

HOUSE BILL NO. 360

INTRODUCED BY DEMARS, MANUEL, SCHYE,
CONNELLY, JENKINS, GRINDE

BY REQUEST OF THE DEPARTMENT OF AGRICULTURE

IN THE HOUSE

JANUARY 21, 1987 INTRODUCED AND REFERRED TO COMMITTEE
ON AGRICULTURE, LIVESTOCK & IRRIGATION.

JANUARY 28, 1987 COMMITTEE RECOMMEND BILL
DO PASS. REPORT ADOPTED.

JANUARY 29, 1987 PRINTING REPORT.

JANUARY 30, 1987 SECOND READING, DO PASS.

JANUARY 31, 1987 ENGROSSING REPORT.

 THIRD READING, PASSED.

 TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 2, 1987 INTRODUCED AND REFERRED TO COMMITTEE
ON AGRICULTURE, LIVESTOCK & IRRIGATION.

FEBRUARY 10, 1987 COMMITTEE RECOMMEND BILL BE
CONCURRED IN. REPORT ADOPTED.

FEBRUARY 13, 1987 SECOND READING, CONCURRED IN.

FEBRUARY 16, 1987 THIRD READING, CONCURRED IN.
AYES, 48; NOES, 2.

 RETURNED TO HOUSE.

IN THE HOUSE

FEBRUARY 17, 1987 RECEIVED FROM SENATE.

 SENT TO ENROLLING.

1 House BILL NO. 360
 2 INTRODUCED BY DeMars Manuel Deby
 3 BY REQUEST OF THE DEPARTMENT OF AGRICULTURE
 4 Connelly Grinde
 5 A BILL FOR AN ACT ENTITLED: "AN ACT CHANGING THE NAME OF
 6 THE MONTANA WHEAT RESEARCH AND MARKETING COMMITTEE TO THE
 7 MONTANA WHEAT AND BARLEY COMMITTEE; REDESIGNATING THE NAME
 8 OF THE ACCOUNT FOR THE DEPOSIT OF COMMODITY ASSESSMENTS;
 9 AMENDING SECTIONS 2-15-3002, 80-11-201, 80-11-203,
 10 80-11-207, 80-11-210, AND 80-11-224; AND PROVIDING AN
 11 EFFECTIVE DATE."

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

13 Section 1. Section 2-15-3002, MCA, is amended to read:

14 "2-15-3002. Montana wheat research and marketing
15 barley committee -- composition -- allocation. (1) There is
16 a Montana wheat research and marketing barley committee.

17 (2) The committee consists of seven members and three
18 ex officio, nonvoting members.

19 (3) The governor shall appoint one member from each of
20 the following districts:

21 (a) District I, consisting of Daniels, Sheridan, and
22 Roosevelt Counties;

23 (b) District II, consisting of Valley, Phillips,
24 Blaine, and Hill Counties;

1 (c) District III, consisting of Liberty, Toole,
2 Glacier, and Pondera Counties;

3 (d) District IV, consisting of Chouteau and Teton
4 Counties;

5 (e) District V, consisting of Lewis and Clark,
6 Cascade, Judith Basin, Fergus, Petroleum, Meagher,
7 Broadwater, Wheatland, Golden Valley, and Musselshell
8 Counties;

9 (f) District VI, consisting of Big Horn, Yellowstone,
10 Stillwater, Carbon, Sweet Grass, Park, Gallatin, Madison,
11 Jefferson, Silver Bow, Beaverhead, and all counties west of
12 the continental divide;

13 (g) District VII, consisting of Garfield, McCone,
14 Rosebud, Richland, Dawson, Wibaux, Prairie, Carter, Custer,
15 Fallon, Powder River, and Treasure Counties.

16 (4) The ex officio members are:

17 (a) the director of the department of agriculture;

18 (b) the dean of agriculture of Montana state
19 university;

20 (c) a representative of the grain trade in Montana
21 elected by a majority of the appointed members.

22 (5) Each of the appointed members shall be a citizen
23 of Montana, derive a substantial portion of his income from
24 growing wheat or barley in this state, and be a resident of
25 and have farming operations in the district from which



1 appointed. No more than four of the appointed members may be
2 of the same political party.

