

HOUSE BILL 849

IN THE HOUSE

February 16, 1979 Introduced and referred to
 Committee on Agriculture,
 Livestock and Irrigation.

February 20, 1979 Committee recommend bill, do
 pass.

February 21, 1979 Second reading, pass consider-
 ation.

February 22, 1979 On motion, taken from second reading
 and referred to Committee on
 Appropriations.

March 24, 1979 Committee recommend bill, do pass.

March 26, 1979 Printed and placed on members'
 desks.

 Second reading, do pass.

March 27, 1979 Considered correctly engrossed.
 Third reading, passed.

IN THE SENATE

March 27, 1979 Introduced and referred to
 Committee on Finance and Claims.

April 10, 1979 Committee recommend bill, not
 concurred.

IN THE HOUSE

April 11, 1979 Returned from Senate, not
 concurred.

April 13, 1979 On motion, request of Senate
 granted for return of H.B. 849
 for further consideration.

IN THE SENATE

April 13, 1979 Returned from House and placed on
 second reading.

1 *House* BILL NO. *849*
 2 INTRODUCED BY *Johann Manuel*
 3 *Mark Fasbender*
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO APPROVE AND RATIFY
 5 THE INTERSTATE COMPACT ON AGRICULTURAL GRAIN MARKETING."
 6

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

8 Section 1. Ratification. The legislature of the state
 9 of Montana hereby approves and ratifies the Interstate
 10 Compact on Agricultural Grain Marketing, which compact is as
 11 follows:

12 Interstate Compact on Agricultural
 13 Grain Marketing

14 Article I. Purpose

15 It is the purpose of this compact to protect, preserve,
 16 and enhance:

17 (1) the economic and general welfare of citizens of
 18 the joining states engaged in the production and sale of
 19 agricultural grains;

20 (2) the economies and very existence of local
 21 communities in such states, the economies of which are
 22 dependent upon the production and sale of agricultural
 23 grains; and

24 (3) the continued production of agricultural grains in
 25 such states in quantities necessary to feed the increasing

1 population of the United States and the world.

2 Article II. Definitions

3 As used in this compact:

4 (1) "State" means any state of the United States in
 5 which agricultural grains are produced for the markets of
 6 the nation and world.

7 (2) "Agricultural grains" means wheat, durum, spelt,
 8 triticale, oats, rye, corn, barley, buckwheat, flaxseed,
 9 safflower, sunflower seed, soybeans, sorghum grains, peas,
 10 and beans.

11 Article III. Commission Organization
 12 and Management -- Committees

13 (1) Membership. There is hereby created an agency of
 14 the member states to be known as the interstate agricultural
 15 grain marketing commission, hereinafter called the
 16 commission. The commission shall consist of three residents
 17 of each member state who shall have an agricultural
 18 background and who shall be appointed as follows: (a) one
 19 member appointed by the governor, who shall serve at the
 20 pleasure of the governor; (b) one senator appointed in the
 21 manner prescribed by the senate of each member state, except
 22 that two senators may be appointed from the unicameral
 23 legislature of the state of Nebraska; and (c) one member of
 24 the house of representatives appointed in the manner
 25 prescribed by the house of representatives of each member

1 state. The member first appointed by the governor shall
 2 serve for a term of 1 year, and the senator and
 3 representative first appointed shall each serve for a term
 4 of 2 years. Thereafter all members appointed shall serve for
 5 2-year terms. The attorneys general of member states or
 6 assistants designated thereby shall be nonvoting members of
 7 the commission.

8 (2) Voting -- binding action. Each member shall be
 9 entitled to one vote. A member must be present to vote, and
 10 no voting by proxy shall be permitted. The commission shall
 11 not act unless a majority of the voting members are present,
 12 and no action shall be binding unless approved by a majority
 13 of the total number of voting members present.

14 (3) Body corporate -- seal. The commission shall be a
 15 body corporate of each member state and shall adopt an
 16 official seal to be used as it may provide.

17 (4) Meetings. The commission shall hold an annual
 18 meeting and such other regular meetings as its bylaws may
 19 provide and such special meetings as its executive committee
 20 may determine. The commission bylaws shall specify the dates
 21 of the annual and any other regular meetings and shall
 22 provide for the giving of notice of annual, regular, and
 23 special meetings. Notices of special meetings shall include
 24 the reasons therefor and an agenda of the items to be
 25 considered.

1 (5) Officers. The commission shall elect annually,
 2 from among its voting members, a chairperson, a
 3 vice-chairperson, and a treasurer. The commission shall
 4 appoint an executive director who shall serve at its
 5 pleasure and shall fix the duties and compensation of such
 6 director. The executive director shall be secretary of the
 7 commission. The commission shall make provision for the
 8 bonding of such of its officers and employees as it may deem
 9 appropriate.

