

1 *House* BILL NO. *574* *Undulal*  
 2 INTRODUCED BY *Manuel Murphy Henderson Fleming*  
 3 *Kropp* *Kummerfeldt* *John Thompson*  
 4 *Johnson* *Green* *Hagman*  
 A BILL FOR AN ACT ENTITLED: "AN ACT ADDING BARLEY TO THE

5 WHEAT RESEARCH AND MARKETING PROGRAM; CHANGING THE NAME OF  
 6 THE WHEAT RESEARCH AND MARKETING COMMITTEE AND ACCOUNT TO  
 7 THE GRAIN RESEARCH AND MARKETING COMMITTEE AND ACCOUNT TO  
 8 REFLECT THE ADDITION OF BARLEY RESEARCH AND MARKETING;  
 9 AMENDING SECTIONS 3-2902, 3-2904, 3-2906, 3-2909, 3-2911,  
 10 3-2913, 3-2917, AND 82A-304, R.C.M. 1947."

11  
 12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

13 Section 1. Section 3-2902, R.C.M. 1947, is amended to  
 14 read as follows:

15 "3-2902. Declaration of policy. In the presence of the  
 16 facts that wheat is the principal grain crop produced in  
 17 Montana, and as such is an agricultural resource of the  
 18 first magnitude in the economy of the inhabitants of  
 19 Montana, a prime factor in the production of wealth and the  
 20 development and stabilization of property values and of  
 21 activities and enterprises which are bases and sources of  
 22 important contributions by taxation to the public revenues,  
 23 and that Montana wheat is a commodity which enters a world  
 24 market highly competitive in character, and that barley is  
 25 also an important crop, it is hereby declared to be the

1 public policy of the state of Montana to protect and foster  
 2 the health, prosperity and general welfare of its people by  
 3 encouraging and promoting intensive, scientific and  
 4 practical research into all phases of wheat and barley  
 5 culture and production, marketing and use and into the  
 6 development of markets for wheat and barley grown in Montana  
 7 by the department of agriculture."

8 Section 2. Section 3-2904, R.C.M. 1947, is amended to  
 9 read as follows:

10 "3-2904. Definitions. As used in this act, unless the  
 11 context requires otherwise:

12 (1) "Committee" means the Montana wheat grain research  
 13 and marketing committee provided for in section 82A-304;

14 (2) "Grower" means any landowner personally engaged in  
 15 growing wheat or barley, a tenant of the landowner  
 16 personally engaged in growing wheat or barley, or both the  
 17 owner and the tenant jointly; and includes a person,  
 18 partnership, association, corporation, co-operative, trust,  
 19 sharecropper, and any and all other business units, devices,  
 20 and arrangements;

21 (3) "First purchaser" means any person, public or  
 22 private corporation, association, or partnership, buying,  
 23 accepting for shipment, or otherwise acquiring the property  
 24 in or to wheat or barley from a grower, and shall include a  
 25 mortgagee, pledgee, lienor, or other person, public or

1 private, having a claim against the grower, where the actual  
2 or constructive possession of such wheat or barley is taken  
3 as part payment or in satisfaction of such mortgage, pledge,  
4 lien, or claim;

5 (4) "Commercial channels" means the sale of wheat or  
6 barley for any use, when sold to any commercial buyer,  
7 dealer, processor, co-operative, or to any person, public or  
8 private, who resells any wheat or barley or product produced  
9 from wheat or barley; and

10 (5) "Sale" includes any pledge or mortgage of wheat or  
11 barley, after harvest, to any person, public or private."

12 Section 3. Section 3-2906, R.C.M. 1947, is amended to  
13 read as follows:

14 "3-2906. Compensation -- per diem. Members of the  
15 committee shall receive no salary, but shall be paid, from  
16 the wheat grain research and marketing account in the  
17 federal and private revenue fund, a per diem of ~~twenty~~  
18 twenty-five dollars ~~(\$20)~~ (\$25) for each day they are  
19 engaged in the transaction of official business, together  
20 with their actual and necessary expenses incurred while on  
21 official business."

22 Section 4. Section 3-2909, R.C.M. 1947, is amended to  
23 read as follows:

24 "3-2909. Powers of the committee. (1) The  
25 committee may:

1 (a) Adopt rules necessary for the administration of  
2 this act;

3 (b) Provide, through the department, for the  
4 enforcement of this act;

5 (c) Provide for the conduct of research into the  
6 production, marketing, and uses of wheat and barley;

7 (d) Enter into contracts or agreements with Montana  
8 State University and other local, state, or national  
9 organizations, public or private, for the purposes of  
10 improving wheat or barley quality, increasing the efficiency  
11 of production, developing marketing knowledge, developing  
12 markets, determining new uses for wheat or barley,  
13 developing alternative crops for wheat or barley, and  
14 carrying out all research and marketing contemplated by this  
15 act. The committee may not establish research units or  
16 agencies of its own.

17 (2) No researchers or professional or scientific  
18 personnel may be employed to carry out this act except as  
19 provided in subsection (1) (d) of this section.

20 (3) None of the powers or duties provided for in this  
21 act permit participation in state or federal political  
22 action by the committee."

23 Section 5. Section 3-2911, R.C.M. 1947, is amended to  
24 read as follows:

25 "3-2911. Annual assessment on wheat and barley grown.

1 There is hereby levied an annual assessment of two and  
 2 one-half (2 1/2) mills per bushel upon all wheat grown and  
 3 and, five (5) mills per hundredweight on all barley grown in  
 4 the state of Montana, and sold through commercial channels.  
 5 beginning--August--20,--1967. The assessment is hereby levied  
 6 and imposed on each grower of wheat or barley in the state  
 7 of Montana:

8 (1) in the case of sale of wheat or barley, at the  
 9 time of any sale of wheat or barley by a grower, and shall  
 10 be collected by the first purchaser of the wheat or barley  
 11 from the grower at the time of each settlement for wheat or  
 12 barley purchased, or

13 (2) in the case of a pledge or mortgage of wheat or  
 14 barley as security for a loan under any federal price  
 15 support program, the assessment shall be collected by  
 16 deducting the amount thereof from the proceeds of such loan  
 17 at the time the loan is made by the agency or person making  
 18 the loan.

19 The assessment levied under the provisions of this act,  
 20 shall be deducted and collected as provided by this act,  
 21 whether such wheat or barley is stored in this or any other  
 22 state. The assessment shall attach to each transaction, but  
 23 no grower shall be subject to assessment more than once  
 24 irrespective of the number of times it shall be the subject  
 25 of a sale, pledge, mortgage or other transaction, the

1 assessment being imposed and attaching on the initial sale,  
 2 pledge, mortgage or other transaction in which the wheat or  
 3 barley grower parts with title to the wheat or barley, or  
 4 creates some interest therein in a pledgee, mortgagee or  
 5 other person."

