

CHAPTER NO. 300.

HOUSE BILL NO. 590

INTRODUCED BY MANUEL

BY REQUEST OF THE DEPARTMENT OF AGRICULTURE

IN THE HOUSE

February 6, 1979	Introduced and referred to Committee on Agriculture, Livestock, and Irrigation.
February 15, 1979	Committee recommend bill do pass as amended. Report adopted.
February 17, 1979	Printed and placed on members' desks.
February 20, 1979	Second reading, do pass.
February 21, 1979	Considered correctly engrossed. Third reading, passed. Transmitted to second house.

IN THE SENATE

February 22, 1979	Introduced and referred to Committee on Agriculture, Livestock, and Irrigation.
March 6, 1979	Committee recommend bill be concurred in as amended. Report adopted.
March 8, 1979	Second reading, concurred in.
March 12, 1979	Third reading, concurred in as amended.

IN THE HOUSE

March 13, 1979	Returned from second house. Concurred in as amended.
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March 14, 1979

Second reading, amendments
adopted.

March 15, 1979

Third reading, amendments
adopted. Sent to enrolling.

Reported correctly enrolled.

1 House BILL NO. 590
 2 INTRODUCED BY Maxwell
 3 BY REQUEST OF THE DEPARTMENT OF AGRICULTURE

4
 5 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR AN
 6 INCREASE IN LICENSING OR REGISTRATION FEES FOR PERSONS
 7 WAREHOUSING BEANS, FOR APIARIES, AND FOR NURSERYMEN; AND
 8 AMENDING SECTIONS 80-3-503, 80-6-105, AND 80-7-102, MCA."

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

11 Section 1. Section 80-3-503, MCA, is amended to read:

12 "80-3-503. License required of persons warehousing
 13 beans -- fee -- disposal of moneys -- expiration date. A
 14 person in the business of buying and selling at wholesale or
 15 warehousing and storing beans or receiving or soliciting
 16 beans for purchase, sale, or storage, within or outside this
 17 state shall, before engaging in the business, obtain a
 18 license from the department of agriculture and pay a license
 19 fee of ~~\$15~~ \$20 to the department. The license fee shall be
 20 deposited with the state treasurer and credited to the
 21 general fund. Licenses shall be renewed annually and the
 22 prescribed fee paid annually. All licenses shall be issued
 23 for the fiscal year ending June 30 or a fraction of the
 24 fiscal year."

25 Section 2. Section 80-6-105, MCA, is amended to read:

1 "80-6-105. Registration fees. (1) Each year before a
 2 certificate of registration may be issued for an apiary, the
 3 owner or applicant for the certificate shall pay the
 4 department a registration fee in accordance with the
 5 following schedule of fees for the total number of colonies
 6 owned or possessed:

7	1 to	10 colonies of bees.....	\$ 2 v ^s 00	<u>2v^s00</u>
8	11 to	50 colonies.....	5 v ^s 00	<u>10v^s00</u>
9	51 to	200 colonies.....	10 v ^s 00	<u>20v^s00</u>
10	201 to	300 colonies.....	15 v ^s 00	<u>35v^s00</u>
11	301 to	500 colonies.....	20 v ^s 00	<u>50v^s00</u>
12	501 to	1,000 colonies.....	30 v ^s 00	<u>75v^s00</u>
13	1,001 to	2,000 colonies.....	35 v ^s 00	<u>100v^s00</u>
14	2,001 to	3,000 colonies.....	45 v ^s 00	<u>125v^s00</u>
15	3,001 to	4,000 colonies.....	55 v ^s 00	<u>150v^s00</u>
16	4,001 to	5,000 colonies.....	65 v ^s 00	<u>175v^s00</u>
17	5,001 colonies and upward.....		75 v ^s 00	<u>200v^s00</u>

18 (2) If, after registration, additional or new colonies
 19 are authorized for a registered apiary, fees shall be paid
 20 by the registrant in accordance with the schedule in
 21 subsection (1) for the total number of colonies for that
 22 year."

23 Section 3. Section 80-7-102, MCA, is amended to read:

24 "80-7-102. License required of nurserymen --
 25 application and payment of fees. (1) A person, before

1 engaging in the business of selling, dealing in, or
 2 importing nursery stock into this state for sale or
 3 distribution or acting as agent, salesman, or solicitor for
 4 any nurseryman or dealer in nursery stock or soliciting
 5 orders for the purchase of nursery stock, must obtain a
 6 license for each place of business from the department. A
 7 person may not falsely represent that he is an agent,
 8 salesman, solicitor, or representative of any nurseryman or
 9 dealer in nursery stock.

10 (2) The department shall provide application forms for
 11 prospective licensees. Applications for licenses may be made
 12 at any time before engaging in business, except seasonal
 13 nurserymen must make application at least 30 days in advance
 14 of doing business in this state.

