#### HOUSE BILL NO. 184

## INTRODUCED BY BRANDEWIE, MERCER

### BY REQUEST OF THE DEPARTMENT OF AGRICULTURE

#### IN THE HOUSE

- JANUARY 14, 1987 INTRODUCED AND REFERRED TO COMMITTEE ON AGRICULTURE, LIVESTOCK & IRRIGATION.
- JANUARY 23, 1987 COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.

STATEMENT OF INTENT ADOPTED.

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- JANUARY 24, 1987 PRINTING REPORT.
- JANUARY 26, 1987 SECOND READING, DO PASS.
- JANUARY 27, 1987 ENGROSSING REPORT.

THIRD READING, PASSED.

TRANSMITTED TO SENATE.

- IN THE SENATE
- JANUARY 28, 1987 INTRODUCED AND REFERRED TO COMMITTEE ON AGRICULTURE, LIVESTOCK & IRRIGATION.
- FEBRUARY 5, 1987 COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
- FEBRUARY 9, 1987 SECOND READING, CONCURRED IN.
- FEBRUARY 11, 1987 THIRD READING, CONCURRED IN. AYES, 48; NOES, 0.

RETURNED TO HOUSE.

# IN THE HOUSE

FEBRUARY 12, 1987 RECEIVED FROM SENATE.

SENT TO ENROLLING.

LC 0412/01

HB BILL NO. 184 1 2 INTRODUCED BY BY REQUEST OF THE DEPARTMENT OF AGRICULTURE 3 4 5 A BILL FOR AN ACT ENTITLED: "AN ACT REOUIRING THE DEPARTMENT 6 OF AGRICULTURE TO ESTABLISH FEES FOR THE 7 INSPECTION AND CERTIFICATION OF APPLES: SPECIFYING THAT SUCH FEES MUST BE DEPOSITED IN AN ENTERPRISE FUND TO PAY THE 8 9 COSTS OF PROVIDING SERVICES: GRANTING RULEMAKING AUTHORITY: AMENDING SECTION 80-3-201, MCA; AND PROVIDING AN EFFECTIVE 10 11 DATE." 12 13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 14 NEW SECTION. Section 1. Fees to be established by rule. The department of agriculture shall by rule set fees 15 16 for services performed under this part. Such fees must be 17 designed to reimburse the department for the costs of 18 inspecting and certifying apples as authorized under 80-3-201. 19 20 NEW SECTION. Section 2. Apple inspection fund. (1) There is an enterprise fund in the state treasury known as 21 22 the apple inspection fund.

23 (2) The department shall pay into the apple inspection24 fund all fees provided for in [section 1].

25 (3) The money in the apple inspection fund is

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allocated to the department to pay the costs of providing
 services under this part.

3 Section 3. Section 80-3-201, MCA, is amended to read:
4 "80-3-201. Inspection of apples packed for sale. (1)
5 The department of agriculture shall inspect all apples
6 packed for sale or shipment under this part.

(2) The department may:

7

8 (a) certify to the grade and pack of apples packed for
9 sale or shipped under this part and charge the owner,
10 packer, or shipper a fee fixed by the department for these
11 services, as provided in [section 1];

12 (b) adopt rules regarding inspection and certification 13 of apples under this part."

14NEW SECTION.Section 4. Codificationinstruction.15Sections 1 and 2 are intended to be codified as an integral16part of Title 80, chapter 3, part 2, and the provisions of17Title 80, chapter 3, part 2, apply to sections 1 and 2.18NEW SECTION19Section 510Ffortive date

18 <u>NEW SECTION.</u> Section 5. Effective date. This act is
 19 effective July 1, 1987.

-End-

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INTRODUCED BILL

HB-184

LC 0412/01

# STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB184, as introduced.

# DESCRIPTION OF PROPOSED LEGISLATION:

This bill requires the Department of Agriculture to establish fees for the inspection and certification of apples. Fees are to be deposited in an enterprise fund to pay the costs of providing services.

# ASSUMPTIONS:

- 1. Apple trees planted in 1980 will come into production in FY88.
- 2. 100 production acres with 1,250 boxes of apples per acre per year -- or 125,000 boxes.
- 3. Minimum charge for inspection is .03 per box, which is industry production figure.
- 4. Grading done by licensed federal/state employee as per federal/state inspection agreement.