6 Section 6. Section 3-2913, R.C.M. 1947, is amended to  
 7 read as follows:

8 "3-2913. Buyer's delivery of invoice to grower -- form  
 9 -- filing of sworn statement -- payment of assessment.

10 (1) The purchaser of the wheat or barley at the time of  
 11 sale, or the pledgee, mortgagee, or other lender at the time  
 12 of the loan or advance, shall give separate invoices for  
 13 each purchase to the grower. The invoices shall be on forms  
 14 approved by the department and shall show:

15 (a) The name and address of the grower and seller;  
 16 (b) The name and address of the purchaser or the  
 17 lender;

18 (c) The number of bushels of wheat or hundredweights  
 19 of barley sold, mortgaged, or pledged;

20 (d) The date of the purchase, mortgage, or pledge and  
 21 the amount of assessment collected and remitted to the  
 22 department.

23 (2) The purchaser, mortgagee, or pledgee shall file  
 24 with the department, on forms prescribed by the department,  
 25 within twenty (20) days after the end of a month in which he

1 purchases a grower's wheat or barley or in which a lender  
 2 makes a loan or advance on a grower's wheat or barley, a  
 3 sworn statement of the number of bushels of wheat or  
 4 hundredweights of barley purchased in Montana or the number  
 5 of bushels of wheat or hundredweights of barley mortgaged or  
 6 pledged, or otherwise transferred or liened as security for  
 7 a loan, during the preceding calendar month. At the time the  
 8 sworn statement is filed, the purchaser or lender shall pay  
 9 to the department the assessment provided for in section  
 10 3-2911 for deposit in the wheat grain research and marketing  
 11 account in the revolving fund.

12 (3) The statement referred to in subsections (1) and  
 13 (2) of this section shall be legibly written and shall be  
 14 entirely free of any corrections or erasures. A person may  
 15 not alter any part of a statement.

16 (4) After thirty (30) days and before ninety (90) days  
 17 following the deduction of the assessment by the first  
 18 purchaser or the first lender, the grower may, upon the  
 19 submission of a written, verified request to the department,  
 20 obtain a refund of the assessment. The request shall be  
 21 accompanied by the original invoices received by the grower  
 22 at the time of settlement. The department shall keep  
 23 complete records of all refunds made under the provisions of  
 24 this section. Records of refunds may be destroyed two (2)  
 25 years after the refund is made. All original invoices shall

1 be returned to the grower with the refund payment."

2 Section 7. Section 3-2917, R.C.M. 1947, is amended to  
 3 read as follows:

4 "3-2917. Research and marketing account--sources--use  
 5 --expenditures. (1) There shall be an account in the  
 6 federal and private revenue fund known as the wheat grain  
 7 research and marketing account. The following shall be  
 8 placed in the account:

9 (a) The proceeds of all millage levies collected under  
 10 this chapter, and

11 (b) The proceeds from all gifts, grants, or donations  
 12 to the department for research authorized under this  
 13 chapter.

14 (2) The account shall be maintained for the purposes  
 15 of this chapter and shall be separate from all other  
 16 accounts of the department."

17 Section 8. Section 82A-304, R.C.M. 1947, is amended to  
 18 read as follows:

19 "82A-304. Montana wheat grain research and marketing  
 20 committee--composition--qualification--term--allocation. (1)  
 21 There is a Montana wheat grain research and marketing  
 22 committee.

23 (2) ~~(a)~~ The committee consists of seven (7) members  
 24 and three (3) ex officio, non-voting members.

25 ~~(b)~~ (a) The governor shall appoint one member from

1 each of the following districts:

2 (i) District I, consisting of Daniels, Sheridan, and  
3 Roosevelt counties;

4 (ii) District II, consisting of Valley, Phillips,  
5 Blaine, and Hill counties;

6 (iii) District III, consisting of Liberty, Toole,  
7 Glacier, and Pondera counties;

8 (iv) District IV, consisting of Chouteau and Teton  
9 counties;

10 (v) District V, consisting of Lewis and Clark,  
11 Cascade, Judith Basin, Fergus, Petroleum, Meagher,  
12 Broadwater, Wheatland, Golden Valley, and Musselshell  
13 counties;

14 (vi) District VI, consisting of Big Horn, Yellowstone,  
15 Stillwater, Carbon, Sweet Grass, Park, Gallatin, Madison,  
16 Jefferson, Silver Bow, Beaverhead, and all counties west of  
17 the continental divide;

18 (vii) District VII, consisting of Garfield, McCone,  
19 Rosebud, Richland, Dawson, Wibaux, Prairie, Carter, Custer,  
20 Fallon, Powder River, and Treasure counties.

21 ~~(e)~~ (b) The ex officio members are:

22 (i) The director of the department of agriculture;

23 (ii) The dean of agriculture of Montana state  
24 university;

25 (iii) A representative of the grain trade in Montana

1 elected by a majority of the appointed members.

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

8 ~~(e)~~ (d) A list of nominees for appointment may be  
9 submitted to the governor by the Montana farmers union,  
10 Montana farm bureau, Montana grange, and the Montana grain  
11 growers association. Names of nominees shall be submitted  
12 within ninety-one (91) days before the expiration of a  
13 committeeman's term.

14 (3) ~~(a)~~ The appointed members shall serve staggered  
15 terms of five (5) years. The ex officio representative of  
16 the grain trade shall serve at the pleasure of the  
17 committee.

18 ~~(b)~~ A member may be removed by the governor, after a  
19 full public hearing before the governor, for malfeasance,  
20 misfeasance, or neglect of duty. Removal proceedings may  
21 not be started except upon duly verified written charges.  
22 The member shall be given a copy of the written charges at  
23 least ten (10) days in advance of the hearing. At the  
24 hearing, the member may be represented by an attorney and  
25 may present witnesses in his behalf.

1       ~~(e)~~ A member who ceases to reside in the state or in  
2 the district from which he was appointed, or who ceases to  
3 grow wheat or barley in the state or district, is  
4 disqualified from membership and his office becomes vacant.  
5 If the member refuses to recognize his disqualification, the  
6 refusal is cause for removal.

7       (4) The committee is allocated to the department for  
8 administrative purposes only as prescribed in section  
9 82A-108."

