

FINAL STATUS

HB 20 INTRODUCED BY MARKS, ET AL.
 PROVIDE FOR A FARM FINANCIAL MANAGEMENT AND
 COUNSELING PROGRAM

 3/26 INTRODUCED
 3/26 REFERRED TO AGRICULTURE, LIVESTOCK
 AND IRRIGATION
 3/27 HEARING
 DIED IN COMMITTEE

1 House BILL NO. 20
2 INTRODUCED BY Mike Meyer
3 Mark Meyer Greg Heller
4 A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING A FARM
5 FINANCIAL MANAGEMENT AND COUNSELING SERVICES PROGRAM TO
6 ASSIST FINANCIALLY DISTRESSED FARMERS AND RANCHERS IN
7 MONTANA; CREATING A COMMITTEE WITHIN THE COOPERATIVE
8 EXTENSION SERVICE TO ADMINISTER THE PROGRAM; REQUIRING THE
9 COOPERATION OF STATE AGENCIES; AMENDING SECTIONS 7-21-3203
10 AND 53-21-204, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE
11 DATE."
12

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

14 NEW SECTION. Section 1. Purpose. The legislature
15 finds that many agricultural producers in this state are
16 suffering severe financial stress because of poor economic
17 conditions in agriculture. These financially distressed
18 producers are in need of financial management assistance and
19 counseling to help them improve their financial situation
20 and address the problems that they face arising from current
21 economic circumstances. However, the legislature finds that
22 present state agencies and private resources are not being
23 adequately directed toward providing assistance and
24 counseling to financially distressed agricultural producers
25 in this state. Therefore, it is the declared purpose of

1 [sections 1 through 8] to establish a program to redirect
2 and focus existing public and private resources to better
3 meet the needs of Montana agricultural producers during this
4 time of financial stress in agriculture.

5 NEW SECTION. Section 2. Definitions. For purposes of
6 [sections 1 through 8], the following definitions apply:

7 (1) "Committee" means the farm financial management
8 and counseling services committee established under [section
9 3].

10 (2) "Program" means the program required under
11 [section 5] to provide farm financial management and
12 counseling services to distressed farmers.

13 NEW SECTION. Section 3. Farm financial management and
14 counseling services committee. (1) There is established in
15 the cooperative extension service of Montana state
16 university a farm financial management and counseling
17 services committee.

18 (2) The committee consists of 12 members appointed by
19 the governor. Membership of the committee must include:

- 20 (a) the director of the cooperative extension service;
21 (b) the program coordinator provided for in [section
22 6];
23 (c) a county extension agent;
24 (d) a person from the department of agriculture;
25 (e) a person representing a commercial lending

1 institution;
 2 (f) a grain farmer;
 3 (g) a livestock producer;
 4 (h) a lawyer who has knowledge of financial and
 5 agricultural matters;
 6 (i) a representative from a regional mental health
 7 corporation;
 8 (j) a volunteer farm counselor; and
 9 (k) two other individuals.

10 (3) The director of the cooperative extension service
 11 shall assume the duties of chairman for the committee.

12 NEW SECTION. Section 4. Terms of committee members --
 13 compensation. (1) The term of each member of the committee
 14 is 2 years, and each member shall continue to serve until a
 15 successor is appointed.

16 (2) Each member of the committee is entitled to be
 17 reimbursed for all reasonable expenses actually paid or
 18 incurred in the performance of official duties in the same
 19 manner as other employees of the state, as provided in
 20 2-18-501 through 2-18-503.

21 (3) Members of the committee who are not employed by
 22 the state or one of its political subdivisions are entitled
 23 to receive a per diem of \$50 for each day or part thereof
 24 actually spent in the performance of official duties.

25 NEW SECTION. Section 5. Program established -- duties

1 of committee. (1) The committee shall establish a program to
 2 provide farm financial management assistance and counseling
 3 to aid financially distressed farmers and ranchers in this
 4 state.

5 (2) As part of a program for assistance and counseling
 6 required under subsection (1), the committee shall
 7 disseminate information and provide services relating to the
 8 following types of assistance needs:

- 9 (a) financial counseling;
- 10 (b) farm management training;
- 11 (c) financial planning and analysis;
- 12 (d) tax management and accounting;
- 13 (e) legal assistance;
- 14 (f) mental health services;
- 15 (g) support counseling; and
- 16 (h) referral services.

17 (3) For the purposes of the program, the committee
 18 shall:

- 19 (a) utilize the services of:
 - 20 (i) the cooperative extension service;
 - 21 (ii) the county cooperative extension offices;
 - 22 (iii) the department of agriculture;
 - 23 (iv) state agencies;
 - 24 (v) private businesses;
 - 25 (vi) financial institutions;

1 (vii) professional associations;
 2 (viii) community service organizations;
 3 (ix) regional mental health corporations;
 4 (x) volunteer organizations;
 5 (xi) peer counseling groups; and
 6 (xii) other persons and entities;
 7 (b) provide training for interested persons to assist
 8 farmers needing help with farm financial management
 9 problems;
 10 (c) establish a toll-free telephone line to receive
 11 requests for assistance, counseling, and referral services;
 12 (d) compile a directory of services available through
 13 the program; and
 14 (e) adapt or develop computer software for use in
 15 helping individual producers examine their financial
 16 situations, explore financial management options, and make
 17 financial decisions relating to their agricultural
 18 operations.
 19 NEW SECTION. Section 6. Program coordinator. There is
 20 a program coordinator who works under the direction of the
 21 committee. The program coordinator is responsible for
 22 overall program administration and the coordination of
 23 services. The program coordinator may be a farm management
 24 specialist who serves with the cooperative extension
 25 service.

