

MONTANA ADMINISTRATIVE REGISTER

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BEFORE THE DEPARTMENT OF AGRICULTURE
OF THE STATE OF MONTANA

In the matter of the amendment of) NOTICE OF PUBLIC HEARING ON
ARM 4.9.401 pertaining to wheat and) PROPOSED AMENDMENT
barley assessment and refunds)

TO: All Concerned Persons

1. On October 27, 2022, at 11:00 a.m., the Department of Agriculture will hold a public hearing in Room 225 of the Scott Hart Building, at 302 N. Roberts in Helena, Montana, to consider the proposed amendment of the above-stated rule.

2. The Department of Agriculture will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the Department of Agriculture no later than 5:00 p.m. on October 25, 2022, to advise us of the nature of the accommodation that you need. Please contact Cort Jensen, Department of Agriculture, P.O. Box 200201, Helena, Montana, 59620-0201; telephone (406) 444-3144; fax (406) 444-5409; TDD/Montana Relay Service/etc (406) 444-3144; or e-mail agr@mt.gov.

3. The rule as proposed to be amended provides as follows, new matter underlined, deleted matter interlined:

4.9.401 WHEAT AND BARLEY ASSESSMENT AND REFUNDS (1) There shall be levied an assessment of:

- (a) ~~20~~ 25 mills per bushel upon all wheat sold in the state of Montana; and
- (b) ~~30~~ 35 mills per hundredweight on all barley sold in the state of Montana.

(2) All assessments are subject to refund provided the following criteria are met:

(a) Application for assessment refund shall be in writing on forms provided by the committee.

(i) Forms will be furnished upon application to the Montana Wheat and Barley Committee, P.O. Box 3024, Great Falls, Montana 59403-3024.

(b) Written application for refund of the wheat or barley assessments must be submitted by the first seller of the wheat or barley or by an individual with the first seller's power of attorney.

(c) Refund application forms shall be submitted 30 days after the date of first sale and no later than 90 days from the date of the first sale of wheat or barley for which a refund is filed.

AUTH: 80-11-204, 80-11-205, MCA
IMP: 80-11-205, 80-11-206, MCA

REASON: Wheat and barley growers need to spend more on research and marketing, so an increase is necessary especially in light of inflation.

4. Concerned persons may submit their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to: Cort Jensen, Department of Agriculture, P.O. Box 200201, Helena, Montana, 59620-0201; telephone (406) 444-5402; fax (406) 444-5409; or e-mail cojensen@mt.gov, and must be received no later than 5:00 p.m., November 4, 2022.

5. Cort Jensen, Department of Agriculture, has been designated to preside over and conduct this hearing.

6. The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or delivered to the contact person in 4 above or may be made by completing a request form at any rules hearing held by the department.

7. An electronic copy of this proposal notice is available through the Secretary of State's web site at <http://sosmt.gov/ARM/Register>.

8. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

9. With regard to the requirements of 2-4-111, MCA, the department has determined that the amendment of the above-referenced rule will significantly and directly impact small businesses. There will be a 25% increase in wheat check-off and a 17% increase in barley check-off.

Cost per Truckload		
	Wheat	Barley
2 Cent/BU, 3 Cent/HWT	\$19.34	\$17.19
2.5 Cent/BU, 3.5 Cent/HWT	\$24.18	\$20.06

3-year Rolling Average 2019-2021		
	Wheat	Barley
FY 2021	\$4,647,410	\$484,709
FY 2020	\$4,573,501	\$435,923
FY 2019	\$3,350,206	\$393,323
Average	\$4,190,372.33	\$437,985.00
Check-off Increase	\$5,237,965.42	\$512,442.45
Difference	\$1,047,593.08	\$74,457.45

/s/ Cort Jensen
Cort Jensen
Rule Reviewer

/s/ Christy Clark
Christy Clark
Director
Agriculture

Certified to the Secretary of State September 13, 2022.