10 (6) Personnel. Irrespective of the civil service,
 11 personnel, or other merit system laws of any member state,
 12 the executive director shall appoint or discharge such
 13 personnel as may be necessary for the performance of the
 14 functions of the commission and shall fix, with the approval
 15 of the commission, their duties and compensation. The
 16 commission bylaws shall provide for personnel policies and
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 19 the member states, a suitable retirement system for its
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 25 agency or unit. The commission may establish and maintain or

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4 United States, or any other governmental entity.

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6 for any of its purposes and functions any and all donations
7 and grants of money, equipment, supplies, materials, and
8 services, conditional or otherwise, from any governmental
9 entity and may utilize and dispose of the same.

10 (8) Offices. The commission may establish one or more
11 offices for the transacting of its business.

12 (9) Bylaws. The commission shall adopt bylaws for the
13 conduct of its business. The commission shall publish its
14 bylaws in convenient form and shall file a copy of the
15 bylaws and any amendments thereto with the appropriate
16 agency or officer in each of the member states.

17 (10) Reports to member states. The commission annually
18 shall make to the governor and legislature of each member
19 state a report covering its activities for the preceding
20 year. Any donation or grant accepted by the commission or
21 services borrowed shall be reported in the annual report of
22 the commission, and shall include the nature, amount, and
23 conditions, if any, of the donation, gift, grant, or
24 services borrowed and the identity of the donor or lender.
25 The commission may make additional reports as it may deem

1 desirable.

2 (11) The commission may establish such committees from
3 its membership as its bylaws may provide for the carrying
4 out of its functions.

5 Article IV. Powers and Duties of Commission

6 (1) The commission shall conduct comprehensive and
7 continuing studies and investigations of agricultural grain
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9 relationship to and effect upon the citizens and economies
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11 (2) The commission shall make recommendations for the
12 correction of weaknesses and solutions to problems in the
13 present system of agricultural grain marketing or the
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15 development, drafting, and recommendation of proposed state
16 or federal legislation.

17 (3) The commission may require by subpoena the
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21 of giving testimony and require by subpoena ducus tecum the
22 production of any account, book, paper, document, or other
23 record deemed necessary to such study or investigation. The
24 commission may apply to any state or federal court having
25 power to issue compulsory process for orders in aid of its

1 powers and responsibilities, pursuant to this compact, and
 2 any and all such courts shall have jurisdiction to issue
 3 such orders. Failure of any person to obey any such order
 4 shall be punishable as contempt of the issuing court. If
 5 the party or subject matter on account of which the
 6 commission seeks an order is within the jurisdiction of the
 7 court to which application is made, such application may be
 8 to a court in a state in which the commission maintains an
 9 office or a court in the state in which the person or object
 10 of the order being sought is situated.

11 (4) The commission is hereby authorized to do all
 12 things necessary and incidental to the administration of its
 13 functions under this compact.

14 Article V. Finance

15 (1) Budget. The commission shall submit to the
 16 governor of each member state a budget of its estimated
 17 expenditures for such period as may be required by the laws
 18 of that state for presentation to the legislature thereof.

19 (2) Appropriations by member states. The moneys
 20 necessary to finance the general operations of the
 21 commission not otherwise provided for in carrying forth its
 22 duties, responsibilities, and powers as stated herein shall
 23 be appropriated to the commission by the member states, when
 24 authorized by the respective legislatures. Appropriations by
 25 member states for the financing of the operations of the

1 commission in the initial biennium of the compact shall be
 2 in the amount of \$50,000 for each member state; thereafter
 3 the total amount of appropriations requested shall be
 4 apportioned among the member states in the manner determined
 5 by the commission.

6 (3) Incurring obligations and pledge of credit. The
 7 commission shall not incur any obligations of any kind prior
 8 to the making of appropriations adequate to meet the same;
 9 nor shall the commission pledge the credit of any of the
 10 member states, except by and with the authority of the
 11 member state.

12 (4) Accounts -- audits. The commission shall keep
 13 accurate accounts of all receipts and disbursements. The
 14 receipts and disbursements of the commission shall be
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 17 funds handled by the commission shall be audited yearly by a
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 19 the audit shall be included in and become part of the annual
 20 report of the commission.

21 (5) Accounts -- examination. The accounts of the
 22 commission shall be open for inspection at any reasonable
 23 time.

24 Article VI. Eligible Parties, Entry
 25 Into Force, Withdrawal, and Termination

1 (1) Eligible parties. Any agricultural grain marketing
2 state may become a member of this compact.

3 (2) Entry into force. This compact shall become
4 effective initially when enacted into law by any five states
5 prior to July 1, 1981, and in additional states upon their
6 enactment of the same into law.