3 (6) A list of nominees for appointment may be
4 submitted to the governor by the Montana farmers union,
5 Montana farm bureau, Montana grange, and the Montana grain
6 growers association. Names of nominees shall be submitted
7 within 91 days before the expiration of a committeeman's
8 term.

9 (7) The appointed members shall serve staggered terms
10 of 5 years. The ex officio representative of the grain trade
11 shall serve at the pleasure of the committee.

12 (8) A member may be removed by the governor, after a
13 full public hearing before the governor, for malfeasance,
14 misfeasance, or neglect of duty. Removal proceedings may
15 not be started except upon duly verified written charges.
16 The member shall be given a copy of the written charges at
17 least 10 days in advance of the hearing. At the hearing, the
18 member may be represented by an attorney and may present
19 witnesses in his behalf.

20 (9) A member who ceases to reside in the state or in
21 the district from which he was appointed or who ceases to
22 grow wheat or barley in the state or district is
23 disqualified from membership and his office becomes vacant.
24 If the member refuses to recognize his disqualification, the
25 refusal is cause for removal.

1 (10) The committee is allocated to the department for
2 administrative purposes only as prescribed in 2-15-121."

3 Section 2. Section 80-11-201, MCA, is amended to read:
4 "80-11-201. Definitions. As used in this part, unless
5 the context requires otherwise, the following definitions
6 apply:

7 (1) "Commercial channels" means the sale of wheat or
8 barley for any use when sold to any commercial buyer,
9 dealer, processor, cooperative, or to any person, public or
10 private, who resells any wheat or barley or product produced
11 from wheat or barley.

12 (2) "Committee" means the Montana wheat research and
13 marketing barley committee provided for in 2-15-3002.

14 (3) "First purchaser" means any person, public or
15 private corporation, association, or partnership buying,
16 accepting for shipment, or otherwise acquiring the property
17 in or to wheat or barley from a grower and shall include a
18 mortgagee, pledgee, lienor, or other person, public or
19 private, having a claim against the grower, where the actual
20 or constructive possession of such wheat or barley is taken
21 as part payment or in satisfaction of such mortgage, pledge,
22 lien, or claim.

23 (4) "Grower" means any landowner personally engaged in
24 growing wheat or barley, a tenant of the landowner
25 personally engaged in growing wheat or barley, or both the

1 owner and the tenant jointly; and includes a person,
2 partnership, association, corporation, cooperative, trust,
3 sharecropper, and any and all other business units, devices,
4 and arrangements.

5 (5) "Sale" includes any pledge or mortgage of wheat or
6 barley after harvest to any person, public or private."

7 Section 3. Section 80-11-203, MCA, is amended to read:

8 "80-11-203. Compensation -- per diem. Members of the
9 committee shall receive no salary but shall be paid from the
10 wheat research and marketing barley account in the other
11 special revenue funds a per diem of \$25 for each day they
12 are engaged in the transaction of official business,
13 together with their actual and necessary travel expenses, as
14 provided for in 2-18-501 through 2-18-503, incurred while on
15 official business."

16 Section 4. Section 80-11-207, MCA, is amended to read:

17 "80-11-207. Buyer's delivery of invoice to grower --
18 form -- filing of sworn statement -- payment of assessment
19 -- refund. (1) The purchaser of the wheat or barley at the
20 time of sale or the pledgee, mortgagee, or other lender at
21 the time of the loan or advance shall give separate invoices
22 for each purchase to the grower. The invoices shall be on
23 forms approved by the department and shall show:

24 (a) the name and address of the grower and seller;

25 (b) the name and address of the purchaser or the

1 lender;

2 (c) the number of bushels of wheat or hundredweights
3 of barley sold, mortgaged, or pledged;

4 (d) the date of the purchase, mortgage, or pledge and
5 the amount of assessment collected and remitted to the
6 department.

