

1 **State of Arkansas**

2 **79th General Assembly**

3 **Regular Session, 1993**

4 **By: Representatives Baker and Wagner**

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7

For An Act To Be Entitled

8

"AN ACT TO PROVIDE FOR THE OPERATION OF THE ARKANSAS

9

BUREAU OF STANDARDS; AND FOR OTHER PURPOSES."

10

11

Subtitle

12

"TO PROVIDE FOR THE OPERATION OF THE ARKANSAS BUREAU OF

13

STANDARDS."

14

15 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

16

17 SECTION 1. The Arkansas Bureau of Standards is hereby authorized to
18 promulgate regulations setting fees for the registration, licensing, testing,
19 inspection, and certification of any and all scales, meters, distribution
20 devices, standards, and commercial devices within the jurisdiction of the
21 Bureau.

22 (A) *Registration and/or license fees shall be due and payable on or*
23 *before July 1 of each year. Annual fees shall not exceed the indicated*
24 *amounts for each device or license except as stipulated herein:*

25

26

CATEGORY

FEE

27

28

LIQUEFIED PETROLEUM GAS METER

\$ 50.00

29

SCALES (LESS THAN 100 LBS.)

5.00

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SCALES (100, BUT LESS THAN 2,000 LBS.)

75.00

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SCALES (2,000 LBS. AND OVER)

150.00

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GRAIN MOISTURE METER

30.00

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34 *For each annual registration or license fee that is not received by the July 1*
35 *deadline, a penalty of an additional ten percent (10%) shall be charged during*

1 the first thirty (30) days after July 1. For each annual registration or
2 license fee that is not received within thirty (30) days after July 1, a
3 penalty of an additional one hundred percent (100%) shall be charged.

4 (B) The frequency and scheduled dates for laboratory calibrations,
5 tests, and adjustments on measures and volumetric devices shall be as
6 stipulated in regulations of the Arkansas Bureau of Standards. Fees for
7 calibrations, tests, and adjustments shall not exceed the indicated amounts
8 for each device except as stipulated herein:

		FEE, WITH	
	CATEGORY	FEE	ADJUSTMENTS
12	ANSI/ASTM CLASS 4, 5, 6 AND		
13	NIST CLASS F, P, Q WEIGHTS		
14	UNDER 50 LBS.	\$ 4.00 each	\$ 10.00 each
15	50 LBS.	5.00 each	12.00 each
16	OVER 50 LBS.	15.00 each	20.00 each
17			
18	ANSI/ASTM CLASS 1, 1.1, 2, 3,		
19	AND NIST CLASS S, S-1 WEIGHTS	20.00 each	30.00 each
20			
21	LENGTH STANDARDS/TAPES	1.00/foot (\$25.00 minimum)	
22			
23	ALL OTHER TESTS NOT LISTED	45.00/hour (\$25.00 minimum)	

24
25 Testing and certification services for out-of-state entities shall be
26 performed at twice the normal fee.

27
28 For devices not presented for calibration, testing, and adjustments by the
29 scheduled service date, a penalty of an additional ten percent (10%) shall be
30 charged for those presented during the first thirty (30) days thereafter. For
31 those not presented within thirty (30) days after the scheduled date, a
32 penalty of an additional one hundred percent (100%) shall be charged.

33
34 SECTION 2. (a) Except as provided in subsection (c) of this section,
35 there is established a petroleum testing fee to be paid at the rate of one

1 dollar (\$1.00) per each one thousand (1,000) gallons of motor fuel or
2 distillate special fuel purchased or imported into this state.

3 (b) The fee shall be paid by the first distributor or supplier
4 receiving fuel from a terminal in this state, or, if the fuel will never be
5 stored in a terminal in this state, then by the distributor or supplier who
6 first imports fuel into this state by tank truck.

7 (c) Exchanges of fuels on a gallon-for-gallon basis within a terminal
8 or fuels exported from this state are exempt from the fee.

9 (d) Proof of payment shall be provided to the owner or operator.

10 (e) The fee shall be remitted to the director of the Department of
11 Finance and Administration at the time, in the manner, and on forms prescribed
12 by the director.

