINITELY POSTPONED.

APRIL 13, 1993

ON MOTION, PREVIOUS ACTION  
RECONSIDERED. REQUEST HOUSE TO RETURN  
BILL FOR FURTHER CONSIDERATION.

IN THE HOUSE

APRIL 14, 1993

RETURNED TO SENATE AT SENATE'S REQUEST.

IN THE SENATE

APRIL 15, 1993

SECOND READING, CONCURRED IN AS  
AMENDED.

THIRD READING, CONCURRED IN.  
AYES, 49; NOES, 0.

RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

APRIL 16, 1993

SECOND READING, AMENDMENTS NOT  
CONCURRED IN.

APRIL 17, 1993

ON MOTION, CONFERENCE COMMITTEE  
REQUESTED AND APPOINTED.

IN THE SENATE

APRIL 20, 1993

ON MOTION, CONFERENCE COMMITTEE  
REQUESTED AND APPOINTED.

IN THE HOUSE

APRIL 21, 1993

ON MOTION, CONFERENCE COMMITTEE  
DISSOLVED.

ON MOTION, FREE CONFERENCE COMMITTEE  
REQUESTED AND APPOINTED.

APRIL 22, 1993

SECOND READING, FREE CONFERENCE  
COMMITTEE REPORT ADOPTED.

THIRD READING, FREE CONFERENCE  
COMMITTEE REPORT ADOPTED.

IN THE SENATE

APRIL 22, 1993

ON MOTION, CONFERENCE COMMITTEE  
DISSOLVED.

ON MOTION, FREE CONFERENCE COMMITTEE  
REQUESTED AND APPOINTED.

APRIL 24, 1993

FREE CONFERENCE  
COMMITTEE REPORT ADOPTED.

IN THE HOUSE

APRIL 24, 1993

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

## 1 HOUSE BILL NO. 70

2 INTRODUCED BY S. RICE

3 BY REQUEST OF THE DEPARTMENT OF COMMERCE

4  
5 A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE  
6 DEPARTMENT OF COMMERCE TO ESTABLISH WEIGHING DEVICE FEES BY  
7 RULE; REQUIRING DEPOSIT OF THE FEES INTO A SPECIAL REVENUE  
8 ACCOUNT TO BE USED FOR ENFORCEMENT AND ADMINISTRATION OF  
9 LICENSING WEIGHING DEVICES; AMENDING SECTION 30-12-203, MCA;  
10 AND PROVIDING AN APPLICABILITY DATE."

## 11 STATEMENT OF INTENT

12  
13 A statement of intent is required for this bill because  
14 it gives the department of commerce the power to establish  
15 by rule the fees for weighing devices. The fees must be  
16 commensurate with the costs of the enforcement and  
17 administration of licensing the devices.

18  
19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

20 Section 1. Section 30-12-203, MCA, is amended to read:

21 "30-12-203. Licensing of weighing devices. (1) No A  
22 person ~~shall~~ may not knowingly operate or use any an  
23 unlicensed weighing devices device in trade or commerce for  
24 ascertaining the weight of any commodity.

25 (2) Such A license ~~shall~~ must be obtained by making

1 application to the department upon blank forms to be  
2 provided by the division of weights and measures. Each  
3 license ~~should-include~~ must require at least one inspection  
4 per year.

5 (3) Every An application ~~shall~~ must be accompanied by  
6 the proper fee as established by this--section the  
7 department.

## 8 WEIGHING-DEVICES

9 Capacity-----Fees  
10 499-pounds-or-less-----\$-5.00  
11 500-pounds-through-1,999-pounds-----8.00  
12 2,000-pounds-through-7,999-pounds-----15.00  
13 8,000-pounds-through-68,000-pounds-----40.00  
14 68,001-pounds-or-more-----70.00

15 {4}--The--capacity--of--a--weighing--device--shall--be  
16 determined-by-the-manufacturer's-rated-capacity-

17 {5}{4} All licenses ~~shall~~ must be annual and ~~shall~~  
18 expire on December 31.

