

1 SENATE BILL NO. 19
 2 INTRODUCED BY GRAHAM
 3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE AND
 5 CLARIFY THE LAWS RELATING TO AGRICULTURE."
 6
 7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 8 Section 1. Section 3-201, R.C.M. 1947, is amended to
 9 read as follows:
 10 "3-201. Definitions. (1) ~~Whenever the~~ The word "grain"
 11 ~~is mentioned in this act, it shall be construed to include~~
 12 includes flax.
 13 (2) The term "public warehouse" includes any elevator,
 14 mill, warehouse, or structure in which grain is received
 15 from the public for storage, milling, shipment, or handling.
 16 (3) The term "public warehouseman" ~~shall be held to~~
 17 ~~mean and include~~ includes every person, association, firm,
 18 and corporation owning, controlling, or operating any public
 19 warehouse in which grain is stored or handled in such a
 20 manner that the grain of various owners is mixed together,
 21 and the identity of the different lots or parcels is not
 22 preserved.
 23 (4) The term "grain dealer" ~~shall be held to mean and~~
 24 ~~include~~ includes every person, firm, association, and
 25 corporation owning, controlling, or operating a truck,

1 tractor-trailer unit, or warehouse, other than a public
 2 warehouse, and engaged in the business of buying grain for
 3 shipment or milling.
 4 (5) The term "track buyer" ~~shall mean and include~~
 5 includes every person, firm, association, and corporation
 6 ~~who~~ which engages in the business of buying grain for
 7 shipment or milling, and ~~who~~ which does not own, control, or
 8 operate a warehouse or public warehouse.
 9 (6) The terms "agent", "broker", and "commission
 10 man" ~~shall mean and include~~ every person, association, firm,
 11 and corporation ~~who~~ which engages in the business of
 12 negotiating sales or contracts for grain or of making sales
 13 or purchases for a commission."
 14 Section 2. Section 3-205, R.C.M. 1947, is amended to
 15 read as follows:
 16 "3-205. Inspectors of grain — samplers and weighers
 17 — qualifications — interest. The department shall provide
 18 inspectors, samplers, and weighers to enforce this ~~act~~
 19 chapter. At all inspection points designated by the
 20 department, the department shall provide sufficient
 21 inspectors and weighers to inspect and weigh all grain
 22 subject to state inspection, under the supervision of the
 23 department. However, grain held in transit for inspection
 24 and diversion only, need not be weighed. Inspectors shall be
 25 able to qualify under the terms and in accordance with the

1 United States ~~Federal~~ Grain Standards Act. Inspectors,
2 samplers, and weighers may not be interested directly or
3 indirectly in the handling, sorting, shipping, purchasing,
4 or selling of grain or grain products."

5 Section 3. Section 3-210, R.C.M. 1947, is amended to
6 read as follows:

7 "3-210. Rules governing dockage — sample inspection.
8 The department shall, after the hearing provided in ~~section~~
9 3-209, adopt rules governing the dockage which shall be made
10 on inferior grades and in all executory contracts entered
11 into after the hearing. The rules may not conflict with the
12 terms of the United States ~~Federal~~ Grain Standard Act. Where
13 the price or amount to be paid depends on terminal weight or
14 grade, the rules shall control the dockage ~~in so far as~~ insofar
15 as it affects the price to be paid, and the rules become
16 part of the contract of sale. The department shall also
17 provide for sample inspection of grain, adopt rules
18 governing sample inspections, and provide that the sample
19 inspection when made is final."

20 Section 4. Section 3-220, R.C.M. 1947, is amended to
21 read as follows:

22 "~~3-220. Regulation of sale and storage of~~
23 ~~grain identity of grain in general storage~~ Designation of
24 grain delivered to warehouse. In cases of grain being sold
25 outright to the warehouseman at the time of delivery or

1 grain placed in store with the warehouseman to be sold at a
2 future time to the warehouseman to whom delivered,
3 settlement shall be made on the basis of grade, quality,
4 protein content, and quantity. In cases of storage of grain
5 with intent of future redelivery of the grain, the owner
6 must so designate at time of delivery to enable the
7 warehouseman to special bin. ~~Failure upon failure~~ to so
8 designate at time of delivery, the grain will lose its
9 identity in general storage, ~~Therefore, whereupon the~~ owner
10 ~~agrees is obligated~~ to accept quantity of like grade, kind,
11 and quality (as provided for under the United States ~~Federal~~
12 Grain Standards Act) from the warehouseman's general
13 storage."

14 Section 5. Section 3-224, R.C.M. 1947, is amended to
15 read as follows:

16 "3-224. Termination of storage contract — sale of
17 grain for charges. Storage on any or all grain may be
18 terminated by the owner at any time before the date
19 mentioned herein by the payment or tender of all legal
20 charges and the surrender of the ~~storage warehouse~~ receipt,
21 together with a demand for delivery of such grain, or notice
22 to warehouseman to sell the same. In the absence of a
23 demand for delivery, order to sell, or mutual agreement for
24 the renewal of the storage contract entered into prior to
25 the expiration of the storage contract, ~~as prescribed in~~

1 ~~this act~~, the warehouseman shall, upon the expiration of the
 2 storage contract, sell so much of such stored grain at the
 3 local market price on the close of business on ~~said~~ that day
 4 as is sufficient to pay the accrued storage charges, and
 5 shall thereupon issue new ~~storage tickets~~ warehouse receipts
 6 for the balance of the grain to the owner thereof upon
 7 surrender by him of the original ~~storage~~ warehouse receipts.
 8 ~~Provided, further, that it shall be the duty of the The~~
 9 ~~warehouseman on the first day of June of each year to notice~~
 10 ~~shall notify all storage ticket~~ warehouse receipt holders at
 11 ~~their last known address~~ of the provisions of this ~~act~~
 12 section by June 1 of each year."

13 Section 6. Section 3-225, R.C.M. 1947, is amended to
 14 read as follows:

15 "3-225. Disposal of grain ~~forbidden~~ without notice to
 16 department of agriculture and compliance with law
 17 ~~forbidden delivery of grain for warehouse receipts~~. No such
 18 warehouseman ~~shall~~ may sell or otherwise dispose of, or
 19 deliver out of store, except to the owner, any stored grain,
 20 except upon notice, in advance, to the department of
 21 agriculture, and after complying in full with the laws of
 22 the state and the regulations of the department of
 23 ~~agriculture~~ relating to the handling of stored grain. Any
 24 person, firm, association, or corporation owning or
 25 operating more than one public warehouse in this state ~~shall~~

1 ~~be permitted to make delivery of~~ may deliver ~~wheat grain~~
 2 from one warehouse in settlement of warehouse receipts
 3 issued for grain stored in another warehouse, ~~when grain for~~
 4 storage has been presented at any warehouse in excess of its
 5 available storage capacity, ~~Provided, provided that:~~

6 (1) ~~this shall does not be construed as conferring~~
 7 ~~confer~~ upon such warehouseman a right to make delivery of
 8 grain of substantially lower value than that delivered for
 9 store, though of the same technical grade, in settlement of
 10 warehouse receipts; ~~and provided further, that~~

11 (2) such warehouseman shall, at all times, keep on
 12 hand in bonded warehouses grain of quality and quantity
 13 sufficient to settle all outstanding ~~storage~~ warehouse
 14 receipts; ~~Provided, further, that and~~

15 (3) freight and other charges shall be figured on the
 16 basis of the point of receipt."

17 Section 7. Section 3-227, R.C.M. 1947, is amended to
 18 read as follows:

19 "3-227. Annual report of warehouseman, track buyer,
 20 and grain dealer -- special reports -- penalty for failure
 21 to report. On June 30 of each year, ~~every~~ each warehouseman,
 22 track buyer, and grain dealer shall make a report, under
 23 oath, to the department, on forms prepared by it. The report
 24 shall show the total weight of each kind of grain received
 25 and shipped by the warehouseman, track buyer, ~~and of~~

1 licensed grain dealer, the amount of outstanding ~~storage~~
 2 warehouse receipts on that date, and a statement of the
 3 amount of grain on hand to cover them. The department may
 4 also require special reports from a warehouseman, grain
 5 dealer, or track buyer at any time. The department may
 6 inspect the business of every warehouseman, track buyer, and
 7 grain dealer and the method of conducting the business,
 8 whenever considered proper. The books, accounts, records,
 9 papers, and proceedings of every warehouseman, track buyer,
 10 and grain dealer are at all times during business hours
 11 subject to inspection. A person who knowingly falsifies any
 12 of ~~its~~ his reports to the department, who fails to make the
 13 reports when requested by the department, or who refuses or
 14 resists inspection is guilty of a misdemeanor and shall be
 15 fined ~~of~~ not less than ~~three hundred dollars-(\$300)~~ ~~nor~~ or
 16 more than ~~five hundred dollars-(\$500)~~."

17 Section 8. Section 3-710, R.C.M. 1947, is amended to
 18 read as follows:

19 "3-710. Rules to be adopted by department. The
 20 department shall adopt rules it considers necessary for the
 21 safe conduct of the business referred to in this act,
 22 including a scale of storage charges and ~~storage~~ warehouse
 23 receipts. The department may require reports, from any
 24 warehouseman or person receiving stored beans, on forms
 25 prepared by the department."

1 Section 9. Section 3-712, R.C.M. 1947, is amended to
 2 read as follows:

3 "3-712. Storage constitutes bailment -- duty to keep
 4 beans in storage. The storage of beans under this act
 5 constitutes a bailment, and upon the return of the warehouse
 6 receipt properly endorsed, and upon the payment or tender of
 7 all advances and legal charges, the holder of the warehouse
 8 receipt is entitled to, and the warehouseman shall deliver,
 9 the identical grade and amount of beans placed in storage. A
 10 dealer, under this act, shall maintain at all times in
 11 original storage beans equal in amount and grade to all
 12 ~~storage certificates~~ warehouse receipts issued, unless
 13 authorized in writing by holders of receipts or by the
 14 department, to move to other storage. Failure to maintain
 15 the proper amount of beans is a conversion."

16 Section 10. Section 3-802.2, R.C.M. 1947, is amended
 17 to read as follows:

18 "3-802.2. Labeling of agricultural seeds. (1) The
 19 owner, vendor, or person in possession of ~~each and every~~ any
 20 package, parcel, or lot of agricultural seeds, as defined in
 21 ~~the first section [3-802.1] of this act~~, that contains ~~one~~
 22 ~~(1)~~ pound, or more, of agricultural seeds, whether in
 23 package or in bulk, shall, before offering the seeds for
 24 sale, affix in a conspicuous place on the exterior of the
 25 container a written or printed label in the English language

1 in legible type or copy ~~and the label shall contain~~
 2 containing a statement specifying:

3 ~~(1)(a)~~ A a lot number or other distinguishing mark;
 4 ~~(2)(b)~~ kind kind. The name of each kind of seed
 5 present in excess of ~~five per cent (5%)~~ shall be shown on
 6 the label and need not be accompanied by the word "kind-".
 7 When two or more kinds of seed are named on the label, the
 8 name of each kind shall be accompanied by the percentage of
 9 each. When only one kind of seed is present in excess of
 10 ~~five per cent (5%)~~ and no variety name or type designation
 11 is shown, the percentage of that kind may be shown as "pure
 12 seed" and such percentage shall apply to seed of the kind
 13 named.

14 (c) Variety, variety, as follows:

15 ~~(a)(i)~~ The the following kinds of agricultural seeds
 16 ~~are generally labeled as to variety and~~ shall be labeled to
 17 show the variety name or the words "~~Variety Not Stated~~
 18 variety not stated":

19	<u>Alfalfa alfalfa</u>	<u>Oat oat</u>
20	<u>Barley barley</u>	<u>Pea pea, field</u>
21	<u>Bean bean, field</u>	<u>Rye rye</u>
22	<u>Beet beet, field</u>	<u>Safflower safflower</u>
23	<u>Brome brome, smooth</u>	<u>Sorghum sorghum</u>
24	<u>Clover clover, crimson</u>	<u>Sorghum-sudan sorghum-sudan</u>
25		hybrid

1	<u>Clover clover, red</u>	<u>Soybean soybean</u>
2	<u>Clover clover, white</u>	<u>Sudangrass sudan grass</u>
3	<u>Corn corn, field</u>	<u>Sunflower sunflower</u>
4	<u>Corn corn, pop</u>	<u>Trefoil trefoil, Birdsfoot birdsfoot</u>
5	<u>Fescue fescue, tall</u>	<u>Wheat wheat, common</u>
6	<u>Flax flax</u>	<u>Wheat wheat, Durum durum</u>
7	<u>Millet millet, foxtail</u>	

8 ~~(b)(iii)~~ If if the name of the variety is given, the
 9 name may be associated with the name of the kind with or
 10 without the words "kind and variety-". The percentage in
 11 this case may be shown as "pure seed" and shall apply only
 12 to seed of the variety named. If separate percentages for
 13 the kind and the variety or hybrid are shown, the name of
 14 the kind and the name of the variety or the term "hybrid"
 15 shall be clearly associated with the respective percentages.
 16 When two or more varieties are present in excess of ~~five per~~
 17 ~~cent (5%)~~ and are named on the label, the name of each
 18 variety shall be accompanied by the percentage of each;

19 ~~(3)(d)~~ If that the seed is hybrid, if any one kind or
 20 kind and variety of seed present in excess of ~~five per cent~~
 21 ~~(5%)~~ is "hybrid" seed, ~~it shall be designated "hybrid" on~~
 22 ~~the label.~~ The percentage that is hybrid shall be at least
 23 ~~ninety five per cent (95%)~~ of the percentage of pure seed
 24 shown unless the percentage of pure seed which is hybrid
 25 seed is shown separately. If two or more kinds or varieties

1 are present in excess of ~~five per cent (5%)~~ and are named on
 2 the label, each that is hybrid shall be designated as hybrid
 3 on the label. No one kind or variety of seed may be labeled
 4 as hybrid if the pure seed contains less than 75% hybrid
 5 seed. Any one kind or kind and variety that has pure seed
 6 which is less than ~~ninety-five per cent (95%)~~ but more than
 7 ~~seventy-five per cent (75%)~~ hybrid seed as a result of
 8 incompletely controlled pollination in a cross shall be
 9 labeled to show:

10 (a) (i) the percentage of pure seed that is hybrid
 11 seed; or

12 (b) (ii) a statement such as "Contains from ~~seventy-five~~
 13 ~~per cent (75%)~~ to ~~ninety-five per cent (95%)~~ hybrid seed."
 14 ~~No one kind or variety of seed shall be labeled as hybrid if~~
 15 ~~the pure seed contains less than seventy-five per cent (75%)~~
 16 ~~hybrid seed.~~

17 (4) (e) Origin, state or ~~foreign~~ country of origin, if
 18 known, of alfalfa, red clover, white clover, native range
 19 grasses, and field corn other than hybrid. If the origin is
 20 unknown, the fact shall be stated.

21 (5) (f) The the approximate percentage of germination
 22 of agricultural seed, together with the date of test of
 23 germination. In all cases where hard seeds remain at the end
 24 of the germination test, the percentage of actual
 25 germination and the percentage of hard seeds shall be stated

1 separately, with the provision that any portion or all of
 2 the percentage of hard seeds may be added to the percentage
 3 of germination, and stated as "total germination and hard
 4 seed."
 5

6 (6) (g) The the approximate percentage by weight of
 7 pure seed, meaning the freedom of agricultural seeds from
 8 inert matter and from other seeds;

9 (7) (h) The the approximate percentage by weight of
 10 sand, dirt, broken seeds, sticks, chaff, and other inert
 11 matter combined in agricultural seeds;

12 (8) (i) The the approximate total percentage by weight
 13 of weed seeds;

14 (9) (j) The the approximate percentage by weight of
 15 other crop seeds in agricultural seeds;

16 (10) (k) The the name and approximate number of each
 17 kind or species of restricted noxious weed seeds occurring
 18 per pound of agricultural, vegetable, or flower seeds;

19 (11) (l) The the full name and address of the seedsman,
 20 importer, dealer or agent, or other person, ~~or persons,~~
 21 firm, or corporation selling the agricultural seed;

22 (12) (m) In in the case of mixtures of agricultural
 23 seeds which contain two ~~(2)~~ or more kinds of seed in excess
 24 of ~~five per cent (5%)~~ by weight of each, when sold as
 25 mixtures:

(a) (i) ~~Name name~~ of mixture;

1 ~~(b)(iii)~~ The name and approximate percentage by weight
2 of each kind of agricultural seed present in the mixture in
3 excess of ~~five per cent (5%)~~ by weight of the total
4 mixture.

5 ~~(c)(iii)~~ Approximate approximate percentage by weight
6 of broken seeds and other inert matter in the mixture of
7 agricultural seeds.

8 ~~(d)(iv)~~ Approximate approximate percentage by weight of
9 weed seeds as defined in ~~the first section [3-802.1] of this~~
10 ~~act.~~

11 ~~(e)(v)~~ Approximate approximate percentage by weight of
12 other crop seed in the mixture of agricultural seeds.

13 ~~(f)(vi)~~ The name and approximate number of each kind or
14 species of restricted noxious weed seeds occurring per pound
15 of mixtures of agricultural seeds, subject, however, to
16 restrictions as specified in ~~the fourth section [3-820] of~~
17 ~~this act 3-802.4.~~

18 ~~(g)(vii)~~ Approximate approximate percentage of
19 germination of each kind of agricultural seed present in the
20 mixture in excess of ~~five per cent (5%)~~ by weight, together
21 with the month and year the seed was tested. In all cases
22 where hard seeds remain at the end of the germination test,
23 the percentage of actual germination and the percentage of
24 hard seeds shall be stated separately, with the provision
25 that any portion or all of the hard seed may be added to the

1 percentage of germination and stated as "total germination
2 and hard seed".

3 ~~(h)(viii)~~ Full full name and address of the vendor of
4 the mixture.

5 ~~(i)(2)~~ When seed is exchanged or transferred from one
6 seed labeler to another, it shall be accompanied by a
7 shipping document which clearly shows the kind(s) of seed,
8 and quantity of each kind, ~~and each~~ Each container in a lot
9 shall carry appropriate lot number designation, and shall be
10 accompanied by mechanical analysis for each lot so
11 involved.

