

Agriculture/Livestock Related Legislation -- 2003
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1. **House Bill No. 31.** Revises fertilizer laws; increases fertilizer registration fees; requires analytical information with fertilizer registration applications; revises the Montana Commercial Fertilizer laws to allow for an increase in the inspection fee per ton of anhydrous ammonia and to provide the minimum and maximum amounts to which the fee may be adjusted by rule; and eliminates the mandatory hearing before inspection fees can be changed by rule.
 - a. Amends sections 80-10-201 and 80-10-207, MCA.
 - b. Effective February 11, 2003.

2. **House Bill No. 47.** Provides an additional method for creation of a herd district.
 - a. Amends section 81-4-301, MCA.
 - b. Effective October 1, 2003.

3. **House Bill No. 62.** Revises the state apiary laws by providing for a state special revenue account and funding source; further defines the term "apiary"; expands the definition of "pest"; establishes maximum and minimum registration and inspection fees and allows the Department of Agriculture to revise these fees by rule; and provides for the disposition of funds received as the result of a penalty.
 - a. Amends sections 80-6-101, 80-6-105, 80-6-202, and 80-6-303, MCA.
 - b. Repeals section 80-6-302, MCA.
 - c. Effective February 11, 2003.

4. **House Bill No. 128.** Submits to the qualified electors of Montana an amendment to Article IX of the Montana Constitution to create a noxious weed management trust fund; provides for the protection of the trust in the amount of \$10 million unless appropriated by a vote of three-fourths of the members of each house of the legislature; and provides for the appropriation of interest, income, and a portion of the principal.
 - a. Effective July 1, 2005 upon passage by the electorate.

5. **House Bill No. 181.** Provides for the regulation and certification of persons and entities that euthanize animals; allows a certified agency to apply for registration to possess controlled substances for the purpose of euthanizing animals; allows a certified euthanasia technician to administer controlled substances under the agency's lawful possession when the agency and technician are certified by the board of veterinary medicine; provides an exemption for certified agencies,

certified euthanasia technicians, and support personnel from oversight by the board of pharmacy when possessing or administering approved controlled substances for euthanasia; and provides an exemption to the practice of veterinary medicine for certified agencies and certified euthanasia technicians who are conducting animal euthanasia.

- a. Amends sections 37-7-103 and 37-18-104, MCA.
 - b. Effective January 1, 2003.
 - c. Terminates January 1, 2008.
6. **House Bill No. 299.** Limits the liability of owners of stock for trespass to instances of negligence; and clarifies that herd district law applies to trespassing animals in herd districts.
- a. Amends section 81-4-215, MCA.
 - b. Effective April 21, 2003.
 - c. Applies to actions brought on or after April 21, 2003.
7. **House Bill No. 311.** Includes eggnog in the definition of "class I milk" instead of in the definition of "class II milk" to correlate with federal standards; requires the Department of Livestock to assess a fee for all classes of milk sold by a person licensed by the Department to be used for the administration of the milk inspection and milk diagnostic laboratory functions of the department; provides that the fee must be established commensurate with costs of the program; and requires licensees to report to the department on a monthly basis the volume of milk produced.
- a. Amends sections 81-23-101 and 81-23-202, MCA.
 - b. Effective July 1, 2003.
8. **House Bill No. 317.** Allows a sentencing court to require a person convicted of cruelty to animals to pay the reasonable costs incurred by a public or private animal control agency or humane animal treatment shelter for the care of the animal.
- a. Amends section 45-8-211, MCA.
 - b. Effective April 17, 2003.
9. **House Bill No. 325.** Increases the maximum insurance coverage for state board of hail insurance policies.
- a. Amends sections 80-2-208 and 80-2-244, MCA.
 - b. Effective March 24, 2003.
10. **House Bill No. 378.** Amends the definition of "native plant".

- a. Amends sections 7-22-2101 and 80-7-701, MCA.
 - b. Effective October 1, 2003.
11. **House Bill No. 388.** Allows individual owners of tracts of land 3 acres or smaller in size that are located within the boundaries of irrigation districts and that are not being served by the irrigation district works to be eliminated from future services, assessments over and above current indebtedness, and liability upon payment of a severance fee or negotiated amount; and requires that owners of tracts located within an irrigation district that has a contract with the United States Bureau of Reclamation may not pay a severance fee or negotiated amount to be excluded from future services, assessments, and liability of the district if that would impair the contract unless the petitioner cooperates with the district in order to comply with federal laws and requirements.
 - a. Intended to be codified in Title 85, chapter 7, part 21.
 - b. Effective April 16, 2003.
 - c. Terminates December 31, 2007.
12. **House Bill No. 420.** Decreases the fee paid by commercial applicators, pesticide dealers, and government agencies for the waste pesticide and pesticide container collection, disposal, and recycling program; and repeals the termination of the waste pesticide and pesticide container collection, disposal, and recycling program, the assessment of fees for funding the program, and the deposit and use of fees by the department of agriculture.
 - a. Amends sections 80-8-203, 80-8-207, and 80-8-213, MCA.
 - b. Repeals section 14, Chapter 465, Laws of 1993, and Chapter 362, Laws of 1999.
 - c. Effective April 3, 2003.
13. **House Bill No. 445.** Provides that a rocky mountain double carrying baled hay may not exceed 88 feet of combined trailer length.
 - a. Amends section 61-10-124, MCA.
 - b. Effective April 11, 2003.
 - c. Contingent voidness: If the department of transportation receives notice that the increase in the combined trailer length that is allowed for a Rocky Mountain double carrying baled hay will threaten federal highway funding, then [this act] is void. The department shall notify the code commissioner that the department has received a notice and the date upon which the notice was received.
14. **House Bill No. 455.** Provides for the inspection and regulation of noncommercial feeds; and clarifies that the Department of Agriculture has access to premises in addition to commercial establishments to conduct feed inspections for the purpose