-End-

Approved by Committee  
on Agriculture Livestock  
& Irrigation

HOUSE BILL NO. 574

INTRODUCED BY MANUEL, MURPHY, GUNDERSON, FLEMING,  
KROPP, KUMMERFELDT, LIEN, FISHBAUGH, JACOBSEN,  
LUND, HAGEMAN, AAGESON, UNDERDAL

A BILL FOR AN ACT ENTITLED: "AN ACT ADDING BARLEY TO THE  
WHEAT RESEARCH AND MARKETING PROGRAM; ~~CHANGING-THE-NAME-OF~~  
~~THE-WHEAT-RESEARCH-AND-MARKETING-COMMITTEE--AND--ACCOUNT--TO~~  
~~THE--GRAIN--RESEARCH--AND-MARKETING-COMMITTEE-AND-ACCOUNT-TO~~  
~~REFLECT-THE--ADDITION--OF--BARLEY--RESEARCH--AND--MARKETING;~~  
AMENDING SECTIONS 3-2902, 3-2904, 3-2906, 3-2909, 3-2911,  
3-2913, 3-2917, AND 82A-304, R.C.M. 1947."

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

Section 1. Section 3-2902, R.C.M. 1947, is amended to  
read as follows:

"3-2902. Declaration of policy. In the presence of the  
facts that wheat is the principal grain crop produced in  
Montana, and as such is an agricultural resource of the  
first magnitude in the economy of the inhabitants of  
Montana, a prime factor in the production of wealth and the  
development and stabilization of property values and of  
activities and enterprises which are bases and sources of  
important contributions by taxation to the public revenues,  
and that Montana wheat is a commodity which enters a world

market highly competitive in character, and that barley is  
also an important crop, it is hereby declared to be the  
public policy of the state of Montana to protect and foster  
the health, prosperity and general welfare of its people by  
encouraging and promoting intensive, scientific and  
practical research into all phases of wheat and barley  
culture and production, marketing and use and into the  
development of markets for wheat and barley grown in Montana  
by the department of agriculture."

Section 2. Section 3-2904, R.C.M. 1947, is amended to  
read as follows:

"3-2904. Definitions. As used in this act, unless the  
context requires otherwise:

(1) "Committee" means the Montana wheat grain WHEAT  
research and marketing committee provided for in section  
82A-304;

(2) "Grower" means any landowner personally engaged in  
growing wheat or barley, a tenant of the landowner  
personally engaged in growing wheat or barley, or both the  
owner and the tenant jointly; and includes a person,  
partnership, association, corporation, co-operative, trust,  
sharecropper, and any and all other business units, devices,  
and arrangements;

(3) "First purchaser" means any person, public or  
private corporation, association, or partnership, buying,

1 accepting for shipment, or otherwise acquiring the property  
 2 in or to wheat or barley from a grower, and shall include a  
 3 mortgagee, pledgee, lienor, or other person, public or  
 4 private, having a claim against the grower, where the actual  
 5 or constructive possession of such wheat or barley is taken  
 6 as part payment or in satisfaction of such mortgage, pledge,  
 7 lien, or claim;

8 (4) "Commercial channels" means the sale of wheat or  
 9 barley for any use, when sold to any commercial buyer,  
 10 dealer, processor, co-operative, or to any person, public or  
 11 private, who resells any wheat or barley or product produced  
 12 from wheat or barley; and

13 (5) "Sale" includes any pledge or mortgage of wheat or  
 14 barley, after harvest, to any person, public or private."

15 Section 3. Section 3-2906, R.C.M. 1947, is amended to  
 16 read as follows:

17 "3-2906. Compensation -- per diem. Members of the  
 18 committee shall receive no salary, but shall be paid, from  
 19 the wheat grain WHEAT research and marketing account in the  
 20 federal and private revenue fund, a per diem of twenty  
 21 twenty-five dollars ~~(\$20)~~ (\$25) for each day they are  
 22 engaged in the transaction of official business, together  
 23 with their actual and necessary expenses incurred while on  
 24 official business."

25 Section 4. Section 3-2909, R.C.M. 1947, is amended to

1 read as follows:

2 "3-2909. Powers of the committee. (1) The  
 3 committee may:

4 (a) Adopt rules necessary for the administration of  
 5 this act;

6 (b) Provide, through the department, for the  
 7 enforcement of this act;

8 (c) Provide for the conduct of research into the  
 9 production, marketing, and uses of wheat and barley;

10 (d) Enter into contracts or agreements with Montana  
 11 State University and other local, state, or national  
 12 organizations, public or private, for the purposes of  
 13 improving wheat or barley quality, increasing the efficiency  
 14 of production, developing marketing knowledge, developing  
 15 markets, determining new uses for wheat or barley,  
 16 developing alternative crops for wheat or barley, and  
 17 carrying out all research and marketing contemplated by this  
 18 act. The committee may not establish research units or  
 19 agencies of its own.

20 (2) No researchers or professional or scientific  
 21 personnel may be employed to carry out this act except as  
 22 provided in subsection (1) (d) of this section.

23 (3) None of the powers or duties provided for in this  
 24 act permit participation in state or federal political  
 25 action by the committee."



1 Section 5. Section 3-2911, R.C.M. 1947, is amended to  
2 read as follows:

3 "3-2911. Annual assessment on wheat and barley grown.  
4 There is hereby levied an annual assessment of two and  
5 one-half (2 1/2) mills per bushel upon all wheat grown and,  
6 and, five (5) mills per hundredweight on all barley grown in  
7 the state of Montana, and sold through commercial channels,  
8 ~~beginning--August--207--1967.~~ The assessment is hereby levied  
9 and imposed on each grower of wheat or barley in the state  
10 of Montana:

11 (1) in the case of sale of wheat or barley, at the  
12 time of any sale of wheat or barley by a grower, and shall  
13 be collected by the first purchaser of the wheat or barley  
14 from the grower at the time of each settlement for wheat or  
15 barley purchased, or

16 (2) in the case of a pledge or mortgage of wheat or  
17 barley as security for a loan under any federal price  
18 support program, the assessment shall be collected by  
19 deducting the amount thereof from the proceeds of such loan  
20 at the time the loan is made by the agency or person making  
21 the loan.

22 The assessment levied under the provisions of this act,  
23 shall be deducted and collected as provided by this act,  
24 whether such wheat or barley is stored in this or any other  
25 state. The assessment shall attach to each transaction, but

1 no grower shall be subject to assessment more than once  
2 irrespective of the number of times it shall be the subject  
3 of a sale, pledge, mortgage or other transaction, the  
4 assessment being imposed and attaching on the initial sale,  
5 pledge, mortgage or other transaction in which the wheat or  
6 barley grower parts with title to the wheat or barley, or  
7 creates some interest therein in a pledgee, mortgagee or  
8 other person."

