

SENATE BILL NO. 360

2/07 Introduced
2/08 Referred to Agriculture, Livestock & Irrig.
2/11 Fiscal Note Requested
2/16 Fiscal Note Received
2/18 Hearing
2/22 Tabled in Committee

1 *Senate* BILL NO. *360*
 2 INTRODUCED BY *Traut Klined* *John DeLuca* *Conover*
 3 *Neuman* *is written.*

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE OFFICIAL
 5 PROTEIN TESTING OF GRAIN DELIVERED TO A WAREHOUSE UNLESS
 6 WAIVED BY THE PRODUCER OR OWNER; AMENDING SECTION 80-4-710,
 7 MCA."
 8

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

10 Section 1. Section 80-4-710, MCA, is amended to read:

11 "80-4-710. Protein test ~~available---on---all---grain~~
 12 ~~delivered--to--grain--warehouses -- manner-of-making-test---~~
 13 ~~procedure -- fee -- penalty.~~ (1) Each warehouseman shall
 14 take samples from each load of grain delivered to his
 15 warehouse and preserve the sample in a moistureproof
 16 container with the owner's name on it. A 1-pint portion of
 17 the composite sample may must be submitted to the
 18 department, except when an official test is waived under
 19 subsection (2), and the balance must be held in the owner's
 20 container.

21 (2) ~~if---either---the---warehouseman---or---owner---is~~
 22 ~~dissatisfied-with-the-results-of-the-protein-tests,--he--may~~
 23 ~~appeal--to--the--department;--in-case-of-an-appeal,--a-1-pint~~
 24 ~~portion-of-the-remainder--of--the--owner's--sample--must--be~~
 25 ~~submitted-to-the-department-with-a-statement-of-facts-of-the~~

1 ~~appeal;--A--final--test,--in--duplicate,--must--be--made--by--the~~
 2 ~~department; An official grade and protein certificate must~~
 3 ~~be obtained for all grain delivered to a warehouse, unless~~
 4 ~~the producer or owner of the grain waives, in writing, the~~
 5 ~~right to an official test.~~ The department's certificate of
 6 the test is final and binding upon both parties in
 7 establishing the basis of the price paid by the
 8 warehouseman.

9 (3) A fee established by the department commensurate
 10 with the cost of each protein test must be deducted and paid
 11 at the time of final settlement.

12 (4) ~~Upon--written--request--of--the--owner,--an--official~~
 13 ~~protein--test--must--be--made;~~

14 (5) ~~Each--warehouseman--shall--post--in--a--conspicuous~~
 15 ~~place--a--placard--indicating--that--producers--may--request,--in~~
 16 ~~writing,--an--official--grade--and--protein--certificate;--The~~
 17 ~~department--shall--issue--the--placard;~~

18 (6)(4) A person violating this section is guilty of a
 19 misdemeanor."

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

-End-

INTRODUCED BILL
 SB 340



STATE OF MONTANA
FISCAL NOTE

REQUEST NO. FNN 404-85

Form BD-15

In compliance with a written request received February 11, 19 85, there is hereby submitted a Fiscal Note for Senate Bill 360 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA). 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:

Senate Bill 360 is an Act to Require Official Protein Testing of Grain Delivered To a Warehouse Unless waived by The Producer or Owner Amending Section 80-4-710 MCA.

ASSUMPTION:

1. Revenues will increase 10% and remain constant thereafter.
2. Any increased sample testing experienced because of the legislation will be assumed by existing personnel.

FISCAL IMPACT:

Expenditures:

No increased expenditures will result.

State Special Revenue:

	<u>FY 1986</u>	<u>FY 1987</u>
Current	<u>\$244,300</u>	<u>\$244,300</u>
Proposed	<u>\$268,731</u>	<u>\$268,731</u>
Difference	<u>\$ 24,431</u>	<u>\$ 24,431</u>

AFFECT ON COUNTY OR OTHER LOCAL REVENUE OR EXPENDITURES:

NONE.

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

NONE.

TECHNICAL OR MECHANICAL DEFECTS OR CONFLICTS WITH EXISTING LEGISLATION:

NONE.



BUDGET DIRECTOR

Office of Budget and Program Planning

Date: Feb 16, 1985

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