



AN ACT CREATING THE AGRICULTURAL TRANSPORTATION ENHANCEMENT ACCOUNT TO BENEFIT CERTAIN PORT AUTHORITIES; PROVIDING AN APPROPRIATION; AMENDING SECTIONS 7-14-1111 AND 80-11-103, MCA; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. Agricultural transportation enhancement account. (1) There is an agricultural transportation enhancement account in the state special revenue fund established in 17-2-102.

(2) Any state funds distributed by the department of agriculture must be matched at a rate of 1 to 1, with \$1 in state funds to \$1 in local funds.

Section 2. Section 7-14-1111, MCA, is amended to read:

"7-14-1111. General powers of authority. An authority has all the powers necessary or convenient to carry out the purposes of this part, including but not limited to the power to:

- (1) subject to 15-10-420, request annually the amount of tax to be levied by the governing body for port purposes, which request the governing body may in its discretion approve for port purposes;
- (2) sue and be sued, have a seal, and have perpetual succession;
- (3) execute contracts and other instruments and take other action that may be necessary or convenient to carry out the purposes of this part;
- (4) plan, establish, acquire, develop, construct, purchase, enlarge, improve, maintain, equip, operate, regulate, and protect transportation, storage, or other facilities. For these purposes an authority may, by purchase, gift, devise, lease, or otherwise, acquire real or personal property or any interest in property, including easements.
- (5) establish comprehensive port zoning regulations in accordance with the laws of this state;

(6) acquire, by purchase, gift, devise, lease, or otherwise, existing transportation, storage, or other facilities that may be necessary or convenient to carry out the purposes of this part. However, an authority may not acquire or take over any transportation, storage, or other facility owned or controlled by another authority, county, municipality, or public agency without the consent of the authority, county, municipality, or public agency.

(7) provide financial and other support to organizations in its jurisdiction, including corporations organized under the provisions of the development corporation act in Title 32, chapter 4, whose purpose is to promote, stimulate, develop, and advance the general welfare, economic development, and prosperity of its jurisdiction and of the state and its citizens by stimulating, assisting in, and supporting the growth of all kinds of economic activity, including the creation, expansion, modernization, retention, and relocation of new and existing businesses and industry in the state, all of which will tend to promote business development, maintain the economic stability and prosperity of the state, and thus provide maximum opportunities for employment and improvement in the standards of living of citizens of the state-; and

(8) for an authority with a truck/train transloading facility, receive grants pursuant to [section 1] to enhance the transportation of agricultural goods and to meet the purposes of this part."

Section 3. Section 80-11-103, MCA, is amended to read:

"80-11-103. Department's marketing duties. The department shall:

- (1) keep abreast of research results in the subject matter area of marketing;
- (2) coordinate work with local, state, and national planning groups and other interested parties in helping them identify major problem areas and needs in marketing;
- (3) develop and carry out appropriate action programs that will result in significant improvements being made by those people concerned with problems of marketing;
- (4) coordinate efforts with representatives of other agencies or organizations or persons who are concerned with related programs;
- (5) investigate the costs of marketing;
- (6) gather and disseminate information concerning supply, demand, favorable marketing information, prevailing prices, and changes in marketing movements, practices, and rates, including common and cold

storage of food products;

(7) promote, assist, and encourage the organization and operation of cooperative and other associations and organizations for improving the relations and services among producers, distributors, and consumers of food products;

(8) investigate the practice and methods concerning the marketing of agricultural products;

(9) act as mediator or arbitrator, when invited, in a controversy or issue that may arise between producers and distributors;

(10) assist producers and distributors in the economical and efficient distribution of agricultural products at fair prices;

(11) appear and be heard at any hearing involving agricultural marketing affecting Montana; and

(12) award and distribute grants from the agricultural transportation enhancement account pursuant to [section 1] to enhance the transportation of agricultural goods and to meet the purposes of Title 7, chapter 14, part 11."

Section 4. Appropriation. There is appropriated \$2 million from the state special revenue account provided for in [section 1] to the department of agriculture for the biennium beginning July 1, 2021, to distribute grants to port authorities with a truck/train transloading facility to enhance the transportation of agricultural products to and from the state.

Section 5. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 80, chapter 11, part 1, and the provisions of Title 80, chapter 11, part 1, apply to [section 1].

Section 6. Coordination instruction. The appropriation in [section 4] to the department of agriculture to distribute grants to port authorities with a truck/train transloading facility to enhance the transportation of agricultural products to and from the state pursuant to [this act] is void if:

(1) (a) both House Bill No. 632 and [this act] are passed and approved; and

(b) an appropriation pursuant to [section 12 of House Bill No. 632] is authorized to include grants pursuant to [this act]; or

(2) an appropriation by the legislature from federal funds received pursuant to an act of Congress before July 1, 2023, is authorized to include grants pursuant to [this act].

Section 7. Effective date. [This act] is effective July 1, 2021.

- END -

I hereby certify that the within bill,
HB 681, originated in the House.

Chief Clerk of the House

Speaker of the House

Signed this _____ day
of _____, 2021.

President of the Senate

Signed this _____ day
of _____, 2021.

HOUSE BILL NO. 681

INTRODUCED BY J. KASSMIER, W. GALT, C. KNUDSEN, B. LER

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