

HOUSE BILL NO. 524

INTRODUCED BY HURWITZ, SIVERTSEN, SCHULTZ

IN THE HOUSE

January 27, 1981	Introduced and referred to Committee on Agriculture.
February 11, 1981	Committee recommend bill do pass. Report adopted.
February 12, 1981	Bill printed and placed on members' desks.
February 13, 1981	Second reading, do pass.
February 16, 1981	Considered correctly engrossed.
February 17, 1981	Third reading, passed. Ayes, 100; Noes, 0. Transmitted to Senate.

IN THE SENATE

February 18, 1981	Introduced and referred to Committee on Agriculture, Livestock and Irrigation.
March 7, 1981	Committee recommend bill be concurred in as amended. Report adopted.
March 12, 1981	Second reading, concurred in as amended.
March 14, 1981	Third reading, concurred in as amended. Ayes, 46; Noes, 1.

IN THE HOUSE

March 17, 1981	Returned from Senate with amendments.
April 7, 1981	Second reading, pass consideration.

April 8, 1981

Second reading, amendments
concurrent in.

April 9, 1981

Third reading, amendments
concurrent in. Ayes, 94;
Noes, 0. Sent to enrolling.

Reported correctly enrolled.

1 HOUSE BILL NO. 524
INTRODUCED BY Muswitz Swenson Schultz

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REMOVE SEED POTATO
5 PRODUCTS FROM THE PRODUCE WHOLESALE LICENSING PROVISIONS AND
6 THE SEED DEALER LICENSING PROVISIONS; AND AMENDING SECTIONS
7 80-3-601 AND 80-5-201, MCA."

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

9 Section 1. Section 80-3-601, MCA, is amended to read:
10 "80-3-601. Definitions. Unless the context requires
11 otherwise, in this part the following definitions apply:

12 (1) "Dealer at wholesale" means a person who buys to
13 sell at wholesale or contracts to buy to sell at wholesale
14 or who handles at wholesale on account of or as agent for
15 another.

16 (2) "Person" means an individual, group of persons,
17 exchange, firm, partnership, corporation, or association.

18 (3) "Produce" means the natural products of the farm
19 and includes but is not limited to natural products of the
20 orchard, vineyard, garden, and apiary, raw and manufactured
21 (except grains, dairy products, livestock, poultry, and
22 poultry products), when handled for the purpose of resale.
23 The term "produce" does not include seed potatoes.

24 Section 2. Section 80-5-201, MCA, is amended to read:

1 "80-5-201. Definitions. When used in this part, the
2 following definitions apply:

3 (1) "Agricultural seed" means the seeds of grass,
4 forage, cereal, and fiber crops and any other kinds of seeds
5 commonly recognized within this state as agricultural seeds
6 and includes lawn seeds and mixtures of seeds but does not
7 include seed potatoes.

8 (2) "Bin-run seed sales from one farmer to another
9 farmer" means buyer beware.

10 (3) "Montana certified seed grower" means a member of
11 an authorized Montana seed certifying agency who has
12 consented to produce seed under the rules for certified
13 classes of seed, with respect to the maintenance of genetic
14 purity and variety identity, set forth by the certifying
15 agency.

16 (4) "Person" means any individual, firm, partnership,
17 corporation, or association.

18 (5) "Public agricultural seed warehouse" means any
19 warehouse or structure in which agricultural seed is
20 received from the public for storage, assembling, or
21 cleaning.

22 (6) "Screening" means chaff, sterile florets, immature
23 seed, weed seed, inert matter, and any other materials
24 removed from seed by any kind of cleaning or processing.

25 (7) "Seed buyer" means any person engaged in the

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1 business of buying agricultural seed for shipment, cleaning,
2 processing, or resale and who does not own, control, or
3 operate a public agricultural seed warehouse. Any
4 individual employed by a seed buyer is not included in this
5 term.

6 (8) "Seed dealer" means any person who offers for
7 sale, sells, or barter agricultural seeds to the ultimate
8 consumer.

9 (9) "Seed labeler" means any person affixing labels to
10 agricultural seeds with his name and address listed as
11 required in 80-5-102 when such seed is distributed in
12 Montana.

13 (10) "Seed processing plant" means any place of
14 business that repackages, cleans, blends, treats, or
15 otherwise manipulates agricultural seeds.

16 (11) "Seed warehouseman" means any person owning,
17 controlling, or operating a public agricultural seed
18 warehouse."

-End-

Approved by Committee
on Agriculture Livestock
& Irrigation

HOUSE BILL NO. 524

INTRODUCED BY Huswitz Swenson Schultz

A BILL FOR AN ACT ENTITLED: "AN ACT TO REMOVE SEED POTATO PRODUCTS FROM THE PRODUCE WHOLESALING PROVISIONS AND THE SEED DEALER LICENSING PROVISIONS; AND AMENDING SECTIONS 80-3-601 AND 80-5-201, MCA."

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(2) "Person" means an individual, group of persons, exchange, firm, partnership, corporation, or association.

(3) "Produce" means the natural products of the farm and includes but is not limited to natural products of the orchard, vineyard, garden, and apiary, raw and manufactured (except grains, dairy products, livestock, poultry, and poultry products), when handled for the purpose of resale.