FISCAL IMPACT:	FY88					<b>FY89</b>							
	Current Law		Proposed Law		Difference		Current Law			Proposed Law		Difference	
Expenditures:		-					ан А. <b>А</b>	· ·					
Personal Services	\$	0	<b>Ş</b>	2,619	<b>Ş</b>	2,619	\$ · ·	0	<b>\$</b> .	2,626	<b>\$</b>	2,626	
Operating Expenses		0		669		669		0		652		652	
Equipment		0		0		0		0		0		0	
TOTAL	\$	0	\$	3,288	\$	3,288	\$	0	\$	3,278	\$	3,278	
<u>Revenues</u> : Inspection Fee*	· \$	0	\$	3,750	\$	3,750	\$	0	- S	3,750	\$	3,750	
THEFECTION LEE.	· •	<b>v</b>	Ψ	5,750	Ψ	39730	4	v	-	5,750	Ψ	5,20	

\*Revenue reflects minimum charge per industry standards for inspection. Usage of excess funds would be dependent on funding (see technical note).

### EFFECT ON COUNTY OR OTHER LOCAL REVENUE OR EXPENDITURES:

Apple industry will add revenues to counties in the form of payroll and other assessments by allowing out-of-state markets. No estimate available.

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION: None.

TECHNICA	LORM	ECHANICA	L DEFECTS	IN PROPOSE	D LEGISLATION	OR CONFLICTS	WITH	EXISTING	LEGISLATION:
Funding	should	l be dete	rmined by	accounting	to meet GAAP	requirements	5		0 0
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DATE

DAVID L. HUNTER, BUDGET DIRECTOR Office of Budget and Program Planning RAYMOND BRANDEWIE, PRIMARY SPONSOR

Fiscal Note for HB184, as introduced.

#### 50th Legislature

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HB 0184/si

#### APPROVED BY COMMITTEE ON AGRICULTURE LIVESTOCK & IRRIGATION

1	STATEMENT OF INTENT
2	HOUSE BILL 184
3	House Agriculture, Livestock, and Irrigation Committee
4	
5	A statement of intent is required for this bill because
6	section 1 requires the department of agriculture to adopt
7	rules establishing fees for the inspection and certification
8	of apples.
9	In adopting rules under section 1, the department
10	should set fees in an amount sufficient to reimburse the
11	department for the costs of providing services under
12	80-3-201. It is the intent of the legislature that the costs
1 <b>3</b>	of such services should be recovered by fees in order to
14	allow the activities of the department to be primarily
15	self-supporting. However, such fees may be less than the

16 actual costs of services if, in the determination of the 17 department, the fees charged would be harmful to the 18 industry.

SECOND READING

Montana Legislative Council

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24 25 the apple inspection fund.

fund all fees provided for in [section 1].

#### HB 0184/02

1	HOUSE BILL NO. 184	1	allocated to the department to pay the costs of providing
2	INTRODUCED BY BRANDEWIE, MERCER	2	services under this part.
3	BY REQUEST OF THE DEPARTMENT OF AGRICULTURE	3	Section 3. Section 80-3-201, MCA, is amended to read:
4		4	"80-3-201. Inspection of apples packed for sale. (1)
5	A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE	5	The department of agriculture shall inspect all apples
6	DEPARTMENT OF AGRICULTURE TO ESTABLISH FEES FOR THE	б	packed for sale or shipment under this part.
7	INSPECTION AND CERTIFICATION OF APPLES; SPECIFYING THAT SUCH	7	(2) The department may:
8	FEES MUST BE DEPOSITED IN AN ENTERPRISE FUND TO PAY THE	8	(a) certify to the grade and pack of apples packed for
9	COSTS OF PROVIDING SERVICES; GRANTING RULEMAKING AUTHORITY;	9	sale or shipped under this part and charge the owner,
10	AMENDING SECTION 80-3-201, MCA; AND PROVIDING AN EFFECTIVE	10	packer, or shipper a fee fixed by the department for these
11	DATE."	11	services, as provided in [section 1];
12		12	(b) adopt rules regarding inspection and certification
13	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	13	of apples under this part."
14	NEW SECTION. Section 1. Fees to be established by	14	NEW SECTION. Section 4. Codification instruction.
15	rule. The department of agriculture shall by rule set fees	15	Sections 1 and 2 are intended to be codified as an integral
16	for services performed under this part. Such fees must be	16	part of Title 80, chapter 3, part 2, and the provisions of
17	designed to reimburse the department for the costs of	17	Title 80, chapter 3, part 2, apply to sections 1 and 2.
18	inspecting and certifying apples as authorized under	18	NEW SECTION. Section 5. Effective date. This act is
19	80-3-201.	19	effective July 1, 1987.
20	NEW SECTION. Section 2. Apple inspection fund. (1)		-End-
21	There is an enterprise fund in the state treasury known as		

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(2) The department shall pay into the apple inspection

(3) The money in the apple inspection fund is

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HB 184

#### 50th Legislature

HB 0184/si

STATEMENT OF INTENT
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House Agriculture, Livestock, and Irrigation Committee
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THIRD READING



HB 0184/02

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#### 50th Legislature

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> REFERENCE BILL HB-184



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