13 (f) Fifty percent (50%) of the fees collected under this section shall
14 be deposited into the Bureau of Standards Fund and the remaining fifty percent
15 (50%) shall be deposited into the Petroleum Storage Tank Trust Fund.

16 (g) All fees shall be subject to collection and enforcement of
17 collection under the Arkansas Tax Procedures Act, §26-19-101 et seq.

18

19 SECTION 3. (a) Motor fuel and distillate special fuel which is
20 consumed in the performance of construction contracts shall be exempt from any
21 additional fees levied by this act when the construction contract for which
22 the property was purchased is entered into prior to the effective date of this
23 act.

24 (b) For the purposes of this act "construction contract" means a
25 contract to construct, manage or supervise the construction, erection, or
26 substantial modification of a building or other improvement or structure
27 affixed to real property. The term "construction contract" shall not mean
28 contract to produce tangible personal property.

29 (c) This exemption shall apply to motor fuel or distillate special fuel
30 purchased prior to January 1, 1999. This exemption shall not apply to cost
31 plus contracts which allow the contractor to pass any additional fee onto the
32 principal as a part of the contractor's costs.

33

34 SECTION 4. The Bureau of Standards shall annually conduct a random
35 audit of at least twenty-five percent (25%) of all commercial weighing scales

1 and gasoline, kerosene, and diesel pumps in this state.

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3 SECTION 5. The fees prescribed by this act shall expire on July 1, 1995
4 and shall not thereafter be assessed or collected.

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6 SECTION 6. A.C.A. 4-18-223 is hereby repealed.

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8 SECTION 7. There is hereby created on the books of the Chief Fiscal
9 Officer of the state and those of the State Treasurer a fund to be known as
10 the "Bureau of Standards Fund". Such fund shall be used for the maintenance,
11 operations and improvement of the Arkansas Bureau of Standards in carrying out
12 its functions, powers and duties as set out by law and by rule and regulation
13 not inconsistent with law. Such fund shall consist of:

14 (1) Fees and assessments that are designated by regulations of the
15 Arkansas Bureau of Standards, or its successor.

16 (2) Monies transferred from the State General Services Fund Account as
17 may be provided for the maintenance, support, operation and improvement of the
18 Bureau of Standards.

19

20 SECTION 8. The Bureau of Standards is hereby authorized to promulgate
21 such rules and regulations necessary to administer the fees, rates, tolls, or
22 charges for services established by this act and is directed to prescribe and
23 collect such fees, rates, tolls, or charges for the services delivered by the
24 Bureau of Standards in such manner as may be necessary to support the programs
25 of the Bureau as directed by the Governor and Legislature.

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27 SECTION 9. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized
28 by this act shall be limited to the appropriation for such agency and funds
29 made available by law for the support of such appropriations; and the
30 restrictions of the State Purchasing Law, the General Accounting and Budgetary
31 Procedures Law, the Revenue Stabilization Law, the Regular Salary Procedures
32 and Restrictions Act, or their successors, and other fiscal control laws of
33 this state, where applicable, and regulations promulgated by the Department of
34 Finance and Administration, as authorized by law, shall be strictly complied
35 with in disbursement of said funds.

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SECTION 10. LEGISLATIVE INTENT. It is the intent of the General Assembly that any funds disbursed under the authority of the appropriations contained in this act shall be in compliance with the stated reasons for which this act was adopted, as evidenced by the Agency Requests, Executive Recommendations and Legislative Recommendations contained in the budget manuals prepared by the Department of Finance and Administration, letters, or summarized oral testimony in the official minutes of the Arkansas Legislative Council or Joint Budget Committee which relate to its passage and adoption.

SECTION 11. All provisions of this act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 12. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

SECTION 13. All laws and parts of laws in conflict with this act are hereby repealed.

SECTION 14. EMERGENCY. It is hereby found and determined by the General Assembly that the provisions of this act are of critical importance to the state's ability to continue the duties, responsibilities, and functions of the Arkansas Bureau of Standards. Therefore, an emergency is hereby declared to exist and this act being necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval.

/s/Thomas G. Baker, et al

As Engrossed: 3/8/93 3/30/93 4/1/93 4/6/93 4/7/93

HB 1682

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