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House BILL NO. *618*
Flaming Request of Dept. Agri

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTIONS 3-1201.1, 3-1209, 3-1408, 3-3201 AND 3-3311, R.C.M. 1947, TO CORRECT OMISSIONS, GRAMMATICAL, AND NUMBERING ERRORS AND PROVIDE FOR INSPECTION FEES TO BE PAID TO THE DEPARTMENT OF AGRICULTURE."

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

Section 1. Section 3-1201.1, R.C.M. 1947, is amended to read as follows:

"3-1201.1. Definitions. Unless the context requires otherwise, in this chapter:

- (1) "Person" means a person, firm, or corporation.
- (2) "Seasonal nurseryman" means a person engaged in the business of selling, dealing in, or importing into the state for sale or distribution, any nursery stock which is for sale only during certain growing seasons and whose place of business is open only during certain growing seasons and not continuously throughout the year.
- (3) "Nursery stock" means botanically classified hardy perennial or biennial ~~trees~~ plants; trees; shrubs; vines; plants, either domesticated or wild; cuttings; grafts; scions; buds; bulbs; rhizomes or roots of them; and other

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plants and plant parts for, or capable of, propagation. The term does not include vegetable, field, or flower seed, or coms and tubers."

Section 2. Section 3-1209, R.C.M. 1947, is amended to read as follows:

"3-1209. Right to hold produce nursery stock for inspection. No person is liable to any other person for any damage to any nursery stock caused by holding it to await the certificate of the department."

Section 3. Section 3-1408, R.C.M. 1947, is amended to read as follows:

"3-1408. Rules for enforcement -- fees. The department may adopt rules necessary for the enforcement of this act. The department may adopt rules to establish fees for inspection under this act."

Section 4. Section 3-3201, R.C.M. 1947, is amended to read as follows:

"3-3201. "Itinerant merchant" defined. For the purpose of this chapter, "itinerant merchant" means a person who buys, offers to buy, sells, or offers to sell in this state, at wholesale or retail, any produce as defined by section ~~3-3401~~ {3-3301}, who does not hold a license under the provisions of chapter ~~34~~ 33 of this Title, and transports the produce in this state by use of a motor vehicle, or by any other method of transportation, except as

1 otherwise provided, or who has not secured a permit of
2 exemption."

3 Section 5. Section 3-3311, R.C.M. 1947, is amended to
4 read as follows:

5 "3-3311. Disposition of license fees. All license
6 fees received by the department under this chapter shall be
7 paid into the state treasury and deposited in ~~a revolving~~
8 ~~fund--to--be--spent--by--the--department--upon--approval--of--the~~
9 ~~state-treasurer~~ the general fund. ~~All moneys so deposited~~
10 ~~shall be held for the department to use in carrying out this~~
11 ~~chapter."~~

-End-

Approved by Committee
on Agriculture Livestock
& Irrigation

1
2 INTRODUCED BY *House* BILL NO. *618*
Flaming Request of Dept. Agri

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTIONS
5 3-1201.1, 3-1209, 3-1408, 3-3201 AND 3-3311, R.C.M. 1947, TO
6 CORRECT OMISSIONS, GRAMMATICAL, AND NUMBERING ERRORS AND
7 PROVIDE FOR INSPECTION FEES TO BE PAID TO THE DEPARTMENT OF
8 AGRICULTURE."

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

11 Section 1. Section 3-1201.1, R.C.M. 1947, is amended
12 to read as follows:

13 "3-1201.1. Definitions. Unless the context requires
14 otherwise, in this chapter:

15 (1) "Person" means a person, firm, or corporation.

16 (2) "Seasonal nurseryman" means a person engaged in
17 the business of selling, dealing in, or importing into the
18 state for sale or distribution, any nursery stock which is
19 for sale only during certain growing seasons and whose place
20 of business is open only during certain growing seasons and
21 not continuously throughout the year.

22 (3) "Nursery stock" means botanically classified hardy
23 perennial or biennial ~~trees;~~ plants; trees; shrubs; vines;
24 plants, either domesticated or wild; cuttings; grafts;
25 scions; buds; bulbs; rhizomes or roots of them; and other

1 plants and plant parts for, or capable of, propagation. The
2 term does not include vegetable, field, or flower seed, or
3 combs and tubers."