12 Section 11. Section 3-802.4, B.C.M. 1947, is amended
13 to read as follows:

14 "3-802.4. Prohibitions. A person, firm, corporation,
15 ~~copartnership~~ partnership, or association may not sell or
16 transport for use in planting in this state any
17 agricultural, vegetable, or flower seed that:

- 18 (1) ~~Contains~~ contains prohibited noxious weed seeds.
- 19 (2) ~~Contains~~ contains restricted noxious weed seeds in
20 excess of the maximum numbers per pound as follows:

		Number allowed of seeds
	<u>Species</u>	<u>per pound</u>
23	Dodder <u>dodder</u> (Cuscuta spp.)	18
24	Blue blue lettuce (Lactuca pulchella)	27
25	St. Johnswort (Hypericum perforatum)	27

1 ~~Grey~~ oreys daisy (Chrysanthemum leucanthemum) 90
 2 ~~Spotted~~ spotted knapweed (Centaurea maculosa) 16
 3 ~~Hoary~~ hoary alyssum (Berteroa incana) 9
 4 ~~Wild~~ wild oats (Avena fatua) 45
 5 ~~Buckhorn~~ buckhorn plantain (Plantago lanceolata) 90
 6 ~~Chickweed~~ chickweed (Stellaria spp.) 9
 7 ~~Curly~~ curly dock (Rumex crispus) 45
 8 (3) ~~Contains~~ contains in excess of ~~two per cent~~ (2%)
 9 or more of weed seed. ;
 10 (4) ~~Is~~ is offered or exposed for sale more than ~~nine~~
 11 ~~(9)~~ calendar months from the last day of the month in which
 12 the germination test was completed. This ~~nine~~ ~~(9)~~ ~~month~~
 13 9-month limitation does not apply when seed is packaged in
 14 hermetically sealed containers within ~~twelve~~ (12) months
 15 after harvest. The container must be conspicuously labeled
 16 in not less than ~~eight~~ (8) ~~point~~ 8-point type to indicate
 17 that:
 18 (a) ~~That~~ the container is hermetically sealed. ;
 19 (b) ~~That~~ the seed has been preconditioned as to
 20 moisture content. ;
 21 (c) ~~That~~ the germination test is valid for a period
 22 not to exceed ~~eighteen~~ (18) months from the date of the
 23 germination test for seeds offered for sale on a wholesale
 24 basis, and for a period not to exceed ~~thirty-six~~ (36) months
 25 for seeds offered for sale at retail. ;

1 (d) ~~That~~ the germination of vegetable seed at the time
 2 of packaging was equal to or above standards prescribed in
 3 the Federal Seed Act of August ~~1963~~ 1939, 7 U.S.C. 1551
 4 through 1610, with subsequent revisions.
 5 (5) ~~Is~~ is represented in any manner to be for lawn
 6 seeding purposes, unless it contains at least ~~fifty per cent~~
 7 ~~(50%)~~ pure seed of perennial fine-textured species which
 8 shall be specified by rules under this act. However, grass
 9 mixtures which do not contain ~~fifty per cent~~ (50%) pure seed
 10 of perennial fine-textured grasses may be sold. When these
 11 grass mixtures are contained in packages of ~~twenty-five~~ (25)
 12 pounds or less, they shall carry the statements: "Not
 13 recommended for a fine-textured perennial turf. Satisfactory
 14 for a temporary ground cover or where coarse grass is not
 15 objectionable." A definition of fine-textured varieties to
 16 be adopted in the rules is as follows:
 17 (a) ~~Bluegrasses~~ bluegrasses—all varieties except
 18 Canada ~~Bluegrass~~ bluegrass (Poa compressa), ~~Annual~~ ~~Bluegrass~~
 19 annual bluegrass (Poa annua), and ~~Rough~~ ~~Bluegrass~~ rough
 20 bluegrass (Poa trivialis). ;
 21 (b) ~~Chewings Red Fescue~~ chewings red fescue and all
 22 improved varieties. ;
 23 (c) ~~Creeping Red Fescue~~ creeping red fescue and all
 24 improved varieties. ;
 25 (d) ~~Bentgrass~~ bentgrass—all varieties. ;

1 (e) ~~Fine~~ fine-textured ryegrasses ~~ryegrasses~~.

2 (6) ~~The labeling, advertising or other representation~~
 3 ~~subject to this act represents the seed to be~~ is labeled,
 4 advertised, or otherwise represented as being certified seed
 5 ~~of any class thereof unless:~~

6 (a) it has been determined by a seed certifying agency
 7 that such seed ~~conformed~~ conforms to standards of purity and
 8 identity as to kind, species (and subspecies, if
 9 appropriate), and or variety; and

10 (b) ~~that~~ the seed bears an official label issued for
 11 such seed by a seed certifying agency certifying that the
 12 seed is of a specified class and a specified kind, species
 13 (and subspecies, if appropriate), and or variety;

14 (7) ~~is~~ is labeled with a variety name for which a U.S.
 15 certificate of plant variety protection has been issued or
 16 applied for under the provisions of the Plant Variety
 17 Protection Act (7 U.S.C. 2321 et. seq.) ~~and~~ without the
 18 authority of the owner of the variety ~~and~~ or is labeled with a
 19 variety name but not certified by an official seed
 20 certifying agency when it is a variety for which the
 21 certificate or application for "protection" specifies sale
 22 only as a class of certified seed ~~and~~ provided ~~that~~ seed from
 23 a certified lot may be labeled as to variety name when used
 24 in a mixture by ~~and~~ or with approval of ~~and~~ the owner of the
 25 variety."

1 Section 12. Section 3-804, R.C.M. 1947, is amended to
 2 read as follows:

3 "3-804. Penalty. Any person, firm, or corporation who
 4 sells ~~or~~ offers or exposes for sale or distribution in the
 5 state any agricultural seeds for seeding purposes, without
 6 complying with the requirements of ~~this act, shall be deemed~~
 7 ~~3-802, 1 through 3-808, is~~ guilty of a misdemeanor, and upon
 8 conviction shall be fined not less than ~~one hundred dollars~~
 9 ~~(\$100), nor or more than three hundred dollars (\$300) and~~
 10 plus costs of such prosecution, and upon conviction of the
 11 second or any subsequent offense shall be fined not less
 12 than ~~five hundred dollars (\$500) nor or more than one~~
 13 ~~thousand dollars (\$1,000) and plus~~ costs of such
 14 prosecution."

15 Section 13. Section 3-805, R.C.M. 1947, is amended to
 16 read as follows:

17 "3-805. Inspection by grain and seed laboratory —
 18 reports — enforcement. (1) The grain and seed laboratory of
 19 the agricultural experiment station shall inspect, analyze,
 20 and test seeds sold ~~or~~ offered ~~or~~ exposed for sale in this
 21 state at a time and place and to ~~an~~ the extent ~~as~~ the
 22 director of the agricultural experiment station and the
 23 department of agriculture determine. The laboratory shall
 24 report to the department all violations as they appear. It
 25 shall also annually before September 1 make a report to the

1 department of all tests made and the results, which may be
 2 published by the department. The laboratory and the
 3 department shall have free access at all reasonable hours to
 4 all premises or structures to make examination of any seeds
 5 or any other premises of a warehouse, elevator, or railway
 6 company. Upon tendering payment at the current value, the
 7 department may take any sample of seeds.

8 (2) The department shall administer and enforce ~~this~~
 9 ~~act 3-802.1 through 3-808~~. For that purpose, the department
 10 may adopt rules. The department may issue and enforce a
 11 written or printed "stop sale" order to the owner or
 12 custodian of any lot of agricultural seed which the
 13 department finds in violation of ~~this act 3-802.1 through~~
 14 ~~3-808~~. The order shall prohibit further sale of the seed
 15 until the department has evidence that the law has been
 16 complied with. The seed may not be confiscated or destroyed.
 17 Upon proper correction, by reprocessing, labeling, or
 18 otherwise, and when, in the judgment of the department, the
 19 requirements of ~~this act 3-802.1 through 3-808~~ have been
 20 met, the stop sale order shall be lifted and the seed may be
 21 sold. The department shall adopt all necessary rules
 22 relating to the agricultural experiment station's duties
 23 under ~~this act 3-802.1 through 3-808~~."

24 Section 14. Section 3-807, R.C.M. 1947, is amended to
 25 read as follows:

1 "~~3-807. Samples may be sent to the laboratory for~~
 2 Laboratory testing of samples -- rates. Any citizen of this
 3 state may request the grain and seed laboratory to examine,
 4 analyze, and test samples of seed upon payment of the fee
 5 and compliance with rules governing the submission of seed
 6 samples for such service. Samples of seed analyzed and
 7 tested shall be charged for at rates determined jointly by
 8 the department and the director of the grain and seed
 9 laboratory. All fees collected by the grain and seed
 10 laboratory shall be used to defray the expenses incurred by
 11 the laboratory under ~~this act 3-802.1 through 3-808~~."

12 Section 15. Section 3-1215, R.C.M. 1947, is amended to
 13 read as follows:

14 "~~3-1215. Acts made unlawful -- penalty. It shall be is~~
 15 unlawful for any person to falsely represent or to
 16 misrepresent the name, age, variety, or class of any nursery
 17 stock sold or offered for sale; ~~or~~ to falsely represent or
 18 state that any nursery stock offered for sale, sold, or
 19 delivered was grown in or came from a certain nursery or
 20 locality, when in fact such nursery stock was grown in or
 21 came from another location, ~~or~~ nursery; ~~or~~ to deceive or
 22 defraud any person in the sale of any nursery stock by
 23 substituting inferior or different varieties or ages from
 24 those ordered; ~~or~~ to willfully or intentionally bring into
 25 this state, ~~or to~~ offer for sale or distribution within this

1 state, or to ship, sell, or deliver upon any sale any
 2 nursery stock that is infected or infested with any disease
 3 or insect dangerous to the horticultural interests of the
 4 state, ~~and in~~ in case of such misrepresentation, false
 5 representation, deceit, fraud, or substitution, ~~shall be~~
 6 such person is subject to punishment as provided by ~~the~~
 7 ~~statute for misdemeanor, 3-1218 and shall be~~ is liable to
 8 the person, firm, or corporation damaged or injured thereby,
 9 ~~the amount to the extent~~ of all damages sustained, to be
 10 recovered in a civil action in any court of competent
 11 jurisdiction."

12 Section 16. Section 3-1405, R.C.M. 1947, is amended to
 13 read as follows:

14 "3-1405. Unlawful to sell or transport products unless
 15 labeled, tagged, or branded — use of tags. ~~(a) (1)~~ It ~~shall~~
 16 ~~be is~~ unlawful for any person, firm, association,
 17 organization, or corporation, or agent, representative, or
 18 assistant to any person, firm, association, organization, or
 19 corporation, to expose for sale, or sell, transport,
 20 deliver, ~~or~~ consign, or have in possession Montana farm
 21 products and other farm products prepared for market unless
 22 each container has been legibly and conspicuously tagged,
 23 branded, labeled, or stenciled before being moved from the
 24 premises of the person ~~or persons~~ responsible for the
 25 grading and packing, to indicate the name of the grade, when

1 applicable, together with the true net contents expressed in
 2 weight.

3 ~~(b) (2)~~ When tags are used, United States No. 1 grade
 4 shall be declared on a white tag, and United States No. 2
 5 grade shall be declared on a red tag. Bulk shipments shall
 6 be accompanied by two ~~(2)~~ cards not less than ~~four by six~~
 7 4 x 6 inches (4" x 6") in size, placed on the inside of the car
 8 near each door. Likewise cards in size herein described
 9 shall be prominently placed on all bulk shipments made by
 10 truck or other conveyance. Upon each card shall appear the
 11 name and address of the consignor, the name of the grade, if
 12 applicable, the name of the loading station, the date of
 13 loading, and the name and address of the consignee, if
 14 known. It shall be conclusive evidence that the farm
 15 products are ~~deemed~~ considered for sale when the containers
 16 are packed for delivery or transit, ~~or when same~~ are exposed
 17 for sale, ~~or when same~~ are in process of delivery or
 18 transit, or are located at a depot, station, boat dock, or
 19 any place where farm products, or other products are held
 20 for storage, or for immediate or future sale or transit."

21 Section 17. Section 3-1406, R.C.M. 1947, is amended to
 22 read as follows:

23 "3-1406. Inspection of condition of products in
 24 storage or transit. Montana farm products and other farm
 25 products held in storage or in transit which at the time of

1 inspection show deterioration or decay, but otherwise ~~sp~~
2 conform to the grade, shall be inspected as to condition and
3 not as to grade."

4 Section 18. Section 3-1714.3, R.C.M. 1947, is amended
5 to read as follows:

6 3-1714.3. Guaranteed analysis. (1) Until the
7 department prescribes the alternative form under subsection
8 (2) of this section, "guaranteed analysis" means the minimum
9 percentage of plant nutrients claimed in the following order
10 and form:

- 11 (a) The following plant nutrients shall be guaranteed:
- 12 Total nitrogen (N) ----- percent ½
- 13 Available phosphoric acid (P2O5) ----- percent ½
- 14 Soluble potash (K2O) ----- percent ½

15 (b) For unacidulated mineral phosphatic materials and
16 basic slag, bone meal, tankage, and other organic phosphatic
17 materials, the total phosphoric acid and/or degree of
18 fineness may also be guaranteed.

19 (c) Guarantees for plant nutrients other than
20 nitrogen, phosphorus, and potassium may be permitted or
21 required by rules adopted by the department. The guarantees
22 for other nutrients shall be expressed in the form of the
23 element. The sources of other nutrients including, but not
24 limited to, oxides, salt, and chelates, may be required to
25 be stated on the application for registration and may be

1 included as a parenthetical statement on the label. Other
2 beneficial substances or compounds, determinable by
3 laboratory methods, also may be guaranteed by permission of
4 the department. ~~When any plant nutrients or other substances~~
5 ~~or compounds are guaranteed, they are subject to inspection~~
6 ~~and analysis in accord with the methods and regulations~~
7 ~~prescribed by section 3-1714.~~

8 (d) Potential basicity or acidity expressed in terms
9 of calcium carbonate equivalent in multiples of ~~one hundred~~
10 ~~±100~~ pounds per ton, shall be guaranteed when required by
11 regulation.

12 (2) If the department finds, after public hearing,
13 that the requirement for expressing the guaranteed analysis
14 of phosphorus and potassium in elemental form would not
15 impose an economic hardship on distributors and users of
16 fertilizer by reason of conflicting labeling requirements
17 among the states, it may require by department rule that the
18 guaranteed analysis be in the following form:

- 19 Total nitrogen (N) ----- percent ½
- 20 Available phosphorus (P) ----- percent ½
- 21 Soluble potassium (K) ----- percent ½

22 (3) The effective date of the rule may not be less
23 than ~~six (6)~~ months following the adoption of the rule. For
24 a period of ~~two (2)~~ years following the effective date of
25 the rule, the equivalent of phosphorus and potassium may

1 also be shown in the form of phosphoric acid and potash.
 2 However, after the effective date of a rule requiring that
 3 phosphorus and potassium be shown in the elemental form, the
 4 guaranteed analysis for nitrogen, phosphorus, and potassium
 5 is the grade for those elements.

6 (4) Soil amendments shall guarantee the minimum
 7 quantity of each active ingredient in terms approved by the
 8 department or in terms as set forth in rules issued by the
 9 department. They shall also meet any other requirements
 10 established by rule by the department."

11 Section 19. Section 3-1729, R.C.M. 1947, is amended to
 12 read as follows:

13 "3-1729. Assessment to fund educational and
 14 experimental programs -- collection. Moneys to fund this act
 15 will be produced by an assessment of ~~thirty-five~~ 35 cents
 16 ~~(\$0.35)~~ per ton of fertilizer sold within Montana.
 17 Collections shall be made in accordance with procedures in
 18 ~~sections 3-1717 and 3-1721, R.C.M. 1947, 3-1717, 1~~ and shall
 19 be collected from the licensee or "registrant" of
 20 fertilizer."

21 Section 20. Section 3-1901, R.C.M. 1947, is amended to
 22 read as follows:

23 "3-1901. Standard classes of mustard seed -- grade
 24 requirements. (1) The standard classes of mustard seed for
 25 the state of Montana shall be as follows:

1 (a) ~~Fancy fancy~~ Cultivated cultivated tame yellow
 2 mustard seed_i

3 (b) ~~Class class~~ 1--Cultivated cultivated tame yellow
 4 mustard seed_v

5 (c) ~~Class class~~ 2--Cultivated cultivated tame brown
 6 mustard seed_i

7 (d) ~~Class class~~ 3--Cultivated cultivated tame Montana
 8 oriental mustard seed_i

9 (e) ~~Class class~~ 4--Mixed mixed cultivated tame mustard
 10 seed_v and_i

11 ~~Sample~~ Hereinafter defined.

12 (2) Classes 1, 2, and 3 shall contain not more than
 13 ~~five per cent (5%)~~ of other classes. Class 4 shall be any
 14 mixture of cultivated tame mustard seed having an admixture
 15 of other classes in excess of ~~five per cent (5%)~~, and shall
 16 be graded according to the predominating class in the
 17 mixture. ~~Sample grade shall include mustard seed which does~~
 18 ~~not come within the requirements of any of the following~~
 19 ~~grades, No. 1 to No. 3 inclusive, or which has any~~
 20 ~~objectionable foreign odor or is sour, heating, hot, or is~~
 21 ~~otherwise of distinctly low quality or contains small~~
 22 ~~inseparable stones or cinders.~~

23 (3) Grade requirements for cultivated tame mustard
 24 seed_v

25 Based percentage figures determined

1 after the removal of dockage.

2 GRADE NUMBER

3 _____

4 Fancy 1 2 3

5 _____

6 Sound Cultivated Mustard

7 not less than 99% 98 1/2% 97% 95%

8 _____

9 Damaged Kernels

10 Heat Damaged 0 0.1% 0.2% 0.5%

11 Total 1% 1 1/2% 3 % 5 %

12 _____

13 Other Classes

14 Wild Mustard 0 0.1% 0.2% 0.5%

15 Total 0 0.5% 2.0% 5.0%

16 _____

17 Foreign Material Other

18 Than Dockage

19 Cockle Seed 0 0.1% 0.2% 0.3%

20 ~~Total Weed Seed Content~~ 0 0.3% 0.5% 0.7%

21 Total 0 1 % 1 1/2% 2 %

22 _____

23 Sample: Sample grade shall include mustard seed which does

24 not come within the requirements of any of the grades,

25 No. 1 to No. 3, inclusive, or which has any

1 objectionable foreign odor or is sour, heating, hot, or

2 is otherwise of distinctly low quality or contains

3 small inseparable stones or cinders."

4 Section 21. Section 3-1902, R.C.M. 1947, is amended to

5 read as follows:

6 "3-1902. Definitions and specifications. The following

7 definitions and specifications are hereby adopted and made

8 legal:

9 (1) ~~Damaged Seeds~~—"Damaged seeds" shall be include

10 all seeds and pieces of seeds of mustard seed, which are

11 completely covered with mould, very green, sprouted,

12 frosted, badly ground damaged, badly weather damaged, or

13 otherwise distinctly damaged.

14 (2) ~~Heat Damaged Seeds~~—"Heat damaged seeds" shall be

15 include seeds and pieces of seeds of mustard seed which have

16 been distinctly discolored by external heat or as a result

17 of heating caused by fermentation.

