

1 HOUSE BILL NO. 141

2 INTRODUCED BY R. SOMERVILLE

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO THE SALE OF MINT OIL;
5 ELIMINATING REFERENCES TO ASSESSMENTS ON THE PLEDGE OR MORTGAGE OF MINT OIL; LIMITING
6 THE ASSESSMENT ON MINT OIL TO SALES OF 1,000 POUNDS OR MORE IN A CALENDAR YEAR;
7 REDUCING THE MINT OIL PURCHASER LICENSE FEE FROM \$50 TO \$20 AND INCREASING THE TERM
8 OF LICENSE FROM 1 YEAR TO 10 YEARS; PROVIDING THAT A MINT OIL PURCHASER LICENSE IS NOT
9 REQUIRED FOR A PERSON WHO PURCHASES LESS THAN 1,000 POUNDS OF MINT OIL IN A CALENDAR
10 YEAR; REVISING DEFINITIONS; AMENDING SECTIONS 80-11-402, 80-11-412, 80-11-413, 80-11-414,
11 AND 80-11-417, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

12

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

14

15 **Section 1.** Section 80-11-402, MCA, is amended to read:16 **"80-11-402. Definitions.** As used in this part, the following definitions apply:

17 (1) "Committee" means the Montana mint committee established in 2-15-3006.

18 (2) "First purchaser" means a person, partnership, association, cooperative, or other business unit
19 or device that first buys mint oil ~~for subsequent sale or that acts as a sales or purchasing agent, broker,~~
20 ~~or factor of mint. The term includes a mortgagee, pledgee, lienor, or other person, public or private, having~~
21 ~~a claim against a grower, where the actual or constructive possession of mint oil is taken as partial~~
22 ~~payment or in satisfaction of a mortgage, pledge, lien, or claim~~ from a grower.

23 (3) "Grower" means a landowner who is personally engaged in growing mint, a tenant who is
24 personally engaged in growing mint, or both the landowner and tenant jointly, and includes a person,
25 partnership, association, corporation, trust, sharecropper, or other business unit, device, or arrangement
26 that grows mint.

27 (4) "Sale" means ~~any pledge or mortgage of mint oil to any person, public or private~~ the passing
28 of title to mint oil from a grower to a first purchaser for a price."

29

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

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

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

7 ~~—— (b) in the case of a pledge or mortgage of mint oil as security for a loan, the assessment must be~~
 8 ~~collected by deducting the amount of the assessment from the proceeds of the loan at the time the loan~~
 9 ~~is made by the agency or person making the loan.~~

10 (2) The assessment must be ~~deducted and~~ collected whether the mint oil is stored in this state
 11 or any other state. The assessment is imposed only on the initial sale, ~~pledge, mortgage, or other~~
 12 ~~transaction~~ in which a grower parts with title to the mint oil ~~or creates an interest in the mint oil in a~~
 13 ~~pledgee, mortgagee, or other person, but a grower is not subject to assessment more than once regardless~~
 14 ~~of the number of times the oil is subject to a sale, pledge, mortgage, or other transaction.~~

15 (3) The committee shall by rule set the amount of the assessment annually in accordance with
 16 subsection (1).

17 (4) A first purchaser is not required to collect or pay the assessment unless 1,000 pounds or more
 18 of mint oil is purchased in a calendar year."

19

20 **Section 3.** Section 80-11-413, MCA, is amended to read:

21 **"80-11-413. Buyer's delivery of invoice to grower -- form.** The purchaser of mint oil at the time
 22 of sale ~~or the pledgee, mortgagee, or other lender at the time of the loan or advance~~ shall give a separate
 23 invoice for each purchase to the grower. The invoice must be on forms approved by the committee and
 24 must contain:

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

26 (2) the name and address of the purchaser ~~or the lender~~;

27 (3) the number of pounds of mint oil sold, ~~mortgaged, or pledged~~;

28 (4) the date of purchase, ~~mortgage, or pledge~~; and

29 (5) the amount of the assessment collected and remitted to the committee."

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1 **Section 4.** Section 80-11-414, MCA, is amended to read:

2 **"80-11-414. Payment of assessment -- sworn statement.** (1) The purchaser, ~~mortgagor, or~~
3 ~~pledgee~~ shall file with the committee, on forms prescribed by the committee, within 20 days after the end
4 of a month in which mint oil is purchased, a sworn statement of the number of pounds of mint oil
5 purchased in Montana ~~or the number of pounds of mint oil mortgaged, transferred, or otherwise subject~~
6 ~~to a lien as security for a loan during the preceding calendar month.~~ At the time the statement is filed, the
7 purchaser ~~or lender~~ shall pay to the committee the assessment provided for in 80-11-412 for deposit in
8 the mint account in the state special revenue fund, unless the purchaser is exempt under 80-11-412(4).

9 (2) The sworn statement referred to in subsection (1) must be legible and free of corrections and
10 alterations."

11

12 **Section 5.** Section 80-11-417, MCA, is amended to read:

13 **"80-11-417. Mint oil purchaser license -- application -- fee -- exception.** (1) ~~Every~~ Unless exempt
14 under subsection (4), every person acting as a first purchaser shall ~~annually~~ file a written application with
15 the committee for a license. The application must include:

16 (a) the applicant's name;

17 (b) the applicant's principal business addresses, both within and outside Montana;

18 (c) the name of a person authorized to receive service of summons and legal notices of all kinds
19 for the applicant; and

20 (d) any other information the committee may require.

21 (2) Each application must be accompanied by a license fee of ~~\$50~~ \$20. A license is valid for ~~the~~
22 ~~calendar year in which it is issued~~ 10 years.

23 (3) A license must be issued if the committee is satisfied that the applicant is of good character
24 and reputation and is financially responsible.

25 (4) A license is not required for a person who purchases less than 1,000 pounds of mint oil in a
26 calendar year."

27

28 NEW SECTION. **Section 6. Severability.** If a part of [this act] is invalid, all valid parts that are
29 severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its
30 applications, the part remains in effect in all valid applications that are severable from the invalid

1 applications.

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3 NEW SECTION. **Section 7. Saving clause.** [This act] does not affect rights and duties that
4 matured, penalties that were incurred, or proceedings that were begun before [the effective date of this
5 act].

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7 NEW SECTION. **Section 8. Effective date.** [This act] is effective on passage and approval.

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