9 Section 6. Section 3-2913, R.C.M. 1947, is amended to  
10 read as follows:

11 "3-2913. Buyer's delivery of invoice to grower -- form  
12 -- filing of sworn statement -- payment of assessment.

13 (1) The purchaser of the wheat or barley at the time of  
14 sale, or the pledgee, mortgagee, or other lender at the time  
15 of the loan or advance, shall give separate invoices for  
16 each purchase to the grower. The invoices shall be on forms  
17 approved by the department and shall show:

18 (a) The name and address of the grower and seller;

19 (b) The name and address of the purchaser or the  
20 lender;

21 (c) The number of bushels of wheat or hundredweights  
22 of barley sold, mortgaged, or pledged;

23 (d) The date of the purchase, mortgage, or pledge and  
24 the amount of assessment collected and remitted to the  
25 department.

1 (2) The purchaser, mortgagee, or pledgee shall file  
 2 with the department, on forms prescribed by the department,  
 3 within twenty (20) days after the end of a month in which he  
 4 purchases a grower's wheat or barley or in which a lender  
 5 makes a loan or advance on a grower's wheat or barley, a  
 6 sworn statement of the number of bushels of wheat or  
 7 hundredweights of barley purchased in Montana or the number  
 8 of bushels of wheat or hundredweights of barley mortgaged or  
 9 pledged, or otherwise transferred or liened as security for  
 10 a loan, during the preceding calendar month. At the time the  
 11 sworn statement is filed, the purchaser or lender shall pay  
 12 to the department the assessment provided for in section  
 13 3-2911 for deposit in the wheat grain research and marketing  
 14 account in the revolving fund.

15 (3) The statement referred to in subsections (1) and  
 16 (2) of this section shall be legibly written and shall be  
 17 entirely free of any corrections or erasures. A person may  
 18 not alter any part of a statement.

19 (4) After thirty (30) days and before ninety (90) days  
 20 following the deduction of the assessment by the first  
 21 purchaser or the first lender, the grower may, upon the  
 22 submission of a written, verified request to the department,  
 23 obtain a refund of the assessment. The request shall be  
 24 accompanied by the original invoices received by the grower  
 25 at the time of settlement. The department shall keep

1 complete records of all refunds made under the provisions of  
 2 this section. Records of refunds may be destroyed two (2)  
 3 years after the refund is made. All original invoices shall  
 4 be returned to the grower with the refund payment."

5 Section 7. Section 3-2917, R.C.M. 1947, is amended to  
 6 read as follows:

7 "3-2917. Research and marketing account -- sources --  
 8 use -- expenditures. (1) There shall be an account in the  
 9 federal and private revenue fund known as the wheat grain  
 10 WHEAT research and marketing account. The following shall be  
 11 placed in the account:

12 (a) The proceeds of all millage levies collected under  
 13 this chapter, and

14 (b) The proceeds from all gifts, grants, or donations  
 15 to the department for research authorized under this  
 16 chapter.

17 (2) The account shall be maintained for the purposes  
 18 of this chapter and shall be separate from all other  
 19 accounts of the department."

20 Section 8. Section 82A-304, R.C.M. 1947, is amended to  
 21 read as follows:

22 "82A-304. Montana wheat grain WHEAT research and  
 23 marketing committee -- composition -- qualification -- term  
 24 -- allocation. (1) There is a Montana wheat grain WHEAT  
 25 research and marketing committee.

1 (2) ~~(a)~~--The committee consists of seven (7) members  
 2 and three (3) ex officio, non-voting members.

3 ~~(b)~~--(a) The governor shall appoint one member from  
 4 each of the following districts:

5 (i) District I, consisting of Daniels, Sheridan, and  
 6 Roosevelt counties;

7 (ii) District II, consisting of Valley, Phillips,  
 8 Blaine, and Hill counties;

9 (iii) District III, consisting of Liberty, Toole,  
 10 Glacier, and Pondera counties;

11 (iv) District IV, consisting of Chouteau and Teton  
 12 counties;

13 (v) District V, consisting of Lewis and Clark,  
 14 Cascade, Judith Basin, Fergus, Petroleum, Meagher,  
 15 Broadwater, Wheatland, Golden Valley, and Musselshell  
 16 counties;

17 (vi) District VI, consisting of Big Horn, Yellowstone,  
 18 Stillwater, Carbon, Sweet Grass, Park, Gallatin, Madison,  
 19 Jefferson, Silver Bow, Beaverhead, and all counties west of  
 20 the continental divide;

21 (vii) District VII, consisting of Garfield, McCone,  
 22 Rosebud, Richland, Dawson, Wibaux, Prairie, Carter, Custer,  
 23 Fallon, Powder River, and Treasure counties.

24 ~~(c)~~--(b) The ex officio members are:

25 (i) The director of the department of agriculture;

1 (ii) The dean of agriculture of Montana state  
 2 university;

3 (iii) A representative of the grain trade in Montana  
 4 elected by a majority of the appointed members.

5 ~~(d)~~--(c) Each of the appointed members shall be a  
 6 citizen of Montana, derive a substantial portion of his  
 7 income from growing wheat or barley in this state, and be a  
 8 resident of and have farming operations in the district from  
 9 which appointed. No more than four (4) of the appointed  
 10 members may be of the same political party.

11 ~~(e)~~--(d) A list of nominees for appointment may be  
 12 submitted to the governor by the Montana farmers union,  
 13 Montana farm bureau, Montana grange, and the Montana grain  
 14 growers association. Names of nominees shall be submitted  
 15 within ninety-one (91) days before the expiration of a  
 16 committeeman's term.

17 (3) ~~(a)~~--The appointed members shall serve staggered  
 18 terms of five (5) years. The ex officio representative of  
 19 the grain trade shall serve at the pleasure of the  
 20 committee.

21 ~~(b)~~--A member may be removed by the governor, after a  
 22 full public hearing before the governor, for malfeasance,  
 23 misfeasance, or neglect of duty. Removal proceedings may  
 24 not be started except upon duly verified written charges.  
 25 The member shall be given a copy of the written charges at

1 least ten (10) days in advance of the hearing. At the  
2 hearing, the member may be represented by an attorney and  
3 may present witnesses in his behalf.

4 ~~(e)~~--A member who ceases to reside in the state or in  
5 the district from which he was appointed, or who ceases to  
6 grow wheat or barley in the state or district, is  
7 disqualified from membership and his office becomes vacant.  
8 If the member refuses to recognize his disqualification, the  
9 refusal is cause for removal.