of protecting human and animal health and safety.

- a. Amends sections 80-9-101 and 80-9-301, MCA.
 - b. Effective March 26, 2003.
15. **House Bill No. 553.** Revises the laws governing the treatment of animals; provides for a civil hearing concerning the care of animals seized when the owner is charged with cruelty to animals; changes the fine and imprisonment penalties for the crime; creates the offense of "aggravated animal cruelty"; and expands the list of exempt activities and practices.
 - a. Amends section 45-8-211, MCA.
 - b. Effective October 1, 2003.
16. **House Bill No. 648.** Provides that a reproductive technology business has a lien on animal embryos or semen until the amount due for services is paid; defines "reproductive technology business"; and provides that a lien created under the agisters' lien laws by a reproductive technology business may not take precedence over other liens unless the reproductive technology business provides notice to other lienholders or secured parties within 30 days from the time of harvesting or collecting the embryos or semen.
 - a. Amends sections 71-3-1201 and 71-3-1202, MCA.
 - b. Effective April 21, 2003.
17. **House Bill No. 653.** Authorizes the grain depositor to state a preference of grading facility through a written agreement; provides that the options provided for grading facilities in the written agreement must include but may not be limited to the state grain lab; provides that the written agreement must specify the time period to which the agreement applies; provides that all fees and other charges associated with the grain sample analysis must reflect as nearly as possible the actual cost of the services; and requires a warehouse operator or commodity dealer to post fees, including anticipated shipping and handling fees.
 - a. Amends sections 80-4-711 and 80-4-721, MCA.
 - b. Effective April 22, 2003.
18. **House Joint Resolution No. 15.** This joint resolution of the Senate and the House of Representatives of the State of Montana urges the U.S. Secretary of Agriculture and the U.S. Secretary of the Interior to direct the appropriate federal agencies to expedite the elimination of brucellosis in the Yellowstone National Park bison and elk herds.
19. **House Joint Resolution No. 18.** This joint resolution of the Senate and the House of Representatives of the State of Montana urges federal emergency

disaster assistance for crop and livestock producers who have suffered losses during the 2001 and 2002 agricultural production years because of drought and urges an early decision on the release of conservation reserve program acreages for haying and grazing purposes.

20. **Senate Bill No. 22.** Amends the Montana agricultural seed laws to establish new licensing and assessment fees, to establish minimum and maximum licensing and assessment fees, and to authorize the Department of Agriculture to adjust these fees by rule.
 - a. Amends sections 80-5-130 and 80-5-131, MCA.
 - b. Effective April 9, 2003.
21. **Senate Bill No. 23.** Provides that commodity producers holding bailment contracts have a first priority lien.
 - a. Amends section 80-4-420, MCA.
 - b. Effective March 31, 2003.
22. **Senate Bill No. 27.** Provides that only income from actual gains and losses be transferred to the noxious weed state special revenue fund.
 - a. Amending sections 80-7-814 and 80-7-816, MCA.
 - b. Effective March 24, 2003.
23. **Senate Bill No. 87.** Removes the Department of Agriculture's authority to make grants under the vertebrate pest management program.
 - a. Amends section 80-7-1102, MCA
 - b. Effective March 28, 2003.
24. **Senate Bill No. 213.** Increases the maximum wheat and barley assessment collected by the Department of Agriculture.
 - a. Amends section 80-11-206, MCA.
 - b. Effective April 9, 2003.
25. **Senate Joint Resolution No. 8.** This joint resolution of the Senate and the House of Representatives of the State of Montana recommends that in recognition of the importance of responding to the desires and needs of a majority of Montana's foreign grain customers, genetically engineered wheat or barley be grown in Montana only when there is acceptance of these genetically engineered crops by a majority of Montana's foreign markets; recommends that research of genetically engineered crops should continue; and encourages regulatory agencies to recognize their responsibility as genetically engineered crops are introduced.