

1 H BILL NO. 535
 2 INTRODUCED BY William Rogers NATHA Towse
 3 James Koralek Bongtan Halverson
 4 Ray Lee Frank Mmanuel Conroy
 5 R.C.M. 1947, RELATING TO CHARGES OF PUBLIC WAREHOUSEMEN FOR
 6 HANDLING, CLEANING, AND STORAGE OF GRAIN, TO PLACE
 7 APPLICABLE REGULATORY AND RATEMAKING AUTHORITY IN THE
 8 DEPARTMENT OF AGRICULTURE."

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

11 Section 1. Section 3-208, R.C.M. 1947, is amended to
 12 read as follows:

13 "3-208. Charges of public warehousemen. (1) Public
 14 warehousemen subject to this chapter, for the handling,
 15 cleaning, and storage of grain may charge:

16 ~~(a) Not more than eight cents (8¢) per bushel for~~
 17 ~~receiving, elevating, weighing, and immediate delivery on~~
 18 ~~car of the identical grain without mixing, immediate~~
 19 ~~delivery means that the total period of assemblage and~~
 20 ~~delivery does not exceed seventy-two (72) hours.~~

21 ~~(b) Not more than eight cents (8¢) per bushel for all~~
 22 ~~grains except flax for receiving, grading, weighing,~~
 23 ~~elevating, insuring, and delivery to the owner for flax~~
 24 ~~this charge is not more than ten cents (10¢) per bushel.~~

25 ~~(c) Not more than ten cents (10¢) per bushel for~~

1 ~~cleaning grain where there are cleaning facilities except~~
 2 ~~for seed cleaning, in which case screenings shall be~~
 3 ~~delivered to the owner at his request.~~

4 ~~(d) One twentieth (1/20) of one cent (0.1) per bushel~~
 5 ~~for each day in storage after the period of free storage has~~
 6 ~~elapsed. The first fifteen (15) days of storage shall be~~
 7 ~~without charge.~~

8 ~~(2) A twenty-five per cent (25%) reduction for the~~
 9 ~~above charges shall be allowed when the market price of~~
 10 ~~wheat sold at point of origin is at time of sale less than~~
 11 ~~two dollars and five cents (\$2.05) per bushel. shall be~~
 12 ~~subject to such rules and maximum rates as are adopted and~~
 13 ~~published by the department.~~

14 ~~(2) The department shall, on its own initiative,~~
 15 ~~regularly review the rules and rates established and, in~~
 16 ~~addition, shall conduct such review within 30 days following~~
 17 ~~receipt of a written request by any group representing at~~
 18 ~~least 50 persons subject to the rules or rates.~~

19 (3) The schedule of charges regulations and rates for
 20 cleaning, handling, and storage shall be posted in a
 21 conspicuous place where grain is unloaded for cleaning,
 22 handling, or storage.

23 (4) Failure on the part of a public warehouseman to
 24 comply with this chapter renders the licenses of the
 25 warehouseman subject to revocation by the department."

-End-
 -2-

INTRODUCED BILL

HB 535

STATE OF MONTANA

REQUEST NO. 279-11

FISCAL NOTE

Form BD-15

In compliance with a written request received February 1, 19 77, there is hereby submitted a Fiscal Note for House Bill 535 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly. Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

House Bill 535 places ratemaking authority for public warehousemen in the Department of Agriculture.

ASSUMPTIONS:

1. One hearing will be conducted per year.
2. Current rates will prevail in FY 78 and FY 79.

FISCAL IMPACT:

	<u>FY 78</u>	<u>FY 79</u>
Hearing costs	\$500	\$500
Printing and mailing costs	<u>205</u>	<u>205</u>
Total cost for 1 hearing	<u>\$705</u>	<u>\$705</u>

TECHNICAL NOTE:

Paragraph 2 states that the Department of Agriculture shall review the rate structure within 30 days following receipt of a written request by any group of at least 50 persons; therefore, there is the potential for more than one hearing per year.

Richard L. Young
BUDGET DIRECTOR
Office of Budget and Program Planning
Date: 2-3-77

Approved by Committee
on Business and Industry

1 H BILL NO. 535
 2 INTRODUCED BY William A. Ryan NATH Towse
 3 Jim Bradley Benjamin Halverson
 4 Ray Lee Frank Manuel Conroy
 5 A BILL FOR AN ACT ENTITLED "AN ACT AMENDING SECTION 3-208,
 6 R.C.M. 1947, RELATING TO CHARGES OF PUBLIC WAREHOUSEMEN FOR
 7 HANDLING, CLEANING, AND STORAGE OF GRAIN, TO PLACE
 8 APPLICABLE REGULATORY AND RATEMAKING AUTHORITY IN THE
 9 DEPARTMENT OF AGRICULTURE."