15 (3) Licenses shall be in the name of the person
 16 licensed and shall indicate the purpose for which issued and
 17 the name and location of the nursery or place of business of
 18 the nurseryman or dealer licensed or represented by an
 19 agent, salesman, or solicitor. Licenses, except seasonal
 20 nurserymen's licenses, shall bear the date of issue and
 21 expire July 1 next following the date of issue. Seasonal
 22 nurserymen's licenses shall bear the date of issue and
 23 expire on the date provided on the license by the
 24 department.

25 (4) The license fee is ~~\$15~~ \$30 a year for a general

1 nursery, dealing in all kinds of nursery products; ~~\$10~~ \$20 a
 2 year for a nursery dealing in small fruits, ornamental
 3 shrubs, bulbs, and perennials; ~~\$5~~ \$10 a year for a nursery
 4 dealing in bulbs and perennials only; and \$15 a year for
 5 seasonal nurserymen. Agents, salesmen, and solicitors for
 6 licensed nurseries shall be granted salesmen's licenses,
 7 free of charge, upon the request of the licensee."

-End-

STATE OF MONTANA

Request No. 459-79

FISCAL NOTE

Form BD-15

In compliance with a written request received March 8, 1979, there is hereby submitted a Fiscal Note for House Bill 590 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly. Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

An act providing for an increase in licensing or registration and inspection fees for persons warehousing beans, for apiaries, and for nurserymen.

ASSUMPTIONS:

1. Fee increases will be effective for nursery licenses, seasonal nurserymen, and bean warehouse licenses July 1, 1979.
2. Fee increases for apiary registrations and fees will be effective May 1, 1980.
3. Apiary related fees are based on FY 1978 registrations and certificates issued.
4. Necessary travel expenses and per diem will be paid by the persons requesting inspections.
5. The attached amendments will be adopted.

FISCAL IMPACT:

	<u>FY 80</u>	<u>FY 81</u>
Revenues under current law		
Bean warehouse	\$ 75	\$ 75
Apiary registrations	3,468	3,468
Nursery licenses	6,015	6,015
Seasonal nurseryman	90	90
Health certificates	345	345
	<u>9,993</u>	<u>9,993</u>
Revenues under proposed law		
Bean warehouse	100	100
Apiary registrations	6,935	6,935
Nursery licenses	12,030	12,030
Seasonal nurseryman	180	180
Health certificates	460	460
	<u>19,705</u>	<u>19,705</u>
Additional revenue under proposed law	<u>\$ 9,712</u>	<u>\$ 9,712</u>

The additional revenue will accrue to the State General Fund.

Richard L. Tracy for

BUDGET DIRECTOR
Office of Budget and Program Planning
Date: 2/13/79

Approved by Committee
on Agriculture Livestock
& Irrigation

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9 80-6-202, AND 80-7-102, MCA."

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14 beans -- fee -- disposal of moneys -- expiration date. A
15 person in the business of buying and selling at wholesale or
16 warehousing and storing beans or receiving or soliciting
17 beans for purchase, sale, or storage, within or outside this
18 state shall, before engaging in the business, obtain a
19 license from the department of agriculture and pay a license
20 fee of ~~\$15~~ \$20 to the department. The license fee shall be
21 deposited with the state treasurer and credited to the
22 general fund. Licenses shall be renewed annually and the
23 prescribed fee paid annually. All licenses shall be issued
24 for the fiscal year ending June 30 or a fraction of the
25 fiscal year."

1 Section 2. Section 80-6-105, MCA, is amended to read:
2 "80-6-105. Registration fees. (1) Each year before a
3 certificate of registration may be issued for an apiary, the
4 owner or applicant for the certificate shall pay the
5 department a registration fee in accordance with the
6 following schedule of fees for the total number of colonies
7 owned or possessed:

8	1 to	10 colonies of bees.....	\$ 2 0 ⁵⁰ <u>5</u> 00
9	11 to	50 colonies.....	5 00 <u>10</u> 00
10	51 to	200 colonies.....	10 00 <u>20</u> 00
11	201 to	300 colonies.....	15 00 <u>35</u> 00
12	301 to	500 colonies.....	20 00 <u>50</u> 00
13	501 to	1,000 colonies.....	30 00 <u>75</u> 00
14	1,001 to	2,000 colonies.....	35 00 <u>100</u> 00
15	2,001 to	3,000 colonies.....	45 00 <u>125</u> 00
16	3,001 to	4,000 colonies.....	55 00 <u>150</u> 00
17	4,001 to	5,000 colonies.....	65 00 <u>175</u> 00
18	5,001	colonies and upward.....	75 00 <u>200</u> 00

19 (2) If, after registration, additional or new colonies
20 are authorized for a registered apiary, fees shall be paid
21 by the registrant in accordance with the schedule in
22 subsection (1) for the total number of colonies for that
23 year."

24 Section 3. Section 80-7-102, MCA, is amended to read:
25 "80-7-102. License required of nurserymen --

1 application and payment of fees. (1) A person, before
 2 engaging in the business of selling, dealing in, or
 3 importing nursery stock into this state for sale or
 4 distribution or acting as agent, salesman, or solicitor for
 5 any nurseryman or dealer in nursery stock or soliciting
 6 orders for the purchase of nursery stock, must obtain a
 7 license for each place of business from the department. A
 8 person may not falsely represent that he is an agent,
 9 salesman, solicitor, or representative of any nurseryman or
 10 dealer in nursery stock.