7 (2) The purchaser, mortgagee, or pledgee shall file
8 with the department, on forms prescribed by the department,
9 within 20 days after the end of a month in which he
10 purchases a grower's wheat or barley or in which a lender
11 makes a loan or advance on a grower's wheat or barley, a
12 sworn statement of the number of bushels of wheat or
13 hundredweights of barley purchased in Montana or the number
14 of bushels of wheat or hundredweights of barley mortgaged or
15 pledged or otherwise transferred or liened as security for a
16 loan during the preceding calendar month. At the time the
17 sworn statement is filed, the purchaser or lender shall pay
18 to the department the assessment provided for in 80-11-206
19 for deposit in the wheat research and marketing barley
20 account in the other special revenue funds.

21 (3) The statement referred to in subsections (1) and
22 (2) of this section shall be legibly written and shall be
23 entirely free of any corrections or erasures. A person may
24 not alter any part of a statement.

25 (4) After 30 days and before 90 days following the

1 deduction of the assessment by the first purchaser or the
 2 first lender, the grower may, upon the submission of a
 3 written, verified request to the department, obtain a refund
 4 of the assessment. The request shall be accompanied by the
 5 original invoices received by the grower at the time of
 6 settlement. The department shall keep complete records of
 7 all refunds made under the provisions of this section.
 8 Records of refunds may be destroyed 2 years after the refund
 9 is made. All original invoices shall be returned to the
 10 grower with the refund payment."

11 Section 5. Section 80-11-210, MCA, is amended to read:

12 "80-11-210. Research Wheat and marketing barley
 13 account -- sources -- use -- expenditures. (1) There shall
 14 be an account in the other special revenue funds known as
 15 the wheat research and marketing barley account. The
 16 following shall be placed in the account:

17 (a) the proceeds of all millage levies collected under
 18 this part; and

19 (b) the proceeds from all gifts, grants, or donations
 20 to the department for research authorized under this part.

21 (2) The account shall be maintained for the purposes
 22 of this part and shall be separate from all other accounts
 23 of the department.

24 (3) The department may direct the board of investments
 25 to invest funds from the account pursuant to the provisions

1 of the unified investment program for state funds. The
 2 income from such investments shall be credited to the wheat
 3 research and marketing barley account."

4 Section 6. Section 80-11-224, MCA, is amended to read:

5 "80-11-224. Determination of amount and allocation of
 6 assessment. (1) The committee shall set the amount of the
 7 assessment each year in accordance with 80-11-206.

8 (2) Money deposited in the wheat research and
 9 marketing barley account pursuant to 80-11-210 is
 10 appropriated to the committee for purposes of wheat carrying
 11 out research and marketing under this part.

12 (3) The committee may be assessed costs by the
 13 department for the services it provides upon request or
 14 pursuant to 2-15-121. However, the costs charged must have a
 15 substantial relationship to the cost of services supplied."

16 NEW SECTION. Section 7. Extension of authority. Any
 17 existing authority of the Montana wheat research and
 18 marketing committee to make rules on the subject of the
 19 provisions of this act is extended to the provisions of this
 20 act.

21 NEW SECTION. Section 8. Effective date. Section 7 and
 22 this section are effective on passage and approval.

-End-

APPROVED BY COMMITTEE
ON AGRICULTURE LIVESTOCK
& IRRIGATION

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4 Counties;

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6 Cascade, Judith Basin, Fergus, Petroleum, Meagher,
7 Broadwater, Wheatland, Golden Valley, and Musselshell
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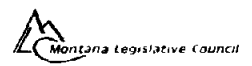
16 (4) The ex officio members are:

17 (a) the director of the department of agriculture;

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21 elected by a majority of the appointed members.

22 (5) Each of the appointed members shall be a citizen
23 of Montana, derive a substantial portion of his income from
24 growing wheat or barley in this state, and be a resident of
25 and have farming operations in the district from which



1 appointed. No more than four of the appointed members may be
2 of the same political party.

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4 submitted to the governor by the Montana farmers union,
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13 full public hearing before the governor, for malfeasance,
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16 The member shall be given a copy of the written charges at
17 least 10 days in advance of the hearing. At the hearing, the
18 member may be represented by an attorney and may present
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6 apply:

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8 barley for any use when sold to any commercial buyer,
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10 private, who resells any wheat or barley or product produced
11 from wheat or barley.

