



AN ACT REVISING FEES FOR AGRICULTURAL SEED LICENSES; REVISING FEE STRUCTURE FOR SEED DEALERS, SEED CONDITIONERS, AND SEED LABELERS; PROVIDING RULEMAKING AUTHORITY; AMENDING SECTION 80-5-130, MCA; AND PROVIDING AN EFFECTIVE DATE.

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

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

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

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

- (a) its fees for conditioning services; and
- (b) the license for the facility.

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

- (a) a Montana certified seed grower when labeling certified seed from that grower's own production;
- (b) any person who updates germination test data by affixing to the package of seed a supplemental label bearing new germination data, the lot number, and the person's name and address; or
- (c) a Montana grower who labels seed only of that labeler's own production with a gross annual sales value of \$5,000 or less.

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

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

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

~~(5) (a) Except as provided in this subsection (5), the fee is \$55 a year for each type of license. The department may by rule adjust the license fee by type of license to maintain adequate funding for the administration of this part. The fee may not be less than \$55 a year or more than \$75 a year.~~

~~(b) Except as provided in this subsection (5)(b), the license fee for an out-of-state person selling seed in Montana is \$110 a year. The department may by rule adjust the license fee to maintain adequate funding for the administration of this part. The fee may not be less than \$110 a year or more than \$150 a year.~~

~~(c) Except as provided in this subsection (5)(c), the license fee for a Montana grower who sells, labels, or sells and labels only seed of that grower's own production is \$55 a year. The department may by rule adjust the license fee to maintain adequate funding for the administration of this part. The fee may not be less than \$55 a year or more than \$75 a year. The department may by rule adjust a license fee to maintain adequate funding for the administration of this part.~~

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

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

(ii) is a seed dealer;

(iii) operates a seed conditioning plant; or

(iv) is a seed labeler.

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

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

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

(6) An application for a license under this section must be made in a manner and on forms provided by the department. The application must contain:

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

(b) a sample label if the application is for a seed labeler license; and

(c) a list of persons selling seed if required by department rule.

(7) Seed dealers shall provide with all shipments of agricultural seed a bill of lading or other evidence of delivery that includes:

(a) the names of:

(i) the seed dealer;

(ii) the shipper, if other than the seed dealer;

(iii) the buyer; and

(iv) the receiver, if other than the buyer; and

(b) the destination where the seed will be first unloaded."

Section 2. Effective date. [This act] is effective July 1, 2021.

- END -

I hereby certify that the within bill,
HB 294, originated in the House.

Chief Clerk of the House

Speaker of the House

Signed this _____ day
of _____, 2021.

President of the Senate

Signed this _____ day
of _____, 2021.

HOUSE BILL NO. 294

INTRODUCED BY R. FITZGERALD

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