19 {6}{5} A late renewal fee equal to 50% of the renewal  
20 license fee established in-subsection-{3} by the department  
21 must be assessed if the fee is not paid before July 1 of the  
22 year in which the license fee is due. In--addition,--any A  
23 person failing to pay the renewal license fee before July 1  
24 ~~shall-forfeit~~ forfeits the right to use the weighing device,  
25 and it ~~shall~~ must be taken out of service by the division of

1 weights and measures until the renewal fee and late renewal  
2 fee are paid.

3 (6) The department shall adopt rules to establish  
4 license fees. The fees must be deposited to the state  
5 special revenue fund of the department for use in the  
6 administration and enforcement of this part."

7 NEW SECTION. Section 2. Applicability. [This act]  
8 applies to licenses and fees imposed after December 31,  
9 1993.

-End-

## STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0070, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

The bill authorizes the Department of Commerce to establish petroleum dealer and liquefied petroleum dealer license fees by rule and requires the fees to be deposited in a state special revenue fund.

ASSUMPTIONS:

1. Fees for inspections will need to be increased to cover the entire bureau budget.
2. For illustrative purposes the FY93 budget of \$437,722 is used.
3. The bill will be effective on passage and approval.
4. Until the FY94 collections are completed the program will need to borrow operating capital from the general fund, which will be repaid from fee collections.
5. In order to make the program self supporting both HB17 and HB70 will need to pass and therefore, when calculating the needed increase in fee income, it will be assumed that both bills will pass. Part of the additional income will come from measuring devices and part will come from weighing devices.
6. If the equipment requested during the Legislative Session is approved, the fees will need to be increased to cover the additional expenditures.

FISCAL IMPACT:

	FY '94			FY '95		
	Current Law	Proposed Law	Difference	Current Law	Proposed Law	Difference
<u>Expenditures:</u>						
Personal Services	310,257	310,257	0	310,257	310,257	0
Operating Expenses	127,465	127,465	0	127,465	127,465	0
Equipment	0	0	0	0	0	0
TOTAL	437,722	437,722	0	437,722	437,722	0
<u>Revenues:</u>						
License fees	240,000	325,280	85,280	240,000	325,280	85,280
General Fund	197,722	112,442	(85,280)	197,722	112,442	(85,280)
<u>Net Impact:</u>	0	0	0	0	0	0

(Continued on next page)

Dave Lewis 1-8-93  
 DAVE LEWIS, BUDGET DIRECTOR      DATE  
 Office of Budget and Program Planning

Shelia Rice 1/8/93  
 SHELIA RICE, PRIMARY SPONSOR      DATE

Fiscal Note for HB0070, as introduced

**HB 70**

Fiscal Note Request, HB0070, as introduced  
Form BD-15 page 2  
(continued)

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

The change will permanently remove the program's dependence on the general fund. It will, however, require increased fees to those licensed under the program. In order for the change of funding source to occur the Legislature will also have to pass HB17.

TECHNICAL NOTES:

This bill can only accomplish its intent if HB17 is also passed.

HB 70

## STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Revised Fiscal Note for HB0070, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

The bill authorizes the Department of Commerce to establish petroleum dealer and liquefied petroleum dealer license fees by rule and requires the fees to be deposited in a state special revenue fund.

ASSUMPTIONS:

1. Fees for inspections will need to be increased to cover the entire bureau budget.
2. For illustrative purposes the FY93 budget of \$437,722 is used.
3. The bill will be effective on passage and approval.
4. Until the FY94 collections are completed the program will need to borrow operating capital from the general fund, which will be repaid from fee collections.
5. In order to make the program self supporting both HB17 and HB70 will need to pass and therefore, when calculating the needed increase in fee income, it will be assumed that both bills will pass. Part of the additional income will come from measuring devices and part will come from weighing devices.
6. If the equipment requested during the Legislative Session is approved, the fees will need to be increased to cover the additional expenditures.

