

HOUSE BILL NO. 163

INTRODUCED BY HERRON, BRANDEWIE, WANZENRIED, HARP

IN THE HOUSE

JANUARY 13, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON AGRICULTURE, LIVESTOCK, & IRRIGATION. FIRST READING.
JANUARY 21, 1993	COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.
JANUARY 22, 1993	PRINTING REPORT.
JANUARY 23, 1993	SECOND READING, DO PASS.
JANUARY 25, 1993	ENGROSSING REPORT.
JANUARY 26, 1993	THIRD READING, PASSED. AYES, 96; NOES, 1. TRANSMITTED TO SENATE.

IN THE SENATE

JANUARY 28, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON AGRICULTURE, LIVESTOCK, & IRRIGATION. FIRST READING.
FEBRUARY 3, 1993	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
FEBRUARY 4, 1993	SECOND READING, CONCURRED IN.
FEBRUARY 5, 1993	THIRD READING, CONCURRED IN. AYES, 49; NOES, 1.
FEBRUARY 6, 1993	RETURNED TO HOUSE.

IN THE HOUSE

FEBURARY 6, 1993	RECEIVED FROM SENATE. SENT TO ENROLLING. REPORTED CORRECTLY ENROLLED.
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1 House BILL NO. 163
 2 INTRODUCED BY Herbert B. ...
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 4 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING THE MONTANA
 5 MINT COMMITTEE TO ESTABLISH AN INTEGRATED PEST MANAGEMENT
 6 PROGRAM BY RULE RATHER THAN BY STATUTE; REDUCING THE MINIMUM
 7 MINT OIL ASSESSMENT; AMENDING SECTIONS 80-11-403 AND
 8 80-11-412, MCA; REPEALING SECTION 80-11-411, MCA; AND
 9 PROVIDING AN EFFECTIVE DATE."

10
 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12 **Section 1.** Section 80-11-403, MCA, is amended to read:

13 **"80-11-403. Powers of the committee.** The committee may:

14 (1) provide for the administration and enforcement of
 15 this part;

16 (2) enter into contracts, in the name of the committee,
 17 to:

18 (a) improve the quality of mint;

19 (b) develop and improve control measures for diseases
 20 and pests that attack mint;

21 (c) improve mint growing culture;

22 (d) disseminate appropriate information among mint
 23 growers and dealers of the state; and

24 (e) carry out the purposes of this part;

25 (3) authorize the purchase of office equipment and

1 supplies and incur other reasonable and necessary expenses
 2 and obligations required to carry out this part;

3 (4) become a member of and purchase membership in trade
 4 organizations and subscribe to and purchase trade bulletins,
 5 journals, and other trade publications;

6 (5) adopt rules and orders for the exercise of its
 7 power and the performance of its duties in accordance with
 8 the Montana Administrative Procedure Act;

9 (6) cooperate with any local, state, or national
 10 organization or agency, whether voluntary or created by the
 11 law of any state or the United States, engaged in work or
 12 activities similar to the work and activities of the
 13 committee and enter into contracts with those organizations
 14 or agencies for conducting joint campaigns of research,
 15 education, disease control, product protection, and
 16 reciprocal enforcement of objectives;

17 (7) accept grants, donations, and gifts from any source
 18 for expenditure for any purpose consistent with this part
 19 and spend the proceeds in compliance with the conditions of
 20 the grants, donations, and gifts; and

21 (8) establish by rule an integrated pest management
 22 program, complete with field scouting services, ~~as provided~~
 23 ~~in 80-11-411.~~ The purpose of the program is to identify, as
 24 early as possible, any potentially damaging diseases, weeds,
 25 or pests that could inhibit the long-term health of the

1 Montana mint industry."

2 **Section 2.** Section 80-11-412, MCA, is amended to read:

3 "80-11-412. **Assessment on mint oil.** (1) There is levied
4 on all mint oil produced in this state and sold through
5 normal commercial channels an assessment of not less than ~~10~~
6 5 cents or more than 15 cents a pound. The assessment is
7 levied on each grower in the following manner:

8 (a) in the case of the sale of mint oil, the assessment
9 must be collected by the first purchaser from the grower at
10 the time of each settlement for mint oil purchased; or

11 (b) in the case of a pledge or mortgage of mint oil as
12 security for a loan, the assessment must be collected by
13 deducting the amount of the assessment from the proceeds of
14 the loan at the time the loan is made by the agency or
15 person making the loan.

16 (2) The assessment must be deducted and collected
17 whether the mint oil is stored in this state or any other
18 state. The assessment is imposed on the initial sale,
19 pledge, mortgage, or other transaction in which a grower
20 parts with title to the mint oil or creates an interest in
21 the mint oil in a pledgee, mortgagee, or other person, but a
22 grower is not subject to assessment more than once
23 regardless of the number of times the oil is subject to a
24 sale, pledge, mortgage, or other transaction.

25 (3) The committee shall by rule set the amount of the

1 assessment annually in accordance with subsection (1)."

2 NEW SECTION. **Section 3. Repealer.** Section 80-11-411,
3 MCA, is repealed.

4 NEW SECTION. **Section 4. Effective date.** [This act] is
5 effective July 1, 1993.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0163, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An act allowing the Montana Mint Committee to establish an integrated pest management program by rule rather than by statute; reducing the minimum mint oil assessment.

ASSUMPTIONS:

1. Revenue estimates are based on projected mint oil production in FY94 at 300,000 lbs. and at 360,000 lbs. in FY95.
2. Mint oil assessment will decrease from \$0.10 to \$0.08 per pound.
3. FY94 and FY95 expenditures are based on executive budget data.
4. IPM field scouting program will become optional rather than mandatory. Contracted services expenditures will reduce correspondingly to the revenue reductions.

FISCAL IMPACT:

	FY94			FY95		
	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>
<u>Expenditures</u>						
Operating Expenses	\$29,613	\$23,613	(\$6,000)	\$35,779	\$28,579	(\$ 7,200)
<u>Funding</u>						
State Special Fund	\$29,613	\$23,613	(\$6,000)	\$35,779	\$28,579	(\$ 7,200)
<u>Revenues:</u>						
State Special Fund	\$30,000	\$24,000	(\$6,000)	\$36,000	\$28,800	(\$ 7,200)
Mint Oil Assessment						
<u>Net Impact:</u>						
State Special Fund	\$ 387	\$ 387	\$ 0	\$ 221	\$ 221	\$ 0

TECHNICAL NOTES:

Page 2, line 3 - membershp should be membership

David Lewis 1-19-93
 DAVID LEWIS, BUDGET DIRECTOR DATE
 Office of Budget and Program Planning

Jack R. Herron 20 Jan 93
 JACK HERRON, PRIMARY SPONSOR DATE

Fiscal Note for HB0163, as introduced

HB 163

APPROVED BY COMMITTEE
ON AGRICULTURE LIVESTOCK
& IRRIGATION

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2 INTRODUCED BY Harold B. Lewis
3 HARRY
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