10 (4) The committee is allocated to the department for  
11 administrative purposes only as prescribed in section  
12 82A-108."

-End-

## HOUSE BILL NO. 574

INTRODUCED BY MANUEL, MURPHY, GUNDERSON, FLEMING,  
KROPP, KUMMERFELDT, LIEN, FISHBAUGH, JACOBSEN,  
LUND, HAGEMAN, AAGESON, UNDERDAL

A BILL FOR AN ACT ENTITLED: "AN ACT ADDING BARLEY TO THE  
WHEAT RESEARCH AND MARKETING PROGRAM; ~~CHANGING THE NAME OF~~  
~~THE WHEAT RESEARCH AND MARKETING COMMITTEE AND ACCOUNT TO~~  
~~THE GRAIN RESEARCH AND MARKETING COMMITTEE AND ACCOUNT TO~~  
~~REFLECT THE ADDITION OF BARLEY RESEARCH AND MARKETING;~~  
AMENDING SECTIONS 3-2902, 3-2904, 3-2906, 3-2909, 3-2911,  
3-2913, 3-2917, AND 82A-304, R.C.M. 1947."

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

Section 1. Section 3-2902, R.C.M. 1947, is amended to  
read as follows:

"3-2902. Declaration of policy. In the presence of the  
facts that wheat is the principal grain crop produced in  
Montana, and as such is an agricultural resource of the  
first magnitude in the economy of the inhabitants of  
Montana, a prime factor in the production of wealth and the  
development and stabilization of property values and of  
activities and enterprises which are bases and sources of  
important contributions by taxation to the public revenues,  
and that Montana wheat is a commodity which enters a world

market highly competitive in character, and that barley is  
also an important crop, it is hereby declared to be the  
public policy of the state of Montana to protect and foster  
the health, prosperity and general welfare of its people by  
encouraging and promoting intensive, scientific and  
practical research into all phases of wheat and barley  
culture and production, marketing and use and into the  
development of markets for wheat and barley grown in Montana  
by the department of agriculture."

Section 2. Section 3-2904, R.C.M. 1947, is amended to  
read as follows:

"3-2904. Definitions. As used in this act, unless the  
context requires otherwise:

(1) "Committee" means the Montana wheat grain WHEAT  
research and marketing committee provided for in section  
82A-304;

(2) "Grower" means any landowner personally engaged in  
growing wheat or barley, a tenant of the landowner  
personally engaged in growing wheat or barley, or both the  
owner and the tenant jointly; and includes a person,  
partnership, association, corporation, co-operative, trust,  
sharecropper, and any and all other business units, devices,  
and arrangements;

(3) "First purchaser" means any person, public or  
private corporation, association, or partnership, buying,

1 accepting for shipment, or otherwise acquiring the property  
 2 in or to wheat or barley from a grower, and shall include a  
 3 mortgagee, pledgee, lienor, or other person, public or  
 4 private, having a claim against the grower, where the actual  
 5 or constructive possession of such wheat or barley is taken  
 6 as part payment or in satisfaction of such mortgage, pledge,  
 7 lien, or claim;

8 (4) "Commercial channels" means the sale of wheat or  
 9 barley for any use, when sold to any commercial buyer,  
 10 dealer, processor, co-operative, or to any person, public or  
 11 private, who resells any wheat or barley or product produced  
 12 from wheat or barley; and

13 (5) "Sale" includes any pledge or mortgage of wheat or  
 14 barley, after harvest, to any person, public or private."

15 Section 3. Section 3-2906, R.C.M. 1947, is amended to  
 16 read as follows:

17 "3-2906. Compensation -- per diem. Members of the  
 18 committee shall receive no salary, but shall be paid, from  
 19 the wheat ~~grain~~ WHEAT research and marketing account in the  
 20 federal and private revenue fund, a per diem of ~~twenty~~  
 21 twenty-five dollars ~~+\$20~~ (\$25) for each day they are  
 22 engaged in the transaction of official business, together  
 23 with their actual and necessary expenses incurred while on  
 24 official business."

25 Section 4. Section 3-2909, R.C.M. 1947, is amended to

1 read as follows:

2 "3-2909. Powers of the committee. (1) The  
 3 committee may:

4 (a) Adopt rules necessary for the administration of  
 5 this act;

6 (b) Provide, through the department, for the  
 7 enforcement of this act;

8 (c) Provide for the conduct of research into the  
 9 production, marketing, and uses of wheat and barley;

10 (d) Enter into contracts or agreements with Montana  
 11 State University and other local, state, or national  
 12 organizations, public or private, for the purposes of  
 13 improving wheat or barley quality, increasing the efficiency  
 14 of production, developing marketing knowledge, developing  
 15 markets, determining new uses for wheat or barley,  
 16 developing alternative crops for wheat or barley, and  
 17 carrying out all research and marketing contemplated by this  
 18 act. The committee may not establish research units or  
 19 agencies of its own.

20 (2) No researchers or professional or scientific  
 21 personnel may be employed to carry out this act except as  
 22 provided in subsection (1) (d) of this section.

23 (3) None of the powers or duties provided for in this  
 24 act permit participation in state or federal political  
 25 action by the committee."

1 Section 5. Section 3-2911, R.C.M. 1947, is amended to  
2 read as follows:

3 "3-2911. Annual assessment on wheat and barley grown.  
4 There is hereby levied an annual assessment of two and  
5 one-half (2 1/2) mills per bushel upon all wheat grown and,  
6 and, five (5) mills per hundredweight on all barley grown in  
7 the state of Montana, and sold through commercial channels,  
8 ~~beginning--August--20,--1967.~~ The assessment is hereby levied  
9 and imposed on each grower of wheat or barley in the state  
10 of Montana:

11 (1) in the case of sale of wheat or barley, at the  
12 time of any sale of wheat or barley by a grower, and shall  
13 be collected by the first purchaser of the wheat or barley  
14 from the grower at the time of each settlement for wheat or  
15 barley purchased, or

16 (2) in the case of a pledge or mortgage of wheat or  
17 barley as security for a loan under any federal price  
18 support program, the assessment shall be collected by  
19 deducting the amount thereof from the proceeds of such loan  
20 at the time the loan is made by the agency or person making  
21 the loan.

22 The assessment levied under the provisions of this act,  
23 shall be deducted and collected as provided by this act,  
24 whether such wheat or barley is stored in this or any other  
25 state. The assessment shall attach to each transaction, but

1 no grower shall be subject to assessment more than once  
2 irrespective of the number of times it shall be the subject  
3 of a sale, pledge, mortgage or other transaction, the  
4 assessment being imposed and attaching on the initial sale,  
5 pledge, mortgage or other transaction in which the wheat or  
6 barley grower parts with title to the wheat or barley, or  
7 creates some interest therein in a pledgee, mortgagee or  
8 other person."

