

HOUSE BILL NO. 700

INTRODUCED BY J. DOOLING, W. MCKAMEY

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS RELATED TO FORESTRY AND AGRICULTURE; ~~PROVIDING FOR ABANDONMENT OF CERTAIN EQUIPMENT; REVISING CRITERIA FOR ATTORNEY GENERAL LITIGATION ON FEDERAL FOREST MANAGEMENT PROJECTS; PROVIDING FOR AN ABANDONED INTEREST FEE; REVISING SEED SALE LAW; AMENDING SECTION 76-13-154 80-5-124,~~ MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

NEW SECTION. ~~Section 1. — Disposition of abandoned machinery, construction equipment, and farm equipment.~~ (1) If two or more persons own a piece of machinery, construction equipment, or farm equipment and one person elects to abandon the person's ownership interest in the machinery, construction equipment, or farm equipment, any other person possessing an ownership interest in the machinery, construction equipment, or farm equipment may claim ownership of the abandoned interest by giving notice to the department of revenue.

(2) ~~If two or more persons owning a share of the machinery, construction equipment, or farm equipment claim the abandoned interest, the abandoned share must be divided equally among the persons claiming the abandoned interest.~~

(3) ~~A person claiming a share of the abandoned interest shall pay the department of revenue a \$25 fee.~~

Section 2. Section 76-13-154, MCA, is amended to read:

~~"76-13-154. — Federal forest management projects — attorney general authority to intervene.~~ (1) The attorney general has the authority to intervene in litigation or appeals on federal forest management projects.

(2) ~~The authority provided in subsection (1) includes the authority to:~~

1 ~~(a) fulfill the purposes of Title 76, chapter 13, to intervene in litigation or appeals on federal forest~~
 2 ~~management projects that could affect state fire policy or watershed protection or restoration; and~~
 3 ~~(b) intervene in litigation involving projects that lie within a landscape-scale insect and disease area~~
 4 ~~designated by the U.S. department of agriculture pursuant to the Healthy Forests Restoration Act of 2003 and~~
 5 ~~the Agricultural Act of 2014."~~

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7 **SECTION 1. SECTION 80-5-124, MCA, IS AMENDED TO READ:**

8 **"80-5-124. Exemptions.** (1) The labeling requirements in 80-5-123 and the prohibitions in 80-5-134
 9 do not apply to:

- 10 (a) seed or grain that is not intended for sowing purposes;
- 11 (b) seed in storage in or being transported or consigned to a cleaning or processing establishment for
 12 cleaning or processing if:
- 13 (i) the invoice or labeling accompanying that seed bears the statement "seeds for processing"; and
- 14 (ii) any labeling or representation made with respect to the uncleaned or unprocessed seed is subject
 15 to this chapter; and
- 16 (c) a carrier in respect to seed transported or delivered for transportation in the ordinary course of its
 17 business as a carrier, as long as the carrier is not engaged in producing, processing, or marketing seed that is
 18 subject to the provisions of this chapter.

19 (2) (a) A person is not subject to the penalties in 80-5-136 for selling, or offering for sale,
 20 conditioning, or cleaning seeds subject to the provisions of this chapter that were incorrectly labeled or
 21 represented as to kind, species and subspecies (if appropriate), variety, type, origin, elevation, or year of
 22 collection (if required) when the seed cannot be identified by examination, unless the person has failed to
 23 obtain an invoice, genuine grower declaration, or other labeling information and has failed to take reasonable
 24 precautions to ensure the identity of the seeds. A genuine grower declaration of variety is considered an
 25 affirmation that the grower holds records of proof regarding parent seed, such as invoices and labels.

26 (b) A person who asserts an exemption pursuant to this section shall pay a \$1 fee to the department
 27 of agriculture."

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