SENATE BILL NO. 415

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INTRODUCED BY CONOVER, GRAHAM, BOYLAN

IN THE SENATE

February 15, 1983	Introduced and referred to Committee on Agriculture, Livestock and Irrigation.
February 18, 1983	Committee recommend bill do pass. Report adopted.
February 19, 1983	Bill printed and placed on members' desks.
February 21, 1983	Second reading, do pass.
February 22, 1983	Correctly engrossed.
February 23, 1983	Third reading, passed. Ayes, 49, Noes. 0. Transmitted to House.
IN THE	HOUSE
February 28, 1983	Introduced and referred to Committee on Agriculture, Livestock and Irrigation.
March 17, 1983	Committee recommend bill be concurred in as amended. Report adopted.
Narch 21, 1983	Second reading, concurred in.
March 22, 1983	Third reading, concurred in.
IN THE	SENATE
March 23, 1983	Returned to Senate with amendments.
March 30, 1983	Second reading, amendments concurred in.

March 31, 1983

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Third reading, amendments concurred in.

Sent to enrolling.

Reported correctly enrolled.

LC 2283/01

et BILL NO. 415 1 INTRODUCED BY 2 3

A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE AND CLARIFY 4 CERTAIN SECTIONS RELATING TO AGRICULTURAL SEED; AMENDING 5 SECTIONS 80-5-101, 80-5-102, 80-5-104, 80-5-107, 80-5-112. 6 7 AND 80-5-201 THROUGH 80-5-204, MCA; AND PROVIDING AN 8 IMMEDIATE EFFECTIVE DATE."

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

11 Section 1. Section 80-5-101, MCA, is amended to read: 12 #80-5-101. Definitions. Terms used in this part and 13 not otherwise identified are hereby defined:

14 (1) Agricultural seeds shall--be are the seeds of grass, forage, cereal, and fiber crops and any other kinds 15 of seeds commonly recognized within this state as 16 agricultural seeds and shall include lawn seeds and mixtures 17 of seeds. 18

(2) Vegetable seeds shall include the seeds of those 19 crops that are or may be grown in gardens or on truck farms 20 21 and are or may be sold generally under the name of vegetable 22 seeds.

23 (3) Flower seeds shall include seeds of herbaceous plants grown for their blooms, ornamental foliage, or other 24 25 ornamental parts and are commonly known and sold under the 1 name of flower seeds in this state.

2 14) Indigenous seeds include the seeds of those plants 3 that are naturally adapted to an area where the intended use is_for_revegetation_of_disturbed_sites__Ibese_species 4 5 include_grasses+_forbs+_shrubs+_and_legumes+

6 (4) (a) The term "weed seeds" shatt--include 7 includes the seeds or bulblets of all plants generally 8 recognized as weeds within this state and shall-include 9 includes moxious weed seeds.

10 (b) Noxious weed seeds are divided into two groups 11 defined as follows:

12 (i) "Prohibited noxious weed seeds" are the seeds of 13 perennial and other serious weeds that not only reproduce by seed but also may spread by underground roots, stems, and 14 15 other reproductive parts and which, when well established, 16 are highly destructive and difficult to control in this 17 state by ordinary good cultural practice. Prohibited noxious

16 weed seeds shatt include the seeds of:

perennial sowthistle

field bindweed

19

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Canada thistle (Cirsium arvense)

leafy spurge 20 (Euphorbia esula) 21 hoary cress

- (Cardaria draba)
- quackgrass (Agropyron repens)
- Russian knapweed (Centaurea repens)
 - (Sonchus arvensis)
 - (Convolvulus arvensis)

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1	dalmatian toadflax	(Linaria dalmatica)	1	pollinated variety; or
2	halogeton	(Halogeton glomeratus)	2	(c) two or more selected clones, seed lines,
3	medusa-head wildrye	(Elymus caput-medusae)	3	varieties, or species.
4	creeping bellflower	(Campanula rapunculoides)	4	<pre>f6}ffl "Controlling the pollination" means to use a</pre>
5	yellow toadflax	(Linaria vulgaris)	5	method hybridization which will produce pure seed which is
6	(ii) "Restricted nox	ious weed seeds" are the seeds of	6	at least 75% hybrid seed. Hybrid designations shall be
7	weeds that are very objec	tionable in fields, lawns, and	7	treated as variety names.
8		can be controlled by good cultural	8	{7}181 The terms "approximate percentage" and
9		xious weed seeds shall include the	9	*approximate number* shall mean the percentage or number
10	seeds of:		10	with the variations above or below as allowed according to
11	dødder	(Cuscuta spp•)	11	the tolerance limits defined in the "rules for seed testing"
12	blue lettuce	(Lactuca pulchella)	12	adopted by the association of official seed analysts.
13	StJohnswort	(Hypericum perforatum)	13	<pre>(0)L21 The term "percentage of germination" shall-mean</pre>
14	oxeye daisy	(Chrysanthemum leucanthemum)	14	<pre>geans the percentage of seeds which show normal sprouts as</pre>
15	spotted knapweed	(Centaurea maculosa)	15	evidence of vitality when the seeds are subjected to the
16	hoary alyssum	(Berteroa incana)	16	proper moisture and temperature conditions with proper
17	wild oats	(Avena fatua)	17	aeration for the customary length of time for each specific
18	buckhorn plantain	(Plantago lanceolata)	18	kind of seed, as specified in the "rules for seed testing"
19	chickweed	(Stellaria spp+)	19	adopted by the association of official seed analysts.
20	curly dock	(Rumex crispus)	20	[10]_Ibeterm <u>"percentageviability"refersto_the</u>
21	15716) The term "hyt	orid" applied to kinds of varieties	21	percentage_of_liveseedcapableofproducingaoormal
22	of seed means the first o	generation seed of a cross produced	22	<pre>seedlingunderoptimum_growing_conditions+_after_all_forms</pre>
23	by controlling the polling	ntion and by combining:	23	of_dorwancy_have_been_overcomes_if_presents
24	(a) two or more inbr	ed lines;	24	{9}[]] The term "name of state in which the seed was
25	(b) one inbred or	a single cross with an open	25	grown" shallmeen <u>means</u> any of the several states of the

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1 United States or the foreign country. 2 (12) The term "labeling" means to affix, pefore 3 offering__the__seed__for_sales_in_a_conspicuous_place_on_the 4 exterior_of_the_container_a_written_or_printed_label__in_the 5 English_language._giving_the_required_information. 6 field(13) The term "other crop seeds" shall--mean means any agricultural, vegetable, or flower seeds other than the 7 seed or the mixture of seeds under consideration. 8 9 f#ffil41 The term "sell" shaff-include includes "offer 10 for sale*, *expose for sale*, *have in possession for sale*, 11 "exchange", "barter", or "trade". It shall also include 12 includes agricultural seeds which that are furnished to 13 growers for the production of a crop on contract. 14 thetterm "certifying agency" means: 15 (a) an agency authorized under the laws of a state, 16 territory, or possession to officially certify seed and which has standards and procedures to assure the genetic 17 purity and identity of the seed certified; or 18 (b) an agency of a foreign country determined by the 19 department to adhere to procedures and standards for seed 20 21 certification comparable to those adhered to generally by 22 seed certifying agencies under subsection (12)(15)(a) of 23 this section. 24 fighting the term "protected variety" means a variety variety protection office or for which an application for
 protection has been filed granting the owner or his
 authorized agent exclusive rights in the sale and
 distribution of the variety.*
 Section 20 Section 80=5=102= MC4= is amonded to reada

Section 2. Section 80-5-102, MCA, is amended to read: #80-5-102. Labeling of agricultural seeds. The--owner. 6 7 vendory--or-person-in-possession-of-ony Apy package, parcel, or lot of agricultural seeds, as defined in 80-5-101, that 8 9 contains 1 pound or more of agricultural seeds, whether in 10 package or in bulk, shall-before--offering--the--seeds--for 11 soley--affix--in--a-conspicuous-place-on-the-exterior-of-the container-a-written-or-printed-label-in-the-English-language 12 13 in-legible-type-or-copy-containing--a--statement <u>must_have</u>

14 affixed_to_it_a_label specifying:

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a lot number or other distinguishing mark;
 (2) kind. The name of each kind of seed present in

17 excess of 5% shall be shown on the label and need not be 18 accompanied by the word "kind". When two or more kinds of 19 seed are named on the label, the name of each kind shall be 20 accompanied by the percentage of each. When only one kind of 21 seed is present in excess of 5% and no variety name or type 22 designation is shown, the percentage of that kind may be 23 shown as "pure seed" and such percentage shall apply to seed 24 of the kind named.

25 (3) variety, as follows:

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for which a certificate has been issued by the U.S. plant

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1 (a) the following kinds of agricultural seeds shall 2 be labeled to show the variety name or the words "variety 3 not stated*: alfalfa 4 oat 5 barlev pea, field 6 bean, field rye 7 beet, field safflower 8 brome, smooth sorahum 9 clover, crimson sorghum-sudan hybrid 10 clover, red soybean 11 clover. white sudan grass 12 corn, field sunflower 13 corn; pop trefoil, birdsfoot 14 fescue, tall wheat, common 15 flax wheat, durum 16 millet, foxtail 17 (b) if the name of the variety is given, the name may 18 be associated with the name of the kind with or without the 19 words "kind and variety". The percentage in this case may

20 be shown as "pure seed" and shall apply only to seed of the 21 variety named. If separate percentages for the kind and the 22 variety or hybrid are shown, the name of the kind and the 23 name of the variety or the term "hybrid" shall be clearly 24 associated with the respective percentages. When two or more 25 varieties are present in excess of 5% and are named on the label. the name of each variety shall be accompanied by the percentage of each.

3 (4) that the seed is hybrid, if any one kind or kind 4 and variety of seed present in excess of 5% is "hybrid" 5 seed. The percentage that is hybrid shall be at least 95% of 6 the percentage of pure seed shown unless the percentage of 7 pure seed which is hybrid seed is shown separately. If two 8 or more kinds or varieties are present in excess of 5% and are named on the label, each that is hybrid shall be 9 10 designated as "hybrid" on the label. No one kind or variety 11 of seed may be labeled as "hybrid" if the pure seed contains 12 less than 75% hybrid seed. Any one kind or kind and variety 13 that has pure seed which is less than 95% but more than 75% 14 hybrid seed as a result of incompletely controlled 15 pollination in a cross shall be labeled to show:

16 (a) the percentage of pure seed that is hybrid seed; 17 or

18 (b) a statement such as "Contains from 75% to 95% 19 hybrid seed";

(5) state or country of origin, if known, of alfalfa,
red clover, white clover, native range grasses, and field
corn other than hybrid. If the origin is unknown, the fact
shall be stated.

24 (6) the approximate percentage of germination of25 agricultural seed, together with the date of test of

1 germination. In all cases where hard seeds remain at the end 2 of the germination test, the percentage of actual 3 germination and the percentage of hard seeds shall be stated 4 separately, with the provision that any portion or all of 5 the percentage of hard seeds may be added to the percentage 6 of germination and stated as "total germination and hard 7 seed".

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

(8) the approximate percentage by weight of sand,
 dirt, broken seeds, sticks, chaff, and other inert matter
 combined in agricultural seeds;

14 (9) the approximate total percentage by weight of weed15 seeds;

16 (10) the approximate percentage by weight of other crop17 seeds in agricultural seeds;

18 (11) the name and approximate number of each kind or
19 species of restricted noxious weed seeds occurring per pound
20 of agricultural, vegetable, or flower seeds;

(12) the full name and address of the seedsman,
importer, dealer or agent, or other person, firm, or
corporation selling the agricultural seed:

24 (13) In the case of mixtures of agricultural seeds
25 which contain two or more kinds of seed in excess of 5% by

1 weight of each+ when sold as mixtures:

2 (a) name of mixture;

25

3 (b) name and approximate percentage by weight of each
4 kind of agricultural seed present in the mixture in excess
5 of 5% by weight of the total mixture;

6 (c) approximate percentage by weight of broken seeds
7 and other inert matter in the mixture of agricultural seeds;
8 (d) approximate percentage by weight of weed seeds as
9 defined in 80-5-101;

(e) approximate percentage by weight of other crop
seeds in the mixture of agricultural seeds;

12 (f) name and approximate number of each kind or 13 species of restricted noxious weed seeds occurring per pound 14 of mixtures of agricultural seeds, subject, however, to 15 restrictions as specified in 80-5-105;

16 (g) approximate percentage of germination of each kind 17 of agricultural seed present in the mixture in excess of 5% 18 by weight, together with the month and year the seed was tested. In all cases where hard seeds remain at the end of 19 20 the germination test, the percentage of actual germination 21 and the percentage of hard seeds shall be stated separately. 22 with the provision that any portion or all of the hard seed 23 may be added to the percentage of germination and stated as 24 "total germination and hard seed".