9 Section 6. Section 3-2913, R.C.M. 1947, is amended to  
10 read as follows:

11 "3-2913. Buyer's delivery of invoice to grower -- form  
12 -- filing of sworn statement -- payment of assessment.  
13 (1) The purchaser of the wheat or barley at the time of  
14 sale, or the pledgee, mortgagee, or other lender at the time  
15 of the loan or advance, shall give separate invoices for  
16 each purchase to the grower. The invoices shall be on forms  
17 approved by the department and shall show:

18 (a) The name and address of the grower and seller;

19 (b) The name and address of the purchaser or the  
20 lender;

21 (c) The number of bushels of wheat or hundredweights  
22 of barley sold, mortgaged, or pledged;

23 (d) The date of the purchase, mortgage, or pledge and  
24 the amount of assessment collected and remitted to the  
25 department.

(2) The purchaser, mortgagee, or pledgee shall file with the department, on forms prescribed by the department, within twenty (20) days after the end of a month in which he purchases a grower's wheat or barley or in which a lender makes a loan or advance on a grower's wheat or barley, a sworn statement of the number of bushels of wheat or hundredweights of barley purchased in Montana or the number of bushels of wheat or hundredweights of barley mortgaged or pledged, or otherwise transferred or liened as security for a loan, during the preceding calendar month. At the time the sworn statement is filed, the purchaser or lender shall pay to the department the assessment provided for in section 3-2911 for deposit in the wheat grain research and marketing account in the revolving fund.

(3) The statement referred to in subsections (1) and (2) of this section shall be legibly written and shall be entirely free of any corrections or erasures. A person may not alter any part of a statement.

(4) After thirty (30) days and before ninety (90) days following the deduction of the assessment by the first purchaser or the first lender, the grower may, upon the submission of a written, verified request to the department, obtain a refund of the assessment. The request shall be accompanied by the original invoices received by the grower at the time of settlement. The department shall keep

complete records of all refunds made under the provisions of this section. Records of refunds may be destroyed two (2) years after the refund is made. All original invoices shall be returned to the grower with the refund payment."

Section 7. Section 3-2917, R.C.M. 1947, is amended to read as follows:

"3-2917. Research and marketing account -- sources -- use -- expenditures. (1) There shall be an account in the federal and private revenue fund known as the wheat grain WHEAT research and marketing account. The following shall be placed in the account:

(a) The proceeds of all millage levies collected under this chapter, and

(b) The proceeds from all gifts, grants, or donations to the department for research authorized under this chapter.

(2) The account shall be maintained for the purposes of this chapter and shall be separate from all other accounts of the department."

Section 8. Section 82A-304, R.C.M. 1947, is amended to read as follows:

"82A-304. Montana wheat grain WHEAT research and marketing committee -- composition -- qualification -- term -- allocation. (1) There is a Montana wheat grain WHEAT research and marketing committee.



1 (2) ~~(a)~~--The committee consists of seven (7) members  
2 and three (3) ex officio, non-voting members.

3 ~~(b)~~--(a) The governor shall appoint one member from  
4 each of the following districts:

5 (i) District I, consisting of Daniels, Sheridan, and  
6 Roosevelt counties;

7 (ii) District II, consisting of Valley, Phillips,  
8 Blaine, and Hill counties;

9 (iii) District III, consisting of Liberty, Toole,  
10 Glacier, and Pondera counties;

11 (iv) District IV, consisting of Chouteau and Teton  
12 counties;

13 (v) District V, consisting of Lewis and Clark,  
14 Cascade, Judith Basin, Fergus, Petroleum, Meagher,  
15 Broadwater, Wheatland, Golden Valley, and Musselshell  
16 counties;

17 (vi) District VI, consisting of Big Horn, Yellowstone,  
18 Stillwater, Carbon, Sweet Grass, Park, Gallatin, Madison,  
19 Jefferson, Silver Bow, Beaverhead, and all counties west of  
20 the continental divide;

21 (vii) District VII, consisting of Garfield, McCone,  
22 Rosebud, Richland, Dawson, Wibaux, Prairie, Carter, Custer,  
23 Fallon, Powder River, and Treasure counties.

24 ~~(c)~~--(b) The ex officio members are:

25 (i) The director of the department of agriculture;

1 (ii) The dean of agriculture of Montana state  
2 university;

3 (iii) A representative of the grain trade in Montana  
4 elected by a majority of the appointed members.

5 ~~(d)~~--(c) Each of the appointed members shall be a  
6 citizen of Montana, derive a substantial portion of his  
7 income from growing wheat or barley in this state, and be a  
8 resident of and have farming operations in the district from  
9 which appointed. No more than four (4) of the appointed  
10 members may be of the same political party.

11 ~~(e)~~--(d) A list of nominees for appointment may be  
12 submitted to the governor by the Montana farmers union,  
13 Montana farm bureau, Montana grange, and the Montana grain  
14 growers association. Names of nominees shall be submitted  
15 within ninety-one (91) days before the expiration of a  
16 committeeman's term.

17 (3) ~~(a)~~--The appointed members shall serve staggered  
18 terms of five (5) years. The ex officio representative of  
19 the grain trade shall serve at the pleasure of the  
20 committee.

21 ~~(b)~~--A member may be removed by the governor, after a  
22 full public hearing before the governor, for malfeasance,  
23 misfeasance, or neglect of duty. Removal proceedings may  
24 not be started except upon duly verified written charges.  
25 The member shall be given a copy of the written charges at

1 least ten (10) days in advance of the hearing. At the  
2 hearing, the member may be represented by an attorney and  
3 may present witnesses in his behalf.

4 (c)--A member who ceases to reside in the state or in  
5 the district from which he was appointed, or who ceases to  
6 grow wheat or barley in the state or district, is  
7 disqualified from membership and his office becomes vacant.  
8 If the member refuses to recognize his disqualification, the  
9 refusal is cause for removal.

10 (4) The committee is allocated to the department for  
11 administrative purposes only as prescribed in section  
12 82A-108."

