

1 H BILL NO. 234
 2 INTRODUCED BY *Johnston G. Henderson League Young*
 3 BY REQUEST OF THE DEPARTMENT OF AGRICULTURE *Bailey*
 4 *Grund*

5 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND THE LAW
 6 RELATING TO GRAIN STANDARDS, STORAGE, AND INSPECTION AND
 7 REGULATION OF GRAIN WAREHOUSEMEN; AMENDING SECTIONS 3-209,
 8 3-227, 3-228.1, 3-228.2, R.C.M. 1947."

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

11 Section 1. Section 3-209, R.C.M. 1947, is amended to
 12 read as follows:

13 "3-209. Establishment of standard grain grades --
 14 procedure. (1) The department shall establish standard
 15 grades to apply to all grain bought or handled by public
 16 warehouses in this state. The department shall adopt as
 17 state grade standards all grades for grain established by
 18 the United States department of agriculture. Standards for
 19 grain shall be established by the department after notice
 20 and a public hearing. Notice shall be published in three {3}
 21 newspapers of the state at least twenty-{20} days before the
 22 hearing.

23 (2) Grade standards, or any alteration or modification
 24 of those standards which the department may establish, are
 25 not effective within until thirty---{30} days after

1 publication, except for grades established by the United
 2 States department of agriculture, which are effective ten
 3 {10} days after publication.

4 (3) The grain standards adopted by the department do
 5 not apply to grain contracted for before their effective
 6 date.

7 ~~{4}--The--fees--and--mitage--for--witnesses--shall--be--paid~~
 8 ~~out--of--moneys--deposited--under--section--3--233."~~

9 Section 2. Section 3-227, R.C.M. 1947, is amended to
 10 read as follows:

11 "3-227. Annual--report Reports of warehousemen--track
 12 buyer and--grain--dealer--special--reports -- penalty for
 13 failure to report. ~~On--June--30--of--each--year--every~~ Every
 14 person licensed to merchandise grain warehousemen--track
 15 buyery--and--grain--dealer shall make a report regular reports
 16 to the department, under oath, ~~to--the--department,~~ at
 17 intervals set by rule of the department, and on forms
 18 prepared by it. The report reports shall show the total
 19 weight of each kind of grain received and shipped, ~~by--the~~
 20 warehousemen--track-buyery--and--licensed--grain--dealer, the
 21 amount of outstanding storage receipts on that date, and a
 22 statement of the amount of grain on hand to cover them. The
 23 department may also require by rule special reports ~~from--a~~
 24 warehousemen--grain--dealer--or--track-buyer at any time. The
 25 department may inspect the business of every warehouseman

1 ~~track--buyer--and-grain-dealer-and-the-method-of-conducting~~
 2 ~~the-business, person licensed to merchandise grain,~~ whenever
 3 considered proper. The books, accounts, records, papers, and
 4 proceedings of every ~~warehouseman--track--buyer--and--grain~~
 5 ~~dealer person licensed to merchandise grain~~ are at all times
 6 during business hours subject to inspection. A person who
 7 knowingly falsifies any of its his reports to the
 8 department, who fails to make the reports when requested by
 9 the department, or who refuses or resists inspection is
 10 guilty of a misdemeanor and shall be fined of not less than
 11 ~~three-hundred-dollars-{\$300}-nor or~~ more than ~~five--hundred~~
 12 ~~dollars-{\$500}.~~"

13 Section 3. Section 3-228.1, R.C.M. 1947, is amended to
 14 read as follows:

15 "3-228.1. Definitions. Unless the context requires
 16 otherwise, as used in this act:

17 (1) "Person" means any person, merchandiser, grain
 18 dealer, firm, public warehouseman, commercial feed lot
 19 operator, trucker, exchange, broker, partnership,
 20 corporation, organization, commissionman, trust, association
 21 of persons, track buyer, shipper, hauler, contractor, cash
 22 buyer, unincorporated association, municipality, or society,
 23 however formed.

24 (2) "Grain" includes the natural products of the farm
 25 ~~and shall also be construed to include including~~ flax.

1 (3) "Haul" means to transport grain or farm products
 2 by any vehicle on land or on water.

3 (4) "Merchandise" means to store, sell, buy, haul,
 4 ship, contract, cause a contract to be let, trade, carry on
 5 commerce, traffic, aid and distribute, abet in the movement
 6 of any commodity, and assemble and distribute farm products
 7 or grain.

8 (5) "For hire" means for remuneration of any kind,
 9 paid or promised either directly or indirectly, or received
 10 or obtained through leasing, brokering, or buy-and-sell
 11 arrangements whereby a remuneration is obtained or derived
 12 for transportation service. Transportation by a person not
 13 in the transportation business is not a service for hire,
 14 even though the person owning the property transported
 15 shares in the cost or pays for the movement.