(h) full name and address of the vendor of the

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1	mixture."	1	<pre>tb)(ii) the lot numbers or other lot identification;</pre>
2	Section 3. Section 80-5-104, MCA; is amended to read:	Z	<pre>tettiil the name and number per pound of each kind of</pre>
3	#80-5-104. Labeling of vegetable, and flower, seeds	3	restricted noxious weed seeds as prescribed in 80-5-105;
4	andiodigenousseeds• (1) Vegetable and flower seeds in	4	tdillyl the percentage of germination and whether the
5	packets and in larger containers shall be labeled with the	5	percentage of germination meets or exceeds the standard
6	required information as follows:	. 6	established in the Federal Seed Act;
7	<pre>tttlal each container of 1 pound or less:</pre>	ד	<pre>tetls1 the percentage of hard seed; if more than 1%;</pre>
8	() the commonly accepted name of the kind or the	8	ffilil the month and year the test to determine the
9	kind and variety of the seed;	9	data required by this section was completed;
10	<pre>tb;</pre> till the name and address of the person who labeled	10	totath the name and address of the person who labeled
11	the seed or who sells the seed within this state;	11	the seed or who sells the seed within this state.
12	<pre>fetfill the name and number per pound of each kind of</pre>	12	121_Indigenous_seedse_as_defined_in_80-5-101e_in
13	restricted noxious weed seeds as prescribed in 80-5-105;	13	amounts_of_1_pound_or_mores_whether_in_package_or_bulks_must
14	<pre>tdf(ix) in the case of seed which has a percentage of</pre>	14	<u>be_labeled_witb_tbe_following_information:</u>
15	germination less than the standard prescribed in the Federal	15	(a)tbestatement"Labeledonlyforreclamation
16	Seed Act:	16	purposesti
17	<pre>fit(A) the percentage of germination;</pre>	17	<pre>(b)lot_oumber_or_other_distinguishing_mark;</pre>
18	titlB1 the percentage of hard seed, if more than 1%;	18	(c)tbe_common_name.genusspeciesandsubspecies
19	<pre>tittel. the month and year the test to determine the</pre>	19	whenapplicableincludingthename_of_gach_kind_of_seed
20	data required by this section was completed;	20	present_in_excess_of_5%,_Wheo_two_or_more_kinds_of_seed_are
21	f iv)[<u>0</u>] the words "below standard germination" in not	21	namedoothe_label.the_label_shall_specify_the_percentage
22	less than 8-point boldface type;	22	of_eacoWhen_only_ong_kind_of_seed_is_present_in_excess_of
23	(2)(b) each container of more than 1 pound:	23	5%_and_no_variety_name_or_typedesignation_is_shownsthe
24	totil the name of the kind and variety of the	24	percentage_must_apply_to_seed_of_the_kind_nameds_lf_the_name
25	contents;	25	<u>of_the_variety_is_given:_the_name_may_be_associated_with_the</u>

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1	name_of_the_kind_ The_percentage_io_this_case_may_be_shown
2	as "oure_seed" and must_apply_only_to_seed_of_the_variety
3	Damed.
4	101_state_or_country_of_origins_if_knowne_lf_the
5	origin_is_unknown; that_fact_shall_be_stated.
6	(eltheapproximatepercentageofviableseed.
7	togetherwith_the_date_of_testWhen_labeling_mixturesthe
я	percentage_viability_of_eacb_kind_sball_be_stated.
ġ	ffl_the_approximate_percentage_by_weight_of_pure_seed.
10	meaning_the_freedom_of_seed_from_inertimatter_and_from_other
11	seedsi
12	(g)the_approximatepercentagebyweightofsand.
13	dirte_broken_seedse_stickse_chaffe_and_other_inert_matter:
14	(b)tbe_approximatetotalpercentagebyweightof
15	<u>other_seedsi</u>
16	<pre>(i)tbecameandapproximate_number_of_eacb_kind_of</pre>
17	<u>species_of_restricted_noxious_weed_seeds_occurring_per_pound</u>
19	<u>of_seed:</u>
19	<u>ijl_the_full_name_and_address_of_the_person.firmor</u>
20	corporation_selling_the_seed."
21	Section 4. Section 80-5-107, MCA, is amended to read:
22	#80-5-107。 Exemptions。 Agricultural seeds or mixtures
23	of same shall be exempt from the provisions of this part:
24	(1) when possessed, exposed for sale, or sold for food
25	purposes only;

(2) when sold to merchants or dealers to be recleaned <u>conditioned</u> before being sold or offered for sale for seeding purposes;

4 (3) when in store for the purpose of recleaning
5 conditioning or not possessed, sold, or offered for sale for
6 seeding purposes within the state."

7 Section 5. Section 80-5-112, MCA, is amended to read: 8 "80-5-112. Enforcement -- rules. The department shall 9 administer and enforce 80-5-101 through 80-5-113. For that 10 purpose, the department may adopt rules. The department may issue and enforce a written or printed "stop sale" order to 11 the owner or custodian of any lot of agricultural seed which 12 the department finds in violation of 80+5-101 through 13 80-5-113. The order shall prohibit further sale of the seed 14 until the department has evidence that the law has been 15 complied with. The seed may not be confiscated or destroyed. 16 17 Upon proper correction, by reprocessing reconditioning, 18 labeling, or otherwise, and when, in the judgment of the 19 department, the requirements of 80-5-101 through 80-5-113 20 have been met, the stop sale order shall be lifted and the 21 seed may be sold. The department shall adopt all necessary 22 rules relating to the agricultural experiment station's duties under 80-5-101 through 80-5-113." 23

24 Section 6. Section 80-5-201, MCA, is amended to read:
25 "80-5-201. Definitions. When used in this part, the

2 (1) "Agricultural seed" means the seeds of grass.
3 forage, cereal, and fiber crops and any other kinds of seeds.
4 commonly recognized within this state as agricultural seeds.
5 and includes Tawn seeds and mixtures of seeds.

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

8 (3) "Montana certified seed grower" means a member of 9 an authorized Montana seed certifying agency who has 10 consented to produce seed under the rules for certified 11 classes of seed, with respect to the maintenance of genetic 12 purity and variety identity, set forth by the certifying 13 agency.

14 (4) "Person" means any individuals firms partnerships
15 corporations or associations

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

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

24 (7) "Seed buyer" means any person engaged in the
 25 business of buying agricultural seed for shipmenty cleaning.

processing, or resale and who does not own, control, or
 operate a public agricultural seed warehouse. Any
 individual employed by a seed buyer is not included in this
 term.

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

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

12 (10) "Seed processing conditioning plant" means any 13 place of business that repackages, elecans conditions: 14 blends, treats, or otherwise manipulates agricultural seeds. 15 (11) "Seed warehouseman" means any person owning, 16 controlling, or operating a public agricultural seed 17 warehouse."

Section 7. Section 80-5-202, MCA, is amended to read: 18 19 #80-5-202. Licensing -- issuance -- application -- fee 20 -- bonding -- insurance. (1) All seed processing 21 conditioning plants, seed labelers, seed buyers, and public 22 agricultural seed warehouses shall obtain a license from the 23 department before doing business in this state; however, a 24 Montana certified seed grower, when processing conditioning 25 or labeling certified seed from his own production, is not

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required to be licensed under this section part. Bin-run
 seed sales from one farmer to another are exempt from this
 part.

4 (2) All licenses are issued on a fiscal-year basis and 5 expire on June 30 of each year. A license may cover any or 6 as many as all four activities: processing conditioning 7 plant, seed labeler, seed buyer, and public agricultural 8 seed warehouse.

9 (3) Application for license is made in a manner and on 10 forms provided by the department. A nonresident shall file a 11 written power of attorney designating the secretary of state as his agent, and the power of attorney shall be so prepared 12 13 and in such form as to render effective the jurisdiction of 14 the courts of the state of Montana over the nonresident 15 applicant. A nonresident who has a duly appointed resident agent upon whom process may be served as provided by law is 16 not required to designate the secretary of state as his 17 18 agent. The department shall be furnished with a certified copy of the designation of the secretary of state or of a 19 resident agent. 20

21 (4) The department may establish by rule minimum
22 standards for equipment and handling procedures for
23 facilities to be licensed and may carry out inspections
24 during normal business hours to determine that these
25 standards are being adhered to.

(5) Each license shall cost no more than \$50 a year.
 The department may by rule establish license fees which bear
 a reasonable relationship to the cost of administering this
 part.

5 (6) Failure on the part of a licensee to comply with 6 the rules issued under the authority of this section is 7 sufficient cause for cancellation of a license by the 8 department, provided the licensee is given a reasonable 9 opportunity to correct inadvertent and nonrecurring 10 deficiencies.

11 (7) The department may by rule establish bonding and 12 insurance requirements for each class of license.^m

13 Section 8. Section 80-5-203, MCA, is amended to read: "80-5-203. Dealer's license -- exception -- fee --14 15 application -- violation. (1) No person may distribute seed 16 without obtaining a dealer's license from the department for 17 each place of business. No license is required of a person 18 who distributes seeds only in sealed packages of less than 19 10 pounds, packed by a licensed seed labeler and bearing his name and address. Each dealer's license shall cost no more 20 21 than \$20 a year and expires on June 30 of each year. The 22 department may by rule establish license fees which bear a 23 reasonable relationship to the cost of administering this 24 part. Any-+licensed--processing--planty--seed-labelery-seed 25 buyerr-or-public-agricultural-seed-warehouse--may--obtain--a

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1 dealer*s-license-without-additional-feet

2 (2) Application for a dealer's license shall be made
3 in a manner and on forms provided by the department. Such
4 forms shall require among other things the name of a person
5 domiciled in this state authorized to receive and accept
6 service or legal notices of all kinds.

7 (3) Violation of provisions of this section or the
 8 distribution of agricultural seeds not legally labeled
 9 constitutes adequate grounds for canceling a license or
 10 denying a license to a dealer.

Section 9. Section 80-5-204, MCA, is amended to read: #80-5-204. Screenings -- restrictions on movements. All screenings whether from Seed processing conditioning plants or other sources represent both a valuable and potentially hazardous product. Their movements are restricted as follows:

17 (1) The viability of prohibited noxious weed seed as 18 defined in 80-5-101(4)(b) shall be destroyed before 19 screenings are utilized in feed or in any other way in which 20 they may propagate their kind. However, if these screenings 21 are sold for feed, it shall be the responsibility of the 22 feed buyer to haul under a tarp cover or other tight 23 container until the provisions of this part are met.

24 (2) The department has authority to issue rules to25 restrict or exempt from restriction the holding and movement

- 1 of screenings when the public interest is served by so
- 2 doing."
- 3 <u>NEW_SECTION</u> Section 10. Effective date. This act is
- 4 effective on passage and approval.

-End-

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LC 2283/01

ovulus arvensis) SECOND READING

SBHIS

Approved by Committee on Agrivulture Livestock & Irrigation

trate BILL NO. 415 1 2 INTRODUCED BY 3

A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE AND CLARIFY
CERTAIN SECTIONS RELATING TO AGRICULTURAL SEED; AMENDING
SECTIONS B0-5-101, 80-5-102, 80-5-104, 80-5-107, 80-5-112,
AND 80-5-201 THROUGH 80-5-204, MCA; AND PROVIDING AN
IMMEDIATE EFFECTIVE DATE."

9

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 Section 1. Section 80-5+101, MCA, is amended to read:
 #80-5-101. Definitions. Terms used in this part and
 not otherwise identified are hereby defined:

14 (1) Agricultural seeds shaft--be are the seeds of 15 grass, forage, cereal, and fiber crops and any other kinds 16 of seeds commonly recognized within this state as 17 agricultural seeds and shaft include lawn seeds and mixtures 18 of seeds.

19 (2) Vegetable seeds shall include the seeds of those
20 crops that are or may be grown in gardens or on truck farms
21 and are or may be sold generally under the name of vegetable
22 seeds.

(3) Flower seeds shall include seeds of herbaceous
 plants grown for their blooms, ornamental foliage, or other
 ornamental parts and are commonly known and sold under the

1 name of flower seeds in this state.

141_Indigenous_seeds_include_tbe_seeds_of_tbose_plants
that_are_naturally_adapted_to_an_area_where_tbe_intended_use
is_for_revegetation_of_disturbed_sitess_These_species
include_grassess_forbss_shrubss_and_legumess

6 t41151 (a) The term "weed seeds" shall--include
7 LOCLUDES the seeds or bulblets of all plants generally
8 recognized as weeds within this state and shall-include
9 Includes noxious weed seeds.

