

HOUSE BILL NO. 487

INTRODUCED BY J. KASSMIER

A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING SEED CLEANING OR CONDITIONING WITHOUT DEPARTMENT DECLARATION; PROVIDING A FILING FEE; AND AMENDING SECTION 80-5-134, MCA."

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

**Section 1.** Section 80-5-134, MCA, is amended to read:

**"80-5-134. Prohibitions.** (1) A person may not sell or transport for use in planting in this state any seed that:

(a) contains prohibited noxious weed seeds;

(b) contains restricted weed seeds in excess of the maximum numbers per pound allowed under rules adopted by the department;

(c) contains in excess of 2% or more of weed seed;

(d) is offered or exposed for sale more than 12 calendar months from the last day of the month in which the germination test was completed. This 12-month limitation does not apply when seed is packaged in hermetically sealed containers within 12 months after harvest. The container must be conspicuously labeled in not less than 8-point type to indicate that:

(i) the container is hermetically sealed;

(ii) the seed has been preconditioned as to moisture content; and

(iii) the germination test is valid for a period not to exceed 18 months from the date of the germination test for seeds offered for sale on a wholesale basis and for a period not to exceed 36 months for seeds offered for sale at retail.

(e) is labeled, advertised, or otherwise represented as being certified seed of any class unless:

(i) it has been determined by a seed certifying agency that the seed conforms to standards of purity and identity as to kind, species (and subspecies, if appropriate), or variety; and

(ii) the seed bears an official label issued for that seed by a seed certifying agency certifying that

1 the seed is of a specified class and a specified kind, species (and subspecies, if appropriate), or variety;

2 (f) is a variety for which a United States certificate of plant variety protection has been issued or  
3 applied for under the provisions of the Plant Variety Protection Act, 7 U.S.C. 2321, et seq., without the authority  
4 of the owner of the variety or is labeled with a variety name but not certified by an official seed certifying agency  
5 when it is a variety for which the certificate or application for "protection" specifies sale only as a class of  
6 certified seed, provided that seed from a certified lot may be labeled as to variety name when used in a mixture;

7 (g) is not labeled in accordance with the provisions of this chapter and appurtenant rules or that  
8 has false or misleading labeling;

9 (h) has been falsely or misleadingly advertised.

10 (2) It is unlawful for a person within this state to:

11 (a) detach, alter, deface, or destroy any label provided for in this chapter or by rules promulgated  
12 pursuant to this chapter or to alter or substitute seed in a manner that may defeat the purposes of this chapter;

13 (b) disseminate any false or misleading advertisement concerning seed subject to the provisions of  
14 this chapter in any manner or by any means;

15 (c) hinder or obstruct, in any way, any authorized person in the performance of duties authorized  
16 under this chapter;

17 (d) fail or refuse to obtain a license when required pursuant to 80-5-130;

18 (e) fail to comply with a stop sale order or to move or otherwise handle or dispose of any lot of  
19 seed held under a stop sale order except with permission of the department and for the purpose specified in the  
20 stop sale order;

21 (f) fail to comply with any provisions of this part, including rules promulgated under this part;

22 (g) use the word "trace" as a substitute for any required statement; or

23 (h) use the word "type" in any labeling in connection with the name of any agricultural seed variety;

24 or

25 (i) provide seed cleaning and conditioning services without obtaining a properly completed  
26 genuine grower declaration form as specified by the department. ~~Seed conditioners shall retain samples of all~~  
27 ~~seeds cleaned. Seed conditioners shall follow the same sample retention rules as required for certified seed.~~

28 (3) THE DEPARTMENT SHALL ASSESS A \$5 FILING FEE FOR GROWER DECLARATIONS."