18 (3) ~~Dockage~~—"Dockage" includes sand, dirt, weed

19 seeds, weed stems, chaff, straw, mustard seed other than

20 tame mustard, and any other foreign material, which can be

21 removed readily from the mustard by the use of appropriate

22 sieves, cleaning devices, or other practical means suited to

23 separate the foreign material present, ~~also~~ The term also

24 includes undeveloped, shriveled, and small pieces of mustard

25 seeds removed in properly separating the foreign material,

1 which cannot be recovered by properly rescreening or
 2 recleaning. The quantity of dockage shall be calculated in
 3 terms of percentage. When less than ~~one-half per cent (1/2%)~~
 4 1/2 of 1% it shall be disregarded. The percentage of dockage
 5 so determined and stated, shall be added to the grade
 6 designation. Dockage is to be calculated ~~by the one-half per~~
 7 ~~cent (1/2%),~~ in gradients of 1/2 of 1% that is to say 0% to
 8 ~~0.4% .4%~~ will be designated as no dockage, ~~0.5% .5%~~ to ~~0.9%~~
 9 ~~.9%~~ will be designated as ~~1/2%~~ 1/2 of 1% dockage, 1% to 1.4%
 10 will be designated as 1% dockage, 1.5% to 1.9% will be
 11 designated as ~~1 1/2%~~ 1.5% dockage, and so on.

12 ~~(4) Foreign Material Other Than Dockage~~ "Foreign
 13 material other than dockage" ~~shall include~~ includes all
 14 matter other than tame cultivated mustard seed, which is not
 15 separated in the proper determination of dockage, ~~however~~
 16 however, rapeseed, common wild mustards, and other seeds
 17 that blend with class 2 and class 3 mustard seed, and thus
 18 are not readily identified, and the total of which is not in
 19 excess of ~~two and one-half per cent (2 1/2%)~~, 2.5% shall not
 20 be considered foreign material, and shall not be considered
 21 in grading ~~said~~ such classes of mustard seed.

22 ~~(5) Basis of Determination~~ Each determination of
 23 dockage, temperature, odor, and content of live weevil or
 24 other insects injurious to stored mustard seed, shall be
 25 upon the basis of the seed as a whole. All other

1 determinations shall be upon the basis of the seed when free
 2 from dockage.

3 ~~(5) (6) Percentages~~ Percentages, except in the case of
 4 moisture, shall be percentages ascertained by weight.

5 ~~(6) (7) Percentages of Moisture~~ Percentage of moisture
 6 shall be that ascertained by use of the equipment and
 7 procedure prescribed by the ~~Montana~~ department of
 8 agriculture.

9 ~~(7) (8) Percentage of Dockage~~ Percentage of dockage
 10 shall be that ascertained by use of the equipment and
 11 procedure prescribed by the ~~Montana~~ department of
 12 agriculture.

13 ~~(8) (9) Test Weight Per Bushel~~ The test weight per
 14 bushel shall be the weight per Winchester bushel as
 15 determined by the testing apparatus and the method of use
 16 thereof ~~described in Bulletin 1065 U.S.D.A. dated May 18,~~
 17 1922, prescribed by the department or as determined by any
 18 device and method which give equivalent results in the
 19 determination of test weight per bushel.

20 ~~(9) (10) All Other Determinations~~ The Determination of
 21 the percentage of damage, heat damage, sound cultivated
 22 mustard seed, foreign material, and determinations of all
 23 other factors not otherwise provided for shall be on the
 24 basis of a portion cut from the original sample and
 25 separated by hand picking."

1 Section 22. Section 3-1903, R.C.M. 1947, is amended to
2 read as follows:

3 "3-1903. Weights per bushel. ~~(1) The following shall~~
4 ~~be legal~~ Legal test weights per bushel, ~~namely, the are the~~
5 weight per Winchester bushel as determined by the testing
6 apparatus and the method of use thereof ~~described in~~
7 ~~Bulletin 1065 U.S.D.A. dated May 18, 1922, prescribed by the~~
8 department or as determined by any device and method which
9 give equivalent results in the determination of test weight
10 per bushel.

11 (2) Weight per bushel for tame yellow mustard seed
12 shall be:

- 13 Fancy.....56 lbs.
- 14 No. 1.....54 lbs.
- 15 No. 2.....52 lbs.
- 16 No. 3.....50 lbs.

17 (3) Weight per bushel for tame brown and tame Montana
18 oriental mustard seed shall be:

- 19 No. 1.....52 lbs.
- 20 No. 2.....51 lbs.
- 21 No. 3.....50 lbs.

22 (4) All seeds weighing less than the above per bushel
23 shall be graded as sample weight, provided that the
24 percentage of damage, heat damage, sound cultivated mustard
25 seed, and foreign material and determination of all other

1 factors not otherwise provided for shall be on the basis of
2 a portion cut from the original sample and separated by hand
3 picking."

4 Section 23. Section 3-3112, R.C.M. 1947, is amended to
5 read as follows:

6 "3-3112. Orders effective until reversed or modified
7 by court. ~~Until reversed or modified by a court of competent~~
8 ~~jurisdiction~~ An order or rule adopted by the department,
9 including an order refusing a permit for the establishment
10 of a new apiary location, is effective until reversed or
11 modified by a final decision, ~~or final judgment, of a court~~
12 of competent jurisdiction, and while such action is pending,
13 as defined in ~~section~~ 93-8706. An injunction or other
14 process or writ may not be issued by a court restraining
15 enforcement until that final determination."

16 Section 24. Section 3-3303, R.C.M. 1947, is amended to
17 read as follows:

18 "3-3303. Application for license -- contents -- bond
19 -- expiration date -- schedule of commissions and charges to
20 be filed. (1) Licenses to engage in the business of a dealer
21 at wholesale in this state shall be issued by the department
22 to reputable persons who apply for a license and pay the
23 prescribed fee.

24 (2) The application shall be in writing, accompanied
25 by the prescribed fee, and under oath. It shall state:

1 (a) the place where the applicant intends to carry on
2 the business for which the license is desired;

3 (b) the estimated amount of business to be done
4 monthly;

5 (c) the full names of the persons constituting the
6 firm, if the applicant is a ~~copartnership~~ partnership;

7 (d) the names of the officers ~~of the corporation, and~~
8 the place of incorporation, ~~corporation if the applicant is~~
9 a corporation; and

10 (e) a financial statement showing in a general way the
11 value and character ~~in a general way~~ of the assets and the
12 amount of liabilities of the applicant.

13 (3) Before issuing a license, the department shall
14 require the applicant to file with it a bond to ~~this the~~
15 state in an amount to be fixed by the department based on
16 the monthly business to be transacted by the applicant. The
17 bond ~~shall~~ may not be for less than ~~one thousand dollars~~
18 ~~(\$1,000)~~. The department may require, under penalty of
19 revoking the license, additional bond if the business
20 transacted warrants an increase, ~~under penalty of revoking~~
21 ~~the license~~. The bond shall cover all wholesale produce
22 business transacted in this state. The bond shall be
23 executed by the applicant as principal and a surety company
24 authorized to do business in ~~this the~~ state as surety. The
25 form of the bond shall be fixed by the department,

1 conditioned upon:

2 (a) faithful performance of his duties as a dealer at
3 wholesale;

4 (b) observance of all laws relating to the business of
5 a dealer at wholesale;

6 (c) payment, when due, of the purchase price of
7 produce purchased by him;

8 (d) ~~for~~ the prompt reporting of sales as required by
9 law to all persons consigning produce to the dealer as
10 licensee for sale on commission; and

11 (e) the prompt payment to persons entitled to the
12 proceeds of the sales less lawful charges, disbursements,
13 and commissions. ~~The bond shall cover all wholesale produce~~
14 ~~business transacted in this state.~~

15 (4) All licenses expire December 31 of each year. The
16 license, or a certified copy of the license, shall be kept
17 posted in the office of the licensee at each place in this
18 state where he transacts business. The fee for each license
19 is ~~one hundred dollars (\$100)~~ and for each certified copy of
20 a license, ~~one dollar (\$1)~~. If a truck is the place of
21 business the license fee for the first truck is ~~one hundred~~
22 ~~dollars (\$100)~~ and for each additional truck ~~fifty dollars~~
23 ~~(\$50)~~.

24 (5) The applicant shall file with the department a
25 schedule of his commissions and charges for services in

1 connection with produce handling on account of or as agent
2 for another.

3 (6) A separate license is required for each place of
4 business. Each truck used for assembling and distributing
5 produce, other than from a permanently established place of
6 business through which all business of sales and accounts is
7 handled, is a separate place of business and must be
8 licensed."

9 Section 25. Section 3-3312, R.C.M. 1947, is amended to
10 read as follows:

11 "3-3312. Violation ~~a misdemeanor~~ — penalty. A person
12 who violates this ~~act~~ chapter, fails to comply with rules
13 adopted under this chapter, or fails to obey an order of the
14 department made under this chapter is guilty of a
15 misdemeanor and shall be fined not less than ~~twenty-five~~
16 ~~dollars~~ ~~(\$25)~~ ~~nor~~ or more than ~~five hundred dollars~~ ~~(\$500)~~,
17 ~~or~~ imprisoned in the county jail for not more than ~~six~~ ~~(6)~~
18 months, or both fined and imprisoned. The fine shall be paid
19 into the state treasury and deposited as provided in ~~section~~
20 ~~3-3411~~ 3-3311."

21 Section 26. Section 3-3402, R.C.M. 1947, is amended to
22 read as follows:

23 "3-3402. Grades of apples. [1] The standard grades of
24 apples for the state of Montana shall be: ~~"Extra fancy or~~
25 ~~first grade," "Fancy or second grade," "C," "Combination~~

1 ~~grade," and "Hail grade," and "Orchard run grade."~~

2 (a) ~~"Extra extra fancy or first grade,"~~ which shall
3 consist of apples of one variety which are mature,
4 hand-picked, clean, well formed, sound, free from bruises,
5 limbrubs, spray burns, sunburn, russeting, drought spot,
6 hail marks, visible water core, broken skin, apple scab,
7 stings, and from diseases and insect injury, except that
8 slight blemishes shall be permitted in this grade;

9 (b) ~~"Fancy fancy or second grade,"~~ which shall consist
10 of apples of one variety which are mature, hand-picked,
11 clean, fairly well formed, sound, free from visible water
12 core, broken skin, and from damage caused by bruises,
13 limbrub, spray burns, sunburn, russeting, drought spot, hail
14 marks, apple scabs, diseases and insect injury;

15 (c) ~~"C" grade,"~~ which shall consist of apples of one
16 variety which are mature, hand-picked, clean, not badly
17 misshapen, sound, free from broken skin and from serious
18 damage caused by bruises, limbrub, russeting, drought spot,
19 hail marks, apple scab, diseases, and insect injury, and
20 must have ~~fifteen per centum~~ ~~(15%)~~ of color requirements
21 characteristic of the variety. The word "choice" must not be
22 used in connection with this grade;

23 (d) ~~Cull apples~~ "cull grade," which shall consist of
24 apples free from infection or disease or serious damage but
25 which do not meet the requirements of "extra fancy or first

1 grade", "fancy or second grade", or of "C" grade", and such
 2 apples shall be marked "culls" in block letters not less
 3 than ~~one~~ 1 inch in height on both ends of the box; "culls".

4 (e) "~~Combination~~ combination grade", When "extra
 5 fancy or first grade" and "fancy or second grade" apples are
 6 packed together, the boxes must be marked "combination extra
 7 fancy or first grade and fancy or second grade.". This
 8 combination grade must contain at least ~~twenty-five per~~
 9 ~~centus~~ (25%) of apples which belong to the higher grade in
 10 the combination.

11 (f) "~~Hail~~ hail grade", which shall meet all
 12 requirements of "Extra extra fancy," and "Fancy fancy grade"
 13 except for hail marks. Such hail marks must not materially
 14 deform or disfigure the fruit or affect more than one-tenth
 15 (~~1/10~~) of the surface in the aggregate where skin has not
 16 been broken. ~~Provided, that unhealed~~ Unhealed hail marks
 17 shall not be permitted and not more than an aggregate area
 18 of ~~one-half~~ (1/2) inch shall be allowed for well-healed hail
 19 marks where the skin has been broken.

20 (g) "~~Orchard~~ orchard-run grade", which shall consist
 21 of apples of one variety, which are mature, hand-picked,
 22 clean, sound, free from infection or disease or serious
 23 damage, and must have ~~fifteen per centus~~ (15%) color
 24 requirements characteristic of the variety and shall be
 25 marked "orchard-run grade" in block letters not less than

1 ~~one~~ 1 inch in height on both ends of the box "~~Orchard-run~~
 2 ~~grade.~~"

3 ~~(b) (2)~~ No apples smaller than ~~two and one-fourth~~
 4 ~~(2 1/4)~~ inches in diameter shall be permitted in any grade.
 5 Small apples which are under size requirements as prescribed
 6 may be shipped if marked "small" in block letters not less
 7 than ~~one~~ 1 inch in height on both ends of the box, provided
 8 such apples are free from insect pests and diseases.

9 ~~(d) (3)~~ In order to provide for variations incident to
 10 commercial grading and handling a tolerance of ~~ten per~~
 11 ~~centus~~ (10%) for a total of all defects from the standard of
 12 the grade shall be allowed."

13 Section 27. Section 3-3501, R.C.M. 1947, is amended to
 14 read as follows:

15 "3-3501. Definitions. As used in this chapter the
 16 following definitions apply:

17 (1) "Cropland" means land used for the production of
 18 food and forage, including the headlands, ditches, and
 19 rights-of-way adjacent to such land.

20 (2) "Cropland spraying program" means the application
 21 of chemical or other substances to croplands for the purpose
 22 of destroying insect pests.

23 (3) "Insect pest" includes the grasshopper, cutworm,
 24 pale western cutworm, army worm, clinch bug, and any other
 25 insect or arthropod generally recognized as a destroyer of

1 grain, hay, range, and horticultural crops.

2 ~~(3)~~ (4) "Condition of insect pest infestation" means a
3 condition where an insect pest, ~~as defined in section~~
4 ~~46-4453~~, or combination of such pests, exists in cropland in
5 such numbers and at such times as to destroy or
6 substantially damage, or threaten to destroy or
7 substantially damage, a significant part of the crop
8 production in a county.

9 ~~(4)~~ (5) "Department" means the department of
10 agriculture.

11 ~~(5)~~ (6) "Alternative control program" means a system of
12 controlling insect pest populations through biological or
13 other means not involving toxic chemicals."

14 Section 28. Section 27-220, R.C.M. 1947, is amended to
15 read as follows:

16 "27-220. Embargo. (1) Whenever a duly authorized agent
17 of the department of agriculture finds or has probable cause
18 to believe that any pesticide or device ~~(a) is is~~ is
19 adulterated or misbranded, ~~(b) has has~~ has not been registered
20 under the provisions of ~~section 5 [27-217] of this act,~~
21 ~~(c) fails fails~~ to bear on its label the information
22 required by this act, or ~~(d) is is~~ is a white powder
23 pesticide and is not colored as required under this act, he
24 shall affix to such article a tag or other appropriate
25 marking, giving notice ~~that such pesticide or device is, or~~

1 ~~is suspected of being adulterated or misbranded, not~~
2 ~~registered, fails to bear the required information on the~~
3 ~~label, is a white powder pesticide and not colored as~~
4 ~~required, and thereof and that the article~~ has been detained
5 or embargoed and warning all persons not to remove or
6 dispose of such article by sale or otherwise until
7 permission for removal or disposal is given by such agent or
8 the court. It ~~shall be is~~ is unlawful for any person to remove
9 or dispose of such detained or embargoed article by sale or
10 otherwise, without such permission, or to remove or alter
11 the tag or marking.

12 (2) When an article detained or embargoed under
13 ~~section 8 subsection (1) [subdivision (1) of this section]~~
14 has been found by such agent to be in violation, if after
15 ~~thirty (30)~~ days the violation has not been resolved, he may
16 petition the district court in whose jurisdiction the
17 article is detained or embargoed for a condemnation of such
18 article. When such agent has found that an article so
19 detained or embargoed is not adulterated or misbranded, he
20 shall remove the tag or other marking.

21 (3) If the court finds that a detained or embargoed
22 article is in violation of ~~section 8 subsection (1)~~
23 ~~[subdivision (1) of this section]~~, such article shall after
24 entry of the decree be destroyed at the expense of the
25 claimant thereof, under the supervision of such agent, and

1 all court costs and fees and storage and other proper
 2 expenses shall be assessed against the claimant of such
 3 pesticide or device or his agent, provided that when the
 4 adulteration or misbranding can be corrected by proper
 5 labeling or processing of the article, the court, after
 6 entry of the decree and after such costs, fees, and expenses
 7 have been paid and a good and sufficient bond has been
 8 executed, conditioned upon the proper labeling or processing
 9 of that such pesticide or device, ~~shall be so labeled or~~
 10 ~~processed, has been executed~~, may by order direct that such
 11 article be delivered to the claimant thereof for such
 12 labeling or processing under the supervision of an agent of
 13 the department of agriculture. The expense of such
 14 supervision shall be paid by claimant. The article shall be
 15 returned to the claimant of the pesticide or device on the
 16 representation to the court by the department of agriculture
 17 that the article is no longer in violation of this act, and
 18 that the expenses of such supervision have been paid."

19 Section 29. Section 27-232, R.C.M. 1947, is amended to
 20 read as follows:

21 "27-232. Liability. The department of agriculture
 22 shall ~~within two (2) years after the effective date of this~~
 23 ~~act~~, annually require from each commercial pesticide
 24 applicator proof of financial responsibility in amounts to
 25 be determined under ~~such~~ rules and ~~regulations~~ ~~as made~~

1 promulgated by the department of agriculture."

2 Section 30. Section 27-237, R.C.M. 1947, is amended to
 3 read as follows:

4 "27-237. Judicial review. (1) Any person adversely
 5 affected by the rules, ~~regulations~~, or orders of the
 6 department of agriculture may obtain judicial review thereof
 7 by filing in the district court within ~~thirty (30)~~ days
 8 after entry of such rule or order, a petition praying that
 9 the rule, ~~regulation~~, or order be set aside in whole or in
 10 part. A copy of the petition shall be ~~forthwith~~ immediately
 11 transmitted by the clerk of the court to the department of
 12 agriculture, and thereupon the department of agriculture
 13 shall file in court the record of the proceeding on which it
 14 based the order.

15 (2) The court shall have jurisdiction ~~to~~ to affirm or
 16 set aside the order complained of in whole or in part. The
 17 finding of the department of agriculture with respect to
 18 ~~questions~~ questions of fact shall be sustained if supported
 19 by substantial evidence when considered on the record as a
 20 whole.

21 (3) Upon application, the court may remand the matter
 22 to the department of agriculture to take further testimony
 23 if there are reasonable grounds for the failure to produce
 24 the evidence in the prior hearing. The department of
 25 agriculture may modify its finding and its order by reason

1 of the additional record and must file any modification of
2 the findings or order with the clerk of the court."

