

1 HOUSE BILL NO. 294

2 INTRODUCED BY R. FITZGERALD

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING FEES FOR AGRICULTURAL SEED LICENSES;
5 REVISING FEE STRUCTURE FOR SEED DEALERS, SEED CONDITIONERS, AND SEED LABELERS;
6 PROVIDING RULEMAKING AUTHORITY; AMENDING SECTION 80-5-130, MCA; AND PROVIDING AN
7 EFFECTIVE DATE."

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

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11 **Section 1.** Section 80-5-130, MCA, is amended to read:

12 **"80-5-130. Licensing -- application -- fee.** (1) All facilities located in the state that condition
13 agricultural seed shall obtain a license from the department for each facility. However, a seed grower, when
14 conditioning only seed from that grower's own production, is not required to be licensed under this part.

15 (2) Each seed conditioning plant shall post in a conspicuous location in the facility:

16 (a) its fees for conditioning services; and

17 (b) the license for the facility.

18 (3) A person whose name and address appear on the label of agricultural seed sold in Montana, as
19 required by 80-5-123, shall obtain a seed labeler's license from the department before doing business in
20 Montana. The following persons, however, are excluded from the licensing requirements under this subsection:

21 (a) a Montana certified seed grower when labeling certified seed from that grower's own production;

22 (b) any person who updates germination test data by affixing to the package of seed a supplemental
23 label bearing new germination data, the lot number, and the person's name and address; or

24 (c) a Montana grower who labels seed only of that labeler's own production with a gross annual sales
25 value of \$5,000 or less.

26 (4) A person who sells agricultural seed in Montana shall obtain a seed dealer's license from the
27 department for each place where seed is located or sold, except for:

28 (a) a person who sells seed only in sealed packages of 10 pounds or less;

- 1 (b) a person who sells seed that has a gross sales value of \$1,000 or less a year;
- 2 (c) a person who sells seed only to a Montana-licensed seed dealer, labeler, or conditioner; or
- 3 (d) a Montana grower selling only seed of that grower's own production with a gross annual sales
- 4 value of \$5,000 or less.

5 ~~(5) (a) Except as provided in this subsection (5), the fee is \$55 a year for each type of license. The~~

6 ~~department may by rule adjust the license fee by type of license to maintain adequate funding for the~~

7 ~~administration of this part. The fee may not be less than \$55 a year or more than \$75 a year.~~

8 ~~(b) Except as provided in this subsection (5)(b), the license fee for an out-of-state person selling seed~~

9 ~~in Montana is \$110 a year. The department may by rule adjust the license fee to maintain adequate funding for~~

10 ~~the administration of this part. The fee may not be less than \$110 a year or more than \$150 a year.~~

11 ~~(c) Except as provided in this subsection (5)(c), the license fee for a Montana grower who sells,~~

12 ~~labels, or sells and labels only seed of that grower's own production is \$55 a year. The department may by rule~~

13 ~~adjust the license fee to maintain adequate funding for the administration of this part. The fee may not be less~~

14 ~~than \$55 a year or more than \$75 a year. The department may by rule adjust a license fee to maintain adequate~~

15 ~~funding for the administration of this part.~~

16 (a) The license fee may not be less than \$50 a year or more than \$200 a year for a person who is a

17 Montana resident and who:

18 (i) sells, labels, or sells and labels seed;

19 (ii) is a seed dealer;

20 (iii) operates a seed conditioning plant; or

21 (iv) is a seed labeler.

22 (b) The license fee for a person who is a nonresident and who is:

23 (i) a seed dealer may not be less than \$100 or more than \$250 a year; or

24 (ii) a seed labeler may not be less than \$50 or more than \$200 a year.

25 (6) An application for a license under this section must be made in a manner and on forms provided

26 by the department. The application must contain:

27 (a) the location of each seed conditioning plant if the application is for a seed conditioning plant

28 license;

- 1 (b) a sample label if the application is for a seed labeler license; and
- 2 (c) a list of persons selling seed if required by department rule.
- 3 (7) Seed dealers shall provide with all shipments of agricultural seed a bill of lading or other evidence
- 4 of delivery that includes:
 - 5 (a) the names of:
 - 6 (i) the seed dealer;
 - 7 (ii) the shipper, if other than the seed dealer;
 - 8 (iii) the buyer; and
 - 9 (iv) the receiver, if other than the buyer; and
 - 10 (b) the destination where the seed will be first unloaded."

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12 **NEW SECTION. Section 2. Effective date.** [This act] is effective July 1, 2021.

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