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SENATE BILL NO. 131

INTRODUCED BY Keating Wang Carlson Cobb

Heckler Grubbe Jergeson BY REQUEST OF THE LEGISLATIVE AUDIT COMMITTEE Nelson

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE DISTRIBUTION OF THE CUSTOM COMBINER'S SPECIAL PERMIT FEE; REQUIRING THAT THE FEE MUST BE DEPOSITED IN THE STATE GENERAL FUND; AMENDING SECTION 61-30-130, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 61-10-130, MCA, is amended to read:

"61-10-130. Custom combiner's special permit -- fee -- collection -- ~~distribution~~ -- not transferable. (1) In lieu of the taxes required by 15-24-301 and in lieu of motor vehicle license fees, gross vehicle weight fees, and overweight, overlength, and overheight permits provided for in Title 61, a nonresident engaged in the business of custom combining who brings equipment into the state may pay a special permit fee of \$40 per unit. A unit ~~shall~~ must include:

- (a) one truck suitable for hauling grain;
- (b) one header trailer or one combine trailer; and
- (c) pickup trucks and all other equipment, except combines, used by a nonresident and brought into the state ~~as part of his~~ for the business of custom combining.

(2) In lieu of gross vehicle weight fees and overweight, overlength, and overheight permits, Montana residents engaged in the business of custom combining may pay the annual farm gross vehicle weight fees and a special permit fee of \$20 per unit. A unit includes:

- (a) one truck suitable for hauling grain;
- (b) one header trailer or one combine trailer; and
- (c) pickup trucks used by the resident ~~in his~~ for the business of custom combining.

(3) When used to transport agricultural products, a truck authorized to be used under a custom combiner's special permit may be operated only within a 50-mile radius from the harvested field to the point of first unloading. The truck may not haul agricultural products from one commercial elevator to another commercial elevator. The truck may be operated on any highway, except a highway that is part of the



1 federal-aid interstate system, without incurring excess weight penalties under 61-10-145 if the total gross
 2 weight of the truck does not exceed allowable weight limitations by more than 20% per axle and the
 3 maximum load per inch of tire width does not exceed 670 pounds. The truck may not be operated in
 4 excess of 40 miles per hour. No trip permit is required. If the truck exceeds the tolerance provided under
 5 this subsection, the fine or penalty imposed applies to all weight over the legal limit allowed by 61-10-107.

6 (4) A combine trailer authorized to be used under ~~subsections~~ subsection (1)(b) or (2)(b) may be
 7 operated under the same limitations and until July 1, 1991, may be operated within the same tolerances
 8 granted trucks under subsection (3), except that the 50-mile limitation does not apply and the combine
 9 trailer may be used upon any highway of the state, including a highway that is part of the federal-aid
 10 interstate system. If the combine trailer exceeds the tolerance provided under subsection (3), the fine or
 11 penalty imposed applies to all weight over the legal limit allowed by 61-10-107.

12 (5) The fee required by this section must be collected by the department of transportation. Upon
 13 payment of the fee, the department of transportation ~~must~~ shall provide an identifying device to be
 14 displayed on each truck, header trailer, or combine trailer and other equipment used by the nonresident or
 15 resident in ~~his~~ the business of custom combining in the state, ~~which~~ The device is valid for the calendar
 16 year in which the fee is collected.

17 (6) All fees collected under this section must be ~~distributed~~ deposited in the state general fund not
 18 later than January 31 immediately following the period of license ~~as follows: 62 1/2% to the county general~~
 19 ~~fund in the county in which the permittee declares the greatest amount of time will be spent to operate,~~
 20 ~~37 1/2% to the state special revenue fund for the department of transportation.~~

21 (7) The identifying devices and fee paid for each unit are not transferable from one vehicle to
 22 another or transferable on the sale or change of ownership.

23 (8) The department of transportation may adopt rules, as provided in Title 2, chapter 4, to
 24 implement the provisions of this section."

25

26 **NEW SECTION. Section 2. Effective date.** [This act] is effective on passage and approval.

27

-END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for SB0131, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

An act revising the distribution of the custom combiner's special permit fee; requiring that the fee must be deposited in the state general fund.

ASSUMPTIONS:

1. There would be 655 custom combine permits issued in each fiscal year, based on the number of permits issued in FY94.
2. Current collections are distributed 62.5% to counties and 37.5% to the highway special revenue account.

FISCAL IMPACT:

<u>Revenues:</u>	<u>FY96</u>	<u>FY97</u>
	<u>Difference</u>	<u>Difference</u>
General Fund (01)	\$26,200	\$26,200
Highway Special Revenues (02)	(\$9,825)	(\$9,825)

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

County revenues would decrease by approximately \$16,375 per fiscal year.

David Lewis 1-18-95
DAVID LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

Keating 4/13/95
TOM KEATING, PRIMARY SPONSOR DATE
Fiscal Note for SB0131, as introduced

SB 131