3 Section 31. Section 82-1502, R.C.M. 1947, is amended
4 to read as follows:

5 "82-1502. Maximum insurance. When the reserve fund is
6 determined actuarially sound, as provided in ~~section~~ 82-1507,
7 the board may write not more than ~~twenty-four dollars~~ (\$24)
8 insurance on each acre of grain, which is on nonirrigated
9 land, and not more than ~~forty-eight dollars~~ (\$48) per acre
10 on irrigated land. When more than one party desires hail
11 insurance on the same crop, each party shall be is entitled
12 to the share of the maximum provided per acre as represented
13 by his interest in the crop. Either party may insure his
14 share in the crop for any amount up to and including the
15 maximum per acre if the others waive their right to insure."

16 Section 32. Section 82-1506, R.C.M. 1947, is amended
17 to read as follows:

18 "82-1506. Tax for hail insurance — limitation on levy
19 — liens, effect of — mortgages — levies, when payable —
20 hail insurance districts — rates. (1) A tax is hereby
21 authorized and directed to be levied on all lands in this
22 state growing crops subject to injury or destruction by
23 hail, the owners of which have elected to become subject to
24 the provisions of this act. The state board of hail
25 insurance shall annually estimate, accurately as ~~near as may~~

1 be possible, the amount required to pay all losses, interest
2 on warrants, and costs of administration, and shall
3 recommend a levy to be made on each kind of land
4 respectively, subject to the provisions of this act, to the
5 state department of revenue. The rates recommended to apply
6 on the lands of owners shall be applied in the same
7 proportions to the crops of those insured on a personal
8 assessment basis. It is hereby provided, however, that such
9 tax shall may not exceed in any one (1) year ~~the sum of two~~
10 ~~dollars and forty cents~~ (\$2.40) per acre on lands sown to
11 grain crops on nonirrigated lands, ~~and the sum of four~~
12 ~~dollars and eighty cents~~ (\$4.80) per acre on irrigated
13 lands, ~~also it shall not exceed or two dollars and forty~~
14 ~~cents~~ (\$2.40) per acre on lands producing hay crops, ~~and~~
15 ~~provided further, that if~~ If the tax required to pay the
16 estimated losses, interest on warrants, and costs of
17 administration ~~be is~~ less than ~~one dollar and twenty cents~~
18 ~~(\$1.20)~~ per acre on lands sown to grain crops on
19 nonirrigated lands and ~~two dollars and forty cents~~ (\$2.40)
20 per acre on irrigated lands, and a proportionate amount on
21 lands sown to hay crops, the ~~said~~ board of hail insurance
22 must recommend a tax levy sufficient to raise the full
23 amount thereof.

24 (2) In addition to the lien created ~~above~~ in
25 subsection (3) on the land of the insured, the levy for such

1 hail insurance shall ~~also~~ constitute a lien on the crops
 2 insured with the exception that the ~~said~~ crop lien ~~shall~~ may
 3 not apply to owners of unencumbered land, or ~~as to~~ the land
 4 or crops of those who pay cash for hail insurance. The
 5 applications of these ~~shall~~ persons may not be filed with
 6 the county clerk and recorded as provided for in ~~sections~~
 7 82-1503. The crop lien ~~mentioned above~~ shall be included in
 8 all applications for hail insurance, with the above
 9 exceptions, and shall be enforced, as provided in ~~sections~~
 10 82-1509 and 82-1510, against all insured, except those
 11 owning unencumbered land or those who have paid cash for
 12 hail insurance.

13 (3) The state department of revenue ~~is hereby~~
 14 ~~empowered and it is made its duty to~~ shall prescribe such
 15 levies annually to be made against lands growing crops
 16 subject to injury or destruction by hail which are subject
 17 to this act, in accordance with the recommendation of the
 18 state board of hail insurance. Such tax levies respectively
 19 ~~shall be~~ are chargeable to the lands of each taxpayer who
 20 ~~shall elect~~ elects to become subject to this act and shall
 21 be extended on the tax roll and collected by the officers
 22 charged with such duties in the manner and form as are other
 23 property taxes and if not paid shall be a lien on the lands
 24 against which the same are levied as are other property
 25 taxes. ~~Provided, however, that the~~ The lien as ~~provided~~

1 ~~above shall~~ may in no way affect mortgages that are of
 2 record at the time of the approval of this act. The lien of
 3 any mortgage filed subsequent to the passage and approval of
 4 this act shall be subsequent to any lien for hail insurance
 5 hereafter levied thereon. All applicants securing hail
 6 insurance on crop liens as heretofore provided shall be
 7 subject to the same charges per acre as provided herein to
 8 be made on land. Notice of such assessment shall be mailed
 9 to each person insured, by the county treasurer in the same
 10 manner as are all other notices of taxes due. ~~Said~~ The
 11 assessment shall be payable at the office of the county
 12 ~~treasurers~~ treasurer of each respective county. All
 13 insurance levies, whether levied against land or in the form
 14 of special assessments secured by crop liens, shall be
 15 payable in full, and not in semiannual payments, on or
 16 before November ~~30th~~ 30 of each year in which such levies
 17 are made.

18 (4) The state board of hail insurance may, when ~~they~~
 19 ~~deem~~ it considers it advisable, establish as many districts
 20 as it ~~deems~~ considers advisable and may maintain maximum
 21 rates in various parts of the state which rates shall be
 22 commensurate with the risk incurred as nearly as ~~they~~ it can
 23 determine from past experiences or from any records
 24 available. The highest of these rates shall be the same as
 25 the maximum established herein and the lowest ~~shall~~ may not

1 be less than ~~one dollar and twenty cents~~ (\$1.20) per acre on
2 lands sown to grain crops, and a proportionate amount on
3 lands sown to hay crops.

4 (5) Notice of the various rates established for any
5 year shall be plainly printed on the application for hail
6 insurance, and in any year when the requirements of the hail
7 insurance law as herein provided do not require a levy of
8 the maximum rates as established, then the rates for the
9 year shall be determined and levied by the state board of
10 hail insurance for each of the various districts as
11 established, in such proportions as will in ~~their~~ its
12 judgment be fair and equitable."

13 Section 33. Section 82-1517, R.C.M. 1947, is amended
14 to read as follows:

15 "82-1517. Payment of losses. (1) The state board of
16 hail insurance shall, as soon as practicable after the loss
17 has been sustained, arrange for the payment of the ~~losses as~~
18 ~~follows:~~ loss in the following manner. From the amount of
19 the loss as adjusted for each claimant, the state board of
20 ~~hail insurance~~ shall deduct the amount the claimant then
21 owes as delinquent hail insurance tax and the maximum amount
22 assessed as hail insurance tax for the current year, and
23 shall make settlement within ~~forty~~ (40) days from the time
24 loss is sustained ~~in the following manner:~~ By paying,
25 either by registered warrant or otherwise if funds are

1 immediately available, ~~fifty per cent~~ 50% of the total loss
2 as agreed on upon, less, ~~however,~~ the maximum rate of
3 assessment. The balance to shall be paid at the expiration
4 of the hail season.

5 (2) The ~~state board of hail insurance~~ shall, on or
6 before November ~~first,~~ 1 order payment for the amount so
7 deducted, which payment shall be remitted to the county
8 treasurer of the county in which the tax was assessed. The
9 ~~state board of hail insurance~~ shall then order payment for
10 the balance of the adjustment ~~which payment shall to~~ be sent
11 to the claimant, ~~provided,~~ ~~however,~~ that in no case ~~shall~~
12 ~~may~~ the payment for loss exceed ~~twenty-four dollars~~ (\$24)
13 per acre for grain crops on nonirrigated lands, and
14 ~~forty-eight dollars~~ (\$48) per acre on irrigated lands, and
15 ~~not to exceed twenty-four dollars~~ (\$24) per acre on hay
16 crops, ~~provided, further, that no~~ No claimant shall ~~may~~
17 receive payment for any loss incurred where ~~said the~~ loss
18 does not equal or exceed ~~five per cent~~ (5%) of the total
19 value of the crop insured. ~~also if~~ if the losses in any year
20 should exceed the current levy plus the reserve, if any,
21 then the payment of all losses shall be prorated share and
22 share alike among all grain growers having loss claims
23 adjusted and approved, and the unpaid balance of ~~said the~~
24 losses shall be paid out of the reserve without interest in
25 such order as the ~~state board of hail insurance shall direct~~

1 directs, when in the judgment of the ~~said~~ board there are
 2 sufficient moneys to provide for the payment of the same and
 3 other items payable out of ~~said the~~ reserve. In any year
 4 the ~~state board of hail insurance~~ may by resolution
 5 authorize its chairman and secretary to borrow as needed
 6 from any person, bank, or corporation such sum or sums of
 7 money as the ~~state board~~ may ~~deem~~ consider necessary to
 8 ~~carry on the business of the department and~~ for the purpose
 9 of paying all warrants as issued.

10 (3) For any moneys borrowed under the provisions of
 11 this act, the ~~state board of hail insurance~~ shall cause
 12 warrants to be drawn, and ~~said~~ The warrants shall bear
 13 interest at not to exceed ~~six per cent (6%) per annum~~ a year
 14 and ~~said the~~ warrants and the interest thereon shall be paid
 15 out of funds from the state hail insurance ~~department~~
 16 program as they are collected from the various counties in
 17 the state. The ~~state board of hail insurance shall~~ may not
 18 at any time borrow a total sum greater than the amount of
 19 levies as made for taxes for the current year together with
 20 such delinquent taxes as remain unpaid on the books of the
 21 county treasurer."

22 Section 34. Section 82-1519, B.C.M. 1947, is amended
 23 to read as follows:

24 "82-1519. Compensation of chairman and officers --
 25 report. ~~It shall be the duty of all public officers to~~

1 ~~perform the duties relative to hail insurance under this~~
 2 ~~act, without other compensation than that allowed by law.~~
 3 (1) The chairman appointed members of the state board of
 4 hail insurance shall receive a ~~salary in such amount as may~~
 5 ~~be specified by the legislative assembly in the~~
 6 ~~appropriation to the board of hail insurance and all~~
 7 ~~appointed officers and employees under this act shall be~~
 8 ~~allowed the per diem and mileage allowed state employees a~~
 9 per diem of \$25 for each day they are engaged in the
 10 transaction of official business.

11 ~~The compensation of all appointed officers and~~
 12 ~~employees of the board shall be fixed by the state board of~~
 13 ~~hail insurance. If the legislative assembly does not specify~~
 14 ~~the maximum salary for the head of the agency, the salary~~
 15 ~~shall be fixed by the state board of hail insurance after~~
 16 ~~approval by the board of examiners. Before approving any~~
 17 ~~salary increase, the board of examiners shall review the~~
 18 ~~salaries of comparable positions in Montana state~~
 19 ~~government, other states, and private industry.~~

20 ~~The chairman of the state board of hail insurance shall~~
 21 ~~report as provided in section 2 [82-4002] of this act.~~

22 (2) All board members and employees shall be allowed
 23 expenses as provided in 59-538, 59-539, and 59-801.

24 (3) All other public officials specified in this
 25 chapter shall perform the duties relative to hail insurance

- 1 without other compensation than that allowed by law."
- 2 Section 35. Repealer. Sections 3-2601 through 3-2606,
- 3 R.C.M. 1947, are repealed.

-End-

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LC 0052

1977 Legislature
Code Commissioner Bill - Summary

Senate Bill No. 19

FOR THE GENERAL REVISION AND CLARIFICATION OF THE LAWS
RELATING TO AGRICULTURE.

(This summary does not include discussion of routine form
or grammatical changes.)

Section 1. 3-201. Deleted reference to "this act", since the definitions given in this section for "grain", "warehouseman", etc., should apply to the entire Title, rather than "this act" (Chapter 216, Laws 1921), which now comprises only a portion of Chapters 1 and 2 of the Title. The definitions here are generally construed to apply to the entire title whenever a definition is required. Only chapters 1 and 2 of the current title use the terms. The reference to "this act" is thus not necessary to restrict the application of the definitions, and is in fact unduly restricting those definitions since later acts, codified in Chapter 2, use some of the terms (see 3-228.1) without defining them, apparently depending on the definition supplied in this section.

Section 2. 3-205. Changed "this act" to "this chapter" to include later enforcement responsibilities added by subsequent acts codified in Chapter 2. Deleted "federal" because not part of the official name of the Grain Standards Act.

Section 3. 3-210. Deleted "federal" because not part of the official name of the "Grain Standards Act".

Section 4. 3-220. Grammatically restructured and combined the last two sentences of the section.

Section 5. 3-224. Changed "storage ticket" and "storage receipt" to "warehouse receipt" to make terminology uniform. The terms are all synonymous. Also reworded last sentence for grammatical clarity and changed "act" to "section" to more accurately reflect legislative intent.

Section 6. 3-225. Changed "wheat" to "grain" in second sentence to correct apparent error, since all other references in the section are to "grain".

Section 7. 3-227. Changed "storage receipt" to "warehouse receipt" for reason explained above.

Section 8. 3-710. Changed "storage receipts" to "warehouse receipts" for reason stated above.

Section 9. 3-712. Changed "storage certificates" to "warehouse receipts" as explained above.

Section 10. 3-802.2. Made grammatical change. Changed reference to "section 3-820" to "section 3-802.4" to reflect the 1974 redesignation of 3-820.

Section 11. 3-802.4. The reference in subsection (4)(d) to the "Federal Seed Act of August 1963" is incorrect and is changed to "Federal Seed Act of August, 1939, 7 U.S.C. 1551 through 1610".

Section 12. 3-804. Changed "this act" to "sections 3-802.1 through 3-808". "This act" was Chapter 12, Laws 1913, part of which was replaced by 3-802.1 through 3-802.5, and it would seem that by retaining this penalty clause the intent was that it should apply to the new replacement sections. Sections 3-805 through 3-807, with the exception of 3-806.1, are of course part of "this act". 3-806.1 would not be affected by the penalty of 3-804, hence the reference to "3-802.1 through 3-808" would be correct.

Section 13. 3-805. Changed "this act" to "sections 3-802.1 through 3-808" as explained above.

Section 14. 3-807. Changed "this act" to "sections 3-802.1 through 3-808" as explained above.

Section 15. 3-1215. This section and 3-1218, both of which provide penalties, conflict in that both purport to cover some of the same general activity but each provides a different penalty. 3-1215 is amended to make it consistent with 3-1218, which is the later statute.

Section 16. 3-1405. Added "to indicate" to help clarify meaning of subsection (a) [now (1)].

Section 17. 3-1406. Changed "up" to "conform" for grammatical clarity.

Section 18. 3-1714.3. Added "shall be guaranteed" in (1)(d) for clarification. Added lead-in line following (1)(a) for clarification and proper outline format. Deleted last sentence of (1)(c) because by its terms 3-1718 is already applicable, and this sentence is redundant. The presence of

this sentence in (1) (c) may also imply that 3-1718 does not apply to (1)(a) and (1)(b), which would be an erroneous implication.

Section 19. 3-1729. The internal references to 3-1717 and 3-1721 are incorrect, both of those sections having been repealed. 3-1717 is replaced with 3-1717.1. 3-1721.1 was enacted when 3-1721 was repealed; however, 3-1721.1 does not seem appropriate as a cross-reference in this section. Added "licensee" in last sentence since 3-1717.1 requires fees from "licensees" as well as "registrants".

Section 20. 3-1901. Deleted first definition of "sample grade" leaving the second definition in the chart for the sake of having a complete chart. Reworded the chart title and designated it as such.

Section 21. 3-1902. The reference in subsection (8) to "Bulletin 1065 U.S.D.A. dated May 18, 1922" is inaccurate and is replaced with "prescribed by the department". The reference in subsection (6) to "U.S.D.A. Bulletin No. 1375" is accurate presently, but, because such bulletins tend to become outdated, should possibly be replaced with "as prescribed by the department". This has not been done in this bill. Made other grammatical and form changes. In new subsection (5) "content of" was added for clarification.

Section 22. 3-1903. The reference to "Bulletin 1065 U.S.D.A. dated May 18, 1922" is replaced with "as prescribed by the department" as explained above.

Section 23. 3-3112. Reworded for grammatical clarity.

Section 24. 3-3303. Reworded (2)(d) and rearranged (3).

Section 25. 3-3312. The reference to 3-3411 is wrong, there being no 3-3411. The reference is changed to 3-3311, the proper reference. See legislative history of the sections.

Section 26. 3-3402. Deleted first list of grades to facilitate proper numbering and because unnecessary.

Section 27. 3-3501. Deleted reference to 16-1153 in subsection (3) and replaced with the definition given there, since 16-1153 will be repealed if the local government code is adopted.

Section 28. 27-220. Reworded and deleted subsection designations in subsection (1).

Section 29. 27-232. Deleted temporary language and added "annually" to clarify that this is an annual requirement.

Section 30. 27-237 Added "rule" to clarify where petitions must be filed in case of an adverse rule.

Section 31. 82-1502. The different funds of the hail insurance program appear to be the "agency fund" referred to in 82-1511 and 82-1507(5), the "reserve fund" referred to in 82-1507(1)(c), (3), (4), and (5), and the "board's account in the earmarked revenue fund" referred to in 82-1511 and which is used for payment of administrative expenses. The fund mentioned in 82-1502 appears to be the "reserve fund" since 82-1507(4) speaks of an actuarial valuation of that fund, and this section 82-1502 requires the fund to be "actuarially sound". Added "reserve" before "fund" to clarify to which fund this section is referring.

Section 32. 82-1506. Rewritten for grammatical clarity. The "lien created above", in subsection (2), apparently is the lien created in subsection (3), that being the first time any real estate lien is mentioned. Changed accordingly.

Section 33. 82-1517. Made grammatical changes. Deleted "necessary to carry on the business of the department" in last sentence of subsection (2) since the board obviously cannot borrow money to fund a state department, and the sentence is complete and accurate without this phrase. The word department, also used in subsection (3), originally meant "hail insurance department". Current terminology would be "hail insurance program", with department indicating "department of agriculture".

Section 34. 82-1519. This section is rewritten. References to "officers of the board" are deleted, with all persons either being "members" or "employees" of the board. A standard per diem is established in the new version for members. Before, it was unclear how their salaries were set. If "members" were "appointed officers", then they set their own salary. If not, then apparently there was no provision for any salary. "Head of the agency" is hold-over language from before reorganization and is deleted. Expense and mileage rates are changed in accordance with 59-538, 59-539, and 59-801.

Section 35. Sections 3-2601 through 3-2606 constitute an appropriation measure passed in 1949 and should never have been codified. They are repealed in this bill to avoid any question of whether or not they may have any continuing authority.

Approved by Committee
on Agriculture Livestock
& Irrigation

1 SENATE BILL NO. 19
2 INTRODUCED BY GRAHAM

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE AND
5 CLARIFY THE LAWS RELATING TO AGRICULTURE."