10 (b) Noxious weed seeds are divided into two groups11 defined as follows:

(i) "Prohibited noxious weed seeds" are the seeds of
perennial and other serious weeds that not only reproduce by
seed but also may spread by underground roots, stems, and
other reproductive parts and which, when well established;
are highly destructive and difficult to control in this
state by ordinary good cultural practice. Prohibited noxious

-2-

18 weed seeds shatt include the seeds of:

19	Canada thistle	(Cirsium arvense)
20	leafy spurge	(Euphorbia esula)
21	hoary cress	(Cardaria draba)
22	quackgrass	(Agropyron repeas)
23	Russian knapweed	(Centaurea repens)
24	perennial sowthistle	(Sonchus arvensis)
25	field bindweed	(Convolvulus arvens

. .

1	dalmatian toadflax	(Linaria dalmatica)	1	pollinated variety; or
2	halogeton		2	(c) two or more selected clones, seed lines,
3	medusa-head wildrye	(Halogeton glomeratus)	3	varieties, or species.
	,	(Elymus caput-medusae)	4	
4	creeping bellflower	(Campanula rapunculoides)	5	tottl "Controlling the pollination" means to use a
5	yellow toadflax	(Linaria vulgarís)		method hybridization which will produce pure seed which is
6	(ii) "Restricted noxi	ous weed seeds" are the seeds of	6	at least 75% hybrid seed. Hybrid designations shall be
7	weeds that are very object	ionable in fields, lawns, and	7	treated as variety names.
8	gardens of this state but c	an be controlled by good cultural	8	(子)(2) The terms "approximate percentage" and
9	practices. Restricted nox	ious weed seeds shall include the	9	"approximate number" shall mean the percentage or number
10	Seeds of:		10	with the variations above or below as allowed according to
11	dodder	(Cuscuta spp.)	11	the tolerance limits defined in the "rules for seed testing"
12	blue lettuce	(Lactuca pulchella)	12	adopted by the association of official seed analysts.
13	StJohnswort	(Hypericum perforatum)	13	<pre>t0;121 The term "percentage of germination" shall-mean</pre>
14	oxeye daisy	(Chrysanthemum leucanthemum)	14	Beans the percentage of seeds which show normal sprouts as
15	spotted knapweed	(Centaurea maculosa)	15	evidence of vitality when the seeds are subjected to the
16	hoary alyssum	(Berteroa incana)	16	proper moisture and temperature conditions with proper
17	wild oats	(Avena fatua)	17	aeration for the customary length of time for each specific
18	buckhorn plantain	(Plantago lanceolata)	18	kind of seed, as specified in the "rules for seed testing"
19	chickweed	(Stellaria spp=)	19	adopted by the association of official seed analysts.
20	curly dock	(Rumex crispus)	20	[10]_ <u>Theterm_"percentageviability"refersto_the</u>
21	(5)[<u>6]</u> The term "hybr	id" applied to kinds of varieties	21	<u>percentage_of_live_seed_camable_of_producing_a_normal</u>
22	of seed means the first ge	meration seed of a cross produced	22	seedling_under_optimum_crowing_conditions.after_all_forms
23	by controlling the pollinat	ion and by combining:	23	of_dorwaocy_baye_been_overcomer_lf_oresente
24	(a) two or more inbre	d lines;	24	<pre>t9+1111 The term "name of state in which the seed was</pre>
25	(b) one inbred or	a single cross with an open	25	grown" shallmean <u>means</u> any of the several states of the
		-3-		-4-

1 United States or the foreign country. 2 (12) The term "labeling" means to affixe Defore offering_the_seed_for_sale.io_a_conspicuous_place_on_the 3 4 exterior_of_the_container_a_written_or_printed_label. in the 5 English_languages_giving_the_reguired_informations 6 (10)(113) The term "other crop seeds" shall--mean means any agricultural, vegetable, or flower seeds other than the 7 seed or the mixture of seeds under consideration. 8 9 filt(14) The term "sell" shall-include includes "offer 10 for sale", "expose for sale", "have in possession for sale", "exchange", "barter", or "trade". It shall also include 11 12 includes agricultural seeds which that are furnished to 13 growers for the production of a crop on contract. 14 fl2+(15) The term "certifying agency" means: (a) an agency authorized under the laws of a state, 15 territory, or possession to officially certify seed and 16 which has standards and procedures to assure the genetic 17 purity and identity of the seed certified; or 18 (b) an agency of a foreign country determined by the 19 department to adhere to procedures and standards for seed 20 certification comparable to those adhered to generally by 21 seed certifying agencies under subsection (+27)(15)(a) of 22

23 this section.

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24 (13)(16) The term "protected variety" means a variety
25 for which a certificate has been issued by the U.S. plant

variety protection office or for which an application for
 protection has been filed granting the owner or his
 authorized agent exclusive rights in the sale and
 distribution of the variety."

5 Section 2. Section 80-5-102, MCA, is amended to read: "80-5-102. Labeling of agricultural seeds. The--owners 6 7 vendory--or-person-in-possession-of-any Any package, parcel, 8 or lot of agricultural seeds, as defined in 80-5-101, that 9 contains 1 pound or more of agricultural seeds, whether in package or in bulk, shally-before--offering--the--seeds--for 10 11 satey--affix--in--a-conspicuous-place-on-the-exterior-of-the container-a-written-or-printed-label-in-the-English-language 12 13 in-legible-type-or-copy-containing-a--statement <u>must__have</u>

14 affixed_to_it_a_label specifying:

15

a lot number or other distinguishing mark;

(2) kind. The name of each kind of seed present in 16 excess of 5% shall be shown on the label and need not be 17 18 accompanied by the word "kind". When two or more kinds of 19 seed are named on the label, the name of each kind shall be 20 accompanied by the percentage of each. When only one kind of 21 seed is present in excess of 5% and no variety name or type designation is shown, the percentage of that kind may be 22 shown as "oure seed" and such percentage shall apply to seed 23 24 of the kind named.

25 (3) variety, as follows:

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1 (a) the following kinds of agricultural seeds shall 2 be labeled to show the variety name or the words "variety 3 not stated#: 4 alfalfa oat 5 barlev pea, field 6 bean, field r ye 7 beet, field safflower 8 brome, smooth sorghum 9 clover, crimson sorghum-sudan hybrid 10 clover, red sovbean 11 clover, white sudan grass 12 corn. field sunflower 13 COER+ DOD trefoil, birdsfoot 14 fescue, tall wheat, common 15 flax wheat, durum 16 millet, foxtail 17 (b) if the name of the variety is given, the name may 18 be associated with the name of the kind with or without the 19 words "kind and variety". The percentage in this case may 20 be shown as "pure seed" and shall apply only to seed of the

20 be shown as "pure seed" and shall apply only to seed of the 21 variety named. If separate percentages for the kind and the 22 variety or hybrid are shown, the name of the kind and the 23 name of the variety or the term "hybrid" shall be clearly 24 associated with the respective percentages. When two or more 25 varieties are present in excess of 5% and are named on the label, the name of each variety shall be accompanied by the percentage of each.

3 (4) that the seed is hybrid, if any one kind or kind 4 and variety of seed present in excess of 5% is "hybrid" 5 seed. The percentage that is hybrid shall be at least 95% of 6 the percentage of pure seed shown unless the percentage of 7 pure seed which is hybrid seed is shown separately. If two 8 or more kinds or varieties are present in excess of 5% and 9 are named on the label, each that is hybrid shall be 10 designated as "hybrid" on the label. No one kind or variety 11 of seed may be labeled as "hybrid" if the pure seed contains 12 less than 75% hybrid seed. Any one kind or kind and variety 13 that has pure seed which is less than 95% but more than 75% 14 hybrid seed as a result of incompletely controlled 15 pollination in a cross shall be labeled to show: 16 (a) the percentage of pure seed that is hybrid seed; 17 or

18 (b) a statement such as "Contains from 75% to 95% 19 hybrid seed";

(5) state or country of origin, if known, of alfalfa,
red clover, white clover, native range grasses, and field
corn other than hybrid. If the origin is unknown, the fact
shall be stated.

24 (6) the approximate percentage of germination of25 agricultural seed, together with the date of test of

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-8-

1 germination. In all cases where hard seeds remain at the end 2 of the germination test, the percentage of actual 3 germination and the percentage of hard seeds shall be stated 4 separately, with the provision that any portion or all of 5 the percentage of hard seeds may be added to the percentage of germination and stated as "total germination and hard 6 7 seed*•

8 (7) the approximate percentage by weight of pure seed, meaning the freedom of agricultural seeds from inert matter 9 10 and from other seeds:

11 (8) the approximate percentage by weight of sand, dirt, broken seeds, sticks, chaff, and other inert matter 12 13 combined in agricultural seeds:

14 (9) the approximate total percentage by weight of weed 15 seeds:

16 (10) the approximate percentage by weight of other crop 17 seeds in agricultural seeds;

18 (11) the name and approximate number of each kind or species of restricted noxious weed seeds occurring per pound 19 of agricultural, vegetable, or flower seeds; 29

21 (12) the full name and address of the seedsman, 22 Importer, dealer or agent, or other person, firm, or 23 corporation selling the agricultural seed;

24 (13) in the case of mixtures of agricultural seeds 25 which contain two or more kinds of seed in excess of 5% by

1 weight of each, when sold as mixtures:

2 (a) name of mixture:

3 (b) name and approximate percentage by weight of each 4 kind of agricultural seed present in the mixture in excess 5 of 5% by weight of the total mixture;

(c) approximate percentage by weight of broken seeds 6 7 and other inert matter in the mixture of agricultural seeds; 8 (d) approximate percentage by weight of weed seeds as 9 defined in 80-5-101:

10 (e) approximate percentage by weight of other crop 11 seeds in the mixture of agricultural seeds;

12 (f) name and approximate number of each kind or species of restricted noxious weed seeds occurring per pound 13 of mixtures of agricultural seeds, subject, however, to 14 15 restrictions as specified in 80-5-105:

16 (g) approximate percentage of germination of each kind 17 of agricultural seed present in the mixture in excess of 5% 18 by weight, together with the month and year the seed was tested. In all cases where hard seeds remain at the end of 19 the germination test, the percentage of actual germination 20 and the percentage of hard seeds shall be stated separately. 21 22 with the provision that any portion or all of the hard seed 23 may be added to the percentage of germination and stated as 24 "total germination and hard seed". 25

(h) full name and address of the vendor of the

1	mixture. [#]	1	<pre>tbt(iii the lot numbers or other lot identification;</pre>
2	Section 3. Section 80-5-104, NCA, is amended to read:	2	<pre>fcf(iii) the name and number per pound of each kind of</pre>
3	#80+5-104. Labeling of vegetables and flowers seeds	3	restricted noxious weed seeds as prescribed in 80-5-105;
4	andindigenousseeds+ (1) Vegetable and flower seeds in	4	fd)[iv] the percentage of germination and whether the
5	packets and in larger containers shall be labeled with the	5	percentage of germination meets or exceeds the standard
6	required information as follows:	6	established in the Federal Seed Act;
7	<pre>fth(a) each container of 1 pound or less:</pre>	• 7	<pre>fef(x) the percentage of hard seed, if more than 1%;</pre>
8	totil the commonly accepted name of the kind or the	8	<pre>ffluil the month and year the test to determine the</pre>
9	kind and variety of the seed;	9	data required by this section was completed;
10	<pre>tbttill the name and address of the person who labeled</pre>	10	(g)[xi]] the name and address of the person who labeled
11	the seed or who sells the seed within this state;	11	the seed or who sells the seed within this state.
12	<pre>fcf(iii) the name and number per pound of each kind of</pre>	12	12)_Indigenous_seeds.as_defined_io_80-5-101.in
13	restricted noxious weed seeds as prescribed in 80-5-105;	13	amounts_of_1_pound_or_mores_whether_in_package_or_bulks_must
14	<pre>(d)(ix) in the case of seed which has a percentage of</pre>	14	be_labeled_witb_tbe_following_information:
15	germination less than the standard prescribed in the Federal	15	(a)thestatementLabeled_only_for_reclamation
16	Seed Act:	16	purposes:
17	titLA1 the percentage of germination;	17	{b}lot_oumber_or_other_distinguishing_marki
18	<pre>titylB1 the percentage of hard seed, if more than 1%;</pre>	18	(c)tbe_common_names_genussspeciessandsubspecies
19	fiiif(C) the month and year the test to determine the	19	when_applicableincluding_the_name_of_each_kind_of_seed
20	data required by this section was completed;	20	present_in_excess_of_5%When_two_or_more_kinds_of_seedare
21	fivill the words "below standard germination" in not	21	namedonthe_label.the_label_shall_specify_the_percentage
22	less than 8-point boldface type;	22	of_each.wbea_only_one_kind_of_seed_is_present_in_excess_of
23	<pre>+2+(b) each container of more than 1 pound:</pre>	23	5%_and_no_variety_name_or_typedesignationisshownsthe
24	totill the name of the kind and variety of the	24	perceptage_must_apply_to_seed_of_the_kind_qameda_lf_the_name
25	contents;	25	<u>of_tbe_variety_is_giveov_tbe_name_may_be_associated_witb_tbe</u>