4 Section 2. Section 3-1209, R.C.M. 1947, is amended to
5 read as follows:

6 "3-1209. Right to hold produce nursery stock for
7 inspection. No person is liable to any other person for any
8 damage to any nursery stock caused by holding it to await
9 the certificate of the department."

10 Section 3. Section 3-1408, R.C.M. 1947, is amended to
11 read as follows:

12 "3-1408. Rules for enforcement -- fees. The
13 department may adopt rules necessary for the enforcement of
14 this act. The department may adopt rules to establish fees
15 for inspection under this act."

16 Section 4. Section 3-3201, R.C.M. 1947, is amended to
17 read as follows:

18 "3-3201. "Itinerant merchant" defined. For the
19 purpose of this chapter, "itinerant merchant" means a person
20 who buys, offers to buy, sells, or offers to sell in this
21 state, at wholesale or retail, any produce as defined by
22 section ~~3-3401~~ 3-3301, who does not hold a license under
23 the provisions of chapter ~~34~~ 33 of this Title, and
24 transports the produce in this state by use of a motor
25 vehicle, or by any other method of transportation, except as

1 otherwise provided, or who has not secured a permit of
2 exemption."

3 Section 5. Section 3-3311, R.C.M. 1947, is amended to
4 read as follows:

5 "3-3311. Disposition of license fees. All license
6 fees received by the department under this chapter shall be
7 paid into the state treasury and deposited in ~~a revolving~~
8 ~~fund--to--be--spent--by--the--department--upon--approval--of--the~~
9 ~~state-treasurer~~ the general fund. ~~All--moneys--so--deposited~~
10 ~~shall--be--held--for--the--department--to--use--in--carrying--out--this~~
11 ~~chapter."~~

-End-

1 *House* BILL NO. *618*
 2 INTRODUCED BY *Flaming Request of Dept. Agri*
 3

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTIONS
 5 3-1201.1, 3-1209, 3-1408, 3-3201 AND 3-3311, R.C.M. 1947, TO
 6 CORRECT OMISSIONS, GRAMMATICAL, AND NUMBERING ERRORS AND
 7 PROVIDE FOR INSPECTION FEES TO BE PAID TO THE DEPARTMENT OF
 8 AGRICULTURE."
 9

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

11 Section 1. Section 3-1201.1, R.C.M. 1947, is amended
 12 to read as follows:

13 "3-1201.1. Definitions. Unless the context requires
 14 otherwise, in this chapter:

- 15 (1) "Person" means a person, firm, or corporation.
- 16 (2) "Seasonal nurseryman" means a person engaged in
 17 the business of selling, dealing in, or importing into the
 18 state for sale or distribution, any nursery stock which is
 19 for sale only during certain growing seasons and whose place
 20 of business is open only during certain growing seasons and
 21 not continuously throughout the year.
- 22 (3) "Nursery stock" means botanically classified hardy
 23 perennial or biennial ~~trees~~, plants; trees; shrubs; vines;
 24 plants, either domesticated or wild; cuttings; grafts;
 25 scions; buds; bulbs; rhizomes or roots of them; and other

1 plants and plant parts for, or capable of, propagation. The
 2 term does not include vegetable, field, or flower seed, or
 3 comms and tubers."

4 Section 2. Section 3-1209, R.C.M. 1947, is amended to
 5 read as follows:

6 "3-1209. Right to hold produce nursery stock for
 7 inspection. No person is liable to any other person for any
 8 damage to any nursery stock caused by holding it to await
 9 the certificate of the department."

10 Section 3. Section 3-1408, R.C.M. 1947, is amended to
 11 read as follows:

12 "3-1408. Rules for enforcement -- fees. The
 13 department may adopt rules necessary for the enforcement of
 14 this act. The department may adopt rules to establish fees
 15 for inspection under this act."

