

1 SENATE BILL NO. 195

2 INTRODUCED BY R. RIPLEY, CLARK, STEINBEISSER

3

4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATING TO THE MONTANA SEED
5 LABORATORY; CREATING A SEED LABORATORY ADVISORY BOARD; ALLOWING THE LABORATORY TO
6 DETERMINE APPROPRIATE FEES FOR THE COSTS OF SEED ANALYSIS; AMENDING SECTIONS
7 20-25-229, 80-5-126, 80-5-128, AND 80-5-139, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

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11 NEW SECTION. **Section 1. Seed laboratory advisory board -- duties.** (1) There is a seed laboratory
12 advisory board.

13 (2) (a) The board consists of:

14 (i) five members appointed by the director of the agricultural experiment station provided for in
15 20-25-222; and

16 (ii) the director of the agricultural experiment station, serving in an ex officio, nonvoting capacity.

17 (b) The five members appointed by the director of the agricultural experiment station must be selected
18 as follows:

19 (i) three representatives from seed industry-related organizations;

20 (ii) a representative of the department of agriculture; and

21 (iii) a representative of the agricultural experiment station.

22 (c) The members appointed as representatives of seed industry-related organizations may not represent
23 the same organization.

24 (3) The board shall advise the director of the agricultural experiment station on matters related to the
25 Montana seed laboratory provided for in 20-25-229, including but not limited to:

26 (a) rates to be charged for seed analysis;

27 (b) staffing levels;

28 (c) budget matters; and

29 (d) operational procedures for the laboratory.

30 (4) The board shall meet at least annually and may meet more frequently as needed.

1 (5) Board members may request reimbursement for travel expenses as provided for in 2-18-501 through
2 2-18-503. The ex officio member is not entitled to travel expenses.

3 (6) The board is attached to the agricultural experiment station for administrative purposes. The
4 agricultural experiment station shall establish operating procedures for the board that are consistent with the
5 provisions of this section.

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7 **Section 2.** Section 20-25-229, MCA, is amended to read:

8 **"20-25-229. Montana seed laboratory -- purpose -- fees.** (1) There is established as a part of the
9 agricultural experiment station the Montana seed laboratory.

10 (2) The purpose of the laboratory ~~shall be the carrying on of~~ is to conduct effective scientific and practical
11 research ~~and or~~ testing work to develop as complete and accurate ~~a knowledge~~ an analysis of grains and seeds
12 as ~~possible~~ requested.

13 (3) The laboratory ~~shall be~~ is under the general direction of the director of the agricultural experiment
14 station.

15 (4) The laboratory shall:

16 (a) establish procedures for submitting seed samples for analysis; and

17 (b) determine the appropriate fees for analytical services provided by the laboratory."

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19 **Section 3.** Section 80-5-126, MCA, is amended to read:

20 **"80-5-126. Analysis by seed laboratory -- reports.** The seed laboratory of the agricultural experiment
21 station shall analyze and test seeds sold or offered or exposed for sale in this state at a time and place and to
22 the extent the director of the agricultural experiment station ~~and the department determine~~ determines. The
23 laboratory shall report to the department all violations as they appear. It may also annually before September 1
24 make a report to the department of all tests made and the results, which may be published by the department."

25

26 **Section 4.** Section 80-5-128, MCA, is amended to read:

27 **"80-5-128. Laboratory testing of samples -- fees.** (1) Any citizen of this state may request that the
28 seed laboratory ~~to~~ examine, analyze, ~~and or~~ test samples of seed upon payment of the fee and compliance with
29 ~~rules~~ procedures governing the submission of seed samples for that service.

30 (2) Samples of seed analyzed and tested must be charged for at rates established by ~~rule of the~~

1 ~~department as recommended by the agricultural experiment station~~ the seed laboratory as provided in 20-25-229.

2 (3) All fees collected by the seed laboratory must be used to defray the expenses incurred by the
3 laboratory under this chapter and the expenses incurred by the seed laboratory advisory board provided for in
4 [section 1]."

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6 **Section 5.** Section 80-5-139, MCA, is amended to read:
7 **"80-5-139. Rules -- promulgated by department.** (1) The department is authorized to promulgate
8 necessary rules as authorized by this part. All rules are to be promulgated in accordance with procedures as set
9 forth in the Montana Administrative Procedure Act.

10 (2) Rules may address but are not limited to the following subjects:
11 (a) designation of kinds of seed as agricultural, vegetable, flower, or indigenous;
12 (b) designation of kinds of seed that must be labeled as to variety name;
13 (c) designation of kinds and varieties of flower seeds that may be labeled according to type and
14 performance characteristics;
15 (d) standards for determining and stating pure live seed, germination, or viability;
16 (e) plants to be designated as weeds, restricted weeds, and prohibited weeds and standards for allowing
17 weeds and restricted weeds in seeds;
18 (f) procedures for implementing the administrative provisions of 80-5-136;
19 (g) procedures for implementing and administering civil penalties, including establishing a penalty matrix
20 that schedules the types of penalties, the amounts for initial and subsequent offenses, and any other matters
21 necessary for the administration of civil penalties under 80-5-136;
22 (h) procedures for submitting applications for licensing and establishing the period for which licenses
23 are issued under 80-5-130;
24 (i) minimum standards for equipment and handling procedures for facilities that require licensing,
25 including sellers and distributors of agricultural seed, seed labelers, and conditioning plants;
26 (j) standards that restrict or exempt from restriction the holding and movement of screenings, when in
27 the public interest; and
28 (k) recordkeeping requirements for persons who handle agricultural, vegetable, flower, or indigenous
29 seeds, including file samples of seed for each lot handled for a period of time up to 2 years.

30 ~~_____ (3) The department may promulgate rules related to the operation of the state seed laboratory. The rules~~

1 ~~may include but are not limited to procedures for submitting seed samples and rates charged for seed analysis."~~

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3 NEW SECTION. **Section 6. Codification instruction.** [Section 1] is intended to be codified as an
4 integral part of Title 2, chapter 15, part 15, and the provisions of Title 2, chapter 15, part 15, apply to [section 1].

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6 NEW SECTION. **Section 7. Effective date.** [This act] is effective on passage and approval.

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