

HOUSE BILL NO. 61

INTRODUCED BY HARPER, THOFT, KELLER, SCHYE, GRADY,
POFF, WEEDING, GAGE, STANG, GALT, RAPP-SVRCEK

BY REQUEST OF THE DEPARTMENT OF AGRICULTURE

IN THE HOUSE

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| JANUARY 5, 1987 | INTRODUCED AND REFERRED TO COMMITTEE ON AGRICULTURE, LIVESTOCK & IRRIGATION. |
| JANUARY 8, 1987 | ON MOTION BY CHIEF SPONSOR, SENATORS WEEDING, GALT, GAGE AND REPRESENTATIVES THOFT, KELLER, SCHYE, GRADY, POFF, STANG, AND RAPP-SVRCEK ADDED AS SPONSORS. |
| JANUARY 13, 1987 | COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED. |
| JANUARY 14, 1987 | PRINTING REPORT. |
| JANUARY 15, 1987 | SECOND READING, DO PASS. |
| JANUARY 16, 1987 | ENGROSSING REPORT. THIRD READING, PASSED. TRANSMITTED TO SENATE. |

IN THE SENATE

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| JANUARY 21, 1987 | INTRODUCED AND REFERRED TO COMMITTEE ON AGRICULTURE, LIVESTOCK & IRRIGATION. |
| JANUARY 31, 1987 | COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED. |
| FEBRUARY 4, 1987 | SECOND READING, CONCURRED IN. |
| FEBRUARY 6, 1987 | THIRD READING, CONCURRED IN. AYES, 49; NOES, 0. RETURNED TO HOUSE. |

IN THE HOUSE

FEBRUARY 9, 1987

RECEIVED FROM SENATE.

SENT TO ENROLLING.

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 2 INTRODUCED BY HARPER
 3 BY REQUEST OF THE DEPARTMENT OF AGRICULTURE
 4
 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE
 6 NOXIOUS WEED MANAGEMENT FUNDING LAW; TO REDEFINE
 7 "HERBICIDE"; TO PERMIT EXPENDITURE OF ANNUAL HERBICIDE
 8 SURCHARGE PROCEEDS IN SUCCEEDING FISCAL YEARS; AMENDING
 9 SECTIONS 80-7-801 AND 80-7-812, MCA; AND PROVIDING AN
 10 EFFECTIVE DATE."
 11
 12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 13 Section 1. Section 80-7-801, MCA, is amended to read:
 14 "80-7-801. Definitions. As used in this part, the
 15 following definitions apply:
 16 (1) "Department" means the department of agriculture
 17 established in 2-15-3001.
 18 (2) "Herbicide" means a substance or mixture of
 19 substances for preventing, destroying, repelling, or
 20 mitigating any noxious weed, as defined in 80-8-102. The
 21 term does not include herbicides labeled only for home,
 22 yard, or garden use and sold in containers of less than 10
 23 pounds or 1 gallon.
 24 (3) "Noxious weed" means any weed defined and
 25 designated as a noxious weed by rule of the department.

1 (4) "Retail value" means the suggested or retail price
 2 to the consumer of a given herbicide as established by the
 3 registrant, or as determined by a survey of dealers
 4 conducted by the department.
 5 (5) "Sale" includes only the sale of a herbicide to an
 6 applicator or consumer. Sales between or to distributors,
 7 dealers, or retailers are not included."
 8 Section 2. Section 80-7-812, MCA, is amended to read:
 9 "80-7-812. Surcharge imposed on retail sales of
 10 herbicides -- disposition of proceeds. (1) There is imposed
 11 a surcharge of 1 cent per dollar of the retail value of all
 12 registered herbicides sold for consumer use in the state.
 13 The volume of sales of each registered herbicide must be
 14 determined by the department from records required of
 15 pesticide dealers and retailers.
 16 (2) The surcharge must be collected by the department
 17 on an annual calendar basis from the registrant of the
 18 herbicide and is due and payable within 30 days after notice
 19 of the amount has been given to the registrant.
 20 (3) No registrant may be allowed to reregister a
 21 herbicide if he has failed to pay in full the surcharge on
 22 his product.
 23 (4) The department may expend or commit in a fiscal
 24 year not more than one-half of the annual proceeds of the
 25 surcharge as provided in 80-7-814(2) and (3). All remaining

1 annual proceeds of the surcharge and any interest income
2 collected must be deposited into the noxious weed management
3 trust fund."

4 NEW SECTION. Section 3. Extension of authority. Any
5 existing authority of the department of agriculture to make
6 rules on the subject of the provisions of this act is
7 extended to the provisions of this act.

8 NEW SECTION. Section 4. Effective date. This act is
9 effective July 1, 1987.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB061, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

This bill would revise the noxious weed management law to redefine "herbicide;" and permit expenditure of annual herbicide surcharge proceeds in succeeding fiscal years.

ASSUMPTIONS:

N/A

FISCAL IMPACT:

There is no fiscal impact.

EFFECT ON COUNTY OR OTHER LOCAL REVENUE OR EXPENDITURES:

N/A

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

N/A

TECHNICAL OR MECHANICAL DEFECTS IN PROPOSED LEGISLATION OR CONFLICTS WITH EXISTING LEGISLATION:

N/A

David L. Hunter DATE 1/10/87

DAVID L. HUNTER, BUDGET DIRECTOR
Office of Budget and Program Planning

Harper DATE 1/12/87

HAL HARPER, PRIMARY SPONSOR

Fiscal Note for HB061, as introduced.

HB61

APPROVED BY COMMITTEE
ON AGRICULTURE LIVESTOCK
& IRRIGATION

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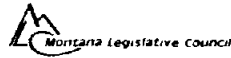
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