1 came__of__the_kinds_The_percentage_io_this_case_may_be_showo as "pure seed" and must apply only to seed of the variety 2 3 named. 4 101_state_or_country_of_origins_if_knowns If the 5 prigin_is_unknown+_that_fact_shall_be_stated+ 6 [e]_the_approximate_percentage__of__viable__seed. 7 together__with_the_date_of_tests_When_labeling_mixtures. the R perceptage_viability_of_each_kind_shall_be_stated. 9 [f]_the_approximate_percentage_by_weight_of_pure_seed+ 10 meaning_the_freedom_of_seed_from_inert_matter and from other 11 seedst 12 (g)_the approximate_percentage_by_weight_of_ sands 13 dirty_broken_seedse_stickse_chaffe_and_other_inert_matter; 14 (b) the approximate total percentage by weight of 15 other_seedsi (i) the name and approximate number of each kind of 16 species of restricted noxious weed seeds occurring per pound 17 18 of_seed: (i)__the_full_name_and_address_of_the_persons_firms__or 19 corporation_selling_the_seed." 20 Section 4. Section 80-5-107, MCA, is amended to read: 21 #80-5-107. Exemptions. Agricultural seeds or mixtures 22 of same shall be exempt from the provisions of this part: 23 (1) when possessed, exposed for sale, or sold for food 24 25 purposes only;

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(2) when sold to merchants or dealers to be rectenned
 <u>conditioned</u> before being sold or offered for sale for
 seeding purposes;

4 (3) when in store for the purpose of recleaning
5 conditioning or not possessed, sold, or offered for sale for
6 seeding purposes within the state.*

7 Section 5. Section 80-5-112. MCA. is amended to read: 8 "80-5-112. Enforcement -- rules. The department shall administer and enforce 80-5-101 through 80-5-113. For that 9 10 purpose. the department may adopt rules. The department may issue and enforce a written or printed "stop sale" order to 11 the owner or custodian of any lot of agricultural seed which 12 the department finds in violation of 80-5-101 through 13 a0-5-113. The order shall prohibit further sale of the seed 14 15 until the department has evidence that the law has been 16 complied with. The seed may not be confiscated or destroyed. Upon proper correction, by reprocessing reconditioning. 17 labeling, or otherwise, and when, in the judgment of the 18 department, the requirements of 80-5-101 through 80-5-113 19 have been met, the stop sale order shall be lifted and the 20 21 seed nay be sold. The department shall adopt all necessary rules relating to the agricultural experiment station's 22 duties under 80-5-101 through 80-5-113." 23

24 Section 6. Section 80+5-201, MCA, is amended to read: 25 #80-5-201. Definitions. When used in this part, the

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1 following definitions apply:

2 (1) "Agricultural seed" means the seeds of grass,
3 forage, cereal, and fiber croos and any other kinds of seeds
4 commonly recognized within this state as agricultural seeds
5 and includes lawn seeds and mixtures of seeds.

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

8 (3) "Montana certified seed grower" means a member of 9 an authorized Montana seed certifying agency who has 10 consented to produce seed under the rules for certified 11 classes of seed, with respect to the maintenance of genetic 12 purity and variety identity, set forth by the certifying 13 agency.

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

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

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

24 (7) "Seed buyer" means any person engaged in the
 25 business of buying agricultural seed for shipment; cleaning;

processing, or resale and who does not own, control, or
 operate a public agricultural seed warehouse. Any
 individual employed by a seed buyer is not included in this
 term.

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

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

12 (10) "Seed processing conditioning plant" means any 13 place of business that repackages, eleons conditions, 14 blends, treats, or otherwise manipulates agricultural seeds. 15 (11) "Seed warehouseman" means any person owning, 16 controlling, or operating a public agricultural seed 17 warehouse."

Section 7. Section 80-5-202, MCA, is amended to read: 18 19 #80-5-202. Licensing -- issuance -- application -- fee 20 -- bonding -- insurance. (1) All seed processing 21 conditioning plants, seed labelers, seed buyers, and public 22 agricultural seed warehouses shall obtain a license from the 23 department before doing business in this state; however, a 24 Montana certified seed grower, when processing conditioning 25 or labeling certified seed from his own production, is not

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required to be licensed under this section part. Bin-run
 seed sales from one farmer to another are exempt from this
 part.

4 (2) All licenses are issued on a fiscal-year basis and 5 expire on June 30 of each year. A license may cover any or 6 as many as all four activities: processing conditioning 7 plant, seed labeler, seed buyer, and public agricultural 8 seed warehouse.

9 (3) Application for license is made in a manner and on 10 forms provided by the department. A nonresident shall file a 11 written power of attorney designating the secretary of state as his agent, and the power of attorney shall be so prepared 12 13 and in such form as to render effective the jurisdiction of the courts of the state of Montana over the nonresident 14 15 applicant. A nonresident who has a duly appointed resident 16 agent upon whom process may be served as provided by law is 17 not required to designate the secretary of state as his agent. The department shall be furnished with a certified 18 copy of the designation of the secretary of state or of a 19 20 resident agent.

21 (4) The department may establish by rule minimum
27 standards for equipment and handling procedures for
23 facilities to be licensed and may carry out inspections
24 during normal business hours to determine that these
25 standards are being adhered to.

(5) Each license shall cost no more than \$50 a year.
 The department may by rule establish license fees which bear
 a reasonable relationship to the cost of administering this
 part.

5 (5) Failure on the part of a licensee to comply with 6 the rules issued under the authority of this section is 7 sufficient cause for cancellation of a license by the 8 department, provided the licensee is given a reasonable 9 opportunity to correct inadvertent and nonrecurring 10 deficiencies.

11 (7) The department may by rule establish bonding and 12 insurance requirements for each class of license."

13 Section 8. Section 80-5-203, MCA, is amended to read: 14 "80-5-203. Dealer's license -- exception -- fee -application -- violation. (1) No person may distribute seed 15 16 without obtaining a dealer's license from the department for each place of business. No license is required of a person 17 18 who distributes seeds only in sealed packages of less than 19 10 pounds, packed by a licensed seed labeler and bearing his 20 name and address. Each dealer's license shall cost no more 21 than \$20 a year and expires on June 30 of each year. The 27 department may by rule establish license fees which bear a reasonable relationship to the cost of administering this 23 24 part. Any--licensed--processing--planty--seed-labelery-seed 25 buyerr-or-public-agricultural-seed-warehouse--may--obtain--a

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1 dealer*s-license-without-additional-feew

2 (2) Application for a dealer's license shall be made
3 in a manner and on forms provided by the department. Such
4 forms shall require among other things the name of a person
5 domiciled in this state authorized to receive and accept
6 service or legal notices of all kinds.

7 (3) Violation of provisions of this section or the
 8 distribution of agricultural seeds not legally labeled
 9 constitutes adequate grounds for canceling a license or
 10 denying a license to a dealer."

Section 9. Section 80-5-204, MCA, is amended to read: #80-5-204. Screenings -- restrictions on movements. All screenings whether from seed processing conditioning plants or other sources represent both a valuable and potentially hazardous product. Their movements are restricted as follows:

17 (1) The viability of prohibited noxious weed seed as 18 defined in 80-5-101+49+69 shall be destroyed before 19 screenings are utilized in feed or in any other way in which 20 they may propagate their kind. However, if these screenings 21 are sold for feed, it shall be the responsibility of the 22 feed buyer to haul under a tarp cover or other tight 23 container until the provisions of this part are met.

(2) The department has authority to issue rules to
 restrict or exempt from restriction the holding and movement

- 1 of screenings when the public interest is served by so
- 2 doing+*
- 3 <u>NEW_SECIION</u>. Section 10. Effective date. This act is
- 4 effective on passage and approval.

-End-

-19-

-20-

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nate BILL NO. 415 1 INTRODUCED BY 2 3 A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE AND CLARIFY 4

CERTAIN SECTIONS RELATING TO AGRICULTURAL SEED; AMENDING 5 SECTIONS 80-5-101, 80-5-102, 80-5-104, 80-5-107, 80-5-112, 6 AND 80-5-201 THROUGH 80-5-204, MCA; AND PROVIDING AN 7 8 IMMEDIATE EFFECTIVE DATE."

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

11 Section 1. Section 80-5-101, MCA, is amended to read: 12 *80-5-101. Definitions. Terms used in this part and 13 not otherwise identified are hereby defined:

14 (1) Agricultural seeds shall--be are the seeds of grass, forage, cereal, and fiber crops and any other kinds 15 of seeds commonly recognized within this state as 16 agricultural seeds and shall include lawn seeds and mixtures 17 18 of seeds.

19 (2) Vegetable seeds shall include the seeds of those 20 crops that are or may be grown in gardens or on truck farms 21 and are or may be sold generally under the name of vegetable 22 seeds.

23 (3) Flower seeds shall include seeds of herbaceous 24 plants grown for their blooms, ornamental foliage, or other 25 ornamental parts and are commonly known and sold under the 1 name of flower seeds in this state.

5	[4]_Indigenous_seeds_include_tbe_seeds_of_those_plants
3	that_are_naturally_adapted_to_an_area_where_the_intended_use
4	isforrevegetation_ofdisturbedsitesThesespecies
5	include_grassess_forbss_shrubss_and_legumes_
6	t4t121 (a) The term "weed seeds" shattinclude
7	includes the seeds or bulblets of all plants generally
8	recognized as weeds within this state and shall-include
9	includes noxious weed seeds.
10	(b) Noxlous weed seeds are divided into two groups
11	defined as follows:
12	(i) "Prohibited noxious weed seeds" are the seeds of
13	perennial and other serious weeds that not only reproduce by
14	seed but also may spread by underground roots, stems, and
15	other reproductive parts and which, when well established,
16	are highly destructive and difficult to control in this
17	state by ordinary good cultural practice. Prohibited noxious
18	weed seeds shatt include the seeds of:
19	Canada thistle (Cirsium arvense)
20	leafy spurge (Euphorbia esula)
21	hoary cress (Cardaria draba)
22	quackgrass (Agropyron repens)

quackgrass (Agropyron repens)

23

24

25

fleld bindweed

- Russian knapweed (Centaurea repens)
- perennial sowthistle (Sonchus arvensis)
 - (Convolvulus arvensis)

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1	dalmatian toadflax	(Linaria dalmatica)
2	halogeton	(Halogeton glomeratus)
3	medusa-head wildrye	(Elymus caput-medusae)
4	creeping bellflower	(Campanula rapunculoides)
5	yellow toadflax	(Linaria vulgaris)
6	(ii) #Restricted n	oxious weed seeds" are the seeds of
7	weeds that are very obj	ectionable in fields, lawns, and
8	gardens of this state bu	t can be controlled by good cultural
9	practices. Restricted	noxious weed seeds shall include the
10	seeds of:	
11	dodder	(Cuscuta spp.)
12	blue lettuce	(Lactuca pulchella)
13	StJohnswort	(Hypericum perforatum)
14	oxeye daisy	(Chrysanthemum]eucanthemum)
15	spotted knapweed	(Centaurea maculosa)
16	hoary alyssum	(Berteroa incana)
17	wild oats	(Avena fatua)
18	buckhorn plantain	(Plantago lanceolata)
19	chickweed	(Stellaria spp.)
20	curly dock	(Rumex crispus)
21	†57<u>16)</u> The term " h	ybrid" applied to kinds of varieties
22	of seed means the first	generation seed of a cross produced
23	by controlling the polli	nation and by combining:
24	(a) two or more in	bred lines;
25	(b) one inbred o	or a single cross with an open

-3-

1 pollinated variety; or

2 (c) two or more selected clones, seed lines,
3 varieties, or species.

4 f67£21 "Controlling the pollination" means to use a
5 method hybridization which will produce pure seed which is
6 at least 75% hybrid seed. Hybrid designations shall be
7 treated as variety names.

8 (TTLE1 The terms "approximate percentage" and 9 "approximate number" shall mean the percentage or number 10 with the variations above or below as allowed according to 11 the tolerance limits defined in the "rules for seed testing" 12 adopted by the association of official seed analysts.