7 (3) Withdrawal. Any member state may withdraw from
8 this compact by enacting a statute repealing the compact,
9 but such withdrawal shall not become effective until 1 year
10 after the enactment of such statute and the notification of
11 the commission thereof by the governor of the withdrawing
12 state. A withdrawing state shall be liable for any
13 obligations which it incurred on account of its membership
14 up to the effective date of withdrawal, and if the
15 withdrawing state has specifically undertaken or committed
16 itself to any performance of an obligation extending beyond
17 the effective date of withdrawal, it shall remain liable to
18 the extent of such obligation.

19 (4) Termination. This compact shall terminate 1 year
20 after the notification of withdrawal by the governor of any
21 member state which reduces the total membership in the
22 compact to less than five states.

-End-

HB 249

Approved by Committee
on Agriculture Livestock
& Irrigation

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2 INTRODUCED BY *Johnson, Manuel*
3 *Mark, Fasbender*

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6 enactment of the same into law.

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8 this compact by enacting a statute repealing the compact,
9 but such withdrawal shall not become effective until 1 year
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11 the commission thereof by the governor of the withdrawing
12 state. A withdrawing state shall be liable for any
13 obligations which it incurred on account of its membership
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-End-

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 10 of the order being sought is situated.

11 (4) The commission is hereby authorized to do all
 12 things necessary and incidental to the administration of its
 13 functions under this compact.

14 Article V. Finance

15 (1) Budget. The commission shall submit to the
 16 governor of each member state a budget of its estimated
 17 expenditures for such period as may be required by the laws
 18 of that state for presentation to the legislature thereof.

19 (2) Appropriations by member states. The moneys
 20 necessary to finance the general operations of the
 21 commission not otherwise provided for in carrying forth its
 22 duties, responsibilities, and powers as stated herein shall
 23 be appropriated to the commission by the member states, when
 24 authorized by the respective legislatures. Appropriations by
 25 member states for the financing of the operations of the

1 commission in the initial biennium of the compact shall be
 2 in the amount of \$50,000 for each member state; thereafter
 3 the total amount of appropriations requested shall be
 4 apportioned among the member states in the manner determined
 5 by the commission.

6 (3) Incurring obligations and pledge of credit. The
 7 commission shall not incur any obligations of any kind prior
 8 to the making of appropriations adequate to meet the same;
 9 nor shall the commission pledge the credit of any of the
 10 member states, except by and with the authority of the
 11 member state.

12 (4) Accounts -- audits. The commission shall keep
 13 accurate accounts of all receipts and disbursements. The
 14 receipts and disbursements of the commission shall be
 15 subject to the audit and accounting procedures established
 16 under its bylaws. However, all receipts and disbursements of
 17 funds handled by the commission shall be audited yearly by a
 18 certified or licensed public accountant, and the report of
 19 the audit shall be included in and become part of the annual
 20 report of the commission.

21 (5) Accounts -- examination. The accounts of the
 22 commission shall be open for inspection at any reasonable
 23 time.

24 Article VI. Eligible Parties, Entry 25 Into Force, Withdrawal, and Termination

1 (1) Eligible parties. Any agricultural grain marketing
2 state may become a member of this compact.

3 (2) Entry into force. This compact shall become
4 effective initially when enacted into law by any five states
5 prior to July 1, 1981, and in additional states upon their
6 enactment of the same into law.

7 (3) Withdrawal. Any member state may withdraw from
8 this compact by enacting a statute repealing the compact,
9 but such withdrawal shall not become effective until 1 year
10 after the enactment of such statute and the notification of
11 the commission thereof by the governor of the withdrawing
12 state. A withdrawing state shall be liable for any
13 obligations which it incurred on account of its membership
14 up to the effective date of withdrawal, and if the
15 withdrawing state has specifically undertaken or committed
16 itself to any performance of an obligation extending beyond
17 the effective date of withdrawal, it shall remain liable to
18 the extent of such obligation.

19 (4) Termination. This compact shall terminate 1 year
20 after the notification of withdrawal by the governor of any
21 member state which reduces the total membership in the
22 compact to less than five states.

-End-

HB 849

March 12, 1979

SENATE STANDING COMMITTEE REPORT
(Highways and Transportation)

That House Bill No. 850 be amended as follows:

1. Page 2, line 1.

Following: "both."

Insert: "Except for the minimum fine of \$50 as provided in this subsection the penalty provisions of 61-8-711 apply to this section."

April 20, 1979

SENATE COMMITTEE OF THE WHOLE

That House Bill No. 849, third reading bill, be amended as follows:

1. Page 6, line 10.
Following: "states."
Insert: "A person or corporation solely engaged in agricultural production may not be investigated under this compact."
2. Page 6, lines 17 through 23.
Following: line 16
Strike: lines 17 through "investigation." on line 23
3. Page 6, line 24.
Following: "apply"
Insert: "by a majority vote of all the members of such commission"
4. Page 6, line 25.
Following: "for"
Insert: "an order to require by subpoena the attendance of any person or by subpoena duces tecum the production of any records in addition to"
5. Page 7, line 3.
Following: "orders."
Insert: "All testimony required by subpoena shall be under oath."