



GOVERNOR'S OFFICE OF  
BUDGET AND PROGRAM PLANNING

## Fiscal Note 2015 Biennium

**Bill #** HB0157

**Title:** Allow split-weighting of commodities in transit

**Primary Sponsor:** Connell, Pat

**Status:** As Introduced

- Significant Local Gov Impact     
 Needs to be included in HB 2     
 Technical Concerns  
 Included in the Executive Budget     
 Significant Long-Term Impacts     
 Dedicated Revenue Form Attached

### FISCAL SUMMARY

	<u>FY 2014 Difference</u>	<u>FY 2015 Difference</u>	<u>FY 2016 Difference</u>	<u>FY 2017 Difference</u>
<b>Expenditures:</b>				
State Special Revenue	\$0	\$0	\$0	\$0
<b>Revenue:</b>				
State Special Revenue	\$0	\$0	\$0	\$0
<b>Net Impact-General Fund Balance:</b>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

**Description of fiscal impact:** This bill requires the department to bear the cost of adopting rules to implement and administer split weighing of commodities. There is a minimal amount of fiscal impact that could be absorbed into the bureau's budget.

### FISCAL ANALYSIS

**Assumptions:**

1. The Bureau of Weights and Measures (BWOM) will adopt rules to enforce the requirements of the legislation.
2. The BWOM is funded with state special revenue. The cost for the rule publication from the Secretary of State and notification of interested parties should be minimal and able to be absorbed into the bureau's present spending authority.

**Technical Notes:**

1. 30-12-206, MCA, requires the department to investigate all complaints, but those involving split weighing will be very difficult to resolve. It is not uncommon for a buyer or seller to “check weigh” a load on two different scales, and when this results in a disputed weight, the standard procedure is to test the scales with test weights and apply the tolerances specified in the adopted NIST Handbook 44, Specifications and Tolerances for Weighing and Measuring Devices. However, it is possible that results from split weighing may vary up to 1,000 pounds or more from weighing on a scale where the entire vehicle (tractor, trailer, pups, etc.) rests on the scale platform.
2. A split weight result cannot easily be duplicated because a weight derived by this method can be influenced by many factors. Therefore, it may be that both scales involved in a dispute test would be within the allowable tolerance despite a significant difference in the results. In this case, both scales will have to be declared as approved scales.

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*Sponsor's Initials*

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*Date*

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*Budget Director's Initials*

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*Date*