FISCAL IMPACT:

	FY '94			FY '95		
	Current Law	Proposed Law	Difference	Current Law	Proposed Law	Difference
<u>Expenditures:</u>						
Personal Services	310,257	310,257	0	310,257	310,257	0
Operating Expenses	127,465	127,465	0	127,465	127,465	0
Equipment	0	0	0	0	0	0
TOTAL	437,722	437,722	0	437,722	437,722	0
<u>Revenues:</u>						
License fees	240,000	365,000	125,000	240,000	365,000	125,000
General Fund	197,722	72,722	(125,000)	197,722	72,722	(125,000)
<u>Net Impact:</u>	0	0	0	0	0	0

(Continued on next page)

Dave Lewis 1-12-93  
 DAVE LEWIS, BUDGET DIRECTOR DATE  
 Office of Budget and Program Planning

Shelia Rice 1/13/93  
 SHELIA RICE, PRIMARY SPONSOR DATE

Revised Fiscal Note for HB0070, as introduced

**HB 70- Revised**

Fiscal Note Request, HB0070, as introduced  
Form BD-15 page 2  
(continued)

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

The change will permanently remove the program's dependence on the general fund. It will, however, require increased fees to those licensed under the program. In order for the change of funding source to occur the Legislature will also have to pass HB17.

TECHNICAL NOTES:

This bill can only accomplish its intent if HB17 is also passed.

HB 70- Rev.

## STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Revised Fiscal Note for HB0070, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

The bill authorizes the Department of Commerce to establish weighing device fees by rule and requires that the fees be deposited into a special revenue account to be used for the enforcement and administration of the licensing of weighing devices.


ASSUMPTIONS:

1. Fees for inspections will need to be increased to cover the entire bureau budget.
2. For illustrative purposes the FY93 budget of \$437,722 is used.
3. The bill will be effective on passage and approval.
4. Until the FY94 collections are completed the program will need to borrow operating capital from the general fund, which will be repaid from fee collections.
5. In order to make the program self supporting both HB17 and HB70 will need to pass and therefore, when calculating the needed increase in fee income, it will be assumed that both bills will pass. Part of the additional income will come from measuring devices and part will come from weighing devices.
6. If the equipment requested during the Legislative Session is approved, the fees will need to be increased to cover the additional expenditures.

FISCAL IMPACT:

	FY '94			FY '95		
	Current Law	Proposed Law	Difference	Current Law	Proposed Law	Difference
<u>Expenditures:</u>						
Personal Services	310,257	310,257	0	310,257	310,257	0
Operating Expenses	127,465	127,465	0	127,465	127,465	0
Equipment	0	0	0	0	0	0
TOTAL	437,722	437,722	0	437,722	437,722	0
<u>Revenues:</u>						
License fees	240,000	365,000	125,000	240,000	365,000	125,000
General Fund	197,722	72,722	(125,000)	197,722	72,722	(125,000)
<u>Net Impact:</u>	0	0	0	0	0	0

(Continued on next page)

 1-20-93  
 DAVE LEWIS, BUDGET DIRECTOR      DATE  
 Office of Budget and Program Planning

 1-21-93  
 SHEILA RICE, PRIMARY SPONSOR      DATE

Revised Fiscal Note for HB0070, as introduced

**HB 70 Rev.#2**

Fiscal Note Request, HB0070, as introduced  
Form BD-15 page 2  
(continued)

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

The change will permanently remove the program's dependence on the general fund. It will, however, require increased fees to those licensed under the program. In order for the change of funding source to occur the Legislature will also have to pass HB17.

TECHNICAL NOTES:

This bill can only accomplish its intent if HB17 is also passed.