13 (0)(9) The term "percentage of germination" shall-mean 14 means the percentage of seeds which show normal sprouts as 15 evidence of vitality when the seeds are subjected to the 16 proper moisture and temperature conditions with proper 17 aeration for the customary length of time for each specific 18 kind of seed, as specified in the "rules for seed testing" 19 adopted by the association of official seed analysts.

20 (10) The term "percentage viability" refers to the 21 percentage of live seed capable of producing a normal 22 seedling under optimum growing conditions; after all forms 23 of dormancy have been overcome; if present.

24 (9)(11) The term "name of state in which the seed was

-4-

25 grown" shall--mean #gans any of the several states of the

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1 United States or the foreign country.

fill_lbe_term_"labeling"_means_to__affixs_before
offering_the_seed_for_sales_io_a_conspicuous_place_oo_the
exterior_of_the_container_a_written_or_printed_labels_io_the
Englisb_languages_giving_the_required_informations

6 (189)(13) The term "other crop seeds" shall--mean means
7 any agricultural, vegetable, or flower seeds other than the
8 seed or the mixture of seeds under consideration.

9 <u>fill(14)</u> The term "sell" shall-includes includes "offer 10 for sale", "expose for sale", "have in possession for sale", 11 "exchange", "barter", or "trade". It shall also include 12 <u>includes</u> agricultural seeds which that are furnished to 13 growers for the production of a crop on contract.

14 fi2i(15) The term "certifying agency" means:

15 (a) an agency authorized under the laws of a state, 16 territory, or possession to officially certify seed and 17 which has standards and procedures to assure the genetic 18 purity and identity of the seed certified; or

(b) an agency of a foreign country determined by the
department to adhere to procedures and standards for seed
certification comparable to those adhered to generally by
seed certifying agencies under subsection <u>tl27(15)</u>(a) of
this section.

24 <u>{t3}(16)</u> The term "protected variety" means a variety
25 for which a certificate has been issued by the U.S. plant

variety protection office or for which an application for
 protection has been filed granting the owner or his
 authorized agent exclusive rights in the sale and
 distribution of the variety.^m

5 Section 2. Section 80-5-102, MCA, is amended to read: "80-5-102. Labeling of agricultural seeds. The--owner, 6 vendory--or-person-in-possession-of-ony Any package, parcel, 7 8 or lot of agricultural seeds, as defined in 80-5-101, that 9 contains 1 pound or more of agricultural seeds, whether in 10 package or in bulk, shalls-before--offering--the--seeds--for 11 saley--affix--in--a-conspicuous-place-on-the-exterior-of-the container-a-written-or-printed-label-in-the-English-language 12 13 in-legible-type-or-copy-containing-a--statement aust....bave 14 affixed to it a label specifying:

15 (1) a lot number or other distinguishing mark;

(2) kind. The name of each kind of seed present in 16 excess of 5% shall be shown on the label and need not be 17 18 accompanied by the word "kind". When two or more kinds of 19 seed are named on the label. the name of each kind shall be 20 accompanied by the percentage of each. When only one kind of seed is present in excess of 5% and no variety name or type 21 22 designation is shown, the percentage of that kind may be 23 shown as "oure seed" and such percentage shall apply to seed of the kind named. 24

25 (3) variety, as follows:

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(a) the following kinds of agricultural seeds shall
 be labeled to show the variety name or the words "variety
 not stated":

4	alfalfa	oat
5	barley	pea, field
6	bean, field	rye
7	beet, field	safflower
8	brome, smooth	sorghum
9	clover, crimson	sorghum-sudan hybrid
10	clover, red	soybean
11	clover, white	sudan grass
12	corn, field	sunflower
13	corn+ pop	trefoil, birdsfoot
14	fescue, tall	wheat, common
15	flax	wheat, durum

16 millet, foxtail

17 (b) if the name of the variaty is given, the name may 18 be associated with the name of the kind with or without the words "kind and variety". The percentage in this case may 19 20 be shown as "pure seed" and shall apply only to seed of the variety named. If separate percentages for the kind and the 21 22 variety or hybrid are shown, the name of the kind and the 23 name of the variety or the term "hybrid" shall be clearly 24 associated with the respective percentages. When two or more 25 varieties are present in excess of 5% and are named on the label, the name of each variety shall be accompanied by the
 percentage of each.

3 (4) that the seed is hybrid, if any one kind or kind 4 and variety of seed present in excess of 5% is "hybrid" 5 seed. The percentage that is hybrid shall be at least 95% of the percentage of pure seed shown unless the percentage of 6 7 pure seed which is hybrid seed is shown separately. If two or more kinds or varietles are present in excess of 5% and 8 9 are named on the label, each that is hybrid shall be 10 designated as "hybrid" on the label. No one kind or variety of seed may be labeled as "hybrid" if the pure seed contains 11 12 less than 75% hybrid seed. Any one kind or kind and variety 13 that has pure seed which is less than 95% but more than 75% 14 hybrid seed as a result of incompletely controlled 15 pollination in a cross shall be labeled to show:

16 (a) the percentage of pure seed that is hybrid seed;17 or

18 (b) a statement such as "Contains from 75% to 95%
19 hybrid seed";

(5) state or country of origin. if known, of alfalfa,
red clover. white clover, native range grasses, and field
corn other than hybrid. If the origin is unknown, the fact
shall be stated.

24 (6) the approximate percentage of germination of25 agricultural seed, together with the date of test of

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germination. In all cases where hard seeds remain at the end of the germination test. the percentage of actual germination and the percentage of hard seeds shall be stated separately. With the provision that any portion or all of the percentage of hard seeds may be added to the percentage of germination and stated as "total germination and hard seed".

1 de 1 de 1

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

(8) the approximate percentage by weight of sand,
 dirt, broken seeds, sticks, chaff, and other inert matter
 combined in agricultural seeds;

14 (9) the approximate total percentage by weight of weed 15 seeds;

16 (10) the approximate percentage by weight of other crop17 seeds in agricultural seeds;

18 (11) the name and approximate number of each kind or
19 species of restricted noxious weed seeds occurring per pound
20 of agricultural, vegetable, or flower seeds;

(12) the full name and address of the seedsman,
Importer, dealer or agent, or other person, firm, or
corporation selling the agricultural seed;

(13) in the case of mixtures of agricultural seeds
which contain two or more kinds of seed in excess of 5% by

1 weight of each, when sold as mixtures:

2 (a) name of mixture;

3 (b) name and approximate percentage by weight of each
4 kind of agricultural seed present in the mixture in excess
5 of 5% by weight of the total mixture;

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

8 (d) approximate percentage by weight of weed seeds as
 9 defined in 80-5-101;

10 (e) approximate percentage by weight of other crop
11 seeds in the mixture of agricultural seeds:

12 (f) name and approximate number of each kind or 13 species of restricted noxious weed seeds occurring per pound 14 of mixtures of agricultural seeds, subject, however, to 15 restrictions as soecified in 80-5-105;

16 (g) approximate percentage of germination of each kind 17 of agricultural seed present in the mixture in excess of 5% by weight, together with the month and year the seed was 18 19 tested. In all cases where hard seeds remain at the end of the garmination test, the percentage of actual germination 20 and the percentage of hard seeds shall be stated separately. 21 22 with the provision that any portion or all of the hard seed 23 may be added to the percentage of germination and stated as 24 "total germination and hard seed".

25 (h) full name and address of the vendor of the

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1	nîxture•™	1	<pre>tb;[Li] the lot numbers or other lot identification;</pre>
2	Section 3. Section 80-5~104. MCA, is amended to read:	2	<pre>tc)(iii) the name and number per pound of each kind of</pre>
3	"80~5-104. Labeling of vegetable <u>s</u> and flower <u>s</u> seeds	3	restricted noxious weed seeds as prescribed in 80~5-105;
4	andindigenousseeds• (1) Vagetable and flower seeds in	4	fd+(Ly) the percentage of germination and whether the
5	packets and in larger containers shall be labeled with the	5	percentage of germination meets or exceeds the standard
6	required information as follows:	6	established in the Federal Seed Act;
7	<pre>ftflal each container of 1 pound or less:</pre>	ד	(c)[x] the percentage of hard seed, if more than 1%;
8	foffil the commonly accepted name of the kind or the	8	<pre>ffilil the month and year the test to determine the</pre>
9	kind and variety of the seed;	9	data required by this section was completed;
10	<pre>tb;Lii) the name and address of the person who labeled</pre>	10	<pre>(g)(xii) the name and address of the person who labeled</pre>
11	the seed or who sells the seed within this state;	11	the seed or who sells the seed within this state.
12	<pre>fettiil the name and number per pound of each kind of</pre>	12	<u>[2] Indigenous seedse as defined in 80-5-101. in</u>
13	restricted noxious weed seeds as prescribed in 80-5-105;	13	amounts_of_l_pound_or_mores_whether_in_package_or_bulks_must
14	<pre>tdt(iv) in the case of seed which has a percentage of</pre>	14	<u>be_labeled_with_the_following_information:</u>
15	germination less than the standard prescribed in the Federal	15	(a)statementLabeledonlyforreclamation
16	Seed Act:	16	<u>purposes"i</u>
17	<pre>fit(A) the percentage of germination;</pre>	17	(b)lot_oumber_or_other_distinguishing_warki
18	<pre>tittlbl the percentage of hard seed, if more than 1%;</pre>	18	(c)tbe_common_names_genuss_speciessand_subspecies
19	<pre>tiff(L) the month and year the test to determine the</pre>	19	whenapplicableincluding_thename_of_each_kind_of_seed
20	data required by this section was completed;	20	present_in_excess_of_5%. When two_or_more_kinds_of_seed_are
21	<pre>tivt(D) the words "below standard germination" in not</pre>	21	<pre>namedonthe_labels_the_label_shall_specify_the_percentage</pre>
22	less than 8-point boldface type;	22	of_eacos_When_ooly_ong_kind_of_seed_is_present_in_excess_of
23	<pre>{2)(b) each container of more than 1 pound:</pre>	23	5%_and_no_variety_name_or_typedesignationisshown+the
24	(a)(i) the name of the kind and variety of the	24	perceptage_must_apply_to_seed_of_the_kind_nameds_If_the_name
25	contents;	25	<u>of_the_variety_is_given.the_name_may_be_associated_with_the</u>

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1	<u>oame_of_the_kindThe_perceptage_in_this_case_may_be_shown</u>
-	
2	as "pure seed" and must apply only to seed of the variety
3	0986q*
4	(d)_ <u>state_or_country_of_origins_if_knowns_If_the</u>
5	<u>origio_is_unknown+_that_fact_shall_be_stated+</u>
6	<u>lel_the_approximate_percentage_ofxisbleseed</u> .
7	together_with_the_date_of_tests_When_labeling_wixturess_the
8	perceptage_viability_of_each_kind_shall_be_stateda
9	lflthe_approximate_percentage_by_weight_of_purg_seed.
10	meaning_the_freedom_of_seed_from_inert_matter_and_from_other
11	seedsi
12	(g)the_approximate_percentage_by_weight_of_sand:
13	dicts_broken_seeds.sticks.cbaffs_and_other_i0ert_matteri
14	<u>{b}_the_approximate_total_percentage_by_weight_of</u>
15	otber_seeds:
16	<u>(i)_the_name_and_approximate_number_of_each_kind_of</u>
17	<u>species_of_restricted_noxious_weed_seeds_occurring_per_pound</u>
18	of_seedi
19	<u>fil_the_full_name_and_address_of_the_persons_firmsor</u>
20	corporation_selling_the_seed."
21	Section 4. Section 80-5-107. MCA. is amended to read:
22	#80-5-107. Exemptions. Agricultural seeds or mixtures
23	of same shall be exempt from the provisions of this part:
24	(1) when possessed, exposed for sale, or sold for food
25	purposes only;

1 (2) when sold to merchants or dealers to be recleaned 2 <u>conditioned</u> before being sold or offered for sale for 3 seeding purposes;

4 (3) when in store for the purpose of reeleaning
5 conditioning or not possessed; sold; or offered for sale for
6 seeding purposes within the state.*

7 Section 5. Section 80-5-112. MCA, is amended to read: 8 *80-5-112. Enforcement -- rules. The department shall 9 administer and enforce 80-5-101 through 80-5-113. For that 10 purpose, the department may adopt rules. The department may issue and enforce a written or printed "stop sale" order to 11 the owner or custodian of any lot of agricultural seed which 12 the department finds in violation of 80-5-101 through 13 80-5-113. The order shall prohibit further sale of the seed 14 until the department has evidence that the law has been 15 complied with. The seed may not be confiscated or destroyed. 16 Upon proper correction, by reprocessing reconditioning. 17 labeling, or otherwise, and when, in the judgment of the 18 department, the requirements of 80-5-101 through 80-5-113 19 have been met, the stop sale order shall be lifted and the 20 seed may be sold. The department shall adopt all necessary 21 rules relating to the agricultural experiment station's 22 duties under 80-5-101 through 80-5-113." 23

24Saction 6.Section 80-5-201, MCA, is amended to read:25#80-5-201.Definitions.When used in this part, the

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1 following definitions apply:

2 (1) "Agricultural seed" means the seeds of grass,
3 forage, cereal, and fiber crops and any other kinds of seeds
4 commonly recognized within this state as agricultural seeds
5 and includes lawn seeds and mixtures of seeds.