-End-

1 HOUSE BILL NO. 574

2 INTRODUCED BY MANUEL, MURPHY, GUNDERSON, FLEMING,

3 KROPP, KUMMERFELDT, LIEN, FISHBAUGH, JACOBSEN,

4 LUND, HAGEMAN, AAGESON, UNDERDAL

5  
6 A BILL FOR AN ACT ENTITLED: "AN ACT ADDING BARLEY TO THE  
7 WHEAT RESEARCH AND MARKETING PROGRAM; ~~CHANGING-THE-NAME-OF~~  
8 ~~THE-WHEAT-RESEARCH-AND-MARKETING-COMMITTEE--AND--ACCOUNT--TO~~  
9 ~~THE--GRAIN--RESEARCH--AND-MARKETING-COMMITTEE-AND-ACCOUNT-TO~~  
10 ~~REFLECT-THE--ADDITION--OF--BARLEY--RESEARCH--AND--MARKETING,~~  
11 AMENDING SECTIONS 3-2902, 3-2904, 3-2906, 3-2909, 3-2911,  
12 3-2913, 3-2917, AND 82A-304, R.C.M. 1947."

13  
14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

15 Section 1. Section 3-2902, R.C.M. 1947, is amended to  
16 read as follows:

17 "3-2902. Declaration of policy. In the presence of the  
18 facts that wheat is the principal grain crop produced in  
19 Montana, and as such is an agricultural resource of the  
20 first magnitude in the economy of the inhabitants of  
21 Montana, a prime factor in the production of wealth and the  
22 development and stabilization of property values and of  
23 activities and enterprises which are bases and sources of  
24 important contributions by taxation to the public revenues,  
25 and that Montana wheat is a commodity which enters a world

1 market highly competitive in character, and that barley is  
2 also an important crop, it is hereby declared to be the  
3 public policy of the state of Montana to protect and foster  
4 the health, prosperity and general welfare of its people by  
5 encouraging and promoting intensive, scientific and  
6 practical research into all phases of wheat and barley  
7 culture and production, marketing and use and into the  
8 development of markets for wheat and barley grown in Montana  
9 by the department of agriculture."

10 Section 2. Section 3-2904, R.C.M. 1947, is amended to  
11 read as follows:

12 "3-2904. Definitions. As used in this act, unless the  
13 context requires otherwise:

14 (1) "Committee" means the Montana wheat grain WHEAT  
15 research and marketing committee provided for in section  
16 82A-304;

17 (2) "Grower" means any landowner personally engaged in  
18 growing wheat or barley, a tenant of the landowner  
19 personally engaged in growing wheat or barley, or both the  
20 owner and the tenant jointly; and includes a person,  
21 partnership, association, corporation, co-operative, trust,  
22 sharecropper, and any and all other business units, devices,  
23 and arrangements;

24 (3) "First purchaser" means any person, public or  
25 private corporation, association, or partnership, buying,

1 accepting for shipment, or otherwise acquiring the property  
 2 in or to wheat or barley from a grower, and shall include a  
 3 mortgagee, pledgee, lienor, or other person, public or  
 4 private, having a claim against the grower, where the actual  
 5 or constructive possession of such wheat or barley is taken  
 6 as part payment or in satisfaction of such mortgage, pledge,  
 7 lien, or claim;

8 (4) "Commercial channels" means the sale of wheat or  
 9 barley for any use, when sold to any commercial buyer,  
 10 dealer, processor, co-operative, or to any person, public or  
 11 private, who resells any wheat or barley or product produced  
 12 from wheat or barley; and

13 (5) "Sale" includes any pledge or mortgage of wheat or  
 14 barley, after harvest, to any person, public or private."

15 Section 3. Section 3-2906, R.C.M. 1947, is amended to  
 16 read as follows:

17 "3-2906. Compensation -- per diem. Members of the  
 18 committee shall receive no salary, but shall be paid, from  
 19 the ~~wheat grain~~ WHEAT research and marketing account in the  
 20 federal and private revenue fund, a per diem of ~~twenty~~  
 21 twenty-five dollars ~~(\$20)~~ (\$25) for each day they are  
 22 engaged in the transaction of official business, together  
 23 with their actual and necessary expenses incurred while on  
 24 official business."

25 Section 4. Section 3-2909, R.C.M. 1947, is amended to

1 read as follows:

2 "3-2909. Powers of the committee. (1) The  
 3 committee may:

4 (a) Adopt rules necessary for the administration of  
 5 this act;

6 (b) Provide, through the department, for the  
 7 enforcement of this act;

8 (c) Provide for the conduct of research into the  
 9 production, marketing, and uses of wheat and barley;

10 (d) Enter into contracts or agreements with Montana  
 11 State University and other local, state, or national  
 12 organizations, public or private, for the purposes of  
 13 improving wheat or barley quality, increasing the efficiency  
 14 of production, developing marketing knowledge, developing  
 15 markets, determining new uses for wheat or barley,  
 16 developing alternative crops for wheat or barley, and  
 17 carrying out all research and marketing contemplated by this  
 18 act. The committee may not establish research units or  
 19 agencies of its own.

20 (2) No researchers or professional or scientific  
 21 personnel may be employed to carry out this act except as  
 22 provided in subsection (1) (d) of this section.

23 (3) None of the powers or duties provided for in this  
 24 act permit participation in state or federal political  
 25 action by the committee."

1 Section 5. Section 3-2911, R.C.M. 1947, is amended to  
2 read as follows:

3 "3-2911. Annual assessment on wheat and barley grown.  
4 There is hereby levied an annual assessment of two and  
5 one-half (2 1/2) mills per bushel upon all wheat grown and  
6 and, five (5) mills per hundredweight on all barley grown in  
7 the state of Montana, and sold through commercial channels.  
8 ~~beginning--August--20,--1967.~~ The assessment is hereby levied  
9 and imposed on each grower of wheat or barley in the state  
10 of Montana:

11 (1) in the case of sale of wheat or barley, at the  
12 time of any sale of wheat or barley by a grower, and shall  
13 be collected by the first purchaser of the wheat or barley  
14 from the grower at the time of each settlement for wheat or  
15 barley purchased, or

16 (2) in the case of a pledge or mortgage of wheat or  
17 barley as security for a loan under any federal price  
18 support program, the assessment shall be collected by  
19 deducting the amount thereof from the proceeds of such loan  
20 at the time the loan is made by the agency or person making  
21 the loan.

22 The assessment levied under the provisions of this act,  
23 shall be deducted and collected as provided by this act,  
24 whether such wheat or barley is stored in this or any other  
25 state. The assessment shall attach to each transaction, but

1 no grower shall be subject to assessment more than once  
2 irrespective of the number of times it shall be the subject  
3 of a sale, pledge, mortgage or other transaction, the  
4 assessment being imposed and attaching on the initial sale,  
5 pledge, mortgage or other transaction in which the wheat or  
6 barley grower parts with title to the wheat or barley, or  
7 creates some interest therein in a pledgee, mortgagee or  
8 other person."