APPROVED BY COMM. ON BUSINESS  
AND ECONOMIC DEVELOPMENT

HOUSE BILL NO. 70

INTRODUCED BY S. RICE

BY REQUEST OF THE DEPARTMENT OF COMMERCE

A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE DEPARTMENT OF COMMERCE TO ESTABLISH WEIGHING DEVICE FEES BY RULE; REQUIRING DEPOSIT OF THE FEES INTO A SPECIAL REVENUE ACCOUNT TO BE USED FOR ENFORCEMENT AND ADMINISTRATION OF LICENSING WEIGHING DEVICES; AMENDING SECTION 30-12-203, MCA; AND PROVIDING AN APPLICABILITY DATE."

STATEMENT OF INTENT

A statement of intent is required for this bill because it gives the department of commerce the power to establish by rule the fees for weighing devices. The fees must be commensurate with the costs of the enforcement and administration of licensing the devices.

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

**Section 1.** Section 30-12-203, MCA, is amended to read:

"30-12-203. Licensing of weighing devices. (1) No A person ~~shall~~ may not knowingly operate or use any an unlicensed weighing devices device in trade or commerce for ascertaining the weight of any commodity.

(2) Such A license ~~shall~~ must be obtained by making

application to the department upon blank forms to be provided by the division of weights and measures. Each license ~~should include~~ must require at least one inspection per year.

(3) Every An application ~~shall~~ must be accompanied by the proper fee as established by ~~this--section~~ the department.

WEIGHING DEVICES

Capacity-----	-----Fees
499-pounds-or-less-----	\$-5-00
500-pounds-through-1,999-pounds-----	8-00
2,000-pounds-through-7,999-pounds-----	15-00
8,000-pounds-through-60,000-pounds-----	40-00
60,001-pounds-or-more-----	70-00

(4) --The--capacity--of--a--weighing--device---shall---be determined-by-the-manufacturer's-rated-capacity--

(5)(4) All licenses ~~shall~~ must be annual and ~~shall~~ expire on December 31.

(6)(5) A late renewal fee equal to 50% of the renewal license fee established in-subsection-(3) by the department must be assessed if the fee is not paid before July 1 of the year in which the license fee is due. In--addition,--any A person failing to pay the renewal license fee before July 1 ~~shall-forfeit~~ forfeits the right to use the weighing device, and it ~~shall~~ must be taken out of service by the division of

1 weights and measures until the renewal fee and late renewal  
2 fee are paid.

3 (6) The department shall adopt rules to establish  
4 license fees. The fees must be deposited to the state  
5 special revenue fund of the department for use in the  
6 administration and enforcement of this part."

7 NEW SECTION. SECTION 2. COORDINATION INSTRUCTION. IF  
8 HOUSE BILL NO. 17, INCLUDING PROVISIONS AUTHORIZING THE  
9 DEPARTMENT OF COMMERCE TO ESTABLISH PETROLEUM DEALER AND  
10 LIQUEFIED PETROLEUM DEALER LICENSE FEES BY RULE, IS NOT  
11 PASSED AND APPROVED, THEN [THIS ACT] IS VOID.

12 NEW SECTION. Section 3. Applicability. [This act]  
13 applies to licenses and fees imposed after December 31,  
14 1993.

-End-

## HOUSE BILL NO. 70

INTRODUCED BY S. RICE

BY REQUEST OF THE DEPARTMENT OF COMMERCE

A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE  
 DEPARTMENT OF COMMERCE TO ESTABLISH WEIGHING DEVICE FEES BY  
 RULE; REQUIRING DEPOSIT OF THE FEES INTO A SPECIAL REVENUE  
 ACCOUNT TO BE USED FOR ENFORCEMENT AND ADMINISTRATION OF  
 LICENSING WEIGHING DEVICES; AMENDING SECTION 30-12-203, MCA;  
 AND PROVIDING AN APPLICABILITY DATE."

## STATEMENT OF INTENT

A statement of intent is required for this bill because  
 it gives the department of commerce the power to establish  
 by rule the fees for weighing devices. The fees must be  
 commensurate with the costs of the enforcement and  
 administration of licensing the devices.