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

8 (3) "Montana certified seed grower" means a member of 9 an authorized Montana seed certifying agency who has 10 consented to produce seed under the rules for certified 11 classes of seed, with respect to the maintenance of genetic 12 purity and variety identity, set forth by the certifying 13 agency.

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

16 (5) "Public agricultural seed warehouse" means any 17 warehouse or structure in which agricultural seed is 18 received from the public for storage, assembling, or 19 cleaning.

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

24 (7) "Seed buyer" means any person engaged in the
25 business of buying agricultural seed for shipment, cleaning,

processing, or resale and who does not own, control, or
 operate a public agricultural seed warehouse. Any
 individual employed by a seed buyer is not included in this
 term.

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

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

12 (10) "Seed processing conditioning plant" means any 13 place of business that repackages, cleans conditions, 14 blends, treats, or otherwise manipulates agricultural seeds. 15 (11) "Seed warehouseman" means any person owning, 16 controlling, or operating a public agricultural seed 17 warehouse,"

Section 7. Section 80-5-202, MCA, is amended to read: 18 #80-5-202. Licensing -- issuance -- application -- fee 19 bonding -- insurance. (1) All seed processing 20 conditioning plants, seed labelers, seed buyers, and public 21 22 agricultural seed warehouses shall obtain a license from the 23 department before doing business in this state; however, a 24 Montana certified seed grower, when processing conditioning 25 or labeling certified seed from his own production, is not

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required to be licensed under this section part. Bin-run
 seed sales from one farmer to another are exempt from this
 part.

4 (2) All licenses are issued on a fiscal-year basis and 5 expire on June 30 of each year. A license may cover any or 6 as many as all four activities: processing conditioning 7 plant, seed labeler, seed buyer, and public agricultural 8 seed warehouse.

9 (3) Application for license is made in a manner and on 10 forms provided by the department. A nonresident shall file a 11 written power of attorney designating the secretary of state 12 as his agent, and the power of attorney shall be so prepared 13 and in such form as to render effective the jurisdiction of 14 the courts of the state of Montana over the nonresident 15 applicant. A nonresident who has a duly appointed resident agent upon whom process may be served as provided by law is 16 17 not required to designate the secretary of state as his agent. The department shall be furnished with a certified 18 copy of the designation of the secretary of state or of a 19 20 resident agent.

(4) The department may establish by rule minimum standards for equipment and handling procedures for facilities to be licensed and may carry out inspections during normal business hours to determine that these standards are being adhered to. (5) Each license shall cost no more than \$50 a year.
 The department may by rule establish license fees which bear
 a reasonable relationship to the cost of administering this
 part.

5 (6) Failure on the part of a licensee to comply with 6 the rules issued under the authority of this section is 7 sufficient cause for cancellation of a license by the 8 department, provided the licensee is given a reasonable 9 opportunity to correct inadvertent and nonrecurring 10 deficiencies.

11 (7) The department may by rule establish bonding and 12 insurance requirements for each class of license.*

13 Section 8. Section 80-5-203, MCA, is amended to read: 14 "80-5-203. Dealer's license -- exception -- fee -application -- violation. (1) No person may distribute seed 15 16 without obtaining a dealer's license from the department for each place of business. No license is required of a person 17 18 who distributes seeds only in sealed packages of less than 19 10 pounds, packed by a licensed seed labeler and bearing his 20 name and address. Each dealer's license shall cost no more 21 than \$20 a year and expires on June 30 of each year. The 27 department may by rule establish license fees which bear a 23 reasonable relationship to the cost of administering this part. Any--ficensed--processing--planty--seed-tabetery-seed 24 25 buyerr-or-public-agriculturol-seed-warehouse--may--obtain--a

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1 dealerAs-license-without-additional-feew

2 (2) Application for a dealer's license shall be made
3 in a manner and on forms provided by the department. Such
4 forms shall require among other things the name of a person
5 domiciled in this state authorized to receive and accept
6 service or legal notices of all kinds.

7 (3) Violation of provisions of this section or the
 8 distribution of agricultural seeds not legally labeled
 9 constitutes adequate grounds for canceling a license or
 10 denying a license to a dealer.*

Section 9. Section 80-5-204, MCA, is amended to read: #80+5-204. Screenings -- restrictions on movements. All screenings whether from seed processing conditioning plants or other sources represent both a valuable and potentially hazardous product. Their movements are restricted as follows:

17 (1) The viability of prohibited noxious weed seed as 18 defined in 80-5-101(4)(b) shall be destroyed before 19 screenings are utilized in feed or in any other way in which 20 they may propagate their kind. However, if these screenings 21 are sold for feed, it shall be the responsibility of the 22 feed buyer to haul under a tarp cover or other tight 23 container until the provisions of this part are met.

(2) The department has authority to issue rules to
 restrict or exempt from restriction the holding and movement

- 1 of screenings when the public interest is served by so
- 2 doing."
- 3 NEW_SECTION. Section 10. Effective date. This act is
- 4 effective on passage and approval.

-End-

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House Agriculture Committee amendments to Senate Bill 415, third reading copy March 16, 1983

l. Page 6, line 7.
Following: "Any"
Insert: "person offering for sale a"

AND AS AMENDED BE CONCURRED IN

1 name of flower seeds in this state. 1 SENATE BILL ND. 415 2 INTRODUCED BY CONOVER; GRAHAM; BOYLAN 2 (4) Indigenous seeds include the seeds of those plants 3 3 that are naturally adapted to an area where the intended use 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE AND CLARIFY is for revegetation of disturbed sites. Ibese species 4 5 CERTALM SECTIONS RELATING TO AGRICULTURAL SEED; AMENDING 5 include_grasses+_forbs+_shrubs+_and_legumes+ SECTIONS 80-5-101, 80-5-102, 80-5-104, 80-5-107, 80-5-112, (4)(5) (a) The term "weed seeds" shall--include 6 ٨ AND 30-5-201 THROUGH 80-5-204+ MCA: AND PROVIDING AN includes the seeds or bulblets of all plants generally 7 7 IMMEDIATE EFFECTIVE DATE." recognized as weeds within this state and shall-include 8 B 9 9 includes noxious weed seeds. (b) Noxious weed seeds are divided into two groups 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 10 defined as follows: 11 Section 1. Section 80-5-101, MCA, is amended to read: 11 (i) "Prohibited noxious weed seeds" are the seeds of 12 "80-5-101. Definitions. Terms used in this part and 12 perennial and other serious weeds that not only reproduce by 13 not otherwise identified are hereby defined: 13 14 (1) Agricultural seeds shatt--be are the seeds of 14 seed but also may spread by underground roots, stems, and 15 other reproductive parts and which, when well established, 15 grass, forage, cereal, and fiber crops and any other kinds of seeds commonly recognized within this state as 16 are highly destructive and difficult to control in this 16 17 agricultural seeds and shall include lawn seeds and mixtures 17 state by ordinary good cultural practice. Prohibited noxious 18 of seeds. 18 weed seeds shall include the seeds of: (2) Vegetable seeds shall include the seeds of those 19 19 Canada thistle 20 crops that are or may be grown in gardens or on truck farms. 20 leafy spurge 21 and are or may be sold generally under the name of vegetable 21 hoary cress 22 seeds. 22 quackgrass 23 (3) Flower seeds shall include seeds of herbaceous 23 Russian knapweed plants grown for their blooms, ornamental foliage, or other 24 24 perennial sowthistle 25 ornamental parts and are commonly known and sold under the 25 field bindweed

(Cirsium arvense) (Euphorpia esula) (Cardaria draba) (Agropyron repens) (Centaurea repens) (Sonchus arvensis) (Convolvulus arvensis)

