

1 SENATE BILL NO. 300

2 INTRODUCED BY B. HAMLETT

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4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR THE SELECTION OF MEMBERS OF THE WHEAT
5 AND BARLEY COMMITTEE; ESTABLISHING PROCEDURES FOR SELECTION; ESTABLISHING NOTICE
6 REQUIREMENTS; AND AMENDING SECTION 2-15-3002, MCA."

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

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10 **Section 1.** Section 2-15-3002, MCA, is amended to read:11 **"2-15-3002. Montana wheat and barley committee.** (1) There is a Montana wheat and barley
12 committee.13 (2) The committee consists of seven members selected from each of seven multicounty districts and
14 three ex officio, nonvoting members.15 (3) ~~The governor shall appoint one~~ One member must be selected from each of the following districts
16 pursuant to the procedures provided for in [section 2]:

17 (a) District I, consisting of Daniels, Sheridan, and Roosevelt Counties;

18 (b) District II, consisting of Valley, Phillips, Blaine, and Hill Counties;

19 (c) District III, consisting of Liberty, Toole, Glacier, and Pondera Counties;

20 (d) District IV, consisting of Chouteau and Teton Counties;

21 (e) District V, consisting of Lewis and Clark, Cascade, Judith Basin, Fergus, Petroleum, Meagher,
22 Broadwater, Wheatland, Golden Valley, and Musselshell Counties;23 (f) District VI, consisting of Big Horn, Yellowstone, Stillwater, Carbon, Sweet Grass, Park, Gallatin,
24 Madison, Jefferson, Silver Bow, Beaverhead, and all counties west of the continental divide; and25 (g) District VII, consisting of Garfield, McCone, Rosebud, Richland, Dawson, Wibaux, Prairie, Carter,
26 Custer, Fallon, Powder River, and Treasure Counties.

27 (4) The ex officio members are:

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

29 (b) the dean of agriculture of Montana state university-Bozeman; and30 (c) a representative of the grain trade in Montana elected by a majority of the ~~appointed~~ members

1 selected from the districts.

2 (5) Each of the ~~appointed~~ district members must be a citizen of Montana, derive a substantial portion
3 of the member's income from growing wheat or barley in this state, and be a resident of and have farming
4 operations in the district from which ~~appointed~~ selected. ~~No more than four of the appointed members may be~~
5 ~~of the same political party.~~

6 ~~(6) A list of nominees for appointment may be submitted to the governor by the Montana farmers union,~~
7 ~~Montana farm bureau, Montana grange, Montana women involved in farm economics, and the Montana grain~~
8 ~~growers association. Names of nominees must be submitted not more than 90 days but not less than 30 days~~
9 ~~before the expiration of a member's term.~~

10 ~~(7)(6)~~ The ~~appointed~~ district members shall serve staggered terms of ~~3~~ 4 years. A district member may
11 not serve more than ~~three~~ two consecutive ~~3-year~~ terms.

12 ~~(8)(7)~~ A district member may be removed by the ~~governor~~ committee, after a full public hearing ~~before~~
13 ~~the governor of the committee~~, for malfeasance, misfeasance, or neglect of duty. Removal proceedings may not
14 be started except upon duly verified written charges. The member must be given a copy of the written charges
15 at least 10 days in advance of the hearing. At the hearing, the member may be represented by an attorney and
16 may present witnesses on the member's behalf.

17 ~~(9)(8)~~ A member who ceases to reside in the state or in the district from which the member was
18 ~~appointed~~ selected or who ceases to grow wheat or barley in the state or district is disqualified from membership,
19 and the office becomes vacant. If the member refuses to recognize the member's disqualification, the refusal is
20 cause for removal.

21 ~~(4)(9)~~ The committee is allocated to the department for administrative purposes only as provided in
22 2-15-121."

23
24 **NEW SECTION. Section 2. Selection of wheat and barley committee members.** (1) Members of the
25 committee must be selected through a procedure in which each county within a district selects a representative
26 who, with representatives from the other counties in the district, subsequently selects a district representative
27 from among the county representatives.

28 (2) (a) At least 60 days before the expiration of a committee member's term, a public meeting open to
29 all growers must be held in each county in the member's district to select a county representative who meets the
30 requirements of 2-15-3002. Selection must be by ballot using a process established by the committee by rule.

1 (b) Notice of the meeting must be published in a newspaper of general circulation in the county for 2
2 consecutive weeks. The final publication may not be less than 5 days or more than 10 days before the meeting.

3 (3) A grower who takes part in the selection process in a county must reside in that county.

4 (4) (a) At least 30 days before the expiration of a committee member's term, the county representatives
5 of the district shall hold a public meeting to select one of the representatives as the person to serve on the
6 committee from the district.

7 (b) Notice of the meeting must be:

8 (i) sent to each county representative by certified mail at least 5 days before the meeting; and

9 (ii) published in a newspaper of general circulation in the district for 2 consecutive weeks. The final
10 publication may not be less than 5 days or more than 10 days before the meeting is held.

11 (c) The meeting must be held at a central location within the district as established by the committee by
12 rule.

13 (5) Except as provided in subsection (7), the term of a selected member begins on September 1 following
14 the date of the member's selection and continues until the member's successor is selected.

15 (6) The terms of members selected pursuant to this section must be staggered so that no more than two
16 terms expire each year.

17 (7) If a vacancy occurs on the committee pursuant to the provisions of 2-15-3002, the county
18 representatives for the district in which the vacancy occurs shall select one of the representatives from the district
19 to fill the remainder of the term. The service is not counted as a term for the purposes of 2-15-3002.

20 (8) The committee shall pay the costs of conducting the meetings required to select county
21 representatives and district members, including the costs of publishing the required notices.

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23 **NEW SECTION. Section 3. Transition.** (1) The selection process provided for in [section 2] must be
24 used to fill the vacancies created by the expiration of an appointed member's term beginning with the members
25 whose terms expire in 2012.

26 (2) (a) To facilitate the transition to staggered 4-year terms, one of the three committee members
27 selected in 2012 shall serve a 3-year term. The member from that district shall serve a 4-year term for all
28 subsequent terms.

29 (b) The committee shall designate the district for which the 3-year term applies in 2012.
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