16 Section 4. Section 3-3201, R.C.M. 1947, is amended to
 17 read as follows:

18 "3-3201. "Itinerant merchant" defined. For the
 19 purpose of this chapter, "itinerant merchant" means a person
 20 who buys, offers to buy, sells, or offers to sell in this
 21 state, at wholesale or retail, any produce as defined by
 22 section ~~3-3401~~ ~~{3-3301}~~, who does not hold a license under
 23 the provisions of chapter ~~34~~ 33 of this Title, and
 24 transports the produce in this state by use of a motor
 25 vehicle, or by any other method of transportation except as

1 otherwise provided, or who has not secured a permit of
2 exemption."

3 Section 5. Section 3-3311, R.C.M. 1947, is amended to
4 read as follows:

5 "3-3311. Disposition of license fees. All license
6 fees received by the department under this chapter shall be
7 paid into the state treasury and deposited in ~~a revolving~~
8 ~~fund to be spent by the department upon approval of the~~
9 ~~state treasurer~~ the general fund. ~~All moneys so deposited~~
10 ~~shall be held for the department to use in carrying out this~~
11 ~~chapter."~~

-End-

1 HOUSE BILL NO. 618

2 INTRODUCED BY FLEMING

3 (REQUESTED BY DEPARTMENT OF AGRICULTURE)

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTIONS
6 3-1201.1, 3-1209, 3-1408, 3-3201 AND 3-3311, R.C.M. 1947, TO
7 CORRECT OMISSIONS, GRAMMATICAL, AND NUMBERING ERRORS AND
8 PROVIDE FOR INSPECTION FEES TO BE PAID TO THE DEPARTMENT OF
9 AGRICULTURE."

10
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12 Section 1. Section 3-1201.1, R.C.M. 1947, is amended
13 to read as follows:

14 "3-1201.1. Definitions. Unless the context requires
15 otherwise, in this chapter:

16 (1) "Person" means a person, firm, or corporation.

17 (2) "Seasonal nurseryman" means a person engaged in
18 the business of selling, dealing in, or importing into the
19 state for sale or distribution, any nursery stock which is
20 for sale only during certain growing seasons and whose place
21 of business is open only during certain growing seasons and
22 not continuously throughout the year.

23 (3) "Nursery stock" means botanically classified hardy
24 perennial or biennial ~~trees~~, plants; trees; shrubs; vines;
25 plants, either domesticated or wild; cuttings; grafts;

1 scions; buds; bulbs; rhizomes or roots of them; and other
2 plants and plant parts for, or capable of, propagation. The
3 term does not include vegetable, field, or flower seed, or
4 corms and tubers."

5 Section 2. Section 3-1209, R.C.M. 1947, is amended to
6 read as follows:

7 "3-1209. Right to hold produce nursery stock for
8 inspection. No person is liable to any other person for any
9 damage to any nursery stock caused by holding it to await
10 the certificate of the department."

11 Section 3. Section 3-1408, R.C.M. 1947, is amended to
12 read as follows:

13 "3-1408. Rules for enforcement -- fees. The
14 department may adopt rules necessary for the enforcement of
15 this act. The department may adopt rules to establish fees
16 for inspection under this act."

17 Section 4. Section 3-3201, R.C.M. 1947, is amended to
18 read as follows:

19 "3-3201. "Itinerant merchant" defined. For the
20 purpose of this chapter, "itinerant merchant" means a person
21 who buys, offers to buy, sells, or offers to sell in this
22 state, at wholesale or retail, any produce as defined by
23 section ~~3-3401~~ {3-3301}, who does not hold a license under
24 the provisions of chapter ~~34~~ 33 of this Title, and
25 transports the produce in this state by use of a motor

1 vehicle, or by any other method of transportation, except as
2 otherwise provided, or who has not secured a permit of
3 exemption."

4 Section 5. Section 3-3311, R.C.M. 1947, is amended to
5 read as follows:

6 "3-3311. Disposition of license fees. All license
7 fees received by the department under this chapter shall be
8 paid into the state treasury and deposited in a ~~receiving~~
9 ~~fund-to-be-spent-by-the--department--upon--approval--of--the~~
10 ~~state--treasurer~~ the general fund. ~~All moneys so deposited~~
11 ~~shall be held for the department to use in carrying out this~~
12 ~~chapter."~~

-End-