1 NEW SECTION. Section 7. Cooperation of agencies --
 2 cooperation with private organizations. (1) All state
 3 agencies must cooperate to the greatest extent possible with
 4 the committee so that its farm financial management and
 5 counseling services program attains maximum utilization and
 6 maximum coordination of assistance efforts to help
 7 financially distressed farmers and ranchers.
 8 (2) All state agencies shall assist, to the greatest
 9 extent possible, in providing the types of services
 10 described in [section 5] so that existing state resources
 11 are made available for the purposes of this act.
 12 (3) The committee and all state agencies must
 13 cooperate with existing informational and referral networks
 14 among farmers, farmer advocates, service providers, and
 15 others concerned with the financial crisis in agriculture.
 16 NEW SECTION. Section 8. Gifts and grants. The
 17 committee may accept monetary or in-kind gifts and grants
 18 contributed to support the program.
 19 Section 9. Section 7-21-3203, MCA, is amended to read:
 20 "7-21-3203. Support of extension work in agriculture
 21 and home economics. (1) The county commissioners of any
 22 county may appropriate money from the general funds of the
 23 county treasury or from funds provided by special levy,
 24 which the county commissioners are hereby authorized to make
 25 at the same time as other levies for county purposes, for

the purpose of carrying on extension work in agriculture and home economics within the county in cooperation with Montana state university and the United States department of agriculture.

(2) The amount of such appropriation in any county, its method of expenditure, the responsibility for the direction of the work, and the procedure of appointing agents and the compensation and conditions of service of such agents shall be covered in memoranda of agreement between the county commissioners and Montana state university.

(3) County extension work in agriculture must include the provision of services to aid financially distressed agricultural producers in cooperation with the financial management and counseling services committee established under [section 3]."

Section 10. Section 53-21-204, MCA, is amended to read:

"53-21-204. Mental health corporations: (1) Mental health regions shall be established in the state mental health plan and shall conform to the mental health regions as established in the state mental health construction plan promulgated by the board of health and environmental sciences under the federal Community Mental Health Centers Act.

(2) The mental health regions shall establish themselves under Title 35, chapter 2. Upon incorporation, a mental health region may enter into contracts with the department in order to carry out the department's comprehensive plan for mental health. These nonprofit corporations shall not be considered agencies of the department or the state of Montana; however, they may retain and enter into retirement programs as established under Title 19, chapter 3, The Public Employees' Retirement System Act. Upon the establishment of the mental health regions, the county commissioners in each of the various counties in the region shall designate a person from their respective county to serve as a representative of the county on the regional mental health corporation board. The board shall be established under guidelines adopted by the bylaws of the corporation. All appointments to the board shall be for terms of 2 years, and the department shall be notified in writing of all appointments.

(3) The duties of an organized regional mental health corporation board include:

(a) annual review and evaluation of mental health needs and services within the region;

(b) preparation and submission to the department and to each of the counties in the region of plans and budget proposals to provide and support mental health services

1 within the region;

2 (c) establishment of a recommended proportionate level
3 of financial participation of each of the counties within
4 the region in the provision of mental health services within
5 the limits of this section;

6 (d) receipt and administration of moneys and other
7 support made available for the purposes of providing mental
8 health services by the participating agencies, including
9 grants from the United States government and other agencies,
10 receipts for established fees for services rendered, tax
11 moneys, gifts, donations, and any other type of support or
12 income. All funds received by the board in accordance with
13 this part shall be used to carry out the purposes of this
14 part.

15 (e) supervision of appropriate administrative staff
16 personnel of the operation of community mental health
17 services within the region;

18 (f) keeping all records of the board and making
19 reports required by the department.

20 (4) Regional mental health board members shall be
21 reimbursed from funds of the board for actual and necessary
22 expenses incurred in attending meetings and in the discharge
23 of board duties when assigned by the board.

24 (5) Prior to June 10 of each year, the board of mental
25 health shall submit to the board of county commissioners of

1 each of the counties within the constituted mental health
2 region an annual budget, specifying each county's
3 recommended proportionate share. If the board of county
4 commissioners includes in the county budget the county's
5 proportionate share of the regional board's budget, it shall
6 be designated as a participating county. Funds for each
7 participating county's proportionate share for the operation
8 of mental health services within the region shall be derived
9 from the county's general fund. If the general fund is
10 insufficient to meet the approved budget, a levy not to
11 exceed 1 mill may be made on the taxable valuation of the
12 county in addition to all other taxes allowed by law to be
13 levied on such property.

14 (6) The regional board of mental health with the
15 approval of the department shall establish a schedule of
16 fees for mental health services. The fees may be received by
17 the board and used to implement the budget in accordance
18 with 53-21-204(3)(d).

19 (7) The regional board of mental health, in
20 cooperation with the program established under [section 5],
21 shall make it a priority to provide assistance to
22 financially distressed farmers and ranchers who are eligible
23 for general relief assistance as provided for in Title 53,
24 chapter 3."

25 NEW SECTION. Section 11. Effective date. This act is

LC 0041/01

1 effective on passage and approval.

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