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13 ~~marketing~~ barley committee provided for in 2-15-3002.

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24 growing wheat or barley, a tenant of the landowner
25 personally engaged in growing wheat or barley, or both the

1 owner and the tenant jointly; and includes a person,
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4 and arrangements.

5 (5) "Sale" includes any pledge or mortgage of wheat or
6 barley after harvest to any person, public or private."

7 Section 3. Section 80-11-203, MCA, is amended to read:

8 "80-11-203. Compensation -- per diem. Members of the
9 committee shall receive no salary but shall be paid from the
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15 official business."

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18 form -- filing of sworn statement -- payment of assessment
19 -- refund. (1) The purchaser of the wheat or barley at the
20 time of sale or the pledgee, mortgagee, or other lender at
21 the time of the loan or advance shall give separate invoices
22 for each purchase to the grower. The invoices shall be on
23 forms approved by the department and shall show:

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25 (b) the name and address of the purchaser or the

1 lender;

2 (c) the number of bushels of wheat or hundredweights
3 of barley sold, mortgaged, or pledged;

4 (d) the date of the purchase, mortgage, or pledge and
5 the amount of assessment collected and remitted to the
6 department.

7 (2) The purchaser, mortgagee, or pledgee shall file
8 with the department, on forms prescribed by the department,
9 within 20 days after the end of a month in which he
10 purchases a grower's wheat or barley or in which a lender
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12 sworn statement of the number of bushels of wheat or
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23 entirely free of any corrections or erasures. A person may
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1 deduction of the assessment by the first purchaser or the
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11 Section 5. Section 80-11-210, MCA, is amended to read:

12 "80-11-210. Research wheat and marketing barley
 13 account -- sources -- use -- expenditures. (1) There shall
 14 be an account in the other special revenue funds known as
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 16 following shall be placed in the account:

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 18 this part; and

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21 (2) The account shall be maintained for the purposes
 22 of this part and shall be separate from all other accounts
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4 Section 6. Section 80-11-224, MCA, is amended to read:

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 17 existing authority of the Montana wheat research and
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15 pledged or otherwise transferred or liened as security for a
16 loan during the preceding calendar month. At the time the
17 sworn statement is filed, the purchaser or lender shall pay
18 to the department the assessment provided for in 80-11-206
19 for deposit in the wheat research and marketing barley
20 account in the other special revenue funds.

21 (3) The statement referred to in subsections (1) and
22 (2) of this section shall be legibly written and shall be
23 entirely free of any corrections or erasures. A person may
24 not alter any part of a statement.

25 (4) After 30 days and before 90 days following the

1 deduction of the assessment by the first purchaser or the
 2 first lender, the grower may, upon the submission of a
 3 written, verified request to the department, obtain a refund
 4 of the assessment. The request shall be accompanied by the
 5 original invoices received by the grower at the time of
 6 settlement. The department shall keep complete records of
 7 all refunds made under the provisions of this section.
 8 Records of refunds may be destroyed 2 years after the refund
 9 is made. All original invoices shall be returned to the
 10 grower with the refund payment."

11 Section 5. Section 80-11-210, MCA, is amended to read:

12 "80-11-210. Research Wheat and marketing barley
 13 account -- sources -- use -- expenditures. (1) There shall
 14 be an account in the other special revenue funds known as
 15 the wheat research and marketing barley account. The
 16 following shall be placed in the account:

17 (a) the proceeds of all millage levies collected under
 18 this part; and

19 (b) the proceeds from all gifts, grants, or donations
 20 to the department for research authorized under this part.

21 (2) The account shall be maintained for the purposes
 22 of this part and shall be separate from all other accounts
 23 of the department.

24 (3) The department may direct the board of investments
 25 to invest funds from the account pursuant to the provisions

1 of the unified investment program for state funds. The
 2 income from such investments shall be credited to the wheat
 3 research and marketing barley account."

4 Section 6. Section 80-11-224, MCA, is amended to read:

5 "80-11-224. Determination of amount and allocation of
 6 assessment. (1) The committee shall set the amount of the
 7 assessment each year in accordance with 80-11-206.