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

Section 1. Section 30-12-203, MCA, is amended to read:

"30-12-203. Licensing of weighing devices. (1) No A  
 person shall may not knowingly operate or use any an  
 unlicensed weighing devices device in trade or commerce for  
 ascertaining the weight of any commodity.

(2) Such A license shall must be obtained by making

application to the department upon blank forms to be  
 provided by the division of weights and measures. Each  
 license ~~should-include~~ must require at least one inspection  
 per year.

(3) Every An application shall must be accompanied by  
 the proper fee as established by ~~this--section~~ the  
department.

## WEIGHING-DEVICES

Capacity-----	-----Fees
499-pounds-or-less-----	\$-5-00
500-pounds-through-1,999-pounds-----	8-00
2,000-pounds-through-7,999-pounds-----	15-00
8,000-pounds-through-60,000-pounds-----	40-00
60,001-pounds-or-more-----	70-00

~~(4)---The--capacity--of--a--weighing--device---shall---be~~  
~~determined-by-the-manufacturer's-rated-capacity--~~

~~(5)(4)~~ All licenses shall must be annual and shall  
 expire on December 31.

~~(6)(5)~~ A late renewal fee equal to 50% of the renewal  
 license fee established in ~~subsection-(3)~~ by the department  
 must be assessed if the fee is not paid before July 1 of the  
 year in which the license fee is due. ~~in--addition,~~ any A  
 person failing to pay the renewal license fee before July 1  
~~shall-forfeit~~ forfeits the right to use the weighing device,  
 and it shall must be taken out of service by the division of

1 weights and measures until the renewal fee and late renewal  
2 fee are paid.

3 (6) The department shall adopt rules to establish  
4 license fees COMMENSURATE WITH BUDGET AUTHORITY APPROVED BY  
5 THE LEGISLATURE. The fees must be deposited to the state  
6 special revenue fund of the department for use in the  
7 administration and enforcement of this part."

8 NEW SECTION. SECTION 2. COORDINATION INSTRUCTION. IF  
9 HOUSE BILL NO. 17, INCLUDING PROVISIONS AUTHORIZING THE  
10 DEPARTMENT OF COMMERCE TO ESTABLISH PETROLEUM DEALER AND  
11 LIQUEFIED PETROLEUM DEALER LICENSE FEES BY RULE, IS NOT  
12 PASSED AND APPROVED, THEN [THIS ACT] IS VOID.

13 NEW SECTION. Section 3. Applicability. [This act]  
14 applies to licenses and fees imposed after December 31,  
15 1993.

-End-

## HOUSE BILL NO. 70

INTRODUCED BY S. RICE

BY REQUEST OF THE DEPARTMENT OF COMMERCE

A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE DEPARTMENT OF COMMERCE TO ESTABLISH WEIGHING DEVICE FEES BY RULE; REQUIRING DEPOSIT OF THE FEES INTO A SPECIAL REVENUE ACCOUNT TO BE USED FOR ENFORCEMENT AND ADMINISTRATION OF LICENSING WEIGHING DEVICES; AMENDING SECTION 30-12-203, MCA; AND PROVIDING AN APPLICABILITY DATE."

## STATEMENT OF INTENT

A statement of intent is required for this bill because it gives the department of commerce the power to establish by rule the fees for weighing devices. The fees must be commensurate with the costs of the enforcement and administration of licensing the devices.

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

**Section 1.** Section 30-12-203, MCA, is amended to read:

"30-12-203. Licensing of weighing devices. (1) No A person shall may not knowingly operate or use any an unlicensed weighing devices device in trade or commerce for ascertaining the weight of any commodity.

(2) Such A license shall must be obtained by making

application to the department upon blank forms to be provided by the division of weights and measures. Each license ~~should include~~ must require at least one inspection per year.

(3) Every An application shall must be accompanied by the proper fee as established by this--section the department.