2 halogeton glowerstus) 2 (c) two or more selected clones, seed lines, 3 medusa-haad wildrye ([Uyuus caput-meduse]) 3 variaties, or species. 4 creeping beliflower (Campanula rapunculoides) 4 (f)[1] "Controlling the poliation" means to use a 5 yellow toadflax [Linaria vulgaris] 5 action which will produce pure seed which is 6 (i) "Restricted noxious weed seeds" are the seeds of 6 at least 75t hybrid seed. Hybrid designations shall be 7 weeds that are very objectionable in fields, lawns, and 7 treated as variety names. 8 gardens of this state but can be controlled by good cultural 8 "#jproximate purcentage or number" 9 practices. Restricted noxious weed seeds meth include the "approximate number" seed mean the percentage or number 9 seeds of: 10 with the variations above or below as allowed according to 11 dodder [Cuscuta spp.] 11 the tolarance limits defined in the "rules for seed testing" 12 abus fature [Hypericum] 13 (H)[1] The term "percentage of seeds which chem normal sprout as 13 sto-Johnsort [Hypericum] [1	dalmatian toadflax	(Linaria dalmatica)	1	pollinated variety; or
4 crasping bellflower (Campanula rapunculoides) 4 (b)[1] "Controlling the pollination" means to use a acthod hybridization which will produce pure seed which is acthod to train vulgaris) 5 yellaw toadflax (Linaria vulgaris) 5 acthod hybridization which will produce pure seed which is acthod to train the seeds are the seeds of this state but can be controlled by good cultural 6 at least 755 hybrid seed. Hybrid seed. Hybrid designations shall be travely as variety names. 8 gardens of this state but can be controlled by good cultural 7 ffill The terms "approximate purcentage" and "approximate number" shall be an the percentage or number 10 seeds oft 10 with the variations show or below as allowed according to the tolerance limits defined in the "rules for seed testing" 12 blue lettuce (Locutus pp.) 11 the tolerance limits defined in the "rules for seed testing" 13 start-Jonswort (Hypericus perforatum) 13 figigi The term "percentage of gerelination" theil proper 14 oxeyu daisy (Chrysanthesus lacutosa) 15 evidance of vitality when the seeds are subjected to the proper anoisture and temperature conditions with proper 13 buckhorn plantaln (Plantago lanceolata) 15 evidance of vitality when the seed arealysts. 14 oxeyu dais <t< td=""><td>2</td><td>halogetçn</td><td>(Halogeton glomeratus)</td><td>2</td><td>(c) two or more selected clones, seed lines,</td></t<>	2	halogetçn	(Halogeton glomeratus)	2	(c) two or more selected clones, seed lines,
5 yellow toadflax [Linarla vulgaris] 5 method mybridization which will produce pure seed which is 6 (ii) "Restricted noxious weed seeds are the seeds of 5 method mybridization which will produce pure seed which is 7 weeds that are very objectionable in fields, lawns, and 6 at least 752 hybrid seed. Hybrid designations shall be 7 weeds that are very objectionable in fields, lawns, and 7 treated as variety names. 8 gardems of this state but can be controlled by good cultural 6 (#11) The terms "approximate purcentage" and 9 practices. Restricted noxious weed seeds shall include the 9 "approximate number" shall meen the percentage or number 10 seeds oft 11 dodder (Cuscuta spt-) 11 11 dodder (Linaria spt-) 11 the tolerance limits defined in the "rules for seed testing" 12 blue lettuce (Lotuca pulchella) 12 adopted by the association of official seed analysts. 13 StJohnswort (Hypericum perforatum) 14 generations with proper 14 axey daisy (Chentarea maculosa) 15 evidente of vitality when the seeds are subjected to the 16	3	medusa-head wildrye	(Elymus caput-medusae)	3	varieties, or species.
6 (ii) "Restricted noxious weed seeds" are the seeds of 7 weeds that are very objectionable in fields, lawns, and 8 gardens of this state but can be controlled by good cultural 9 practices. Restricted noxious weed seeds meth include the 9 practices. Restricted noxious weed seeds meth include the 9 seeds off: 10 doder (Luscuus app.) 11 dodder (Luscuus app.) 12 blue lettuce (Lactuce pulchella) 13 St-Johnswort (Hypericum perforatum) 14 oxyre daisy (Chrysanthemum leucanthemum) 15 spotted knapueed (Centaurea Baculosa) 16 hory alyssum (Berteroa Incena) 17 wild oats (Avena facua) 18 buckhorn plantain (Plantago lanceolata) 19 chickweed (Stellaria spp.) 21 field. The term "hybrid" applied to kinds of varieties 22 of seed means the first generation seed of a cross produced 23 (a) two or Kore inbred lines; 24 (a) two or Kore inbred lines; 25 (b) one inbred or a single cross with an open 24 (b) one inbred or a single cross with an open 25 (b) one inbred or a single cross with an open 26 (attaurea Baculoss) (b) contained incent contained lines; 26 (a) two or Kore inbred lines; 27 (b) one inbred or a single cross with an open 28 (b) one inbred or a single cross with an open 29 (b) one inbred or a single cross with an open 20 (contained to contained to the apper about the seand of the several states of the s	4	creeping bellflower	(Campanula rapunculoides)	4	<pre>f6;[7] "Controlling the pollination" means to use a</pre>
7 weeds that are very objectionable in fields, lawns, and gardens of this state but can be controlled by good cultural 7 treated as variety names. 8 gardens of this state but can be controlled by good cultural 8 (7)(0) 9 practices. Restrictad noxious weed seeds shall include the 9 "approximate number" shall even the percentage or number 10 seeds of: 10 with the variations above or below as allowed according to 11 doder (Cuscuta spr.) 11 the tolerance limits defined in the "rules for seed testing" 12 blue lettuce (Lactuca pulchella) 12 adopted by the association of official seed analysts. 13 StJohnswort (Hypericum perforatum) 13 (8)(2) The term "percentage of geresination" shell-mem 14 oxeye daisy (Chrysanthenum leucanthenum) 14 means the percentage of seeds which show normal sprouts as 15 spotted knapweed (Centaurea maculosa) 15 evidence of vitality when the seeds are subjected to the 16 hoary alyssum (Berteroa incana) 16 proper moisture and temperature conditions with proper 17 wild oats (Avena fatua) 17 aeration for the customary length of	5	yellow toadflax	(Linaria vulgaris)	5	method hybridization which will produce pure seed which is
8 gardens of this state but can be controlled by good cultural 8 (77,0) The terms "approximate percentage" and 9 practices. Restricted noxlous weed seeds anell include the 9 "approximate number" anell mean the percentage or number 10 smeds of: 10 with the variations above or below as allowed according to 11 dodder (Cuscuta spp.) 11 the tolerance limits defined in the "rules for seed testing" 12 blue lettuce (Lactuca pulchella) 12 adopted by the association of official seed analysts. 13 StJohnswort (Hypericum perforatum) 13 (#)(2) The term "percentage of gersination" shell-mean 14 oxeye daisy (Chrysanthemum leucanthemum) 14 means the percentage of gersination" shell-mean 15 spatial knapweed (Centaures maculosa) 15 evidence of vitality when the seeds are subjected to the 16 hoary alyssum (Berteroa incana) 16 proper moisture and temperature conditions with proper 17 wild cats (Avena fatua) 17 aeration for the customary length of time for each specific 18 buckhorn plantain (Plantago lanceolata) 16 kind of seed, as sp	6	(ii) "Restricted nox	ious weed seeds" are the seeds of	6	at least 75% hybrid seed. Hybrid designations shall be
9 practices. Restricted noxious weed seeds wheth include the 9 "approximate number" shell mean the percentage or number 10 seeds of: 10 with the variations above or below as allowed according to 11 dodder (Cuscuta spp+) 11 the tolerance limits defined in the "rules for seed testing" 12 blue lettuce (Lactuca pulchella) 12 adopted by the association of official seed analysts. 13 StJohnswort (Hypericum perforatum) 13 (#5/12) The term "percentage of geneination" shell-mean 14 oxeye daisy (Chrysanthemum laucanthemum) 14 means the percentage of seeds which show normal sprouts as 15 spatted knapweed (Centaurea maculosa) 15 evidence of vitality when the seeds are subjected to the 16 hoary alysum (Berteroa incana) 16 proper moisture and temperature conditions with proper 17 wild eats (Avena fatua) 17 aeration for the customary length of time for each specific 18 buckhorn plantain (Plantago lanceolata) 16 kind of seed, as specified in the "rules for seed testing" 20 curly dock (Rumex crispus) 10 Ibuckhorn plantain of offic	7	weeds that are very objectionable in fields, lawns, and		ז	treated as variety names.
10 seeds of: 10 with the variations show or below as allowed according to 11 dodder (Cuscuta spp.) 11 the tolerance limits defined in the "rules for seed testing" 12 blue lettuce (Lactuca pulchella) 12 adopted by the association of official seed analysts. 13 StJohnswort (Hypericum perforatum) 13 (#jj1) The term "percentage of genelnation" shell-mean 14 oxeye daisy (Chrysanthemum leucanthemum) 14 means the percentage of seeds which show normal sprouts as 15 spatted knapweed (Centaurea maculosa) 15 evidence of vitality when the seeds are subjected to the 16 hoary alyssum (Berteroa incana) 16 proper moisture and temperature conditions with proper 17 wild oats (Avena fatua) 17 aeration for the customary length of time for seed testing" 19 chickweed (Stellaria spp.) 19 adopted by the association of official seed analysts. 21 thild oats (Rumex crispus) 20 [10] The term "percentage withility"cefors to the 22 curly dock (Rumex crispus) 20 [10] The term "percentage of state in which the seed was	8	gardens of this state but	can be controlled by good cultural	8	{7}<u>18</u>] The terms "approximate percentage" and
11dodder(Cuscuta spp+)11the tolerance limits defined in the "rules for seed testing"12blue lettuce(Lactuca pulchella)12adopted by the association of official seed analysts.13StJohnswort(Hypericum perforatum)13(#)(2)The term "percentage of germination" shell-mean14oxeye daisy(Chrysanthemum leucanthemum)14means the percentage of seeds which show normal sprouts as15spotted knapweed(Centaurea maculosa)15evidence of vitality when the seeds are subjected to the16hoary alyssum(Berteroa incana)16proper moisture and temperature conditions with proper17wild oats(Avena fatua)17aeration for the customary length of time for each specific18buckhorn plantaln(Plantago lanceolata)18kind of seed, as specified in the "rules for seed testing"19chickweed(Stellaria spp-)19adopted by the association of official seed analysts.20curly dock(Rumex crispus)20110).The term "percentage viability".refors_to.the21t516)The term "hybrid" applied to kinds of varieties21percentage of_live_seed_cacable_of_producing_a_normal23by controlling the pollination and by combining:23af.decaaorx_have_been overcomes.if ordsanta23by controlling the pollination and by combining:24(†)(11).The term "name of state in which the seed was24(a) two or more inbred lines;24(f)(11).The term "name of state in which the seed was25	9	practices. Restricted no	xious weed seeds shall include the	9	<pre>mapproximate number* shell mean the percentage or number</pre>
12blue lettuce[Lactuca pulchella]12adopted by the association of official seed analysts.13StJohnswort(Hypericum perforatum)13($\theta \gamma_1 \Omega_1$) The term "percentage of germination" shall-mean14oxeye daisy(Chrysanthemum leucanthemum)14means the percentage of seeds which show normal sprouts as15spotted knapweed(Centaurea maculosa)15evidence of vitality when the seeds are subjected to the16hoary alyssum(Berteroa incana)16proper moisture and temperature conditions with proper17wild oats(Avena fatua)17aeration for the customary length of time for each specific18buckhorn plantain(Plantago lanceolata)18kind of seed, as specified in the "rules for seed testing"19chickweed(Stellaria spp.)19adopted by the association of official seed analysts.20curly dock(Rumox crispus)20(10) Theterm_"percentage_viability"_refors_to_the21f5161The term "hybrid" applied to kinds of varieties21percentage oflive_seed_capable_of_producing_a_normal22of seed means the first generation seed of a cross produced22seedling_under_optimum_graving_conditions_after_all_forms23by controlling the pollination and by combining:23of_dereancy_have_been overcome, if prasents24(a) two or more inbred lines;24($\eta \gamma_1$ 111 The term "name of state in which the seed was25(b) one inbred or a single cross with an open25grown" shallmean maans any of the several	10	seeds of:		10	with the variations above or below as allowed according to
13StJohnswort(Hypericum perforatum)13(Hypericum perforatum)13(Hypericum percentage of germination" shell-mean14oxeye daisy(Chrysanthemum leucanthemum)14means the percentage of seeds which show normal sprouts as15spotted knapweed(Centaurea maculosa)15evidence of vitality when the seeds are subjected to the16hoary alyssum(Berteroa incana)16proper moisture and temperature conditions with proper17wild oats(Avena facua)17aeration for the customary length of time for each specific18buckhorn plantain(Plantago lanceolata)18kind of seed, as specified in the "rules for seed testing"19chickweed(Stellaria spp.)19adopted by the association of official seed analysts.20curly dock(Rumex crispus)20(10). The _serm _specific of forduringanormal21t5161The term "hybrid" applied to kinds of varieties21percentage of_live_seed_canable_of_produringanormal22af seed means the first generation seed of a cross produced22seedling_underoptimum graying conditionsafter all.fores23by controlling the pollination and by combining:23af.dormanocy_have_been_overcomes.if presenta24(a) two or more inbred lines;24(#9/(11) The term "name of state in which the seed was25(b) one inbred or a single cross with an open25grown" shell-mean magna any of the several states of the	11	dodder	(Cuscuta spp+)	11	the tolerance limits defined in the "rules for seed testing"
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17wild oats(Avena fatua)17aeration for the customary length of time for each specific18buckhorn plantalin(Plantago lanceolata)18kind of seed, as specified in the "rules for seed testing"19chickweed(Stellaria spp.)19adopted by the association of official seed analysts.20curly dock(Rumex crispus)20[10] Ibe_term_"percentage_viability"_refers_to_the21t5ti61The term "hybrid" applied to kinds of varieties21percentage_of_live_seed_capable_of_producing_a_normal22of seed means the first generation seed of a cross produced22seedling_under_optimum_growing_conditions_after_all_forms23by controlling the pollination and by combining:23of_docaancy_bave_been_overcome, if presenta24(a) two or more inbred lines;24t9t(11)The term "name of state in which the seed was25(b) one inbred or a single cross with an open25grown" shellmeen_means_any of the several states of the	15	spotted knapweed	(Centaurea maculosa)	15	evidence of vitality when the seeds are subjected to the
18buckhorn plantain chickweed(Plantago lanceolata)18kind of seed, as specified in the "rules for seed testing"19chickweed(Stellaria spp.)19adopted by the association of official seed analysts.20curly dock(Rumex crispus)20(10)_lbe_term "opercentage_viability"_refers_to_the21t51161The term "hybrid" applied to kinds of varieties21percentage_of_live_seed_capable_of_producing_a_normal22of seed means the first generation seed of a cross produced22seedling_under_optimum_growing_conditions.after_all_forms23by controlling the pollination and by combining:23of_dormancy_baxe_been_overcomes_lf_presents24(a) two or more inbred lines;24t9j(11)The term "name of state in which the seed was25(b) one inbred or a single cross with an open25grown" shellmeen_means_any of the several states of the	16	hoary alyssum	(Berteroa incana)	16	proper moisture and temperature conditions with proper
19chickweed(Stellaria spp.)19adopted by the association of official seed analysts.20curly dock(Rumex crispus)20(10) The term "percentage viability" refers to the21t57161 The term "hybrid" applied to kinds of varieties21percentage of live seed capable of producing a normal22of seed means the first generation seed of a cross produced22seedling under optimum growing conditions, after all forms23by controlling the pollination and by combining:23of dormanocy have been overcome, if presents24(a) two or more inbred lines;24t91(11) The term "name of state in which the seed was25(b) one inbred or a single cross with an open25grown" shellmeen means any of the several states of the	17	wild oats	(Avena fatua)	17	aeration for the customary length of time for each specific
20curly dock(Rumex crispus)20(10) The term "percentage viability" refers to the21t5716) The term "hybrid" applied to kinds of varieties21percentage of live seed capable of producing a normal22of seed means the first generation seed of a cross produced22seedling under optimum growing conditions: after all forms23by controlling the pollination and by combining:23of dormancy have been overcome: if presents24(a) two or more inbred lines;24t91(11) The term "name of state in which the seed was25(b) one inbred or a single cross with an open25grown" shalt-mean means any of the several states of the	18	buckhorn plantain	(Plantago lanceolata)	18	kind of seed, as specified in the "rules for seed testing"
21 t51161 The term "hybrid" applied to kinds of varieties 21 percentage of live seed capable of producing a normal 22 of seed means the first generation seed of a cross produced 22 seedling under optimum growing conditions. after all fores 23 by controlling the pollination and by combining: 23 of docmancy base been overcome. If present. 24 (a) two or more inbred lines; 24 t91(11) The term "name of state in which the seed was 25 (b) one inbred or a single cross with an open 25 grown" sheltmeen means any of the several states of the	19	chickweed	(Stellaria spp+)	19	adopted by the association of official seed analysts.
22 of seed means the first generation seed of a cross produced 22 seedlingunderoptimum_growing_conditions*_after_all_forms 23 by controlling the pollination and by combining: 23 of_dormancy_base_been_overcome*_if_present* 24 (a) two or more inbred lines; 24 (b) one inbred or a single cross with an open 25 grown* shallmeen_means_any of the several states of the	20	curly dock	(Rumex crispus)	20	<u>[10] The term "percentage viability" refers to the</u>
23 by controlling the pollInation and by combining: 23 of docmancy base been overcome, if present. 24 (a) two or more inbred lines; 24 (9)(11) The term "name of state in which the seed was 25 (b) one inbred or a single cross with an open 25 grown" shalt-mean means any of the several states of the	21	<pre>t5t161 The term "hybrid" applied to kinds of varieties</pre>		21	percentage_oflive_seed_capable_of_producinganormal
24 (a) two or more inbred lines; 24 (9)(11) The term "name of state in which the seed was 25 (b) one inbred or a single cross with an open 25 grown" shallmeen means any of the several states of the	22	of seed means the first generation seed of a cross produced		22	<u>seedling_under_optimum_growing_conditions, after_all_forms</u>
25 (b) one inbred or a single cross with an open 25 grown ^w shallmeen means any of the several states of the	23	by controlling the pollInation and by combining:		23	of_dormancy_baxe_been_overcome, if present.
	24	(a) two or more inbred lines;		24	<pre>f9;[11] The term "name of state in which the seed was</pre>
	25	(b) one inbred or	a single cross with an open	25	grown" shallmeen means any of the several states of the
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1 United States or the foreign country.