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

11 Section 1. Section 3-208, R.C.M. 1947, is amended to
12 read as follows:

13 "3-208. Charges of public warehousemen. (1) Public
14 warehousemen subject to this chapter, for the handling,
15 cleaning, and storage of grain, may charge:

16 (a) ~~Not more than eight cents (8¢) per bushel for~~
17 ~~receiving, elevating, weighing, and immediate delivery on~~
18 ~~car of the identical grain without mixing; immediate~~
19 ~~delivery means that the total period of assemblage and~~
20 ~~delivery does not exceed seventy-two (72) hours;~~

21 (b) ~~Not more than eight cents (8¢) per bushel for all~~
22 ~~grains except flax for receiving, grading, weighing,~~
23 ~~elevating, insuring, and delivery to the owners for flax~~
24 ~~this charge is not more than ten cents (10¢) per bushel;~~

25 (c) ~~Not more than ten cents (10¢) per bushel for~~

1 ~~cleaning grain where there are cleaning facilities except~~
2 ~~for seed cleaning; in which case screenings shall be~~
3 ~~delivered to the owner at his request;~~

4 (d) ~~One twentieth (1/20) of one cent (1¢) per bushel~~
5 ~~for each day in storage after the period of free storage has~~
6 ~~elapsed. The first fifteen (15) days of storage shall be~~
7 ~~without charge;~~

8 (2) ~~A twenty-five per cent (25%) reduction for the~~
9 ~~above charges shall be allowed when the market price of~~
10 ~~wheat sold at point of origin is at time of sale less than~~
11 ~~two dollars and five cents (\$2.05) per bushel; shall be~~
12 ~~subject to such rules and maximum rates as are adopted and~~
13 ~~published by the department.~~

14 (2) The department shall, on its own initiative,
15 regularly review the rules and rates established and, in
16 addition, shall conduct such review within 30 days following
17 receipt of a written request by any group representing at
18 least 50 persons subject to the rules or rates.

19 (3) The schedule of charges regulations and rates for
20 cleaning, handling, and storage shall be posted in a
21 conspicuous place where grain is unloaded for cleaning,
22 handling, or storage.

23 (4) Failure on the part of a public warehouseman to
24 comply with this chapter renders the licenses of the
25 warehouseman subject to revocation by the department."

HOUSE BILL NO. 535

INTRODUCED BY WILLIAMS, AAGESON, NATHE, TOWER, DAY,
SIVERTSEN, KVAALEN, BENGTSON, HALVORSON, TURNER, LIEN,
LUND, MANUEL, CONROY, BARDANOUVE

A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTION 3-208,
R.C.M. 1947, RELATING TO CHARGES OF PUBLIC WAREHOUSEMEN FOR
HANDLING, CLEANING, AND STORAGE OF GRAIN, TO PLACE
APPLICABLE REGULATORY AND RATEMAKING AUTHORITY IN THE
DEPARTMENT OF AGRICULTURE; AND PROVIDING AN IMMEDIATE
EFFECTIVE DATE."

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

Section 1. Section 3-208, R.C.M. 1947, is amended to
read as follows:

"3-208. Charges of public warehousemen. (1) Public
warehousemen subject to this chapter, for the handling,
cleaning, and storage of grain, may charge:

~~(a) Not more than eight cents (8¢) per bushel for
receiving, elevating, weighing, and immediate delivery on
car of the identical grain without mixing; immediate
delivery means that the total period of assemblage and
delivery does not exceed seventy-two (72) hours;~~

~~(b) Not more than eight cents (8¢) per bushel for all
grains except flax, for receiving, grading, weighing,~~

~~elevating, insuring, and delivery to the owner. For flax
this charge is not more than ten cents (10¢) per bushel;~~

~~(c) Not more than ten cents (10¢) per bushel for
cleaning grain where there are cleaning facilities except
for seed cleaning, in which case screenings shall be
delivered to the owner at his request;~~

~~(d) One twentieth (1/20) of one cent (0.1¢) per bushel
for each day in storage after the period of free storage has
elapsed. The first fifteen (15) days of storage shall be
without charge;~~

~~(2) A twenty five per cent (25%) reduction for the
above charges shall be allowed when the market price of
wheat sold at point of origin is at time of sale less than
two dollars and five cents (\$2.05) per bushel, shall be
subject to such rules and maximum rates as are adopted and
published by the department.~~

~~(2) The department shall, on its own initiative,
regularly review the rules and rates established and, in
addition, shall conduct such review within 30 days following
receipt of a written request by any group representing at
least 50 persons subject to the rules or rates.~~

~~(3) The schedule of charges, regulations and rates for
cleaning, handling, and storage shall be posted in a
conspicuous place where grain is unloaded for cleaning,
handling, or storage.~~

1 (4) Failure on the part of a public warehouseman to
2 comply with this chapter renders the licenses of the
3 warehouseman subject to revocation by the department."

4 ~~SECTION 2. EFFECTIVE DATE. THIS ACT IS EFFECTIVE UPON~~
5 ~~PASSAGE AND APPROVAL.~~

-End-

March 9, 1977

STANDING COMMITTEE REPORT
Senate Committee on Agriculture, Livestock & Irrigation

That House Bill No. 535 be amended as follows:

1. Amend title, line 10.

Following: "AN"

Strike: "IMMEDIATE"

2. Amend page 1, section 1, line 18.

Following: "grain"

Insert: ", may charge"

3. Amend page 2, section 1, lines 14 and 15.

Following: "~~bushel-~~"

Strike: "shall be subject to such rules and"

4. Amend page 2, section 1, line 18.

Following: "the"

Strike: "rules and"

5. Amend page 3, section 2, lines 4 and 5.

Following: "EFFECTIVE"

Strike: "UPON PASSAGE AND APPROVAL"

Insert: "when lower triangle prices for hard red winter wheat is \$5
per bushel"

March 12, 1977

SENATE
COMMITTEE OF THE WHOLE

That House Bill No. 535 be amended as follows:

1. Amend amendment No. 1.
Strike: amendment No. 1 in its entirety.

2. Amend amendment No. 5.
Strike: amendment No. 5 in its entirety.