

1 SENATE BILL NO. 285

2 INTRODUCED BY M. LANG

3

4 A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING THE MONTANA PULSE CROP COMMITTEE;
5 ESTABLISHING MEMBERSHIP REQUIREMENTS; ESTABLISHING COMMITTEE DUTIES; PROVIDING FOR
6 A PULSE CROP ASSESSMENT; CREATING A SPECIAL REVENUE ACCOUNT; PROVIDING DEFINITIONS;
7 PROVIDING RULEMAKING AUTHORITY; AND PROVIDING AN EFFECTIVE DATE."

8

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

10

11 NEW SECTION. **Section 1. Montana pulse crop committee.** (1) There is a Montana pulse crop
12 committee.

13 (2) The committee consists of five voting members and three ex officio nonvoting members who are
14 actively involved in the production, research, or marketing of pulse crops.

15 (3) The governor shall appoint:

16 (a) two members from an eastern district consisting of Carter, Custer, Daniels, Dawson, Fallon, Garfield,
17 McCone, Powder River, Prairie, Richland, Roosevelt, Rosebud, Sheridan, Valley, and Wibaux Counties;

18 (b) one member from a western district consisting of the remaining counties of the state; and

19 (c) two at-large members, who may be from either district.

20 (4) The ex officio members are:

21 (a) the director of the department of agriculture;

22 (b) the dean of agriculture of Montana state university-Bozeman; and

23 (c) a representative of the pulse industry who is appointed by the governor and operates a collection
24 facility that purchases pulses in Montana.

25 (5) (a) The U.S.A. dry pea and lentil council, the northern pulse growers association, the Montana grain
26 growers association, and the Montana farm bureau federation may submit to the governor a list of nominees for
27 appointment not more than 90 days or less than 30 days before the expiration of a member's term.

28 (b) Appointments must be made from the individuals nominated. If too few individuals are nominated to
29 fill the available positions, the governor may appoint any pulse producer from the district where the vacancy
30 exists.

1 (6) The appointed members shall serve staggered terms of 3 years that expire on June 30. A member
2 may not serve more than three consecutive 3-year terms.

3 (7) Each appointed member must be a Montana resident, derive a substantial portion of the member's
4 income from growing pulse crops in the state, and have a farming operation in the district from which the member
5 was appointed.

6 (8) A member may be removed by the governor, after a full public hearing before the governor, for
7 malfeasance, misfeasance, or neglect of duty. Removal proceedings may not be started except upon written
8 charges duly verified by the governor. The member must be given a copy of the written charges at least 10 days
9 in advance of the hearing. At the hearing, the member may be represented by an attorney and may present
10 witnesses on the member's behalf.

11 (9) A member who no longer resides in the state or in the district from which the member was appointed
12 or who no longer grows pulse crops in the state or district is disqualified from membership, and the office
13 becomes vacant. A member's refusal to recognize the member's disqualification is cause for removal.

14 (10) The committee is allocated to the department for administrative purposes only as provided in
15 2-15-121.

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17 **NEW SECTION. Section 2. Definitions.** As used in [sections 2 through 9], the following definitions
18 apply:

19 (1) "Committee" means the Montana pulse crop committee provided for in [section 1].

20 (2) "Department" means the department of agriculture provided for in 2-15-3001.

21 (3) "Net receipts" means the net weight multiplied by the price paid to the producer.

22 (4) "Producer" means a person or landowner who is personally engaged in growing or producing pulse
23 crops, a tenant of the landowner who is personally engaged in growing or producing pulse crops, or both the
24 landowner and the tenant jointly. The term includes a person, partnership, association, corporation, cooperative,
25 trust, sharecropper, and all other business units, devices, and arrangements.

26 (5) "Pulse crops" means dry peas, lentils, chickpeas, and fava beans.

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28 **NEW SECTION. Section 3. Pulse crop committee -- officers -- meetings -- reimbursement.** (1) The
29 members of the committee shall elect a presiding officer from among the committee members. The presiding
30 officer serves a 1-year term.

1 (2) The committee shall meet at least once a year and at other times as called by the presiding officer
2 or by any three voting members of the committee.

3 (3) Committee members may not receive a salary but are entitled to compensation as provided
4 in 2-15-122 for each day they are engaged in the transaction of official business. Members must be reimbursed
5 as provided in 2-18-501 through 2-18-503 for travel expenses incurred while on official business.