## WEIGHING-DEVICES

Capacity-----	Fees
499-pounds-or-less-----	0-5.00
500-pounds-through-17999-pounds-----	8.00
27000-pounds-through-77999-pounds-----	15.00
87000-pounds-through-607000-pounds-----	40.00
607001-pounds-or-more-----	70.00

~~(4) The capacity of a weighing device shall be determined by the manufacturer's rated capacity.~~

~~(5) All licenses shall must~~ be annual and shall expire on December 31.

~~(6) (5)~~ A late renewal fee equal to 50% of the renewal license fee established in-subsection-~~(3)~~ by the department must be assessed if the fee is not paid before July 1 of the year in which the license fee is due. In--addition,--any A person failing to pay the renewal license fee before July 1 shall-forfeit forfeits the right to use the weighing device, and it shall must be taken out of service by the division of

1 weights and measures until the renewal fee and late renewal  
2 fee are paid.

3 (6) The department shall adopt rules to establish  
4 license fees COMMENSURATE WITH BUDGET AUTHORITY APPROVED BY  
5 THE LEGISLATURE. The fees must be deposited to the state  
6 special revenue fund of the department for use in the  
7 administration and enforcement of this part."

8 NEW SECTION. SECTION 2. COORDINATION INSTRUCTION. IF  
9 HOUSE BILL NO. 17, INCLUDING PROVISIONS AUTHORIZING THE  
10 DEPARTMENT OF COMMERCE TO ESTABLISH PETROLEUM DEALER AND  
11 LIQUEFIED PETROLEUM DEALER LICENSE FEES BY RULE, IS NOT  
12 PASSED AND APPROVED, THEN [THIS ACT] IS VOID.

13 NEW SECTION. Section 3. Applicability. [This act]  
14 applies to licenses and fees imposed after December 31,  
15 1993.

-End-

SENATE COMMITTEE OF THE WHOLE AMENDMENT

April 15, 1993 10:44 am

Mr. Chairman: I move to amend House Bill 70 (third reading copy -- blue).

ADOPT

REJECT

Signed: 

Senator Kenneth Mesaros

That such amendments read:

1. Title, lines 5 through 7.

Strike: "AUTHORIZING THE DEPARTMENT OF COMMERCE TO ESTABLISH" on lines 5 and 6

Insert: "ESTABLISHING"

Strike: "BY RULE" on lines 6 and 7

2. Page 1, lines 12 through 17.

Strike: the statement of intent in its entirety

3. Page 2, lines 6 and 7.

Strike: "the department."

Insert: "this section."

WEIGHING DEVICES

Capacity	Fees
499 pounds or less . . . . .	\$ 5.00
500 pounds through 1,999 pounds . . . . .	8.00
2,000 pounds through 7,999 pounds . . . . .	15.00
8,000 pounds through 60,000 pounds . . . . .	40.00
60,001 pounds or more . . . . .	70.00

(4) The capacity of a weighing device must be determined by the manufacturer's rated capacity."

Renumber: subsequent subsections

4. Page 2, line 20.

Strike: "by the department"

Insert: "in subsection (3)"

5. Page 3, lines 3 through 5.

Strike: "The" on line 3 through "LEGISLATURE." on line 5

-END-

HB 70  
SENATE

## HOUSE BILL NO. 70

INTRODUCED BY S. RICE

BY REQUEST OF THE DEPARTMENT OF COMMERCE

A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING--THE  
 DEPARTMENT--OF--COMMERCE--TO--ESTABLISH ESTABLISHING WEIGHING  
 DEVICE FEES BY-RULE; REQUIRING DEPOSIT OF THE FEES INTO A  
 SPECIAL REVENUE ACCOUNT TO BE USED FOR ENFORCEMENT AND  
 ADMINISTRATION OF LICENSING WEIGHING DEVICES; AMENDING  
 SECTION 30-12-203, MCA; AND PROVIDING AN APPLICABILITY  
 DATE."