6
7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
8 Section 1. Section 3-201, R.C.M. 1947, is amended to
9 read as follows:

10 "3-201. Definitions. ~~(1) Whenever the~~ The word "grain"
11 ~~is mentioned in this act, it shall be construed to include~~
12 includes flax.

13 (2) The term "public warehouse" includes any elevator,
14 mill, warehouse, or structure in which grain is received
15 from the public for storage, milling, shipment, or handling.

16 (3) The term "public warehouseman" ~~shall be held to~~
17 ~~mean and include~~ includes every person, association, firm,
18 and corporation owning, controlling, or operating any public
19 warehouse in which grain is stored or handled in such a
20 manner that the grain of various owners is mixed together,
21 and the identity of the different lots or parcels is not
22 preserved.

23 (4) The term "grain dealer" ~~shall be held to mean and~~
24 ~~include~~ includes every person, firm, association, and
25 corporation owning, controlling, or operating a truck,

1 tractor-trailer unit, or warehouse, other than a public
2 warehouse, and engaged in the business of buying grain for
3 shipment or milling.

4 (5) The term "track buyer" ~~shall mean and include~~
5 includes every person, firm, association, and corporation
6 ~~who~~ which engages in the business of buying grain for
7 shipment or milling, and ~~who~~ which does not own, control, or
8 operate a warehouse or public warehouse.

9 (6) The terms "agent," "broker," and "commission
10 man" ~~shall mean and include~~ every person, association, firm,
11 and corporation ~~who~~ which engages in the business of
12 negotiating sales or contracts for grain or of making sales
13 or purchases for a commission."

14 Section 2. Section 3-205, R.C.M. 1947, is amended to
15 read as follows:

16 "3-205. Inspectors of grain — samplers and weighers
17 — qualifications — interest. The department shall provide
18 inspectors, samplers, and weighers to enforce this ~~act~~
19 chapter. At all inspection points designated by the
20 department, the department shall provide sufficient
21 inspectors and weighers to inspect and weigh all grain
22 subject to state inspection, under the supervision of the
23 department. However, grain held in transit for inspection
24 and diversion only, need not be weighed. Inspectors shall be
25 able to qualify under the terms and in accordance with the

There are no changes in SB 19, & will not be re-run.
Please refer to white copy for complete text. SECOND READING

SB 19

1 United States ~~Federal~~ Grain Standards Act. Inspectors,
2 samplers, and weighers may not be interested directly or
3 indirectly in the handling, sorting, shipping, purchasing,
4 or selling of grain or grain products."

5 Section 3. Section 3-210, R.C.M. 1947, is amended to
6 read as follows:

7 "3-210. Rules governing dockage — sample inspection.
8 The department shall, after the hearing provided in ~~section~~
9 3-209, adopt rules governing the dockage which shall be made
10 on inferior grades and in all executory contracts entered
11 into after the hearing. The rules may not conflict with the
12 terms of the United States ~~Federal~~ Grain Standard Act. Where
13 the price or amount to be paid depends on terminal weight or
14 grade, the rules shall control the dockage ~~in so far~~ insofar
15 as it affects the price to be paid, and the rules become
16 part of the contract of sale. The department shall also
17 provide for sample inspection of grain, adopt rules
18 governing sample inspections, and provide that the sample
19 inspection when made is final."

20 Section 4. Section 3-220, R.C.M. 1947, is amended to
21 read as follows:

22 "~~3-220. Regulation of sale and storage of~~
23 ~~grain identity of grain in general storage~~ Designation of
24 grain delivered to warehouse. In cases of grain being sold
25 outright to the warehouseman at the time of delivery or

1 grain placed in store with the warehouseman to be sold at a
2 future time to the warehouseman to whom delivered,
3 settlement shall be made on the basis of grade, quality,
4 protein content, and quantity. In cases of storage of grain
5 with intent of future redelivery of the grain, the owner
6 must so designate at time of delivery to enable the
7 warehouseman to special bin. ~~Failure~~ Upon failure to so
8 designate at time of delivery, the grain will lose its
9 identity in general storage. ~~Therefore,~~ whereupon the owner
10 agrees is obligated to accept quantity of like grade, kind,
11 and quality (as provided for under the United States ~~Federal~~
12 Grain Standards Act) from the warehouseman's general
13 storage."

14 Section 5. Section 3-224, R.C.M. 1947, is amended to
15 read as follows:

16 "3-224. Termination of storage contract — sale of
17 grain for charges. Storage on any or all grain may be
18 terminated by the owner at any time before the date
19 mentioned herein by the payment or tender of all legal
20 charges and the surrender of the storage warehouse receipt,
21 together with a demand for delivery of such grain, or notice
22 to warehouseman to sell the same. In the absence of a
23 demand for delivery, order to sell, or mutual agreement for
24 the renewal of the storage contract entered into prior to
25 the expiration of the storage contract, ~~as prescribed in~~

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17 ~~mean and include~~ includes every person, association, firm,
18 and corporation owning, controlling, or operating any public
19 warehouse in which grain is stored or handled in such a
20 manner that the grain of various owners is mixed together,
21 and the identity of the different lots or parcels is not
22 preserved.

23 (4) The term "grain dealer" ~~shall be held to mean and~~
24 ~~include~~ includes every person, firm, association, and
25 corporation owning, controlling, or operating a truck,

There are no changes in SB19, & will not be re-run.

Please refer to white copy for complete text.

THIRD READING

1 tractor-trailer unit, or warehouse, other than a public
2 warehouse, and engaged in the business of buying grain for
3 shipment or milling.

4 (5) The term "track buyer" ~~shall mean and include~~
5 includes every person, firm, association, and corporation
6 ~~who which~~ engages in the business of buying grain for
7 shipment or milling, and ~~who which~~ does not own, control, or
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9 (6) The terms "agent", "broker", and "commission
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11 and corporation ~~who which~~ engages in the business of
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13 or purchases for a commission."

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19 chapter. At all inspection points designated by the
20 department, the department shall provide sufficient
21 inspectors and weighers to inspect and weigh all grain
22 subject to state inspection, under the supervision of the
23 department. However, grain held in transit for inspection
24 and diversion only, need not be weighed. Inspectors shall be
25 able to qualify under the terms and in accordance with the

SB19

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3 indirectly in the handling, sorting, shipping, purchasing,
4 or selling of grain or grain products."

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10 on inferior grades and in all executory contracts entered
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12 terms of the United States ~~Federal~~ Grain Standard Act. Where
13 the price or amount to be paid depends on terminal weight or
14 grade, the rules shall control the dockage ~~in so far~~ insofar
15 as it affects the price to be paid, and the rules become
16 part of the contract of sale. The department shall also
17 provide for sample inspection of grain, adopt rules
18 governing sample inspections, and provide that the sample
19 inspection when made is final."

20 Section 4. Section 3-220, R.C.M. 1947, is amended to
21 read as follows:

22 "3-220. ~~Regulation of sale and storage of~~
23 ~~grain identity of grain in general storage~~ Designation of
24 grain delivered to warehouse. In cases of grain being sold
25 outright to the warehouseman at the time of delivery or

1 grain placed in store with the warehouseman to be sold at a
2 future time to the warehouseman to whom delivered,
3 settlement shall be made on the basis of grade, quality,
4 protein content, and quantity. In cases of storage of grain
5 with intent of future redelivery of the grain, the owner
6 must so designate at time of delivery to enable the
7 warehouseman to special bin. ~~Failure Upon failure~~ to so
8 designate at time of delivery, the grain will lose its
9 identity in general storage. ~~Therefore, whereupon the~~ owner
10 agrees is obligated to accept quantity of like grade, kind,
11 and quality (as provided for under the United States ~~Federal~~
12 Grain Standards Act) from the warehouseman's general
13 storage."

14 Section 5. Section 3-224, R.C.M. 1947, is amended to
15 read as follows:

16 "3-224. Termination of storage contract — sale of
17 grain for charges. Storage on any or all grain may be
18 terminated by the owner at any time before the date
19 mentioned herein by the payment or tender of all legal
20 charges and the surrender of the ~~storage~~ warehouse receipt,
21 together with a demand for delivery of such grain, or notice
22 to warehouseman to sell the same. In the absence of a
23 demand for delivery, order to sell, or mutual agreement for
24 the renewal of the storage contract entered into prior to
25 the expiration of the storage contract, ~~as prescribed in~~

1 SENATE BILL NO. 19
2 INTRODUCED BY GRAHAM
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE AND
5 CLARIFY THE LAWS RELATING TO AGRICULTURE."
6
7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
8 Section 1. Section 3-201, R.C.M. 1947, is amended to
9 read as follows:
10 "3-201. Definitions. ~~(1) Whenever the~~ The word "grain"
11 ~~is mentioned in this act, it shall be construed to include~~
12 includes flax.
13 (2) The term "public warehouse" includes any elevator,
14 mill, warehouse, or structure in which grain is received
15 from the public for storage, milling, shipment, or handling.
16 (3) The term "public warehouseman" ~~shall be held to~~
17 ~~mean and include~~ includes every person, association, firm,
18 and corporation owning, controlling, or operating any public
19 warehouse in which grain is stored or handled in such a
20 manner that the grain of various owners is mixed together,
21 and the identity of the different lots or parcels is not
22 preserved.
23 (4) The term "grain dealer" ~~shall be held to mean and~~
24 ~~include~~ includes every person, firm, association, and
25 corporation owning, controlling, or operating a truck,

1 tractor-trailer unit, or warehouse, other than a public
2 warehouse, and engaged in the business of buying grain for
3 shipment or milling.
4 (5) The term "track buyer" ~~shall mean and include~~
5 includes every person, firm, association, and corporation
6 ~~who~~ which engages in the business of buying grain for
7 shipment or milling, and ~~who~~ which does not own, control, or
8 operate a warehouse or public warehouse.
9 (6) The terms "agent", "broker", and "commission
10 man" ~~shall mean and include~~ every person, association, firm,
11 and corporation ~~who~~ which engages in the business of
12 negotiating sales or contracts for grain or of making sales
13 or purchases for a commission."
14 Section 2. Section 3-205, R.C.M. 1947, is amended to
15 read as follows:
16 "3-205. Inspectors of grain -- samplers and weighers
17 -- qualifications -- interest. The department shall provide
18 inspectors, samplers, and weighers to enforce this ~~act~~
19 chapter. At all inspection points designated by the
20 department, the department shall provide sufficient
21 inspectors and weighers to inspect and weigh all grain
22 subject to state inspection, under the supervision of the
23 department. However, grain held in transit for inspection
24 and diversion only, need not be weighed. Inspectors shall be
25 able to qualify under the terms and in accordance with the

1 United States ~~Federal~~ Grain Standards Act. Inspectors,
2 samplers, and weighers may not be interested directly or
3 indirectly in the handling, sorting, shipping, purchasing,
4 or selling of grain or grain products."

5 Section 3. Section 3-210, R.C.M. 1947, is amended to
6 read as follows:

7 "3-210. Rules governing dockage -- sample inspection.
8 The department shall, after the hearing provided in ~~section~~
9 3-209, adopt rules governing the dockage which shall be made
10 on inferior grades and in all executory contracts entered
11 into after the hearing. The rules may not conflict with the
12 terms of the United States ~~Federal~~ Grain Standard Act. Where
13 the price or amount to be paid depends on terminal weight or
14 grade, the rules shall control the dockage ~~in so far as~~ insofar
15 as it affects the price to be paid, and the rules become
16 part of the contract of sale. The department shall also
17 provide for sample inspection of grain, adopt rules
18 governing sample inspections, and provide that the sample
19 inspection when made is final."

20 Section 4. Section 3-220, R.C.M. 1947, is amended to
21 read as follows:

22 "~~3-220. Regulation of sale and storage of~~
23 ~~grain identity of grain in general storage~~ Resignation of
24 grain delivered to warehouse. In cases of grain being sold
25 outright to the warehouseman at the time of delivery or

1 grain placed in store with the warehouseman to be sold at a
2 future time to the warehouseman to whom delivered,
3 settlement shall be made on the basis of grade, quality,
4 protein content, and quantity. In cases of storage of grain
5 with intent of future redelivery of the grain, the owner
6 must so designate at time of delivery to enable the
7 warehouseman to special bin. ~~Failure~~ Upon failure to so
8 designate at time of delivery, the grain will lose its
9 identity in general storage, ~~therefore, whereupon the~~ owner
10 agrees is obligated to accept quantity of like grade, kind,
11 and quality (as provided for under the United States ~~Federal~~
12 Grain Standards Act) from the warehouseman's general
13 storage."

14 Section 5. Section 3-224, R.C.M. 1947, is amended to
15 read as follows:

16 "3-224. Termination of storage contract -- sale of
17 grain for charges. Storage on any or all grain may be
18 terminated by the owner at any time before the date
19 mentioned herein by the payment or tender of all legal
20 charges and the surrender of the ~~storage~~ warehouse receipt,
21 together with a demand for delivery of such grain, or notice
22 to warehouseman to sell the same. In the absence of a
23 demand for delivery, order to sell, or mutual agreement for
24 the renewal of the storage contract entered into prior to
25 the expiration of the storage contract, ~~as prescribed in~~

1 ~~this act~~, the warehouseman shall, upon the expiration of the
 2 storage contract, sell so much of such stored grain at the
 3 local market price on the close of business on ~~said that~~ day
 4 as is sufficient to pay the accrued storage charges, and
 5 shall thereupon issue new ~~storage tickets~~ warehouse receipts
 6 for the balance of the grain to the owner thereof upon
 7 surrender by him of the original ~~storage~~ warehouse receipts.
 8 ~~Provided, further, that it shall be the duty of the~~ The
 9 warehouseman ~~on the first day of June of each year to notice~~
 10 shall notify all ~~storage ticket~~ warehouse receipt holders at
 11 ~~their last known address~~ of the provisions of this act
 12 section by June 1 of each year."

13 Section 6. Section 3-225, R.C.M. 1947, is amended to
 14 read as follows:

15 "3-225. Disposal of grain ~~forbidden~~ without notice to
 16 department of agriculture and compliance with law
 17 ~~forbidden delivery of grain for warehouse receipts.~~ No such
 18 warehouseman ~~shall~~ may sell or otherwise dispose of, or
 19 deliver out of store, except to the owner, any stored grain,
 20 except upon notice, in advance, to the department of
 21 agriculture, and after complying in full with the laws of
 22 the state and the regulations of the department ~~of~~
 23 ~~agriculture~~ relating to the handling of stored grain. Any
 24 person, firm, association, or corporation owning or
 25 operating more than one public warehouse in this state ~~shall~~

1 ~~be permitted to make delivery of~~ may deliver ~~wheat grain~~
 2 from one warehouse in settlement of warehouse receipts
 3 issued for grain stored in another warehouse, when grain for
 4 storage has been presented at any warehouse in excess of its
 5 available storage capacity, ~~Provided, provided that:~~
 6 (1) this ~~shall does~~ not ~~be construed as conferring~~
 7 ~~confer~~ upon such warehouseman a right to make delivery of
 8 grain of substantially lower value than that delivered for
 9 store, though of the same technical grade, in settlement of
 10 warehouse receipts; ~~and provided further, that~~

11 (2) such warehouseman shall, at all times, keep on
 12 hand in bonded warehouses grain of quality and quantity
 13 sufficient to settle all outstanding ~~storage~~ warehouse
 14 receipts; ~~Provided, further, that and~~

15 (3) freight and other charges shall be figured on the
 16 basis of the point of receipt."

17 Section 7. Section 3-227, R.C.M. 1947, is amended to
 18 read as follows:

19 "3-227. Annual report of warehouseman, track buyer,
 20 and grain dealer -- special reports -- penalty for failure
 21 to report. On June 30 of each year, ~~every each~~ warehouseman,
 22 track buyer, and grain dealer shall make a report, under
 23 oath, to the department, on forms prepared by it. The report
 24 shall show the total weight of each kind of grain received
 25 and shipped by the warehouseman, track buyer, ~~and of~~

1 licensed grain dealer, the amount of outstanding ~~storage~~
 2 warehouse receipts on that date, and a statement of the
 3 amount of grain on hand to cover them. The department may
 4 also require special reports from a warehouseman, grain
 5 dealer, or track buyer at any time. The department may
 6 inspect the business of every warehouseman, track buyer, and
 7 grain dealer and the method of conducting the business,
 8 whenever considered proper. The books, accounts, records,
 9 papers, and proceedings of every warehouseman, track buyer,
 10 and grain dealer are at all times during business hours
 11 subject to inspection. A person who knowingly falsifies any
 12 of ~~the~~ his reports to the department, who fails to make the
 13 reports when requested by the department, or who refuses or
 14 resists inspection is guilty of a misdemeanor and shall be
 15 fined ~~of~~ not less than ~~three hundred dollars~~ ~~(\$300)~~ ~~nor~~ ~~or~~
 16 more than ~~five hundred dollars~~ ~~(\$500)~~."

17 Section 8. Section 3-710, R.C.M. 1947, is amended to
 18 read as follows:

19 "3-710. Rules to be adopted by department. The
 20 department shall adopt rules it considers necessary for the
 21 safe conduct of the business referred to in this act,
 22 including a scale of storage charges and ~~storage~~ warehouse
 23 receipts. The department may require reports, from any
 24 warehouseman or person receiving stored beans, on forms
 25 prepared by the department."

1 Section 9. Section 3-712, R.C.M. 1947, is amended to
 2 read as follows:

3 "3-712. Storage constitutes bailment — duty to keep
 4 beans in storage. The storage of beans under this act
 5 constitutes a bailment, and upon the return of the warehouse
 6 receipt properly endorsed, and upon the payment or tender of
 7 all advances and legal charges, the holder of the warehouse
 8 receipt is entitled to, and the warehouseman shall deliver,
 9 the identical grade and amount of beans placed in storage. A
 10 dealer, under this act, shall maintain at all times in
 11 original storage beans equal in amount and grade to all
 12 ~~storage certificates~~ warehouse receipts issued, unless
 13 authorized in writing by holders of receipts or by the
 14 department, to move to other storage. Failure to maintain
 15 the proper amount of beans is a conversion."

16 Section 10. Section 3-802.2, R.C.M. 1947, is amended
 17 to read as follows:

18 "3-802.2. Labeling of agricultural seeds. (1) The
 19 owner, vendor, or person in possession of ~~each and every~~ any
 20 package, parcel, or lot of agricultural seeds, as defined in
 21 ~~the first section [3-802.1] of this act~~, that contains ~~one~~
 22 ~~(1)~~ pound, or more, of agricultural seeds, whether in
 23 package or in bulk, shall, before offering the seeds for
 24 sale, affix in a conspicuous place on the exterior of the
 25 container a written or printed label in the English language

1 in legible type or copy ~~and the label shall contain~~
2 containing a statement specifying:

3 ~~(1)(a)~~ A a lot number or other distinguishing mark;
4 ~~(2)(b)~~ kind kind. The name of each kind of seed
5 present in excess of ~~five per cent (5%)~~ shall be shown on
6 the label and need not be accompanied by the word "kind".
7 When two or more kinds of seed are named on the label, the
8 name of each kind shall be accompanied by the percentage of
9 each. When only one kind of seed is present in excess of
10 ~~five per cent (5%)~~ and no variety name or type designation
11 is shown, the percentage of that kind may be shown as "pure
12 seed" and such percentage shall apply to seed of the kind
13 named.