16 (6) "Department" means department of agriculture."

17 Section 4. Section 3-228.2, R.C.M. 1947, is amended to
 18 read as follows:

19 "3-228.2. Licensing of grain merchandisers -- fees --
 20 exemptions. (1) A person may not merchandise grain without
 21 obtaining a license under this act and without obtaining a
 22 certificate of authority if that certificate is required
 23 under ~~section 15-2363, R.C.M. 1947.~~

24 (2) Licenses to engage in the business of
 25 merchandising of grains shall be issued by the department to

1 reputable persons who apply in writing, submit the scheduled
 2 fee, and set forth under oath the place where the applicant
 3 intends to carry on the business for which the license is
 4 desired. A separate license is required for each place of
 5 business and for each truck or tractor-trailer unit where or
 6 in which grain is merchandised. Each vehicle or vessel used
 7 shall be noted on the application.

8 (3) A person merchandising grain shall before July 1
 9 pay the department a minimum license fee of ~~fifteen-dollars~~
 10 ~~{15}~~ for each year or part of a year, for each place of
 11 business and for each truck or tractor-trailer unit owned,
 12 operated, or conducted by that person where or in which
 13 grain is merchandised. The department may by rule establish
 14 the license fees, which may be graduated according to the
 15 volume of business conducted by a licensee and which shall
 16 bear a reasonable relationship to the cost of administering
 17 this act and section 3-229.

18 (4) All license fees shall be transmitted to the state
 19 treasurer, and shall be deposited in the general fund.

20 (5) All licenses expire on June 30 of each year.

21 (6) A person is exempt from the licensing requirement
 22 of this section if he:

23 (a) is a producer or a feed lot operator within
 24 Montana who buys and hauls grain for his own use, in his own
 25 vehicle, for his own feed-lot livestock or his farm;

1 (b) hauls grain for hire, does not acquire title, and
 2 is hauling from an elevator or public warehouse previously
 3 licensed;

4 (c) hauls grain for hire, for a producer or feed lot
 5 operator for the producer's or feed lot operator's own use
 6 within Montana, and does not acquire title to the grain;

7 (d) is a custom combiner hauling grain that he himself
 8 combines."

-End-

Approved by Committee
on Agriculture Livestock
& Irrigation

1
2 INTRODUCTION BY *H. J. Henderson* *League* *Kenny* BILL NO. 234
3 BY REQUEST OF THE DEPARTMENT OF AGRICULTURE *Baird*
4 *Grund*

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6 RELATING TO GRAIN STANDARDS, STORAGE, AND INSPECTION AND
7 REGULATION OF GRAIN WAREHOUSEMEN; AMENDING SECTIONS 3-209,
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14 procedure. (1) The department shall establish standard
15 grades to apply to all grain bought or handled by public
16 warehouses in this state. The department shall adopt as
17 state grade standards all grades for grain established by
18 the United States department of agriculture. Standards for
19 grain shall be established by the department after notice
20 and a public hearing. Notice shall be published in three (3)
21 newspapers of the state at least ~~twenty~~(20) days before the
22 hearing.

23 (2) Grade standards, or any alteration or modification
24 of those standards which the department may establish, are
25 not effective within ~~until~~ ~~thirty~~-(30) days after

1 publication, except for grades established by the United
2 States department of agriculture, which are effective ten
3 (10) days after publication.

4 (3) The grain standards adopted by the department do
5 not apply to grain contracted for before their effective
6 date.

7 ~~(4) The fees and mileage for witnesses shall be paid~~
8 ~~out of moneys deposited under section 3-233.~~

9 Section 2. Section 3-227, R.C.M. 1947, is amended to
10 read as follows:

11 "3-227. ~~Annual report~~ Reports of warehousemen-track
12 buyer and grain dealer special reports -- penalty for
13 failure to report. ~~On June 30 of each year every~~ Every
14 person licensed to merchandise grain warehousemen-track
15 buyer and grain dealer shall make a report regular reports
16 to the department, under oath, ~~to the department~~, at
17 intervals set by rule of the department, and on forms
18 prepared by it. The report reports shall show the total
19 weight of each kind of grain received and shipped, ~~by the~~
20 warehousemen-track buyer and licensed grain dealer, the
21 amount of outstanding storage receipts on that date, and a
22 statement of the amount of grain on hand to cover them. The
23 department may also require by rule special reports from ~~a~~
24 warehousemen-track buyer or track buyer at any time. The
25 department may inspect the business of every warehousemen