## STATEMENT-OF-INTENT

A--statement-of-intent-is-required-for-this-bill-because  
 it-gives-the-department-of-commerce-the-power--to--establish  
 by--rule--the--fees--for--weighing-devices--The-fees-must-be  
 commensurate--with--the--costs--of--the--enforcement--and  
 administration-of-licensing-the-devices--

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

Section 1. Section 30-12-203, MCA, is amended to read:

"30-12-203. Licensing of weighing devices. (1) No A  
 person shall may not knowingly operate or use any an  
 unlicensed weighing devices device in trade or commerce for  
 ascertaining the weight of any commodity.

(2) Such A license shall must be obtained by making  
 application to the department upon blank forms to be  
 provided by the division of weights and measures. Each  
 license ~~should-include~~ must require at least one inspection  
 per year.

(3) Every An application shall must be accompanied by  
 the proper fee as established by ~~this-section~~ the-department  
THIS SECTION.

WEIGHING DEVICES

<u>CAPACITY</u>	<u>FEES</u>
<u>499 POUNDS OR LESS.....</u>	<u>\$ 5.00</u>
<u>500 POUNDS THROUGH 1,999 POUNDS.....</u>	<u>8.00</u>
<u>2,000 POUNDS THROUGH 7,999 POUNDS.....</u>	<u>15.00</u>
<u>8,000 POUNDS THROUGH 60,000 POUNDS.....</u>	<u>40.00</u>
<u>60,001 POUNDS OR MORE.....</u>	<u>70.00</u>

(4) THE CAPACITY OF A WEIGHING DEVICE MUST BE  
DETERMINED BY THE MANUFACTURER'S RATED CAPACITY.

WEIGHING-DEVICES

<u>Capacity-----</u>	<u>Fees</u>
<u>499-pounds-or-less-----</u>	<u>\$-5.00</u>
<u>500-pounds-through-1,999-pounds-----</u>	<u>8.00</u>
<u>2,000-pounds-through-7,999-pounds-----</u>	<u>15.00</u>
<u>8,000-pounds-through-60,000-pounds-----</u>	<u>40.00</u>
<u>60,001-pounds-or-more-----</u>	<u>70.00</u>

(4)--The--capacity--of--a--weighing--device--shall--be

~~determined-by-the-manufacturer's-rated-capacity.~~

~~(5)(4)(5)~~ All licenses ~~shall~~ must be annual and ~~shall~~ expire on December 31.

~~(6)(5)(6)~~ A late renewal fee equal to 50% of the renewal license fee established in--subsection--(3) ~~by--the~~ department IN SUBSECTION (3) must be assessed if the fee is not paid before July 1 of the year in which the license fee is due. ~~In-addition, any~~ A person failing to pay the renewal license fee before July 1 ~~shall-forfeit~~ forfeits the right to use the weighing device, and it ~~shall~~ must be taken out of service by the division of weights and measures until the renewal fee and late renewal fee are paid.

~~(6)(7)~~ ~~The--department--shall--adopt-rules-to-establish~~ license-fees COMMENSURATE-WITH-BUDGET-AUTHORITY-APPROVED--BY ~~THE--LEGISLATURE.~~ The fees must be deposited to the state special revenue fund of the department for use in the administration and enforcement of this part."

NEW SECTION. SECTION 2. COORDINATION INSTRUCTION. IF  
HOUSE BILL NO. 17, INCLUDING PROVISIONS AUTHORIZING THE  
DEPARTMENT OF COMMERCE TO ESTABLISH PETROLEUM DEALER AND  
LIQUEFIED PETROLEUM DEALER LICENSE FEES BY RULE, IS NOT  
PASSED AND APPROVED, THEN [THIS ACT] IS VOID.

NEW SECTION. Section 3. Applicability. [This act]  
applies to licenses and fees imposed after December 31,  
1993.

-End-

Free Conference Committee  
on House Bill 70  
Report No. 1, April 21, 1993

Page 1 of 1

Mr. Speaker and Mr. President:

We, your Free Conference Committee met and considered House Bill 70 and recommend as follows:

1. Page 2, line 11.

Strike: "5.00"

Insert: "12.00"

2. Page 2, line 12.

Strike: "8.00"

Insert: "20.00"

3. Page 2, line 13.

Strike: "15.00"

Insert: "40.00"

4. Page 2, line 14.

Strike: "40.00"

Insert: "100.00"

5. Page 2, line 15.

Strike: "70.00"

Insert: "175.00"

And this Free Conference Committee report be adopted.