14 (c) Variety, variety, as follows:

15 ~~(a)(i)~~ The the following kinds of agricultural seeds
16 ~~are generally labeled as to variety and~~ shall be labeled to
17 show the variety name or the words "~~Variety Not Stated~~
18 variety not stated":

19 alfalfa <u>alfalfa</u>	Oat <u>oat</u>
20 Barley <u>barley</u>	Pea <u>pea</u> , field
21 Bean <u>bean</u> , field	Eye <u>eye</u>
22 Beet <u>beet</u> , field	Safflower <u>safflower</u>
23 Brome <u>brome</u> , smooth	Sorghum <u>sorghum</u>
24 Clover <u>clover</u> , crimson	Sorghum-Sudan <u>sorghum-sudan</u>
25	hybrid

1 Clover <u>clover</u> , red	Soybean <u>soybean</u>
2 Clover <u>clover</u> , white	Sudangrass <u>sudan grass</u>
3 Corn <u>corn</u> , field	Sunflower <u>sunflower</u>
4 Corn <u>corn</u> , pop	Trefoil <u>trefoil</u> , birdsfoot <u>birdsfoot</u>
5 Fescue <u>fescue</u> , tall	Wheat <u>wheat</u> , common
6 Flax <u>flax</u>	Wheat <u>wheat</u> , Durum <u>durum</u>
7 Millet <u>millet</u> , foxtail	

8 ~~(b)(iii)~~ If if the name of the variety is given, the
9 name may be associated with the name of the kind with or
10 without the words "kind and variety". The percentage in
11 this case may be shown as "pure seed" and shall apply only
12 to seed of the variety named. If separate percentages for
13 the kind and the variety or hybrid are shown, the name of
14 the kind and the name of the variety or the term "hybrid"
15 shall be clearly associated with the respective percentages.
16 When two or more varieties are present in excess of ~~five per~~
17 ~~cent (5%)~~ and are named on the label, the name of each
18 variety shall be accompanied by the percentage of each.

19 ~~(3)(d)~~ If that the seed is hybrid, if any one kind or
20 kind and variety of seed present in excess of ~~five per cent~~
21 ~~(5%)~~ is "hybrid" seed, ~~it shall be designated "hybrid" on~~
22 ~~the label~~. The percentage that is hybrid shall be at least
23 ~~ninety-five per cent (95%)~~ of the percentage of pure seed
24 shown unless the percentage of pure seed which is hybrid
25 seed is shown separately. If two or more kinds or varieties

1 are present in excess of ~~five-per-cent~~ (5%) and are named on
 2 the label, each that is hybrid shall be designated as hybrid
 3 on the label. No one kind or variety of seed may be labeled
 4 as hybrid if the pure seed contains less than 75% hybrid
 5 seed. Any one kind or kind and variety that has pure seed
 6 which is less than ~~ninety-five per cent~~ (95%) but more than
 7 ~~seventy-five per cent~~ (75%) hybrid seed as a result of
 8 incompletely controlled pollination in a cross shall be
 9 labeled to show:

10 ~~(4)(i)~~ the percentage of pure seed that is hybrid
 11 seed; or

12 ~~(4)(ii)~~ a statement such as "Contains from ~~seventy-five~~
 13 ~~per cent~~ (75%) to ~~ninety-five per cent~~ (95%) hybrid seed."
 14 ~~No one kind or variety of seed shall be labeled as hybrid if~~
 15 ~~the pure seed contains less than seventy-five per cent~~ (75%)
 16 ~~hybrid seed.~~

17 ~~(4)(e)~~ Origin, state or ~~foreign~~ country of origin, if
 18 known, of alfalfa, red clover, white clover, native range
 19 grasses, and field corn other than hybrid. If the origin is
 20 unknown, the fact shall be stated.

21 ~~(5)(f)~~ The the approximate percentage of germination
 22 of agricultural seed, together with the date of test of
 23 germination. In all cases where hard seeds remain at the end
 24 of the germination test, the percentage of actual
 25 germination and the percentage of hard seeds shall be stated

1 separately, with the provision that any portion or all of
 2 the percentage of hard seeds may be added to the percentage
 3 of germination, and stated as "total germination and hard
 4 seed."
 5

6 ~~(6)(g)~~ The the approximate percentage by weight of
 7 pure seed, meaning the freedom of agricultural seeds from
 8 inert matter and from other seeds;

9 ~~(7)(h)~~ The the approximate percentage by weight of
 10 sand, dirt, broken seeds, sticks, chaff, and other inert
 11 matter combined in agricultural seeds;

12 ~~(8)(i)~~ The the approximate total percentage by weight
 13 of weed seeds;

14 ~~(9)(j)~~ The the approximate percentage by weight of
 15 other crop seeds in agricultural seeds;

16 ~~(10)(k)~~ The the name and approximate number of each
 17 kind or species of restricted noxious weed seeds occurring
 18 per pound of agricultural, vegetable, or flower seeds;

19 ~~(11)(l)~~ The the full name and address of the seedswan,
 20 importer, dealer or agent, or other person, or persons, or
 21 firm, or corporation selling the agricultural seed;

22 ~~(12)(m)~~ In in the case of mixtures of agricultural
 23 seeds which contain two ~~(2)~~ or more kinds of seed in excess
 24 of ~~five-per-cent~~ (5%) by weight of each, when sold as
 25 mixtures:

~~(a)(i)~~ Name name of mixture;

1 ~~(b)(iii)~~ The name and approximate percentage by weight
 2 of each kind of agricultural seed present in the mixture in
 3 excess of ~~five per cent (5%)~~ by weight of the total
 4 mixture;

5 ~~(c)(iii)~~ Approximate approximate percentage by weight
 6 of broken seeds and other inert matter in the mixture of
 7 agricultural seeds;

8 ~~(d)(iv)~~ Approximate approximate percentage by weight of
 9 weed seeds as defined in ~~the first section [3-802.1] of this~~
 10 ~~act;~~

11 ~~(e)(v)~~ Approximate approximate percentage by weight of
 12 other crop seed in the mixture of agricultural seeds;

13 ~~(f)(vi)~~ The name and approximate number of each kind or
 14 species of restricted noxious weed seeds occurring per pound
 15 of mixtures of agricultural seeds, subject, however, to
 16 restrictions as specified in ~~the fourth section [3-802] of~~
 17 ~~this act 3-802.4;~~

18 ~~(g)(vii)~~ Approximate approximate percentage of
 19 germination of each kind of agricultural seed present in the
 20 mixture in excess of ~~five per cent (5%)~~ by weight, together
 21 with the month and year the seed was tested. In all cases
 22 where hard seeds remain at the end of the germination test,
 23 the percentage of actual germination and the percentage of
 24 hard seeds shall be stated separately, with the proviso
 25 that any portion or all of the hard seed may be added to the

1 percentage of germination and stated as "total germination
 2 and hard seed".

3 ~~(h)(viii)~~ Full full name and address of the vendor of
 4 the mixture.

5 ~~(i)(2)~~ When seed is exchanged or transferred from one
 6 seed labeler to another, it shall be accompanied by a
 7 shipping document which clearly shows the kind(s) of seed,
 8 and quantity of each kind, ~~and each~~ Each container in a lot
 9 shall carry appropriate lot number designation, ~~and shall be~~
 10 accompanied by mechanical analysis for each lot so
 11 involved."

12 Section 11. Section 3-802.4, R.C.M. 1947, is amended
 13 to read as follows:

14 "3-802.4. Prohibitions. A person, firm, corporation,
 15 ~~co-partnership partnership,~~ or association may not sell or
 16 transport for use in planting in this state any
 17 agricultural, vegetable, or flower seed that:

- 18 (1) ~~Contains~~ contains prohibited noxious weed seeds;
- 19 (2) ~~Contains~~ contains restricted noxious weed seeds in
 20 excess of the maximum numbers per pound as follows:

		<u>Number allowed of seeds</u>
<u>Species</u>		<u>per pound</u>
23 Dodder <u>dodder</u>	(Cuscuta spp.)	18
24 Blue <u>blue</u> lettuce	(Lactuca pulchella)	27
25 St. Johnswort	(Hypericum perforatum)	27

1	Grey <u>oxeye</u> daisy	(Chrysanthemum leucanthemum)	90
2	Spotted <u>spotted</u> knapweed	(Centaurea maculosa)	18
3	Hoary <u>hoary</u> alyssum	(Berteroa incana)	9
4	Wild <u>wild</u> oats	(Avena fatua)	45
5	Buckhorn <u>buckhorn</u> plantain	(Plantago lanceolata)	90
6	Chickweed <u>chickweed</u>	(Stellaria spp.)	9
7	Curly <u>curly</u> dock	(Rumex crispus)	45
8	(3) Contains <u>contains</u> in excess of two per cent <u>(2%)</u>		
9	or more of weed seed;		
10	(4) is <u>is</u> offered or exposed for sale more than nine		
11	(9) calendar months from the last day of the month in which		
12	the germination test was completed. This nine <u>(9)</u> month		
13	<u>9-month</u> limitation does not apply when seed is packaged in		
14	hermetically sealed containers within twelve <u>(12)</u> months		
15	after harvest. The container must be conspicuously labeled		
16	in not less than eight <u>(8)</u> point <u>8-point</u> type to indicate		
17	<u>that:</u>		
18	(a) That the container is hermetically sealed;		
19	(b) That the seed has been preconditioned as to		
20	moisture content;		
21	(c) That the germination test is valid for a period		
22	not to exceed eighteen <u>(18)</u> months from the date of the		
23	germination test for seeds offered for sale on a wholesale		
24	basis, and for a period not to exceed thirty-six <u>(36)</u> months		
25	for seeds offered for sale at retail;		

1 (d) ~~That~~ the germination of vegetable seed at the time
2 of packaging was equal to or above standards prescribed in
3 the Federal Seed Act of August ~~1963~~ 1939, 7 U.S.C. 1551
4 through 1610, with subsequent revisions.

5 (5) ~~is~~ is represented in any manner to be for lawn
6 seeding purposes, unless it contains at least ~~fifty per cent~~
7 ~~(50%)~~ pure seed of perennial fine-textured species which
8 shall be specified by rules under this act. However, grass
9 mixtures which do not contain ~~fifty per cent~~ (50%) pure seed
10 of perennial fine-textured grasses may be sold. When these
11 grass mixtures are contained in packages of ~~twenty-five~~ (25)
12 pounds or less, they shall carry the statements: "Not
13 recommended for a fine-textured perennial turf. Satisfactory
14 for a temporary ground cover or where coarse grass is not
15 objectionable." A definition of fine-textured varieties to
16 be adopted in the rules is as follows:

17 (a) ~~Bluegrasses~~ bluegrasses—all varieties except
18 Canada bluegrass bluegrass (Poa compressa), ~~annual~~ bluegrass
19 annual bluegrass (Poa annua), and ~~tough~~ bluegrass tough
20 bluegrass (Poa trivialis);

21 (b) ~~Chewings-red fescue~~ chewings red fescue and all
22 improved varieties;

23 (c) ~~Creeping-red fescue~~ creeping red fescue and all
24 improved varieties;

25 (d) ~~Bentgrass~~ bentgrass—all varieties;

1 (e) ~~Fine~~ fine-textured ~~hygrasses~~ hygrasses.

2 (6) ~~The labeling, advertising or other representation~~
3 ~~subject to this act represents the seed to be~~ is labeled,
4 advertised, or otherwise represented as being certified seed
5 ~~of any class thereof~~ unless:

6 (a) it has been determined by a seed certifying agency
7 that such seed ~~conformed~~ conforms to standards of purity and
8 identity as to kind, species (and subspecies, if
9 appropriate), or variety; and

10 (b) ~~that~~ the seed bears an official label issued for
11 such seed by a seed certifying agency certifying that the
12 seed is of a specified class and a specified kind, species
13 (and subspecies, if appropriate), or variety;

14 (7) ~~is~~ is labeled with a variety name for which a U.S.
15 certificate of plant variety protection has been issued or
16 applied for under the provisions of the Plant Variety
17 Protection Act (7 U.S.C. 2321 et. seq.) without the
18 authority of the owner of the variety; or is labeled with a
19 variety name but not certified by an official seed
20 certifying agency when it is a variety for which the
21 certificate or application for "protection" specifies sale
22 only as a class of certified seed; provided, that seed from
23 a certified lot may be labeled as to variety name when used
24 in a mixture by, or with approval of, the owner of the
25 variety."

1 Section 12. Section 3-804, R.C.M. 1947, is amended to
2 read as follows:

3 "3-804. Penalty. Any person, firm, or corporation who
4 sells, or offers or exposes for sale or distribution in the
5 state any agricultural seeds for seeding purposes, without
6 complying with the requirements of ~~this act, shall be deemed~~
7 3-802.1 through 3-808, is guilty of a misdemeanor, and upon
8 conviction shall be fined not less than ~~one hundred dollars~~
9 ~~(\$100), nor or more than three hundred dollars (\$300) and~~
10 plus costs of such prosecution, and upon conviction of the
11 second or any subsequent offense shall be fined not less
12 than ~~five hundred dollars (\$500) nor or more than one~~
13 ~~thousand dollars (\$1,000) and plus~~ costs of such
14 prosecution."

15 Section 13. Section 3-805, R.C.M. 1947, is amended to
16 read as follows:

17 "3-805. Inspection by grain and seed laboratory --
18 reports -- enforcement. (1) The grain and seed laboratory of
19 the agricultural experiment station shall inspect, analyze,
20 and test seeds sold, or offered, or exposed for sale in this
21 state at a time and place and to ~~an~~ the extent as the
22 director of the agricultural experiment station and the
23 department of agriculture determine. The laboratory shall
24 report to the department all violations as they appear. It
25 shall also annually before September 1 make a report to the

1 department of all tests made and the results, which may be
 2 published by the department. The laboratory and the
 3 department shall have free access at all reasonable hours to
 4 all premises or structures to make examination of any seeds
 5 or any other premises of a warehouse, elevator, or railway
 6 company. Upon tendering payment at the current value, the
 7 department may take any sample of seeds.

8 (2) The department shall administer and enforce ~~this~~
 9 ~~act 3-802.1 through 3-808~~. For that purpose, the department
 10 may adopt rules. The department may issue and enforce a
 11 written or printed "stop sale" order to the owner or
 12 custodian of any lot of agricultural seed which the
 13 department finds in violation of ~~this act 3-802.1 through~~
 14 ~~3-808~~. The order shall prohibit further sale of the seed
 15 until the department has evidence that the law has been
 16 complied with. The seed may not be confiscated or destroyed.
 17 Upon proper correction, by reprocessing, labeling, or
 18 otherwise, and when, in the judgment of the department, the
 19 requirements of ~~this act 3-802.1 through 3-808~~ have been
 20 met, the stop sale order shall be lifted and the seed may be
 21 sold. The department shall adopt all necessary rules
 22 relating to the agricultural experiment station's duties
 23 under ~~this act 3-802.1 through 3-808~~."

24 Section 14. Section 3-807, R.C.M. 1947, is amended to
 25 read as follows:

1 "3-807. ~~Samples may be sent to the laboratory for~~
 2 laboratory testing of samples --- rates. Any citizen of this
 3 state may request the grain and seed laboratory to examine,
 4 analyze, and test samples of seed upon payment of the fee
 5 and compliance with rules governing the submission of seed
 6 samples for such service. Samples of seed analyzed and
 7 tested shall be charged for at rates determined jointly by
 8 the department and the director of the grain and seed
 9 laboratory. All fees collected by the grain and seed
 10 laboratory shall be used to defray the expenses incurred by
 11 the laboratory under ~~this act 3-802.1 through 3-808~~."

12 Section 15. Section 3-1215, R.C.M. 1947, is amended to
 13 read as follows:

14 "3-1215. Acts made unlawful --- penalty. It ~~shall be is~~
 15 unlawful for any person to falsely represent or to
 16 misrepresent the name, age, variety, or class of any nursery
 17 stock sold or offered for sale, ~~or~~ to falsely represent or
 18 state that any nursery stock offered for sale, sold, or
 19 delivered was grown in or came from a certain nursery or
 20 locality, when in fact such nursery stock was grown in or
 21 came from another location, ~~or nursery,~~ ~~or~~ to deceive or
 22 defraud any person in the sale of any nursery stock by
 23 substituting inferior or different varieties or ages from
 24 those ordered, ~~or~~ to willfully or intentionally bring into
 25 this state, ~~or to~~ offer for sale or distribution within this

1 state, or to ship, sell, or deliver upon any sale any
 2 nursery stock that is infected or infested with any disease
 3 or insect dangerous to the horticultural interests of the
 4 state, ~~and--in~~ In case of such misrepresentation, false
 5 representation, deceit, fraud, or substitution, ~~shall--be~~
 6 such person is subject to punishment as provided by ~~the~~
 7 ~~statute for misdemeanor, 3-1218~~ and ~~shall--be~~ is liable to
 8 the person, firm, or corporation damaged or injured thereby,
 9 ~~the amount to the extent~~ of all damages sustained, to be
 10 recovered in a civil action in any court of competent
 11 jurisdiction."

12 Section 16. Section 3-1405, R.C.M. 1947, is amended to
 13 read as follows:

14 "3-1405. Unlawful to sell or transport products unless
 15 labeled, tagged, or branded -- use of tags. ~~(*) (1)~~ It ~~shall~~
 16 be is unlawful for any person, firm, association,
 17 organization, or corporation, or agent, representative, or
 18 assistant to any person, firm, association, organization, or
 19 corporation, to expose for sale, or sell, transport,
 20 deliver, or consign, or have in possession Montana farm
 21 products and other farm products prepared for market unless
 22 each container has been legibly and conspicuously tagged,
 23 branded, labeled, or stenciled before being moved from the
 24 premises of the person ~~or persons~~ responsible for the
 25 grading and packing, to indicate the name of the grade, when

1 applicable, together with the true net contents expressed in
 2 weight.

3 ~~(*) (2)~~ When tags are used, United States No. 1 grade
 4 shall be declared on a white tag, and United States No. 2
 5 grade shall be declared on a red tag. Bulk shipments shall
 6 be accompanied by two ~~(2)~~ cards not less than ~~four by six~~
 7 4 x 6 inches ~~(4x6)~~ in size, placed on the inside of the car
 8 near each door. Likewise cards in size herein described
 9 shall be prominently placed on all bulk shipments made by
 10 truck or other conveyance. Upon each card shall appear the
 11 name and address of the consignor, the name of the grade, if
 12 applicable, the name of the loading station, the date of
 13 loading, and the name and address of the consignee, if
 14 known. It shall be conclusive evidence that the farm
 15 products are ~~deemed~~ considered for sale when the containers
 16 are packed for delivery or transit, ~~or when same~~ are exposed
 17 for sale, ~~or when same~~ are in process of delivery or
 18 transit, or are located at a depot, station, boat dock, or
 19 any place where farm products, or other products are held
 20 for storage, or for immediate or future sale or transit."