~~The term "produce" does not include seed potatoes.~~

Section 2. Section 80-5-201, MCA, is amended to read:

"80-5-201. Definitions. When used in this part, the following definitions apply:

(1) "Agricultural seed" means the seeds of grass, forage, cereal, and fiber crops and any other kinds of seeds commonly recognized within this state as agricultural seeds and includes lawn seeds and mixtures of seeds but does not include seed potatoes.

(2) "Bin-run seed sales from one farmer to another farmer" means buyer beware.

(3) "Montana certified seed grower" means a member of an authorized Montana seed certifying agency who has consented to produce seed under the rules for certified classes of seed, with respect to the maintenance of genetic purity and variety identity, set forth by the certifying agency.

(4) "Person" means any individual, firm, partnership, corporation, or association.

(5) "Public agricultural seed warehouse" means any warehouse or structure in which agricultural seed is received from the public for storage, assembling, or cleaning.

(6) "Screening" means chaff, sterile florets, immature seed, weed seed, inert matter, and any other materials removed from seed by any kind of cleaning or processing.

(7) "Seed buyer" means any person engaged in the

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1 business of buying agricultural seed for shipment, cleaning,
2 processing, or resale and who does not own, control, or
3 operate a public agricultural seed warehouse. Any
4 individual employed by a seed buyer is not included in this
5 term.

6 (8) "Seed dealer" means any person who offers for
7 sale, sells, or barter agricultural seeds to the ultimate
8 consumer.

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10 agricultural seeds with his name and address listed as
11 required in 80-5-102 when such seed is distributed in
12 Montana.

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14 business that repackages, cleans, blends, treats, or
15 otherwise manipulates agricultural seeds.

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17 controlling, or operating a public agricultural seed
18 warehouse."

-End-

1 HOUSE BILL NO. 524
2 INTRODUCED BY Amowitz Sweetser Schultz

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4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REMOVE SEED POTATO
5 PRODUCTS FROM THE PRODUCE WHOLESALE LICENSING PROVISIONS AND
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18 exchange, firm, partnership, corporation, or association.

19 (3) "Produce" means the natural products of the farm
20 and includes but is not limited to natural products of the
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19 warehouse or structure in which agricultural seed is
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25 (7) "Seed buyer" means any person engaged in the

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1 business of buying agricultural seed for shipment, cleaning,
2 processing, or resale and who does not own, control, or
3 operate a public agricultural seed warehouse. Any
4 individual employed by a seed buyer is not included in this
5 term.

6 (8) "Seed dealer" means any person who offers for
7 sale, sells, or barter agricultural seeds to the ultimate
8 consumer.

9 (9) "Seed labeler" means any person affixing labels to
10 agricultural seeds with his name and address listed as
11 required in 80-5-102 when such seed is distributed in
12 Montana.

13 (10) "Seed processing plant" means any place of
14 business that repackages, cleans, blends, treats, or
15 otherwise manipulates agricultural seeds.

16 (11) "Seed warehouseman" means any person owning,
17 controlling, or operating a public agricultural seed
18 warehouse."

-End-

HOUSE BILL NO. 524

INTRODUCED BY MURWITZ, SIVERTSEN, SCHULTZ

A BILL FOR AN ACT ENTITLED: "AN ACT TO REMOVE SEED POTATO PRODUCTS FROM THE PRODUCE WHOLESALE LICENSING PROVISIONS AND ~~THE SEED DEALER LICENSING PROVISIONS~~; AND AMENDING SECTIONS SECTION 80-3-601 AND 80-5-201, MCA."

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The term "produce" does not include seed potatoes."

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~~(7) "Seed buyer" means any person engaged in the~~

1 business-of-buying-agricultural-seed-for-shipment-cleaning
2 processing-or-resale-and-who--does--not--own--control--or
3 operate--a--public--agricultural--seed--warehouse--Any
4 individual-employed-by-a-seed-buyer-is-not-included-in--this
5 term.

6 (8)--"Seed-dealer"--means--any--person--who--offers--for
7 sale--sells--or--barter--agricultural--seeds--to--the--ultimate
8 consumer.

9 (9)--"Seed-labeler"--means--any--person--affixing--labels--to
10 agricultural--seeds--with--his--name--and--address--listed--as
11 required--in--80-5-102--when--such--seed--is--distributed--in
12 Montana.

13 (10)--"Seed--processing--plant"--means--any--place--of
14 business--that--repackages--cleans--blends--treats--or
15 otherwise--manipulates--agricultural--seeds.

16 (11)--"Seed--warehouseman"--means--any--person--owning
17 controlling--or--operating--a--public--agricultural--seed
18 warehouse.

-End-

March 10, 1981

SENATE STANDING COMMITTEE REPORT
(Agriculture, Livestock & Irrigation)

That House Bill No. 524 be amended as follows:

1. Title, line 6.

Following: "PROVISIONS;"

Strike: "AND"

Following: "AMENDING"

Strike: "SECTIONS"

Insert: "SECTION"

2. Title, line 7.

Following: "80-3-601"

Strike: "AND 80-5-201"

3. page 1, line 25 through line 18 on page 3.

Strike: Section 2 in its entirety.

March 12, 1981

SENATE COMMITTEE OF THE WHOLE

Proposed amendments to House Bill 524, third reading copy, as follows:

1. Title, lines 5 and 6.
Following: "PROVISIONS" on line 5.
Strike: "AND THE SEED DEALER LICENSING
PROVISIONS"