For the House:

For the Senate:

Marian M. Hansen  
Rep. M. Hansen, Chair

Carl Weeding  
Sen. Weeding, Chair

Sheila Rice  
Rep. Sheila Rice

Greg Jergeson  
Sen. Jergeson

John C. Bohlinger  
Rep. Bohlinger

Ken Mesaros  
Sen. Mesaros

ADOPT

REJECT

F.C.C.R. # 1  
HB 70  
881243CC.Hss

## HOUSE BILL NO. 70

INTRODUCED BY S. RICE

BY REQUEST OF THE DEPARTMENT OF COMMERCE

A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING--THE  
 DEPARTMENT--OF--COMMERCE--TO--ESTABLISH ESTABLISHING WEIGHING  
 DEVICE FEES BY-RULE; REQUIRING DEPOSIT OF THE FEES INTO A  
 SPECIAL REVENUE ACCOUNT TO BE USED FOR ENFORCEMENT AND  
 ADMINISTRATION OF LICENSING WEIGHING DEVICES; AMENDING  
 SECTION 30-12-203, MCA; AND PROVIDING AN APPLICABILITY  
 DATE."

## STATEMENT-OF-INTENT

A--statement-of-intent-is-required-for-this-bill-because  
 it-gives-the-department-of-commerce-the-power--to--establish  
 by--rule--the--fees--for--weighing-devices--The-fees-must-be  
 commensurate--with--the--costs--of---the---enforcement---and  
 administration-of-licensing-the-devices-

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

Section 1. Section 30-12-203, MCA, is amended to read:

"30-12-203. Licensing of weighing devices. (1) No A  
 person shall may not knowingly operate or use any an  
 unlicensed weighing devices device in trade or commerce for  
 ascertaining the weight of any commodity.

(2) Such A license shall must be obtained by making  
 application to the department upon blank forms to be  
 provided by the division of weights and measures. Each  
 license should-include must require at least one inspection  
 per year.

(3) Every An application shall must be accompanied by  
 the proper fee as established by this-section the-department  
THIS SECTION.

## WEIGHING DEVICES

CAPACITY	FEES
499 POUNDS OR LESS.....	\$ 5.00 12.00
500 POUNDS THROUGH 1,999 POUNDS.....	8.00 20.00
2,000 POUNDS THROUGH 7,999 POUNDS.....	15.00 40.00
8,000 POUNDS THROUGH 60,000 POUNDS.....	40.00 100.00
60,001 POUNDS OR MORE.....	70.00 175.00

(4) THE CAPACITY OF A WEIGHING DEVICE MUST BE  
 DETERMINED BY THE MANUFACTURER'S RATED CAPACITY.

## WEIGHING DEVICES

Capacity-----	Fees
499-pounds-or-less.....	\$-5.00
500-pounds-through-1999-pounds.....	8.00
2000-pounds-through-7999-pounds.....	15.00
8000-pounds-through-60000-pounds.....	40.00
60001-pounds-or-more.....	70.00

(4)---The---capacity---of---a---weighing---device---shall---be

determined-by-the-manufacturer's-rated-capacity.

~~(5)(4)~~(5) All licenses shall must be annual and shall expire on December 31.

~~(6)(5)~~(6) A late renewal fee equal to 50% of the renewal license fee established in--subsection--(3) by--the department IN SUBSECTION (3) must be assessed if the fee is not paid before July 1 of the year in which the license fee is due. In-addition, any A person failing to pay the renewal license fee before July 1 shall-forfeit forfeits the right to use the weighing device, and it shall must be taken out of service by the division of weights and measures until the renewal fee and late renewal fee are paid.

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-End-

-3-

HB 70