21 Section 17. Section 3-1406, R.C.M. 1947, is amended to
 22 read as follows:

23 "3-1406. Inspection of condition of products in
 24 storage or transit. Montana farm products and other farm
 25 products held in storage or in transit which at the time of

1 inspection show deterioration or decay, but otherwise ~~up~~
 2 ~~conform~~ to the grade, shall be inspected as to condition and
 3 not as to grade."

4 Section 18. Section 3-1714.3, S.C.M. 1947, is amended
 5 to read as follows:

6 3-1714.3. Guaranteed analysis. (1) Until the
 7 department prescribes the alternative form under subsection
 8 (2) of this section, "guaranteed analysis" means the minimum
 9 percentage of plant nutrients claimed in the following order
 10 and form:

11 (a) The following plant nutrients shall be guaranteed:
 12 Total nitrogen (N) ----- percent %
 13 Available phosphoric acid (P2O5) ----- percent %
 14 Soluble potash (K2O) ----- percent %

15 (b) For unacidulated mineral phosphatic materials and
 16 basic slag, bone meal, tankage, and other organic phosphatic
 17 materials, the total phosphoric acid and/or degree of
 18 fineness may also be guaranteed.

19 (c) Guarantees for plant nutrients other than
 20 nitrogen, phosphorus, and potassium may be permitted or
 21 required by rules adopted by the department. The guarantees
 22 for other nutrients shall be expressed in the form of the
 23 element. The sources of other nutrients including, but not
 24 limited to, oxides, salt, and chelates, may be required to
 25 be stated on the application for registration and may be

1 included as a parenthetical statement on the label. Other
 2 beneficial substances or compounds, determinable by
 3 laboratory methods, also may be guaranteed by permission of
 4 the department. ~~When any plant nutrients or other substances~~
 5 ~~or compounds are guaranteed, they are subject to inspection~~
 6 ~~and analysis in accord with the methods and regulations~~
 7 ~~prescribed by section 3-1718.~~

8 (d) Potential basicity or acidity expressed in terms
 9 of calcium carbonate equivalent in multiples of ~~one hundred~~
 10 ~~(100)~~ pounds per ton, shall be guaranteed when required by
 11 regulation.

12 (2) If the department finds, after public hearing,
 13 that the requirement for expressing the guaranteed analysis
 14 of phosphorus and potassium in elemental form would not
 15 impose an economic hardship on distributors and users of
 16 fertilizer by reason of conflicting labeling requirements
 17 among the states, it may require by department rule that the
 18 guaranteed analysis be in the following form:

19 Total nitrogen (N) ----- percent %
 20 Available phosphorus (P) ----- percent %
 21 Soluble potassium (K) ----- percent %

22 (3) The effective date of the rule may not be less
 23 than ~~six (6)~~ months following the adoption of the rule. For
 24 a period of ~~two (2)~~ years following the effective date of
 25 the rule, the equivalent of phosphorus and potassium may

1 also be shown in the form of phosphoric acid and potash.
 2 However, after the effective date of a rule requiring that
 3 phosphorus and potassium be shown in the elemental form, the
 4 guaranteed analysis for nitrogen, phosphorus, and potassium
 5 is the grade for those elements.

6 (4) Soil amendments shall guarantee the minimum
 7 quantity of each active ingredient in terms approved by the
 8 department or in terms as set forth in rules issued by the
 9 department. They shall also meet any other requirements
 10 established by rule by the department."

11 Section 19. Section 3-1729, R.C.M. 1947, is amended to
 12 read as follows:

13 "3-1729. Assessment to fund educational and
 14 experimental programs — collection. Moneys to fund this act
 15 will be produced by an assessment of ~~thirty-five~~ 35 cents
 16 ~~(\$0.35)~~ per ton of fertilizer sold within Montana.
 17 Collections shall be made in accordance with procedures in
 18 ~~sections 3-1717 and 3-1724, R.C.M. 1947, 3-1717.1~~ and shall
 19 be collected from the licensee ~~of~~ "registrant" of
 20 fertilizer."

21 Section 20. Section 3-1901, R.C.M. 1947, is amended to
 22 read as follows:

23 "3-1901. Standard classes of mustard seed — grade
 24 requirements. (1) The standard classes of mustard seed for
 25 the state of Montana shall be as follows:

1 (a) Fancy fancy—Cultivated cultivated tame yellow
 2 mustard seed₁

3 (b) Class class 1—Cultivated cultivated tame yellow
 4 mustard seed₁

5 (c) Class class 2—Cultivated cultivated tame brown
 6 mustard seed₁

7 (d) Class class 3—Cultivated cultivated tame Montana
 8 oriental mustard seed₁

9 (e) Class class 4—Mixed mixed cultivated tame mustard
 10 seed₁ and₁

11 ~~Sample—Hereinafter defined.~~

12 (2) Classes 1, 2, and 3 shall contain not more than
 13 ~~five-per-cent (5%)~~ of other classes. Class 4 shall be any
 14 mixture of cultivated tame mustard seed having an admixture
 15 of other classes in excess of ~~five-per-cent (5%)~~, and shall
 16 be graded according to the predominating class in the
 17 mixture. ~~Sample grade shall include mustard seed which does~~
 18 ~~not come within the requirements of any of the following~~
 19 ~~grades, No. 1 to No. 3 inclusive, or which has any~~
 20 ~~objectionable foreign odor or is sour, heating, hot, or is~~
 21 ~~otherwise of distinctly low quality or contains small~~
 22 ~~inseparable stones or cinders.~~

23 (3) Grade requirements for cultivated tame mustard
 24 seed₁

25 Based Percentage figures determined

1 after the removal of dockage.

2 GRADE NUMBER

3 -----

4	Fancy	1	2	3
5	-----			
6	Sound Cultivated Mustard			
7	not less than	99%	98 1/2%	97% 95%
8	-----			
9	Damaged Kernels			
10	Heat Damaged	0	0.1%	0.2% 0.5%
11	Total	1%	1 1/2%	3% 5%
12	-----			
13	Other Classes			
14	Wild Mustard	0	0.1%	0.2% 0.5%
15	Total	0	0.5%	2.0% 5.0%
16	-----			
17	Foreign Material Other			
18	Than Dockage			
19	Cockle Seed	0	0.1%	0.2% 0.3%
20	Total Weed Seed Content	0	0.3%	0.5% 0.7%
21	Total	0	1%	1 1/2% 2%
22	-----			

1 objectionable foreign odor or is sour, heating, hot, or

2 is otherwise of distinctly low quality or contains

3 small inseparable stones or cinders."

4 Section 21. Section 3-1902, R.C.M. 1947, is amended to

5 read as follows:

6 "3-1902. Definitions and specifications. The following

7 definitions and specifications are hereby adopted and made

8 legal:

9 (1) ~~Damaged Seeds~~—"Damaged seeds" shall be include

10 all seeds and pieces of seeds of mustard seed, which are

11 completely covered with mould, very green, sprouted,

12 frosted, badly ground damaged, badly weather damaged, or

13 otherwise distinctly damaged.

14 (2) ~~Heat Damaged Seeds~~—"Heat damaged seeds" shall be

15 include seeds and pieces of seeds of mustard seed which have

16 been distinctly discolored by external heat or as a result

17 of heating caused by fermentation.

18 (3) ~~Dockage~~—"Dockage" includes sand, dirt, weed

19 seeds, weed stems, chaff, straw, mustard seed other than

20 tame mustard, and any other foreign material, which can be

21 removed readily from the mustard by the use of appropriate

22 sieves, cleaning devices, or other practical means suited to

23 separate the foreign material present, ~~also~~ The term also

24 includes undeveloped, shriveled, and small pieces of mustard

25 seeds removed in properly separating the foreign material,

1 which cannot be recovered by properly rescreening or
 2 recleaning. The quantity of dockage shall be calculated in
 3 terms of percentage. When less than ~~one-half per cent (1/2%)~~
 4 1/2 of 1% it shall be disregarded. The percentage of dockage
 5 so determined and stated, shall be added to the grade
 6 designation. Dockage is to be calculated ~~by the one-half per~~
 7 ~~cent (1/2%), in gradients of 1/2 of 1%~~ that is to say 0% to
 8 ~~0.4% .4%~~ will be designated as no dockage, ~~0.5% .5%~~ to ~~0.9%~~
 9 ~~.9%~~ will be designated as ~~1/2% 1/2 of 1%~~ dockage, 1% to 1.4%
 10 will be designated as 1% dockage, 1.5% to 1.9% will be
 11 designated as ~~1 1/2% 1.5%~~ dockage, and so on.

12 (4) ~~Foreign Material Other Than Dockage~~ "Foreign
 13 material other than dockage" ~~shall include~~ includes all
 14 matter other than tame cultivated mustard seed, which is not
 15 separated in the proper determination of dockage, ~~however~~
 16 however, rapeseed, common wild mustards, and other seeds
 17 that blend with class 2 and class 3 mustard seed, and thus
 18 are not readily identified, and the total of which is not in
 19 excess of ~~two and one-half per cent (2 1/2%)~~, 2.5% shall not
 20 be considered foreign material, and shall not be considered
 21 in grading ~~said~~ such classes of mustard seed.

22 (5) ~~Basis of Determination~~ Each determination of
 23 dockage, temperature, odor, and content of live weevil or
 24 other insects injurious to stored mustard seed, shall be
 25 upon the basis of the seed as a whole. All other

1 determinations shall be upon the basis of the seed when free
 2 from dockage.

3 ~~(5) (6) Percentages~~ Percentages, except in the case of
 4 moisture, shall be percentages ascertained by weight.

5 ~~(6) (7) Percentages of Moisture~~ Percentage of moisture
 6 shall be that ascertained by use of the equipment and
 7 procedure prescribed by the ~~Montana~~ department of
 8 agriculture.

9 ~~(7) (8) Percentage of Dockage~~ Percentage of dockage
 10 shall be that ascertained by use of the equipment and
 11 procedure prescribed by the ~~Montana~~ department of
 12 agriculture.

13 ~~(8) (9) Test Weight Per Bushel~~ The test weight per
 14 bushel shall be the weight per Winchester bushel as
 15 determined by the testing apparatus and the method of use
 16 thereof ~~described in Bulletin 1065 U.S.D.A. dated May 18,~~
 17 ~~1922,~~ prescribed by the department or as determined by any
 18 device and method which give equivalent results in the
 19 determination of test weight per bushel.

20 ~~(9) (10) All Other Determinations~~ The Determination of
 21 the percentage of damage, heat damage, sound cultivated
 22 mustard seed, foreign material, and determinations of all
 23 other factors not otherwise provided for shall be on the
 24 basis of a portion cut from the original sample and
 25 separated by hand picking."

1 Section 22. Section 3-1903, B.C.M. 1947, is amended to
2 read as follows:

3 "3-1903. Weights per bushel. ~~(1) The following shall~~
4 ~~be legal~~ Legal test weights per bushel, ~~namely: The are the~~
5 weight per Winchester bushel as determined by the testing
6 apparatus and the method of use thereof ~~described in~~
7 ~~Bulletin 1065 U.S.D.A. dated May 18, 1932, prescribed by the~~
8 department or as determined by any device and method which
9 give equivalent results in the determination of test weight
10 per bushel.

11 (2) Weight per bushel for tame yellow mustard seed
12 shall be:

- 13 Fancy.....56 lbs.
- 14 No. 1.....54 lbs.
- 15 No. 2.....52 lbs.
- 16 No. 3.....50 lbs.

17 (3) Weight per bushel for tame brown and tame Montana
18 oriental mustard seed shall be:

- 19 No. 1.....52 lbs.
- 20 No. 2.....51 lbs.
- 21 No. 3.....50 lbs.

22 (4) All seeds weighing less than the above per bushel
23 shall be graded as sample weight, provided that the
24 percentage of damage, heat damage, sound cultivated mustard
25 seed, and foreign material and determination of all other

1 factors not otherwise provided for shall be on the basis of
2 a portion cut from the original sample and separated by hand
3 picking."

4 Section 23. Section 3-3112, B.C.M. 1947, is amended to
5 read as follows:

6 "3-3112. Orders effective until reversed or modified
7 by court. ~~Until reversed or modified by a court of competent~~
8 ~~jurisdiction as~~ An order or rule adopted by the department,
9 including an order refusing a permit for the establishment
10 of a new apiary location, is effective until reversed or
11 modified by a final decision, ~~or final judgment, of a court~~
12 of competent jurisdiction, and while such action is pending,
13 as defined in ~~section~~ 93-8706. An injunction or other
14 process or writ may not be issued by a court restraining
15 enforcement until that final determination."

16 Section 24. Section 3-3303, B.C.M. 1947, is amended to
17 read as follows:

18 "3-3303. Application for license — contents — bond
19 — expiration date — schedule of commissions and charges to
20 be filed. (1) Licenses to engage in the business of a dealer
21 at wholesale in this state shall be issued by the department
22 to reputable persons who apply for a license and pay the
23 prescribed fee.

24 (2) The application shall be in writing, accompanied
25 by the prescribed fee, and under oath. It shall state:

1 (a) the place where the applicant intends to carry on
2 the business for which the license is desired;

3 (b) the estimated amount of business to be done
4 monthly;

5 (c) the full names of the persons constituting the
6 firm, if the applicant is a ~~partnership~~ partnership;

7 (d) the names of the officers ~~of the corporation,~~ and
8 the place of incorporation, ~~corporation if the applicant is~~
9 a corporation; and

10 (e) a financial statement showing in a general way the
11 value and character ~~in a general way~~ of the assets and the
12 amount of liabilities of the applicant.

13 (3) Before issuing a license, the department shall
14 require the applicant to file with it a bond to ~~this the~~
15 state in an amount to be fixed by the department based on
16 the monthly business to be transacted by the applicant. The
17 bond ~~shall may~~ not be for less than ~~one thousand dollars~~
18 ~~(\$1,000)~~. The department may require, under penalty of
19 revoking the license, additional bond if the business
20 transacted warrants an increase, ~~under penalty of revoking~~
21 ~~the license~~. The bond shall cover all wholesale produce
22 business transacted in this state. The bond shall be
23 executed by the applicant as principal and a surety company
24 authorized to do business in ~~this the~~ state as surety. The
25 form of the bond shall be fixed by the department,

1 conditioned upon:

2 (a) faithful performance of his duties as a dealer at
3 wholesale;

4 (b) observance of all laws relating to the business of
5 a dealer at wholesale;

6 (c) payment, when due, of the purchase price of
7 produce purchased by him;

8 (d) ~~for~~ the prompt reporting of sales as required by
9 law to all persons consigning produce to the dealer as
10 licensee for sale on commission; and

11 (e) the prompt payment to persons entitled to the
12 proceeds of the sales less lawful charges, disbursements,
13 and commissions. ~~The bond shall cover all wholesale produce~~
14 ~~business transacted in this state.~~

15 (4) All licenses expire December 31 of each year. The
16 license, or a certified copy of the license, shall be kept
17 posted in the office of the licensee at each place in this
18 state where he transacts business. The fee for each license
19 is ~~one hundred dollars~~ ~~(\$100)~~ and for each certified copy of
20 a license, ~~one dollar~~ ~~(\$1)~~. If a truck is the place of
21 business the license fee for the first truck is ~~one hundred~~
22 ~~dollars~~ ~~(\$100)~~ and for each additional truck ~~fifty dollars~~
23 ~~(\$50)~~.

24 (5) The applicant shall file with the department a
25 schedule of his commissions and charges for services in

1 connection with produce handling on account of or as agent
2 for another.

3 (6) A separate license is required for each place of
4 business. Each truck used for assembling and distributing
5 produce, other than from a permanently established place of
6 business through which all business of sales and accounts is
7 handled, is a separate place of business and must be
8 licensed."

9 Section 25. Section 3-3312, B.C.M. 1947, is amended to
10 read as follows:

11 "3-3312. Violation ~~a misdemeanor~~ -- penalty. A person
12 who violates this ~~act~~ chapter, fails to comply with rules
13 adopted under this chapter, or fails to obey an order of the
14 department made under this chapter is guilty of a
15 misdemeanor and shall be fined not less than ~~twenty-five~~
16 ~~dollars~~ ~~(\$25)~~ ~~nor~~ or more than ~~five hundred dollars~~ ~~(\$500)~~,
17 ~~or~~ imprisoned in the county jail for not more than ~~six~~ ~~(6)~~
18 months, or both fined and imprisoned. The fine shall be paid
19 into the state treasury and deposited as provided in ~~section~~
20 ~~3-3444~~ 3-3311."

21 Section 26. Section 3-3402, B.C.M. 1947, is amended to
22 read as follows:

23 "3-3402. Grades of apples. (1) The standard grades of
24 apples for the state of Montana shall be: ~~"Extra fancy or~~
25 ~~first grade," "Fancy or second grade," "C," "Combination~~

1 ~~grade," and "Hail grade," and "Orchard run grade."~~

2 (a) ~~"Extra extra fancy or first grade,"~~ which shall
3 consist of apples of one variety which are mature,
4 hand-picked, clean, well formed, sound, free from bruises,
5 limbrubs, spray burns, sunburn, russeting, drought spot,
6 hail marks, visible water core, broken skin, apple scab,
7 stings, and from diseases and insect injury, except that
8 slight blemishes shall be permitted in this grade;

9 (b) ~~"Fancy fancy or second grade,"~~ which shall consist
10 of apples of one variety which are mature, hand-picked,
11 clean, fairly well formed, sound, free from visible water
12 core, broken skin, and from damage caused by bruises,
13 limbrub, spray burns, sunburn, russeting, drought spot, hail
14 marks, apple scabs, diseases and insect injury;

15 (c) "C" grade" which shall consist of apples of one
16 variety which are mature, hand-picked, clean, not badly
17 misshapen, sound, free from broken skin and from serious
18 damage caused by bruises, limbrub, russeting, drought spot,
19 hail marks, apple scab, diseases, and insect injury, and
20 must have ~~fifteen per centum~~ ~~(15%)~~ of color requirements
21 characteristic of the variety. The word "choice" must not be
22 used in connection with this grade;

23 (d) ~~Cull apples~~ "cull grade," which shall consist of
24 apples free from infection or disease or serious damage but
25 which do not meet the requirements of Extra fancy or first

1 grade", "fancy or second grade", or of "C" grade", and such
 2 apples shall be marked "culls" in block letters not less
 3 than ~~one~~ 1 inch in height on both ends of the box; ~~and~~

4 (e) "~~Combination combination grade~~". When "extra
 5 fancy or first grade" and "fancy or second grade" apples are
 6 packed together, the boxes must be marked "combination extra
 7 fancy or first grade and fancy or second grade". This
 8 combination grade must contain at least ~~twenty-five per~~
 9 ~~cent~~ (25%) of apples which belong to the higher grade in
 10 the combination.

