

HOUSE BILL NO. 390

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A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO COMMODITY ADVISORY
COMMITTEES; CLARIFYING THE PROCESS FOR CREATION OF A COMMODITY ADVISORY COMMITTEE
AND ADOPTION OF RESEARCH AND MARKET DEVELOPMENT PROGRAMS; ELIMINATING THE MONTANA
CORN CROP ADVISORY COMMITTEE; AMENDING SECTIONS 80-11-510 AND 80-11-512, MCA; ~~AND~~
REPEALING ARM 4.6.501, 4.6.502, 4.6.503, AND 4.6.504; AND PROVIDING AN IMMEDIATE EFFECTIVE
DATE."

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

Section 1. Section 80-11-510, MCA, is amended to read:

"80-11-510. Creation of commodity advisory committees. (1) The department may create commodity
advisory committees subject to the following:

(a) Twenty-five or more producers of a commodity shall petition the department to create a commodity
advisory committee. The format, information required, and criteria of valid petitions must be established by
department rule.

(b) Within 60 days of receipt and verification of a qualified petition, the department shall hold a hearing
to receive relevant input from growers, producers, and first purchasers regarding the proposed commodity
advisory committee. The department shall advertise the hearing in areas where it is known the commodity is
grown and in any applicable trade publication.

(2) Each advisory committee created under this section must be known as the "... advisory committee".

(3) The department shall prescribe the composition and advisory functions of each advisory committee
created and appoint advisory committee members, who shall serve at the pleasure of the director. The majority
of members on a crop or livestock commodity advisory committee must be producers of the commodity.

(4) Unless the advisory committee member is a full-time salaried officer or employee of this state or of
any political subdivision of this state, each member is entitled to be paid an amount to be determined by the
department, not to exceed the daily amount established in 2-15-122(5) for each day in which the member is

1 actually and necessarily engaged in the performance of advisory committee duties. Each member is also entitled
 2 to be reimbursed for travel expenses, as provided for in 2-18-501 through 2-18-503, incurred while in the
 3 performance of advisory committee duties. Members who are full-time salaried officers or employees of this state
 4 or of any political subdivision of this state are not entitled to be compensated for their service as members, but
 5 are entitled to be reimbursed for travel expenses as provided for in 2-18-501 through 2-18-503.

6 (5) Unless otherwise specified by the department, at its first meeting each year, each advisory committee
 7 shall elect a presiding officer and other officers whom it considers necessary.

8 (6) Unless otherwise specified by the department, each advisory committee shall meet at least annually.
 9 An advisory committee shall also meet on the call of the department and may meet at other times on the call of
 10 the presiding officer or a majority of its members.

11 (7) A majority of the membership of an advisory committee constitutes a quorum to do business.

12 (8) In order for the creation of an advisory committee to be effective, the governor shall file in the
 13 governor's office and in the office of the secretary of state a record of the advisory committee created showing
 14 the advisory committee's:

- 15 (a) name, in accordance with subsection (2);
- 16 (b) composition;
- 17 (c) names and addresses of the appointed members; and
- 18 (d) purpose."

19

20 **Section 2.** Section 80-11-512, MCA, is amended to read:

21 **"80-11-512. Adoption of commodity research and market development program -- petition**
 22 **referendum -- hearing.** ~~The department shall adopt commodity research and market development programs~~
 23 ~~subject to the following:~~

24 ~~—— (1) Twenty-five or more producers of a commodity may petition the department to adopt a research and~~
 25 ~~market development program. The format, information required, and criteria of valid petitions must be established~~
 26 ~~by department rule.~~

27 ~~—— (2) Within 60 days of receipt and verification of a qualified petition, the department shall hold a hearing~~
 28 ~~to receive relevant input from growers, producers, and first purchasers regarding the proposed commodity~~
 29 ~~research and market development program.~~

30 (1) A commodity advisory committee formed pursuant to 80-11-510 shall hold at least one public hearing

1 to receive relevant input from affected growers and producers on a proposed referendum, including the amount
 2 of the proposed assessment and the method of collection. The department shall advertise the hearing in areas
 3 where it is known the commodity is grown and in any applicable trade publication.

4 ~~(3)(2)~~ (a) After considering the facts and information received at the hearing, ~~the department may the~~
 5 commodity advisory committee shall vote on whether to hold a referendum of affected growers and producers.

6 (b) The referendum must include, among other informational items, the amount of the assessment and
 7 the method of collection.

8 (c) The referendum must be by paper ballot mailed to the last-known address of known growers and
 9 producers of the relevant commodity, obtained from lists provided by the petitioner and other sources known to
 10 the department.

11 ~~(d) To be eligible to vote on a referendum, an individual must be a producer who is 18 years of age or~~
 12 ~~older and a Montana resident~~ Each grower or producer, as defined in 80-11-503, is entitled to one vote.

13 (e) If the commodity advisory committee votes against holding a referendum, the committee shall vote
 14 whether to dissolve the committee. If the commodity advisory committee votes against dissolution, the committee
 15 may continue to advise the department for 1 year from the date of the vote. If a referendum is not held or is
 16 defeated within 1 year of the vote, the commodity advisory committee is dissolved.

17 ~~(4)(3) Based on the facts and information from the hearing and an affirmative majority referendum vote,~~
 18 ~~the department shall adopt a commodity research and market development program. In doing so, the department~~
 19 ~~shall appoint an advisory committee in accordance with 80-11-510. If the referendum passes, the advisory~~
 20 ~~committee shall propose a research and market development program to the department for adoption."~~

21

22 NEW SECTION. Section 3. Repealer. ARM 4.6.501, 4.6.502, 4.6.503, and 4.6.504 are repealed.

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24 NEW SECTION. SECTION 4. EFFECTIVE DATE. [THIS ACT] IS EFFECTIVE ON PASSAGE AND APPROVAL.

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