



AN ACT REVISING CERTAIN AGRICULTURAL CIVIL PENALTY AND ASSESSMENT LAWS; CREATING A CIVIL PENALTY FOR A VIOLATION OF CERTAIN AGRICULTURAL MARKETING AND TRANSPORTATION LAWS; PROVIDING A CIVIL PENALTY FOR VIOLATIONS OF WHEAT AND BARLEY LAWS; REVISING THE PULSE CROP COMMODITY ASSESSMENT; PROVIDING A CIVIL PENALTY FOR VIOLATIONS OF PULSE CROP LAWS; AMENDING SECTIONS 80-11-211, 80-11-1004, AND 80-11-1008, MCA; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. Section 80-11-211, MCA, is amended to read:

"80-11-211. Violation -- penalty. (1) Any person violating any of the provisions of this part shall be guilty of a misdemeanor and shall upon conviction be fined not less than \$25 or more than \$500 is subject to an administrative civil penalty of not more than \$5,000 for each monthly report not filed but required by administrative rule.

(2) The department shall establish by rule a penalty matrix that schedules the types of penalties, the amounts for initial and subsequent offenses, and other matters necessary for the administration of civil penalties under this section. The issuance of a civil penalty is subject to the contested case procedures of Title 2, chapter 4, part 6. The department shall adopt the rules within 3 months of [the effective date of this act]. The department may not enforce the penalties provided for in this section until the rules are adopted.

(3) Funds received in the form of civil penalties must be deposited in the general fund."

Section 2. Section 80-11-1004, MCA, is amended to read:

"80-11-1004. Pulse crop commodity assessment -- collection. (1) There is an assessment on pulse crops grown, delivered, and stored as established by the committee by rule in accordance with this section.

(2) The assessment must be at least 1% and no more than 2% of the net receipts of pulse crops produced grown, delivered, and stored in Montana.

(3) The assessment shall occur at the time of first sale by a producer and must be collected by the first purchaser of the commodity from the producer. The amount must be assessed at the time of each settlement for the commodity purchased or by invoice form provided by the department.

(4) The department shall collect the assessment and deposit the revenue in the pulse crop special revenue account provided for in 80-11-1006."

Section 3. Section 80-11-1008, MCA, is amended to read:

"80-11-1008. Violation -- penalty. (1) A person violating a provision of this part is ~~guilty of a misdemeanor and upon conviction shall be fined not less than \$25 or more than \$500~~ subject to an administrative civil penalty of not more than \$5,000 for each monthly statement not filed but required by administrative rule.

(2) The department shall establish by rule a penalty matrix that schedules the types of penalties, the amounts for initial and subsequent offenses, and other matters necessary for the administration of civil penalties under this section. The issuance of a civil penalty is subject to the contested case procedures of Title 2, chapter 4, part 6. The department shall adopt the rules within 3 months of [the effective date of this act]. The department may not enforce the penalties provided for in this section until the rules are adopted.

(3) Funds received in the form of civil penalties must be deposited in the general fund."

Section 4. Effective date. [This act] is effective July 1, 2019.

- END -

I hereby certify that the within bill,
HB 0102, originated in the House.

Speaker of the House

Signed this _____ day
of _____, 2019.

Chief Clerk of the House

President of the Senate

Signed this _____ day
of _____, 2019.

HOUSE BILL NO. 102
INTRODUCED BY G. PIERSON
BY REQUEST OF THE DEPARTMENT OF AGRICULTURE

AN ACT REVISING CERTAIN AGRICULTURAL CIVIL PENALTY AND ASSESSMENT LAWS; CREATING A CIVIL PENALTY FOR A VIOLATION OF CERTAIN AGRICULTURAL MARKETING AND TRANSPORTATION LAWS; PROVIDING A CIVIL PENALTY FOR VIOLATIONS OF WHEAT AND BARLEY LAWS; REVISING THE PULSE CROP COMMODITY ASSESSMENT; PROVIDING A CIVIL PENALTY FOR VIOLATIONS OF PULSE CROP LAWS; AMENDING SECTIONS 80-11-211, 80-11-1004, AND 80-11-1008, MCA; AND PROVIDING AN EFFECTIVE DATE.