9 Section 6. Section 3-2913, R.C.M. 1947, is amended to  
10 read as follows:

11 "3-2913. Buyer's delivery of invoice to grower -- form  
12 -- filing of sworn statement -- payment of assessment.  
13 (1) The purchaser of the wheat or barley at the time of  
14 sale, or the pledgee, mortgagee, or other lender at the time  
15 of the loan or advance, shall give separate invoices for  
16 each purchase to the grower. The invoices shall be on forms  
17 approved by the department and shall show:

18 (a) The name and address of the grower and seller;  
19 (b) The name and address of the purchaser or the  
20 lender;

21 (c) The number of bushels of wheat or hundredweights  
22 of barley sold, mortgaged, or pledged;

23 (d) The date of the purchase, mortgage, or pledge and  
24 the amount of assessment collected and remitted to the  
25 department.

1 (2) The purchaser, mortgagee, or pledgee shall file  
 2 with the department, on forms prescribed by the department,  
 3 within twenty (20) days after the end of a month in which he  
 4 purchases a grower's wheat or barley or in which a lender  
 5 makes a loan or advance on a grower's wheat or barley, a  
 6 sworn statement of the number of bushels of wheat or  
 7 hundredweights of barley purchased in Montana or the number  
 8 of bushels of wheat or hundredweights of barley mortgaged or  
 9 pledged, or otherwise transferred or liened as security for  
 10 a loan, during the preceding calendar month. At the time the  
 11 sworn statement is filed, the purchaser or lender shall pay  
 12 to the department the assessment provided for in section  
 13 3-2911 for deposit in the wheat grain research and marketing  
 14 account in the revolving fund.

15 (3) The statement referred to in subsections (1) and  
 16 (2) of this section shall be legibly written and shall be  
 17 entirely free of any corrections or erasures. A person may  
 18 not alter any part of a statement.

19 (4) After thirty (30) days and before ninety (90) days  
 20 following the deduction of the assessment by the first  
 21 purchaser or the first lender, the grower may, upon the  
 22 submission of a written, verified request to the department,  
 23 obtain a refund of the assessment. The request shall be  
 24 accompanied by the original invoices received by the grower  
 25 at the time of settlement. The department shall keep

1 complete records of all refunds made under the provisions of  
 2 this section. Records of refunds may be destroyed two (2)  
 3 years after the refund is made. All original invoices shall  
 4 be returned to the grower with the refund payment."

5 Section 7. Section 3-2917, R.C.M. 1947, is amended to  
 6 read as follows:

7 "3-2917. Research and marketing account -- sources --  
 8 use -- expenditures. (1) There shall be an account in the  
 9 federal and private revenue fund known as the wheat grain  
 10 WHEAT research and marketing account. The following shall be  
 11 placed in the account:

12 (a) The proceeds of all millage levies collected under  
 13 this chapter, and

14 (b) The proceeds from all gifts, grants, or donations  
 15 to the department for research authorized under this  
 16 chapter.

17 (2) The account shall be maintained for the purposes  
 18 of this chapter and shall be separate from all other  
 19 accounts of the department."

20 Section 8. Section 82A-304, R.C.M. 1947, is amended to  
 21 read as follows:

22 "82A-304. Montana wheat grain WHEAT research and  
 23 marketing committee -- composition -- qualification -- term  
 24 -- allocation. (1) There is a Montana wheat grain WHEAT  
 25 research and marketing committee.

1 (2) ~~(a)~~--The committee consists of seven (7) members  
2 and three (3) ex officio, non-voting members.

3 ~~(b)~~--(a) The governor shall appoint one member from  
4 each of the following districts:

5 (i) District I, consisting of Daniels, Sheridan, and  
6 Roosevelt counties;

7 (ii) District II, consisting of Valley, Phillips,  
8 Blaine, and Hill counties;

9 (iii) District III, consisting of Liberty, Toole,  
10 Glacier, and Pondera counties;

11 (iv) District IV, consisting of Chouteau and Teton  
12 counties;

13 (v) District V, consisting of Lewis and Clark,  
14 Cascade, Judith Basin, Fergus, Petroleum, Meagher,  
15 Broadwater, Wheatland, Golden Valley, and Musselshell  
16 counties;

17 (vi) District VI, consisting of Big Horn, Yellowstone,  
18 Stillwater, Carbon, Sweet Grass, Park, Gallatin, Madison,  
19 Jefferson, Silver Bow, Beaverhead, and all counties west of  
20 the continental divide;

21 (vii) District VII, consisting of Garfield, McCone,  
22 Rosebud, Richland, Dawson, Wibaux, Prairie, Carter, Custer,  
23 Fallon, Powder River, and Treasure counties.

24 ~~(e)~~--(b) The ex officio members are:

25 (i) The director of the department of agriculture;

1 (ii) The dean of agriculture of Montana state  
2 university;

3 (iii) A representative of the grain trade in Montana  
4 elected by a majority of the appointed members.

5 ~~(d)~~--(c) Each of the appointed members shall be a  
6 citizen of Montana, derive a substantial portion of his  
7 income from growing wheat or barley in this state, and be a  
8 resident of and have farming operations in the district from  
9 which appointed. No more than four (4) of the appointed  
10 members may be of the same political party.

11 ~~(e)~~--(d) A list of nominees for appointment may be  
12 submitted to the governor by the Montana farmers union,  
13 Montana farm bureau, Montana grange, and the Montana grain  
14 growers association. Names of nominees shall be submitted  
15 within ninety-one (91) days before the expiration of a  
16 committeeman's term.

17 (3) ~~(a)~~--The appointed members shall serve staggered  
18 terms of five (5) years. The ex officio representative of  
19 the grain trade shall serve at the pleasure of the  
20 committee.

21 ~~(b)~~--A member may be removed by the governor, after a  
22 full public hearing before the governor, for malfeasance,  
23 misfeasance, or neglect of duty. Removal proceedings may  
24 not be started except upon duly verified written charges.  
25 The member shall be given a copy of the written charges at

1 least ten (10) days in advance of the hearing. At the  
2 hearing, the member may be represented by an attorney and  
3 may present witnesses in his behalf.

4 ~~(e)~~--A member who ceases to reside in the state or in  
5 the district from which he was appointed, or who ceases to  
6 grow wheat or barley in the state or district, is  
7 disqualified from membership and his office becomes vacant.  
8 If the member refuses to recognize his disqualification, the  
9 refusal is cause for removal.

10 (4) The committee is allocated to the department for  
11 administrative purposes only as prescribed in section  
12 82A-108."

-End-