

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**
4 **By: Senator Todd**

A Bill

SENATE BILL 540

For An Act To Be Entitled

"AN ACT TO PROVIDE FOR THE OPERATION OF THE ARKANSAS
BUREAU OF STANDARDS; AND FOR OTHER PURPOSES."

Subtitle

"TO PROVIDE FOR THE OPERATION OF THE ARKANSAS BUREAU OF
STANDARDS."

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

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

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

CATEGORY	FEE
LIQUEFIED PETROLEUM GAS METER	\$ 50.00
SCALES (LESS THAN 100 LBS.)	5.00
SCALES (100, BUT LESS THAN 2,000 LBS.)	75.00
SCALES (2,000 LBS. AND OVER)	150.00
GRAIN MOISTURE METER	30.00

For each annual registration or license fee that is not received by the July 1 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:

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

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

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.

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.

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19 SECTION 3. The Bureau of Standards shall annually conduct a random
20 audit of at least twenty-five percent (25%) of all commercial weighing scales
21 and gasoline, kerosene, and diesel pumps in this state.

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

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26 SECTION 5. A.C.A. 4-18-223 is hereby repealed.

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28 SECTION 6. There is hereby created on the books of the Chief Fiscal
29 Officer of the state and those of the State Treasurer a fund to be known as
30 the "Bureau of Standards Fund". Such fund shall be used for the maintenance,
31 operations and improvement of the Arkansas Bureau of Standards in carrying out
32 its functions, powers and duties as set out by law and by rule and regulation
33 not inconsistent with law. Such fund shall consist of:

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

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

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5 SECTION 7. The Bureau of Standards is hereby authorized to promulgate
6 such rules and regulations necessary to administer the fees, rates, tolls, or
7 charges for services established by this act and is directed to prescribe and
8 collect such fees, rates, tolls, or charges for the services delivered by the
9 Bureau of Standards in such manner as may be necessary to support the programs
10 of the Bureau as directed by the Governor and Legislature.

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12 SECTION 8. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized
13 by this act shall be limited to the appropriation for such agency and funds
14 made available by law for the support of such appropriations; and the
15 restrictions of the State Purchasing Law, the General Accounting and Budgetary
16 Procedures Law, the Revenue Stabilization Law, the Regular Salary Procedures
17 and Restrictions Act, or their successors, and other fiscal control laws of
18 this state, where applicable, and regulations promulgated by the Department of
19 Finance and Administration, as authorized by law, shall be strictly complied
20 with in disbursement of said funds.

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22 SECTION 9. LEGISLATIVE INTENT. It is the intent of the General
23 Assembly that any funds disbursed under the authority of the appropriations
24 contained in this act shall be in compliance with the stated reasons for which
25 this act was adopted, as evidenced by the Agency Requests, Executive
26 Recommendations and Legislative Recommendations contained in the budget
27 manuals prepared by the Department of Finance and Administration, letters, or
28 summarized oral testimony in the official minutes of the Arkansas Legislative
29 Council or Joint Budget Committee which relate to its passage and adoption.

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31 SECTION 10. All provisions of this act of a general and permanent
32 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
33 Code Revision Commission shall incorporate the same in the Code.

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35 SECTION 11. If any provision of this act or the application thereof to

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

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6 SECTION 12. All laws and parts of laws in conflict with this act are
7 hereby repealed.

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9 SECTION 13. EMERGENCY. It is hereby found and determined by the
10 General Assembly that the provisions of this act are of critical importance to
11 the state_s ability to continue the duties, responsibilities, and functions of
12 the Arkansas Bureau of Standards. Therefore, an emergency is hereby declared
13 to exist and this act being necessary for the preservation of the public
14 peace, health and safety shall be in full force and effect from and after its
15 passage and approval.

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/s/ Senator Todd

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