8 (2) Money deposited in the wheat research and
 9 marketing barley account pursuant to 80-11-210 is
 10 appropriated to the committee for purposes of wheat carrying
 11 out research and marketing under this part.

12 (3) The committee may be assessed costs by the
 13 department for the services it provides upon request or
 14 pursuant to 2-15-121. However, the costs charged must have a
 15 substantial relationship to the cost of services supplied."

16 NEW SECTION. Section 7. Extension of authority. Any
 17 existing authority of the Montana wheat research and
 18 marketing committee to make rules on the subject of the
 19 provisions of this act is extended to the provisions of this
 20 act.

21 NEW SECTION. Section 8. Effective date. Section 7 and
 22 this section are effective on passage and approval.

-End-

1 HOUSE BILL NO. 360

2 INTRODUCED BY DEMARS, MANUEL, SCHYE,

3 CONNELLY, JENKINS, GRINDE

4 BY REQUEST OF THE DEPARTMENT OF AGRICULTURE

5

6 A BILL FOR AN ACT ENTITLED: "AN ACT CHANGING THE NAME OF
7 THE MONTANA WHEAT RESEARCH AND MARKETING COMMITTEE TO THE
8 MONTANA WHEAT AND BARLEY COMMITTEE; REDESIGNATING THE NAME
9 OF THE ACCOUNT FOR THE DEPOSIT OF COMMODITY ASSESSMENTS;
10 AMENDING SECTIONS 2-15-3002, 80-11-201, 80-11-203,
11 80-11-207, 80-11-210, AND 80-11-224; AND PROVIDING AN
12 EFFECTIVE DATE."
13

13

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

15 Section 1. Section 2-15-3002, MCA, is amended to read:

16 "2-15-3002. Montana wheat research and marketing
17 barley committee -- composition -- allocation. (1) There is
18 a Montana wheat research and marketing barley committee.

19 (2) The committee consists of seven members and three
20 ex officio, nonvoting members.

21 (3) The governor shall appoint one member from each of
22 the following districts:

23 (a) District I, consisting of Daniels, Sheridan, and
24 Roosevelt Counties;

25 (b) District II, consisting of Valley, Phillips,

1 Blaine, and Hill Counties;

2 (c) District III, consisting of Liberty, Toole,
3 Glacier, and Pondera Counties;

4 (d) District IV, consisting of Chouteau and Teton
5 Counties;

6 (e) District V, consisting of Lewis and Clark,
7 Cascade, Judith Basin, Fergus, Petroleum, Meagher,
8 Broadwater, Wheatland, Golden Valley, and Musselshell
9 Counties;

10 (f) District VI, consisting of Big Horn, Yellowstone,
11 Stillwater, Carbon, Sweet Grass, Park, Gallatin, Madison,
12 Jefferson, Silver Bow, Beaverhead, and all counties west of
13 the continental divide;

14 (g) District VII, consisting of Garfield, McCone,
15 Rosebud, Richland, Dawson, Wibaux, Prairie, Carter, Custer,
16 Fallon, Powder River, and Treasure Counties.

17 (4) The ex officio members are:

18 (a) the director of the department of agriculture;

19 (b) the dean of agriculture of Montana state
20 university;

21 (c) a representative of the grain trade in Montana
22 elected by a majority of the appointed members.

23 (5) Each of the appointed members shall be a citizen
24 of Montana, derive a substantial portion of his income from
25 growing wheat or barley in this state, and be a resident of

1 and have farming operations in the district from which
2 appointed. No more than four of the appointed members may be
3 of the same political party.

4 (6) A list of nominees for appointment may be
5 submitted to the governor by the Montana farmers union,
6 Montana farm bureau, Montana grange, and the Montana grain
7 growers association. Names of nominees shall be submitted
8 within 91 days before the expiration of a committeeman's
9 term.

10 (7) The appointed members shall serve staggered terms
11 of 5 years. The ex officio representative of the grain trade
12 shall serve at the pleasure of the committee.

13 (8) A member may be removed by the governor, after a
14 full public hearing before the governor, for malfeasance,
15 misfeasance, or neglect of duty. Removal proceedings may
16 not be started except upon duly verified written charges.
17 The member shall be given a copy of the written charges at
18 least 10 days in advance of the hearing. At the hearing, the
19 member may be represented by an attorney and may present
20 witnesses in his behalf.

