

SENATE BILL NO. 166

INTRODUCED BY HKLESTAD *Jergeson*
Treit

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE WHEAT AND BARLEY RESEARCH AND MARKETING ASSESSMENT PROCESS BY REDUCING THE TIME WITHIN WHICH THE SWORN STATEMENT OF PURCHASE, PLEDGE, OR STORAGE MUST BE FILED; REVISING THE ASSESSMENT REFUND PROCESS BY REVISING THE TIME REQUIREMENT FOR REQUESTING A REFUND; PROVIDING THAT A COPY OF THE ORIGINAL INVOICES MUST ACCOMPANY THE REQUEST FOR A REFUND; AND AMENDING SECTION 80-11-207, MCA."

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

Section 1. Section 80-11-207, MCA, is amended to read:

"80-11-207. Delivery of invoice -- form -- filing of sworn statement -- payment of assessment -- refund. (1) The purchaser of the wheat or barley at the time of sale or the pledgee, mortgagee, or other lender at the time of the loan or advance shall give separate invoices for each purchase, delivery, or storage charge to the seller or person delivering the wheat or barley or entering it into storage. The invoices must be on forms approved by the department and must show:

- (a) the name and address of the seller or of the person delivering the wheat or barley or entering it into storage;
- (b) the name and address of the purchaser or the lender;
- (c) the number of bushels of wheat or hundredweights of barley sold, mortgaged, pledged, delivered, or stored;
- (d) the date of the purchase, mortgage, pledge, delivery, or storage and the amount of assessment collected and remitted to the department.

(2) The purchaser, mortgagee, or pledgee shall file with the department, on forms prescribed by the department, within ~~20~~ 15 days after ~~the end of a month in which~~ a purchaser purchases wheat or barley or in which a lender makes a loan or advance on wheat or barley, a sworn statement of the number of bushels of wheat or hundredweights of barley purchased in Montana, the number of bushels of wheat or hundredweights of barley mortgaged or pledged or otherwise transferred or liened as security for a loan

1 during the preceding calendar month, or the number of bushels of wheat or hundredweights of barley
2 delivered or stored. At the time the sworn statement is filed, the purchaser or lender shall pay to the
3 department the assessment provided for in 80-11-206 for deposit in the wheat and barley account in the
4 state special revenue fund.

5 (3) The statement referred to in subsections (1) and (2) must be legibly written and entirely free
6 of any corrections or erasures. A person may not alter any part of a statement.

7 (4) ~~After 30 days and before 90 days~~ At any time within 180 days following the deduction of the
8 assessment by the first purchaser or the first lender under 80-11-206(2), the seller may, upon the
9 submission of a written, ~~verified~~ request to the department, obtain a refund of the assessment. The request
10 must be accompanied by a copy of the original invoices received by the seller at the time of settlement.
11 The department shall keep complete records of all refunds made under the provisions of this section.
12 Records of refunds may be destroyed 2 years after the refund is made. ~~All original invoices must be~~
13 ~~returned to the seller with the refund payment."~~

14 -END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for SB0166, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

A bill requiring first purchasers of wheat and barley in Montana to remit funds to the Montana Wheat and Barley Committee on a bi-weekly basis instead of monthly.

ASSUMPTIONS:

1. Every purchaser of grain pays the assessment collected to the Wheat and Barley Committee every 15 days.
2. All money collected goes into the Wheat and Barley account, for investment in the Short Term Investment Pool (STIP).
3. Estimates are based on 10 year averages of production and revenue.
4. Interest is calculated at current STIP rate of 5.06%.
5. The 197 reporting entities in Montana will remain constant.
6. Existing FTE can accommodate the additional workload.
7. Reporting every 15 days will require 14 additional reporting periods each year.
8. About 2,758 forms would be printed at .29¢ (current actual cost) each per year for a total of \$800.
9. About 2,758 forms would be mailed at .64¢ each for a total of \$1,765.
10. About 5,516 additional copies would be made per year at .05¢ per copy for a total of \$276.
11. About 5,516 additional envelopes .03¢ each for a total of \$165.
12. Additional mailing costs of copies of the report to Helena is estimated to be \$200 per year.

FISCAL IMPACT:

	<u>FY96</u>	<u>FY97</u>
	<u>Difference</u>	<u>Difference</u>
<u>Expenditures:</u>		
Operating Expenses	3,206	3,206
<u>Funding:</u>		
Wheat & Barley Account (02)	3,206	3,206
<u>Revenues:</u>		
Interest Income	1,379	1,379
Wheat & Barley Account (02)		
<u>Net Impact:</u>		
Wheat & Barley Account (02)	(1,827)	(1,827)

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

Costs are greater than anticipated additional interest earnings. Increased reporting will result in additional work load for the grain trade and committee staff, due to fourteen additional reporting periods per year.

David Lewis 1-23-95
 DAVID LEWIS, BUDGET DIRECTOR DATE
 Office of Budget and Program Planning

Gary Alkestad
 GARY ALKESTAD, PRIMARY SPONSOR DATE

Fiscal Note for SB0166, introduced

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