

SENATE BILL NO. 213

INTRODUCED BY NELSON, LAMBERT, BALLANTYNE, BLACK, GOLIE, HEDGES, KITZENBERG,
LENHART, ROUSH, TESTER, TROPILA, WITT

A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING THE MAXIMUM WHEAT AND BARLEY ASSESSMENT COLLECTED BY THE DEPARTMENT OF AGRICULTURE; AMENDING SECTION 80-11-206, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 80-11-206, MCA, is amended to read:

"80-11-206. Maximum annual assessment on wheat and barley grown, delivered, or stored. (1)

There is an annual assessment of not more than ~~40~~ 20 mills per bushel on all wheat and not more than ~~45~~ 30 mills per hundredweight on all barley grown, delivered, or stored in the state of Montana and sold through commercial channels.

(2) The assessment is levied and imposed:

(a) in the case of a sale of wheat or barley, at the time of first sale of any wheat or barley by a seller, and must be collected by the first purchaser of the wheat or barley from the seller at the time of each settlement for wheat or barley purchased;

(b) in the case of a pledge or mortgage of wheat or barley as security for a loan under any federal price support program other than the commodity credit corporation, and must be collected by deducting the amount of the assessment from the proceeds of the loan at the time the loan is made by the agency or person making the loan; or

(c) in the case of wheat or barley pledged under the federal commodity credit corporation, and the assessment must be collected at the time of purchase, not at the time a lease or loan is made under the program.

(3) The assessment levied under the provisions of this part must be deducted and collected as provided by this part, whether the wheat or barley is stored in this or any other state. The assessment attaches to each transaction, but a seller is not subject to assessment more than once irrespective of the number of times the wheat or barley is the subject of a sale, pledge, mortgage, or other transaction. The assessment is imposed and attaches on the initial sale, pledge, mortgage, or other transaction in which the wheat or barley seller parts with title to the wheat or barley or creates some interest in the wheat or barley in a pledgee, mortgagee, or other

person."

NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval.

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