

HOUSE BILL NO. 349

INTRODUCED BY DONALDSON, SCHULTZ, ERNST, HOLLIDAY,
HANSON, B. WILLIAMS, KOEHNKE, ABRAMS, MANUEL

BY REQUEST OF THE DEPARTMENT OF AGRICULTURE

IN THE HOUSE

January 22, 1985	Introduced and referred to Committee on Agriculture, Livestock and Irrigation.
January 29, 1985	Committee recommend bill do pass as amended. Report adopted.
	Bill printed and placed on members' desks.
January 31, 1985	Second reading, do pass.
	Considered correctly engrossed.
February 1, 1985	Third reading, passed. Ayes, 99; Noes, 0.
	Transmitted to Senate.

IN THE SENATE

February 6, 1985	Introduced and referred to Committee on Agriculture, Livestock and Irrigation.
February 19, 1985	Committee recommend bill be concurrred in. Report adopted.
February 21, 1985	Second reading, concurrred in.
February 23, 1985	Third reading, concurrred in. Ayes, 48; Noes, 0.
	Returned to House.

IN THE HOUSE

February 23, 1985

Received from Senate.

Sent to enrolling.

Reported correctly enrolled.

1 HOUSE BILL NO. 349
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3 BY REQUEST OF THE DEPARTMENT OF AGRICULTURE [Signature]
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5 A BILL FOR AN ACT ENTITLED: "AN ACT TO INCREASE FROM
6 \$10,000 TO \$30,000 THE VALUE OF AGRICULTURAL COMMODITIES
7 THAT MAY BE TRADED BY A PERSON EXEMPT FROM BONDING AND
8 LICENSURE AS A COMMODITY DEALER; AMENDING SECTION 80-4-402,
9 MCA."

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

12 Section 1. Section 80-4-402, MCA, is amended to read:
13 "80-4-402. Definitions. As used in parts 4 through 7
14 of this chapter, the following definitions apply:

15 (1) "Agent" means any person who contracts for or
16 solicits any agricultural commodities from a producer or
17 warehouseman or negotiates the consignment or purchase of
18 any agricultural commodity on behalf of any commodity
19 dealer.

20 (2) "Agricultural commodity" means any grain, beans,
21 safflower, sunflower seeds, tame mustards, rapeseed,
22 flaxseed, leguminous seed, or other small seed, and other
23 agricultural commodities designated by rule of the
24 department.

25 (3) "Commodity dealer" means any person who engages in

1 a business involving or, as part of his business,
2 participates in buying, exchanging, negotiating, or
3 soliciting the sale, resale, exchange, or transfer of any
4 agricultural commodity in the state of Montana. The term
5 does not include:

6 (a) a person engaged solely in storing, shipping, or
7 handling agricultural commodities for hire;

8 (b) a person who buys or handles less than ~~\$10,000~~
9 \$30,000 worth of agricultural commodities in a licensing
10 year;

11 (c) a person who is the producer of agricultural
12 commodities that he actually plants, nurtures, and harvests;
13 or

14 (d) a person whose trading in agricultural commodities
15 is limited to trading in commodity futures on a recognized
16 futures exchange.

17 (4) "Credit sale contract" means a contract for the
18 sale of an agricultural commodity when the sale price is to
19 be paid at a date after delivery of the agricultural
20 commodity to the buyer and includes but is not limited to
21 those contracts commonly referred to as deferred payment
22 contracts, deferred pricing contracts, or price-later
23 contracts.

24 (5) "Department" means the department of agriculture
25 provided for in 2-15-3001.



1 (6) "Depositor" means any person who deposits an
2 agricultural commodity in a warehouse for storage,
3 processing, handling, or shipment or who is the owner or
4 legal holder of an outstanding warehouse receipt or who is
5 lawfully entitled to possession of the agricultural
6 commodity.

7 (7) "Director" means the director of the department of
8 agriculture.

9 (8) "Grain" means all grains for which standards have
10 been established under the United States Grain Standards Act
11 (7 U.S.C. 71 through 87) and all other agricultural
12 commodities, such as mustard, oil seed crops, or other crops
13 which may be designated by rule of the department.

14 (9) "Grain Standards Act" means the United States
15 Grain Standards Act (7 U.S.C. 71 through 87) as that act
16 reads on July 1, 1983.

17 (10) "Inspector" means any person so designated by the
18 director to assist in the administration of parts 4 through
19 6 of this chapter. The term includes warehouse auditors or
20 examiners.

21 (11) "Official grain inspectors" means any official
22 personnel who perform or supervise the performance of
23 official inspection services and certify the results
24 thereof, including the grade of the grain.

25 (12) "Official grain samplers" or "samplers" means any

1 official personnel who perform or supervise the performance
2 of official sampling services and certify the results
3 thereof.

4 (13) "Official grain standards" means the standards of
5 quality and condition of grain that establish the grades
6 defined by the Grain Standards Act.

7 (14) "Official grain weighers" means any official
8 personnel who perform or supervise the performance of class
9 X or class Y weighing services and certify the results
10 thereof, including the weight of the grain.

11 (15) "Person" means any individual, firm, association,
12 corporation, partnership, or any other form of business
13 enterprise.