11 (f) "~~Hail hail~~ grade", which shall meet all
 12 requirements of "~~Extra extra fancy~~", and "~~Fancy fancy~~ grade"
 13 except for hail marks. Such hail marks must not materially
 14 deform or disfigure the fruit or affect more than one-tenth
 15 (~~1/10~~) of the surface in the aggregate where skin has not
 16 been broken. ~~Provided, that, unhealed Unhealed~~ hail marks
 17 shall not be permitted and not more than an aggregate area
 18 of ~~one-half~~ (1/2) inch shall be allowed for well-healed hail
 19 marks where the skin has been broken.

20 (g) "~~Orchard orchard-run~~ grade", which shall consist
 21 of apples of one variety, which are mature, hand-picked,
 22 clean, sound, free from infection or disease or serious
 23 damage, and must have ~~fifteen per cent~~ (15%) color
 24 requirements characteristic of the variety and shall be
 25 marked "~~orchard-run~~ grade" in block letters not less than

1 ~~one~~ 1 inch in height on both ends of the box "~~Orchard-run~~
 2 grade."

3 ~~(b) (2)~~ No apples smaller than ~~two and one-fourth~~
 4 ~~(2 1/4)~~ inches in diameter shall be permitted in any grade.
 5 Small apples which are under size requirements as prescribed
 6 may be shipped if marked "small" in block letters not less
 7 than ~~one~~ 1 inch in height on both ends of the box, provided
 8 such apples are free from insect pests and diseases.

9 ~~(c) (3)~~ In order to provide for variations incident to
 10 commercial grading and handling a tolerance of ~~ten per~~
 11 ~~cent~~ (10%) for a total of all defects from the standard of
 12 the grade shall be allowed."

13 Section 27. Section 3-3501, R.C.M. 1947, is amended to
 14 read as follows:

15 "3-3501. Definitions. As used in this chapter the
 16 following definitions apply:

17 (1) "Cropland" means land used for the production of
 18 food and forage, including the headlands, ditches, and
 19 rights-of-way adjacent to such land.

20 (2) "Cropland spraying program" means the application
 21 of chemical or other substances to croplands for the purpose
 22 of destroying insect pests.

23 (3) "Insect pest" includes the grasshopper, cutworm,
 24 pale western cutworm, army worm, clinch bug, and any other
 25 insect or arthropod generally recognized as a destroyer of

1 grain, hay, range, and horticultural crops.

2 ~~(3)~~ (4) "Condition of insect pest infestation" means a
3 condition where an insect pest, ~~as defined in section~~
4 ~~46-1153~~, or combination of such pests, exists in cropland in
5 such numbers and at such times as to destroy or
6 substantially damage, or threaten to destroy or
7 substantially damage, a significant part of the crop
8 production in a county.

9 ~~(4)~~ (5) "Department" means the department of
10 agriculture.

11 ~~(5)~~ (6) "Alternative control program" means a system of
12 controlling insect pest populations through biological or
13 other means not involving toxic chemicals."

14 Section 28. Section 27-220, R.C.M. 1947, is amended to
15 read as follows:

16 "27-220. Embargo. (1) Whenever a duly authorized agent
17 of the department of agriculture finds or has probable cause
18 to believe that any pesticide or device ~~(a)~~ ~~is~~ is
19 adulterated or misbranded, ~~(b)~~ ~~has~~ has not been registered
20 under the provisions of ~~section 5 [27-217] of this act,~~
21 ~~(c)~~ ~~fails~~ fails to bear on its label the information
22 required by this act, or ~~(d)~~ ~~is~~ is a white powder
23 pesticide and is not colored as required under this act, he
24 shall affix to such article a tag or other appropriate
25 marking, giving notice ~~that such pesticide or device is, or~~

1 ~~is suspected of being adulterated or misbranded, not~~
2 ~~registered, fails to bear the required information on the~~
3 ~~label, is a white powder pesticide and not colored as~~
4 ~~required, and thereof and that the article~~ has been detained
5 or embargoed and warning all persons not to remove or
6 dispose of such article by sale or otherwise until
7 permission for removal or disposal is given by such agent or
8 the court. It ~~shall be~~ is unlawful for any person to remove
9 or dispose of such detained or embargoed article by sale or
10 otherwise, without such permission, or to remove or alter
11 the tag or marking.

12 (2) When an article detained or embargoed under
13 ~~section 8 subsection (1) [subdivision (1) of this section]~~
14 has been found by such agent to be in violation, if after
15 ~~thirty (30)~~ days the violation has not been resolved, he may
16 petition the district court in whose jurisdiction the
17 article is detained or embargoed for a condemnation of such
18 article. When such agent has found that an article so
19 detained or embargoed is not adulterated or misbranded, he
20 shall remove the tag or other marking.

21 (3) If the court finds that a detained or embargoed
22 article is in violation of ~~section 8 subsection (1)~~
23 ~~[subdivision (1) of this section]~~, such article shall after
24 entry of the decree be destroyed at the expense of the
25 claimant thereof, under the supervision of such agent, and

1 all court costs and fees and storage and other proper
 2 expenses shall be assessed against the claimant of such
 3 pesticide or device or his agent, provided that when the
 4 adulteration or misbranding can be corrected by proper
 5 labeling or processing of the article, the court, after
 6 entry of the decree and after such costs, fees, and expenses
 7 have been paid and a good and sufficient bond has been
 8 executed, conditioned upon the proper labeling or processing
 9 of that such pesticide or device, ~~shall be so labeled or~~
 10 ~~processed, has been executed,~~ may by order direct that such
 11 article be delivered to the claimant thereof for such
 12 labeling or processing under the supervision of an agent of
 13 the department of agriculture. The expense of such
 14 supervision shall be paid by claimant. The article shall be
 15 returned to the claimant of the pesticide or device on the
 16 representation to the court by the department of agriculture
 17 that the article is no longer in violation of this act, and
 18 that the expenses of such supervision have been paid."

19 Section 29. Section 27-232, R.C.M. 1947, is amended to
 20 read as follows:

21 "27-232. Liability. The department of agriculture
 22 shall ~~within two (2) years after the effective date of this~~
 23 ~~act,~~ annually require from each commercial pesticide
 24 applicator proof of financial responsibility in amounts to
 25 be determined under ~~such rules and regulations as are made~~

1 promulgated by the department of agriculture."

2 Section 30. Section 27-237, R.C.M. 1947, is amended to
 3 read as follows:

4 "27-237. Judicial review. (1) Any person adversely
 5 affected by the rules, ~~regulations,~~ or orders of the
 6 department of agriculture may obtain judicial review thereof
 7 by filing in the district court within ~~thirty (30)~~ days
 8 after entry of such rule or order, a petition praying that
 9 the rule, ~~regulation,~~ or order be set aside in whole or in
 10 part. A copy of the petition shall be ~~forthwith~~ immediately
 11 transmitted by the clerk of the court to the department of
 12 agriculture, and thereupon the department of agriculture
 13 shall file in court the record of the proceeding on which it
 14 based the order.

15 (2) The court shall have jurisdiction ~~as to~~ to affirm or
 16 set aside the order complained of in whole or in part. The
 17 finding of the department of agriculture with respect to
 18 ~~question~~ questions of fact shall be sustained if supported
 19 by substantial evidence when considered on the record as a
 20 whole.

21 (3) Upon application, the court may remand the matter
 22 to the department of agriculture to take further testimony
 23 if there are reasonable grounds for the failure to produce
 24 the evidence in the prior hearing. The department of
 25 agriculture may modify its finding and its order by reason

1 of the additional record and must file any modification of
2 the findings or order with the clerk of the court."

3 Section 31. Section 82-1502, F.C.S. 1947, is amended
4 to read as follows:

5 "82-1502. Maximum insurance. When the reserve fund is
6 determined actuarially sound, as provided in ~~section~~ 82-1507,
7 the board may write not more than ~~twenty-four dollars~~ ~~(\$24)~~
8 insurance on each acre of grain, which is on nonirrigated
9 land, and not more than ~~forty-eight dollars~~ ~~(\$48)~~ per acre
10 on irrigated land. When more than one party desires hail
11 insurance on the same crop, each party shall be is entitled
12 to the share of the maximum provided per acre as represented
13 by his interest in the crop. Either party may insure his
14 share in the crop for any amount up to and including the
15 maximum per acre if the others waive their right to insure."

16 Section 32. Section 82-1506, R.C.S. 1947, is amended
17 to read as follows:

18 "82-1506. Tax for hail insurance -- limitation on levy
19 -- liens, effect of -- mortgages -- levies, when payable --
20 hail insurance districts -- rates. (1) A tax is hereby
21 authorized and directed to be levied on all lands in this
22 state growing crops subject to injury or destruction by
23 hail, the owners of which have elected to become subject to
24 the provisions of this act. The state board of hail
25 insurance shall annually estimate, accurately as near as may

1 be possible, the amount required to pay all losses, interest
2 on warrants, and costs of administration, and shall
3 recommend a levy to be made on each kind of land
4 respectively, subject to the provisions of this act, to the
5 state department of revenue. The rates recommended to apply
6 on the lands of owners shall be applied in the same
7 proportions to the crops of those insured on a personal
8 assessment basis. It is hereby provided, however, that such
9 tax shall may not exceed in any one (1) year ~~the sum of two~~
10 ~~dollars and forty cents~~ ~~(\$2.40)~~ per acre on lands sown to
11 grain crops on nonirrigated lands, ~~and the sum of four~~
12 ~~dollars and eighty cents~~ ~~(\$4.80)~~ per acre on irrigated
13 lands, ~~also it shall not exceed or~~ ~~two dollars and forty~~
14 ~~cents~~ ~~(\$2.40)~~ per acre on lands producing hay crops, ~~and~~
15 ~~provided further, that if~~ if the tax required to pay the
16 estimated losses, interest on warrants, and costs of
17 administration be is less than ~~one dollar and twenty cents~~
18 ~~(\$1.20)~~ per acre on lands sown to grain crops on
19 nonirrigated lands and ~~two dollars and forty cents~~ ~~(\$2.40)~~
20 per acre on irrigated lands, and a proportionate amount on
21 lands sown to hay crops, the ~~said~~ board of hail insurance
22 must recommend a tax levy sufficient to raise the full
23 amount thereof.

24 (2) In addition to the lien created ~~above~~ in
25 subsection (3) on the land of the insured, the levy for such

1 hail insurance shall ~~also~~ constitute a lien on the crops
 2 insured with the exception that the ~~said~~ crop lien shall not
 3 not apply to owners of unencumbered land, or ~~on~~ in the land
 4 or crops of those who pay cash for hail insurance. The
 5 applications of these ~~shall persons may~~ not be filed with
 6 the county clerk and recorded as provided for in ~~section~~
 7 82-1503. The crop lien ~~mentioned above~~ shall be included in
 8 all applications for hail insurance, with the above
 9 exceptions, and shall be enforced, as provided in ~~sections~~
 10 82-1509 and 82-1510, against all insured, except those
 11 owning unencumbered land or those who have paid cash for
 12 hail insurance.

13 (3) The state department of revenue ~~is hereby~~
 14 ~~empowered and it is made its duty to~~ shall prescribe such
 15 levies annually to be made against lands growing crops
 16 subject to injury or destruction by hail which are subject
 17 to this act, in accordance with the recommendation of the
 18 state board of hail insurance. Such tax levies respectively
 19 ~~shall be~~ are chargeable to the lands of each taxpayer who
 20 ~~shall elect~~ elects to become subject to this act and shall
 21 be extended on the tax roll and collected by the officers
 22 charged with such duties in the manner and form as are other
 23 property taxes and if not paid shall be a lien on the lands
 24 against which the same are levied as are other property
 25 taxes. ~~Provided, however, that the~~ The lien ~~as provided~~

1 ~~above shall~~ not in no way affect mortgages that are of
 2 record at the time of the approval of this act. The lien of
 3 any mortgage filed subsequent to the passage and approval of
 4 this act shall be subsequent to any lien for hail insurance
 5 hereafter levied thereon. All applicants securing hail
 6 insurance on crop liens as heretofore provided shall be
 7 subject to the same charges per acre as provided herein to
 8 be made on land. Notice of such assessment shall be mailed
 9 to each person insured, by the county treasurer in the same
 10 manner as are all other notices of taxes due. ~~said the~~
 11 assessment shall be payable at the office of the county
 12 ~~treasurers~~ treasurer of each respective county. All
 13 insurance levies, whether levied against land or in the form
 14 of special assessments secured by crop liens, shall be
 15 payable in full, and not in semiannual payments, on or
 16 before November ~~30th~~ 30 of each year in which such levies
 17 are made.

18 (4) The state board of hail insurance may, when ~~they~~
 19 ~~deem~~ it considers it advisable, establish as many districts
 20 as it ~~deems~~ considers advisable and may maintain maximum
 21 rates in various parts of the state which rates shall be
 22 commensurate with the risk incurred as nearly as ~~they~~ it can
 23 determine from past experiences or from any records
 24 available. The highest of these rates shall be the same as
 25 the maximum established herein and the lowest shall not

1 be less than ~~one dollar and twenty cents~~ (\$1.20) per acre on
2 lands sown to grain crops, and a proportionate amount on
3 lands sown to hay crops.

4 (5) Notice of the various rates established for any
5 year shall be plainly printed on the application for hail
6 insurance, and in any year when the requirements of the hail
7 insurance law as herein provided do not require a levy of
8 the maximum rates as established, then the rates for the
9 year shall be determined and levied by the state board of
10 hail insurance for each of the various districts as
11 established, in such proportions as will in their ~~its~~
12 judgment be fair and equitable."

13 Section 33. Section 82-1517, R.C.M. 1947, is amended
14 to read as follows:

15 "82-1517. Payment of losses. (1) The state board of
16 hail insurance shall, as soon as practicable after the loss
17 has been sustained, arrange for the payment of the losses ~~as~~
18 ~~follows:~~ loss in the following manner. From the amount of
19 the loss as adjusted for each claimant, the state board of
20 hail insurance shall deduct the amount the claimant then
21 owes as delinquent hail insurance tax and the maximum amount
22 assessed as hail insurance tax for the current year, and
23 shall make settlement within ~~forty~~ (40) days from the time
24 loss is sustained ~~in the following manner:~~ By paying,
25 either by registered warrant or otherwise if funds are

1 immediately available, ~~fifty per cent~~ 50% of the total loss
2 as agreed on upon, less, ~~however,~~ the maximum rate of
3 assessment. ~~The balance to~~ shall be paid at the expiration
4 of the hail season.

5 (2) The state board of ~~hail insurance~~ shall, on or
6 before November ~~first,~~ 1 order payment for the amount so
7 deducted, which payment shall be remitted to the county
8 treasurer of the county in which the tax was assessed. The
9 state board of ~~hail insurance~~ shall then order payment for
10 the balance of the adjustment ~~which payment shall to~~ be sent
11 to the claimant, ~~provided, however,~~ that in no case shall
12 may the payment for loss exceed ~~twenty-four dollars~~ (\$24)
13 per acre for grain crops on nonirrigated lands, ~~and~~
14 ~~forty-eight dollars~~ (\$48) per acre on irrigated lands, and
15 ~~not to exceed twenty-four dollars~~ (\$24) per acre on hay
16 crops, ~~provided, further, that no~~ no claimant shall may
17 receive payment for any loss incurred where ~~said the~~ loss
18 does not equal or exceed ~~five per cent~~ (5%) of the total
19 value of the crop insured. ~~Also if~~ If the losses in any year
20 should exceed the current levy plus the reserve, if any,
21 then the payment of all losses shall be prorated share and
22 share alike among all grain growers having loss claims
23 adjusted and approved, and the unpaid balance of ~~said the~~
24 losses shall be paid out of the reserve without interest in
25 such order as the state board of ~~hail insurance shall direct~~

1 directs, when in the judgment of the ~~said~~ board there are
 2 sufficient moneys to provide for the payment of the same and
 3 other items payable out of ~~said~~ the reserve. In any year
 4 the ~~state board of hail insurance~~ may by resolution
 5 authorize its chairman and secretary to borrow as needed
 6 from any person, bank, or corporation such sum or sums of
 7 money as the ~~state board~~ may ~~deem~~ consider necessary ~~to~~
 8 ~~carry on the business of the department and~~ for the purpose
 9 of paying all warrants as issued.

10 (3) For any moneys borrowed under the provisions of
 11 this act, the ~~state board of hail insurance~~ shall cause
 12 warrants to be drawn, and ~~said~~ The warrants shall bear
 13 interest at not to exceed ~~six per cent (6%) per annum a year~~
 14 and ~~said~~ the warrants and the interest thereon shall be paid
 15 out of funds from the state hail insurance ~~department~~
 16 program as they are collected from the various counties in
 17 the state. The ~~state board of hail insurance shall~~ may not
 18 at any time borrow a total sum greater than the amount of
 19 levies as made for taxes for the current year together with
 20 such delinquent taxes as remain unpaid on the books of the
 21 county treasurer."

22 Section 34. Section 82-1519, R.C.M. 1947, is amended
 23 to read as follows:

24 "82-1519. Compensation of chairman and officers --
 25 report. ~~It shall be the duty of all public officers to~~

1 ~~perform the duties relative to hail insurance under this~~
 2 ~~act, without other compensation than that allowed by law.~~
 3 (1) The chairman appointed members of the state board of
 4 hail insurance shall receive a salary in such amount as may
 5 ~~be specified by the legislative assembly in the~~
 6 ~~appropriation to the board of hail insurance and all~~
 7 ~~appointed officers and employees under this act shall be~~
 8 ~~allowed the per diem and mileage allowed state employees a~~
 9 per diem of \$25 for each day they are engaged in the
 10 transaction of official business.

11 ~~The compensation of all appointed officers and~~
 12 ~~employees of the board shall be fixed by the state board of~~
 13 ~~hail insurance. If the legislative assembly does not specify~~
 14 ~~the maximum salary for the head of the agency, the salary~~
 15 ~~shall be fixed by the state board of hail insurance after~~
 16 ~~approval by the board of examiners. Before approving any~~
 17 ~~salary increase, the board of examiners shall review the~~
 18 ~~salaries of comparable positions in Montana state~~
 19 ~~government, other states, and private industry.~~

20 ~~The chairman of the state board of hail insurance shall~~
 21 ~~report as provided in section 2-4662 of this act.~~

22 (2) All board members and employees shall be allowed
 23 expenses as provided in 59-538, 59-539, and 59-801.

24 (3) All other public officials specified in this
 25 chapter shall perform the duties relative to hail insurance

1 without other compensation than that allowed by law."

2 Section 35. Repealer. Sections 3-2601 through 3-2606,

3 R.C.M. 1947, are repealed.

-End-