11 (2) The department shall provide application forms for
 12 prospective licensees. Applications for licenses may be made
 13 at any time before engaging in business, except seasonal
 14 nurserymen must make application at least 30 days in advance
 15 of doing business in this state.

16 (3) Licenses shall be in the name of the person
 17 licensed and shall indicate the purpose for which issued and
 18 the name and location of the nursery or place of business of
 19 the nurseryman or dealer licensed or represented by an
 20 agent, salesman, or solicitor. Licenses, except seasonal
 21 nurserymen's licenses, shall bear the date of issue and
 22 expire July 1 next following the date of issue. Seasonal
 23 nurserymen's licenses shall bear the date of issue and
 24 expire on the date provided on the license by the
 25 department.

1 (4) The license fee is \$15 ~~130~~ a year for a general
 2 nursery, dealing in all kinds of nursery products; \$10 ~~120~~ a
 3 year for a nursery dealing in small fruits, ornamental
 4 shrubs, bulbs, and perennials; \$5 ~~110~~ a year for a nursery
 5 dealing in bulbs and perennials only; and \$15 ~~130~~ a year for
 6 seasonal nurserymen. Agents, salesmen, and solicitors for
 7 licensed nurseries shall be granted salesmen's licenses,
 8 free of charge, upon the request of the licensee."

9 SECTION 4. SECTION 80-6-202, MCA, IS AMENDED TO READ:
 10 "80-6-202. Inspection of bees or used beekeeping
 11 equipment transported interstate. (1) A person may not
 12 transport or bring into the state any used beekeeping
 13 equipment or containers, including honey to be extracted,
 14 unless it is certified and duly marked as disease-free by an
 15 official responsible for apiary regulations of the state
 16 from which it is being moved. The department shall be
 17 advised in advance of the date of entry and the destination
 18 of the material. Used equipment transported into the state
 19 may be quarantined by the department, in accordance with
 20 80-6-201(1)(c), from the time it enters the state until it
 21 has been in use while under quarantine for a minimum of 90
 22 days and at least until the following July 1. The beekeeping
 23 materials are also subject to quarantine as provided in this
 24 section. The department may also inspect and certify as
 25 disease-free bees or beekeeping equipment which is to be

1 transported from Montana to a state which requires an
2 inspection in the state of origin.

3 (2) The costs of making the inspections provided for
4 in subsection (1) shall be paid in advance by the owner of
5 the bees or equipment and shall include a per diem ~~of \$10~~
6 pursuant to Title 2, chapter 18, part 5, necessary traveling
7 expenses, and a fee of \$5 120 for the issuance of a
8 certificate of health. If inspection by an official of any
9 other state is considered insufficient for the protection of
10 the Montana bee industry by the department, the department
11 shall so state by public statement. Importation of
12 beekeeping materials, including honey for extracting, from
13 that other state shall be denied unless the materials or
14 honey are first inspected by the department and there is
15 obtained from it a certificate of inspection showing that
16 the materials or honey are apparently free from contagious
17 or infectious disease. The costs of making the inspection
18 shall be paid by the person requesting it, and inspection
19 may be made at any point outside this state convenient to
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-End-

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8	1 to	10 colonies of bees.....	\$ 2.50	5.00
9	11 to	50 colonies.....	5.00	10.00
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3 (2) The costs of making the inspections provided for
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5 the bees or equipment and shall include a per diem ~~of \$10~~
6 pursuant to Title 2, chapter 18, part 5, necessary traveling
7 expenses, and a fee of \$5 ~~120~~ for the issuance of a
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20 the person making the inspection. The department may require
21 that the costs of making the inspection be paid in advance,
22 and the costs shall include per diem ~~of \$10 pursuant to~~
23 Title 2, chapter 18, part 5, necessary traveling expenses,
24 and a fee of \$5 ~~120~~ for the issuance of the certificate of
25 inspection."

March 6, 1979

SENATE STANDING COMMITTEE REPORT
(Agriculture, Livestock & Irrigation)

That House Bill No. 590 be amended as follows:

1. Page 2, line 11.

Following: "~~15.00~~"

Strike: "35.00"

Insert: "30.00"

2. Page 2, line 12.

Following: "~~20.00~~"

Strike: "50.00"

Insert: "40.00"

3. Page 2, line 13.

Following: "~~30.00~~"

Strike: "75.00"

Insert: "60.00"

4. Page 2, line 14.

Following: "~~35.00~~"

Strike: "100.00"

Insert: "70.00"

5. Page 2, line 15.

Following: "~~45.00~~"

Strike: "125.00"

Insert: "90.00"

6. Page 2, line 16.

Following: "~~55.00~~"

Strike: "150.00"

Insert: "110.00"

7. Page 2, line 17.

Following: "~~65.00~~"

Strike: "175.00"

Insert: "130.00"

8. Page 2, line 18.

Following: "~~75.00~~"

Strike: "200.00"

Insert: "150.00"