21 (9) A member who ceases to reside in the state or in
22 the district from which he was appointed or who ceases to
23 grow wheat or barley in the state or district is
24 disqualified from membership and his office becomes vacant.
25 If the member refuses to recognize his disqualification, the

1 refusal is cause for removal.

2 (10) The committee is allocated to the department for
3 administrative purposes only as prescribed in 2-15-121."

4 Section 2. Section 80-11-201, MCA, is amended to read:
5 "80-11-201. Definitions. As used in this part, unless
6 the context requires otherwise, the following definitions
7 apply:

8 (1) "Commercial channels" means the sale of wheat or
9 barley for any use when sold to any commercial buyer,
10 dealer, processor, cooperative, or to any person, public or
11 private, who resells any wheat or barley or product produced
12 from wheat or barley.

13 (2) "Committee" means the Montana wheat ~~research~~ and
14 ~~marketing~~ barley committee provided for in 2-15-3002.

15 (3) "First purchaser" means any person, public or
16 private corporation, association, or partnership buying,
17 accepting for shipment, or otherwise acquiring the property
18 in or to wheat or barley from a grower and shall include a
19 mortgagee, pledgee, lienor, or other person, public or
20 private, having a claim against the grower, where the actual
21 or constructive possession of such wheat or barley is taken
22 as part payment or in satisfaction of such mortgage, pledge,
23 lien, or claim.

24 (4) "Grower" means any landowner personally engaged in
25 growing wheat or barley, a tenant of the landowner

1 personally engaged in growing wheat or barley, or both the
 2 owner and the tenant jointly; and includes a person,
 3 partnership, association, corporation, cooperative, trust,
 4 sharecropper, and any and all other business units, devices,
 5 and arrangements.

6 (5) "Sale" includes any pledge or mortgage of wheat or
 7 barley after harvest to any person, public or private."

8 Section 3. Section 80-11-203, MCA, is amended to read:

9 "80-11-203. Compensation -- per diem. Members of the
 10 committee shall receive no salary but shall be paid from the
 11 wheat research and marketing barley account in the other
 12 special revenue funds a per diem of \$25 for each day they
 13 are engaged in the transaction of official business,
 14 together with their actual and necessary travel expenses, as
 15 provided for in 2-18-501 through 2-18-503, incurred while on
 16 official business."

17 Section 4. Section 80-11-207, MCA, is amended to read:

18 "80-11-207. Buyer's delivery of invoice to grower --
 19 form -- filing of sworn statement -- payment of assessment
 20 -- refund. (1) The purchaser of the wheat or barley at the
 21 time of sale or the pledgee, mortgagee, or other lender at
 22 the time of the loan or advance shall give separate invoices
 23 for each purchase to the grower. The invoices shall be on
 24 forms approved by the department and shall show:

25 (a) the name and address of the grower and seller;

1 (b) the name and address of the purchaser or the
 2 lender;

3 (c) the number of bushels of wheat or hundredweights
 4 of barley sold, mortgaged, or pledged;

5 (d) the date of the purchase, mortgage, or pledge and
 6 the amount of assessment collected and remitted to the
 7 department.

8 (2) The purchaser, mortgagee, or pledgee shall file
 9 with the department, on forms prescribed by the department,
 10 within 20 days after the end of a month in which he
 11 purchases a grower's wheat or barley or in which a lender
 12 makes a loan or advance on a grower's wheat or barley, a
 13 sworn statement of the number of bushels of wheat or
 14 hundredweights of barley purchased in Montana or the number
 15 of bushels of wheat or hundredweights of barley mortgaged or
 16 pledged or otherwise transferred or liened as security for a
 17 loan during the preceding calendar month. At the time the
 18 sworn statement is filed, the purchaser or lender shall pay
 19 to the department the assessment provided for in 80-11-206
 20 for deposit in the wheat research and marketing barley
 21 account in the other special revenue funds.

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 23 (2) of this section shall be legibly written and shall be
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