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1 ~~track--buyer--and-grain-dealer-and-the-method-of-conducting~~
 2 ~~the-business, person licensed to merchandise grain,~~ whenever
 3 considered proper. The books, accounts, records, papers, and
 4 proceedings of every ~~warehouseman--track--buyer--and--grain~~
 5 ~~dealer person licensed to merchandise grain~~ are at all times
 6 during business hours subject to inspection. A person who
 7 knowingly falsifies any of its ~~his~~ reports to the
 8 department, who fails to make the reports when requested by
 9 the department, or who refuses or resists inspection is
 10 guilty of a misdemeanor and shall be fined of not less than
 11 ~~three-hundred-dollars-(\$300)-nor or more than five-hundred~~
 12 ~~dollars-(\$500).~~"

13 Section 3. Section 3-228.1, R.C.M. 1947, is amended to
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 19 operator, trucker, exchange, broker, partnership,
 20 corporation, organization, commissionman, trust, association
 21 of persons, track buyer, shipper, hauler, contractor, cash
 22 buyer, unincorporated association, municipality, or society,
 23 however formed.

24 (2) "Grain" includes the natural products of the farm
 25 ~~and-shall-also-be-construed-to-include~~ including flax.

1 (3) "Haul" means to transport grain or farm products
 2 by any vehicle on land or on water.

3 (4) "Merchandise" means to ~~store,~~ sell, buy, haul,
 4 ship, contract, cause a contract to be let, trade, carry on
 5 commerce, traffic, aid and distribute, abet in the movement
 6 of any commodity, and assemble and distribute farm products
 7 or grain.

8 (5) "For hire" means for remuneration of any kind,
 9 paid or promised either directly or indirectly, or received
 10 or obtained through leasing, brokering, or buy-and-sell
 11 arrangements whereby a remuneration is obtained or derived
 12 for transportation service. Transportation by a person not
 13 in the transportation business is not a service for hire,
 14 even though the person owning the property transported
 15 shares in the cost or pays for the movement.

16 (6) "Department" means department of agriculture."

17 Section 4. Section 3-228.2, R.C.M. 1947, is amended to
 18 read as follows:

19 "3-228.2. Licensing of grain merchandisers -- fees --
 20 exemptions. (1) A person may not merchandise grain without
 21 obtaining a license under this act and without obtaining a
 22 certificate of authority if that certificate is required
 23 under ~~section 15-2363, R.E.M. 1947.~~

24 (2) Licenses to engage in the business of
 25 merchandising of grains shall be issued by the department to

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 6 in which grain is merchandised. Each vehicle or vessel used
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8 (3) A person merchandising grain shall before July 1
 9 pay the department a minimum license fee of ~~fifteen-dollars~~
 10 ~~†\$15†~~ for each year or part of a year, for each place of
 11 business and for each truck or tractor-trailer unit owned,
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 15 volume of business conducted by a licensee and which shall
 16 bear a reasonable relationship to the cost of administering
 17 this act and section 3-229.

18 (4) All license fees shall be transmitted to the state
 19 treasurer, and shall be deposited in the general fund.

20 (5) All licenses expire on June 30 of each year.

21 (6) A person is exempt from the licensing requirement
 22 of this section if he:

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 25 vehicle, for his own ~~feed-lot~~ livestock or his farm;

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 2 is hauling from an elevator or public warehouse previously
 3 licensed;

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 5 operator for the producer's or feed lot operator's own use
 6 within Montana, and does not acquire title to the grain;

7 (d) is a custom combiner hauling grain that he himself
 8 combines.*

-End-

1 H BILL NO. 234
 2 INTRODUCED BY *Johnston G. Henderson League Kenny*
 3 BY REQUEST OF THE DEPARTMENT OF AGRICULTURE *Barrett*
 4 *Grund*

5 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND THE LAW
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 21 of persons, track buyer, shipper, hauler, contractor, cash
 22 buyer, unincorporated association, municipality, or society,
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24 (2) "Grain" includes the natural products of the farm
 25 ~~and shall also be construed to include~~ including flax.

1 (3) "Haul" means to transport grain or farm products
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17 Section 4. Section 3-228.2, R.C.M. 1947, is amended to
 18 read as follows:

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8 (3) A person merchandising grain shall before July 1
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18 (4) All license fees shall be transmitted to the state
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 22 of this section if he:

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7 (d) is a custom combiner hauling grain that he himself
 8 combines."

-End-

1 HOUSE BILL NO. 234
 2 INTRODUCED BY JOHNSTON,
 3 J. GUNDERSON, TEAGUE, KENNY, BARRETT, LUND
 4 BY REQUEST OF THE DEPARTMENT OF AGRICULTURE
 5
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5 (c) hauls grain for hire for a producer or feed lot
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8 (d) is a custom combiner hauling grain that he himself
 9 combines."

-End-