14 (16) "Producer" means the owner, tenant, or operator of
15 land in this state who has an interest in and receives all
16 or part of the proceeds from the sale of agricultural
17 commodities produced on that land.

18 (17) "Public warehouse" or "warehouse" means any
19 elevator, mill, warehouse, subterminal grain warehouse,
20 public warehouse, or other structure or facility in which,
21 for compensation, agricultural commodities are received for
22 storage, handling, processing, or shipment. The term
23 includes facilities which commingle commodities belonging to
24 different lots of agricultural commodities.

25 (18) "Receipt" means a warehouse receipt.

1 (19) "Scale weight ticket" means a load slip or other
2 evidence of delivery, other than a receipt, given to a
3 depositor by a warehouseman licensed under the provisions of
4 part 5 of this chapter upon initial delivery of the
5 agricultural commodity to the warehouse.

6 (20) "Station" means a warehouse located more than 3
7 miles from the central office of the warehouse.

8 (21) "Subterminal warehouse" means any warehouse at
9 which an intermediate function is performed in which
10 agricultural commodities are customarily received from
11 dealers or producers and where the commodities are
12 accumulated prior to shipment.

13 (22) "Terminal grain warehouse" means any warehouse
14 authorized by a grain exchange to receive or disburse grain
15 on consignment as presented by the rules and regulations of
16 a grain exchange.

17 (23) "Warehouseman" means a person operating or
18 controlling a public warehouse.

19 (24) "Warehouse receipt" means every receipt, whether
20 negotiable or nonnegotiable, issued under part 5 of this
21 chapter by a warehouseman, except scale weight tickets."

22 NEW SECTION. Section 2. Extension of authority. Any
23 existing authority of the department of agriculture to make
24 rules on the subject of the provisions of this act is
25 extended to the provisions of this act.

APPROVED BY COMMITTEE
ON AGRICULTURE LIVESTOCK
AND IRRIGATION

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LICENSURE REQUIREMENTS AS A COMMODITY DEALER ANY PERSON
PURCHASING AGRICULTURAL COMMODITIES FROM A LICENSED
COMMODITY DEALER OR PURCHASING NOT MORE THAN \$30,000 WORTH
OF AGRICULTURAL COMMODITIES FROM PRODUCERS DURING A
LICENSING YEAR; AMENDING SECTION 80-4-402, MCA."

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Section 1. Section 80-4-402, MCA, is amended to read:

"80-4-402. Definitions. As used in parts 4 through 7
of this chapter, the following definitions apply:

(1) "Agent" means any person who contracts for or
solicits any agricultural commodities from a producer or
warehouseman or negotiates the consignment or purchase of
any agricultural commodity on behalf of any commodity
dealer.

(2) "Agricultural commodity" means any grain, beans,
safflower, sunflower seeds, tame mustards, rapeseed,

flaxseed, leguminous seed, or other small seed, and other
agricultural commodities designated by rule of the
department.

(3) "Commodity dealer" means any person who engages in
a business involving or, as part of his business,
participates in buying, exchanging, negotiating, or
soliciting the sale, resale, exchange, or transfer of any
agricultural commodity in the state of Montana. The term
does not include:

(a) a person engaged solely in storing, shipping, or
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(c) a person who is the producer of agricultural
commodities that he actually plants, nurtures, and harvests;
or

(d) a person whose trading in agricultural commodities
is limited to trading in commodity futures on a recognized
futures exchange.

(4) "Credit sale contract" means a contract for the
sale of an agricultural commodity when the sale price is to
be paid at a date after delivery of the agricultural

1 commodity to the buyer and includes but is not limited to
2 those contracts commonly referred to as deferred payment
3 contracts, deferred pricing contracts, or price-later
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5 (5) "Department" means the department of agriculture
6 provided for in 2-15-3001.

7 (6) "Depositor" means any person who deposits an
8 agricultural commodity in a warehouse for storage,
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10 legal holder of an outstanding warehouse receipt or who is
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13 (7) "Director" means the director of the department of
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15 (8) "Grain" means all grains for which standards have
16 been established under the United States Grain Standards Act
17 (7 U.S.C. 71 through 87) and all other agricultural
18 commodities, such as mustard, oil seed crops, or other crops
19 which may be designated by rule of the department.

20 (9) "Grain Standards Act" means the United States
21 Grain Standards Act (7 U.S.C. 71 through 87) as that act
22 reads on July 1, 1983.

23 (10) "Inspector" means any person so designated by the
24 director to assist in the administration of parts 4 through
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20 (16) "Producer" means the owner, tenant, or operator of
21 land in this state who has an interest in and receives all
22 or part of the proceeds from the sale of agricultural
23 commodities produced on that land.

24 (17) "Public warehouse" or "warehouse" means any
25 elevator, mill, warehouse, subterminal grain warehouse,

1 public warehouse, or other structure or facility in which,
 2 for compensation, agricultural commodities are received for
 3 storage, handling, processing, or shipment. The term
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6 (18) "Receipt" means a warehouse receipt.

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 10 part 5 of this chapter upon initial delivery of the
 11 agricultural commodity to the warehouse.

12 (20) "Station" means a warehouse located more than 3
 13 miles from the central office of the warehouse.

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