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7 NEW SECTION. **Section 4. Powers of committee.** The committee:

8 (1) may plan and conduct a research program to improve the quality of pulse crops, develop and improve
9 control measures for disease and pests that attack pulse crops, and disseminate information among the growers
10 and dealers of the state;

11 (2) may plan and conduct a publicity and sales promotion campaign to increase the sale and use of
12 Montana pulse crops;

13 (3) may cooperate with a local, state, or national organization or agency, whether voluntary or created
14 by the law of a state or the United States government, engaged in similar work or activities to carry out a joint
15 campaign of research, education, product protection, publicity, and reciprocal enforcement of the objectives of
16 [sections 2 through 9];

17 (4) may enter into contracts and other agreements to carry out the purposes of this section;

18 (5) shall have final authority on the use and distribution of money from the pulse crop special revenue
19 account provided for in [section 7];

20 (6) may provide, through the department, for the administration and enforcement of [sections 2 through
21 9];

22 (7) may recommend rules and orders to be adopted for the exercise of its powers and the performance
23 of its duties, in accordance with the Montana Administrative Procedure Act;

24 (8) may authorize the purchase of office equipment or supplies and incur all other reasonable and
25 necessary expenses and obligations required to carry out the provisions of [sections 2 through 9];

26 (9) may become a member of and purchase membership in trade organizations and subscribe to and
27 purchase trade bulletins, journals, and other trade publications; and

28 (10) may, in cooperation with the director of the department, establish and maintain the executive offices
29 of the committee at any location in the state. The location may be changed at the discretion of the director and
30 the committee.

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2 **NEW SECTION. Section 5. Pulse crop commodity assessment -- collection.** (1) There is an
3 assessment on pulse crops as established by the committee by rule in accordance with this section.

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

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

9 (4) The department shall collect the assessment and deposit the revenue in the pulse crop special
10 revenue account provided for in [section 7].

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12 **NEW SECTION. Section 6. Refund of assessment.** (1) A producer who has paid assessments to the
13 department may request that the department refund all or a portion of the assessment levied under the rules of
14 the committee and paid by the producer. A refund request must be submitted in writing on an application form
15 that is available without cost to all producers who pay assessments.

16 (2) The producer shall complete the refund application and return the application to the department,
17 together with a record of the assessment collected, within 90 days after the date of the assessment or final
18 settlement.

19 (3) If a refund request is not submitted to the department within the prescribed time period, the producer
20 is presumed to have agreed to the assessment.

21 (4) A producer is not entitled to a refund under this section unless the refundable amount is \$5 or more.

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23 **NEW SECTION. Section 7. Pulse crop account -- sources -- use -- expenditures.** (1) There is a
24 pulse crop account in the state special revenue fund to the credit of the department for use as provided in this
25 section.

26 (2) The account consists of:

27 (a) proceeds from assessments collected pursuant to [section 5]; and

28 (b) gifts, grants, and donations to the department for research authorized under [sections 2 through 9].

29 (3) Money in the account must be used for the purposes of [sections 2 through 9] and is separate from
30 all other accounts of the department.

1 (4) The department may direct the board of investments to invest funds from the account pursuant to
2 the provisions of the unified investment program for state funds. The income from the investments must be
3 credited to the pulse crop account.

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5 **NEW SECTION. Section 8. Department activities -- bonding of employees -- assessment of costs.**

6 (1) Department employees who handle assessments or other receipts must be bonded for the faithful and safe
7 handling of and accounting for the receipts while in their hands and for faithful compliance with [sections 2
8 through 9].

9 (2) The committee may be assessed costs by the department for the services it provides on request or
10 pursuant to 2-15-121. The costs charged must have a substantial relationship to the costs of services provided.

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12 **NEW SECTION. Section 9. Violation -- penalty.** A person violating a provision of [sections 2 through
13 9] is guilty of a misdemeanor and upon conviction shall be fined not less than \$25 or more than \$500.

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15 **NEW SECTION. Section 10. Transition -- direction to governor and department.** (1) Members who
16 were serving on the pulse crop advisory committee created pursuant to ARM 4.6.401 on February 8, 2017, shall
17 serve as the voting members of the Montana pulse crop committee provided for in [section 1] for fiscal year 2018.
18 The term of the ex officio member appointed by the governor begins as of the date of appointment.

19 (2) Ex officio members not appointed by the governor shall begin serving as of July 1, 2017.

20 (3) The governor shall appoint the members as required by [section 1] for terms beginning in fiscal year
21 2019.

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23 **NEW SECTION. Section 11. Codification instruction.** (1) [Section 1] is intended to be codified as an
24 integral part of Title 2, chapter 15, part 30, and the provisions of Title 2, chapter 15, part 30, apply to [section 1].

25 (2) [Sections 2 through 9] are intended to be codified as an integral part of Title 80, and the provisions
26 of Title 80 apply to [sections 2 through 9].

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28 **NEW SECTION. Section 12. Effective date.** [This act] is effective July 1, 2017.

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