2 (12) The term "labeling" means to affix before
 3 offering the seed for sales in a conspicuous place on the
 4 exterior of the container a written or printed labels in the
 5 English languages giving the regulated informations

6 (10)(13) The term "other crop seeds" shall--mean means
7 any agricultural, vegetable, or flower seeds other than the
3 seed or the mixture of seeds under consideration.

9 (11)(14) The term "sell" shall-include includes "offer
10 for sale", "expose for sale", "have in possession for sale",
11 "exchange", "barter", or "trade". It shall also include
12 includes agricultural seeds which that are furnished to
13 growers for the production of a crop on contract.

14 (12)(15) The term "certifying agency" means:

(a) an agency authorized under the laws of a state,
territory, or possession to officially certify seed and
which has standards and procedures to assure the genetic
purity and identity of the seed certified; or

(b) an agency of a foreign country determined by the
department to adhere to procedures and standards for seed
certification comparable to those adhered to generally by
seed certifying agencies under subsection (12)(15)(a) of
this section.

24 (13)(16) The term "protected variety" means a variety
25 for which a certificate has been issued by the U.S. plant

variety protection office or for which an application for
 protection has been filed granting the owner or his
 authorized agent exclusive rights in the sale and
 distribution of the variety."

5 Section 2. Section 80-5-102. HCA. is amended to read: 6 "80-5-102. Labeling of agricultural seeds. The--owner. 7 vendory--or--person-in-possession-of-any Any PERSON OFFERING 8 EDR_SALE_A package, parcel, or lot of agricultural seeds, as 9 defined in 80-5-101, that contains 1 pound or more of 10 agricultural seeds, whether in package or in bulk, shally before-offering-the-seeds-for-soley-affix-in--a--conspicuous 11 place--on-the-exterior-of-the-container-a-written-or-printed 12 13 tabet-in-the--English--language--in--legible--type--or--copy 14 contoining--e--statement must have affixed to it a label 15 specifying:

16 (1) a lot number or other distinguishing mark;

17 (2) kind. The name of each kind of seed present in 18 excess of 5% shall be shown on the label and need not be 19 accompanied by the word "kind". When two or more kinds of 20 seed are named on the label, the name of each kind shall be 21 accompanied by the percentage of each. When only one kind of 22 seed is present in excess of 5% and no variety name or type 23 designation is shown, the percentage of that kind may be 24 shown as "pure seed" and such percentage shall apply to seed 25 of the kind named.

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1	(3) variety, as follows:				
z	(a) the following kind	is of agricultural seeds shall			
3	be labeled to show the va	riety name or the words "variety			
4	not stated":				
5	alfalfa	oat			
6	barley	pea, field			
7	bean, fleld	гуе			
B	beet, field	safflower			
9	prome, smooth	sorghum			
10	clover, crimson	sorghum-sudan hybrid			
11	clover, red	soybean			
12	clover, white	sudan grass			
13	corn, field	sunflower			
14	corn, pop	trefoil+ birdsfoot			
15	fescue, tall	wheat, common			
16	flax	wheat, durum			
17	willet, foxtail				
18	(b) if the name of the	variety is given, the name may			
19	be associated with the name	of the kind with or without the			
20	words "kind and variety". T	he percentage in this case may			
21	be shown as "pure seed" and	shall apply only to seed of the			
22	variety named. If separate p	ercentages for the kind and the			
23	variety or hybrid are sho	wn; the name of the kind and the			
24	name of the variety or the t	erm "hybrid" shall be clearly			
25	associated with the respecti	ve percentages. when two or more			

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variaties are present in excess of 5% and are named on the label, the name of each variety shall be accompanied by the percentage of each.

(4) that the seed is hybrid, if any one kind or kind 4 5 and variety of seed present in excess of 5% is "hybrid" seed. The percentage that is hybrid shall be at least 95% of 6 the percentage of pure seed shown unless the percentage of 7 pure seed which is hybrid seed is shown separately. If two 8 9 or more kinds or varieties are present in excess of 5% and 10 are named on the label, each that is hybrid shall be 11 designated as "hybrid" on the label. No one kind or variety 12 of seed may be labeled as "hybrid" if the pure seed contains 13 less than 75% hybrid seed. Any one kind or kind and variety that has pure seed which is less than 95% but more than 75% 14 15 hybrid seed as a result of incompletely controlled pollination in a cross shall be labeled to show: 16

17 (a) the percentage of pure seed that is hybrid seed; 18 or

(b) a statement such as "Contains from 75% to 95%
20 hybrid seed";

(5) state or country of origin, if known, of alfalfa,
red clover, white clover, native range grasses, and field
corn other than hybrid. If the origin is unknown, the fact
shall be stated.

25 (6) the approximate percentage of germination of

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agricultural seed, together with the date of test of 1 germination. In all cases where hard seeds remain at the end 2 of the germination test, the percentage of actual 3 germination and the percentage of hard seeds shall be stated 4 separately, with the provision that any portion or all of 5 the percentage of hard seeds may be added to the percentage 6 of germination and stated as "total germination and hard 7 8 seed".

9 (7) the approximate percentage by weight of pure seed,
10 meaning the freedom of agricultural seeds from inert matter
11 and from other seeds;

(3) the approximate percentage by weight of sand,
dirt, broken seeds, sticks, chaff, and other inert matter
combined in agricultural seeds;

15 (9) the approximate total percentage by weight of weed 16 seeds;

17 (10) the approximate percentage by weight of other crop18 seeds in agricultural seeds;

(11) the name and approximate number of each kind or
 species of restricted noxious weed seeds occurring per pound
 of agricultural, vegetable, or flower seeds;

(12) the full name and address of the seedsman,
importer, dealer or agent, or other person, firm, or
corporation selling the agricultural seed;

25 (13) in the case of mixtures of agricultural seeds

which contain two or more kinds of seed in excess of 5% by
 weight of each, when sold as mixtures:

3 (a) name of mixture;

4 (b) name and approximate percentage by weight of each
5 kind of agricultural seed present in the mixture in excess
6 of 5% by weight of the total mixture;

7 (c) approximate percentage by weight of broken seeds
8 and other inert matter in the mixture of agricultural seeds;
9 (d) approximate percentage by weight of weed seeds as
10 defined in 80-5-101;

(a) approximate percentage by weight of other crop
 seeds in the mixture of agricultural seeds;

(f) name and approximate number of each kind or
species of restricted noxious weed seeds occurring per pound
of mixtures of agricultural seeds, subject, however, to
restrictions as specified in 80-5-105;

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

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(h) full name and address of the vendor of the	1	contents;
nixture."	2	<pre>tetLiil the lot numbers or other lot identification;</pre>
Section 3. Section 80-5-104, MCA, is amended to read:	3	<pre>tcl(iii) the name and number per pound of each kind of</pre>
#80-5-104. Labeling of vegetables and flowers seeds	4	restricted noxious weed seeds as prescribed in 80-5-105;
and indigenous seeds. []] Vegetable and flower seeds in	5	td;(iv) the percentage of germination and whether the
packets and in larger containers shall be labeled with the	6	percentage of germination meets or exceeds the standard
required information as follows:	7	established in the Federal Seed Act;
<pre>tttlal each container of 1 pound or less:</pre>	8	<pre>tet(x) the percentage of hard seed, if more than 1%;</pre>
tatil the commonly accepted name of the kind or the	9	ffiliat the month and year the test to determine the
kind and variety of the seed;	10	data required by this section was completed;
<pre>tb;(iii) the name and address of the person who labeled</pre>	11	to the name and address of the person who labeled
the seed or who sells the seed within this state;	12	the seed or who sells the seed within this state.
<pre>(c)(lil) the name and number per pound of each kind of</pre>	13	(2). <u>Indigenous_seeds.as_defined_in_80=5=101.</u> in
restricted noxious weed seeds as prescribed in 80-5-105;	14	amounts_of_l_pound_or_mores_whether_in_package_or_bulks_must
tation the case of seed which has a percentage of	15	<u>be_labeled_witb_the_following_information:</u>
germination less than the standard prescribed in the Federal	16	(a)thestatement"Labeled_onlyforreclamation
Seed Act:	17	<u>purposes":</u>
fitLAL the percentage of germination;	18	<pre>(b)lot_oumber_or_other_distinguishing_mark;</pre>
<pre>fifthere the percentage of hard seed, if more than 1%;</pre>	19	<u>(c)thecommonnamesgenus, species, and subspecies</u>
<pre>fifif(L) the month and year the test to determine the</pre>	20	when applicable, including the name of _each_kind_of_seed
data required by this section was completed;	21	presentin_excess_of_5%When_two_or_more_kinds_of_seed_are
<pre>fivilDl the words "below standard germination" in not</pre>	22	named on the labels the label shall specify the percentage
less than 8-point boldface type;	23	<u>of each. When only one kind of seed is present in excess of</u>
(2)(b) each container of more than 1 pound:	24	<u>5% and no variety name or type designation is shown, the</u>
(a)(i) the name of the kind and variety of the	25	percentage_must_apply_to_seed_of_the_kind_nameds_lf_the_name
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1	<u>of the variety is given, the name may be associated with the</u>
2	name_of_the_kinda_Ibe_percentage_in_this_case_may_beshown
3	as <u>pure</u> seed and must apply only to seed of the variety
4	Daved.
5	<u>[d]_state_or_country_of_origios_if_knownsff_the</u>
6	<u>origin_ls_unknowos_that_fact_shall_be_stated.</u>
7	<u>tel_theapproximatepercentageofviableseed.</u>
8	together_with_the_date_of_testWhen_labeling_mixturesthe
9	percentage_viability_of_each_kind_shall_be_stated.
10	(f)tbe_approximate_percentage_by_weight_of_pure_seed)
11	meaning_the_freedom_of_seed_from_inert_matter_and_from_other
12	seeds:
13	<u>(g)_the_approximate_percentage_by_weight_of_sand</u>
14	dict.proken_seeds.sticks.chaff.and_other_inert_matter:
15	(b)_the_approximate_total_percentage_by_weight_of
16	other_seeds:
17	<u>[i]_the name and approximate number of _each_kind_of</u>
18	species_of_restricted_noxious_weed_seeds_occurring_per_dound
19	of_secdi
20	(j)thefull_name_and_address_of_the_persons_firms_or
21	corporation_selling_the_seed."
22	Section 4. Section 80-5-107, MCA, is amended to read:
23	#80-5-107. Exemptions. Agricultural seeds or mixtures
24	of same shall be exempt from the provisions of this part:
25	(1) when possessed, exposed for sale, or sold for food

1 purposes only; 2 (2) when sold to merchants or dealers to be recleaned conditioned before being sold or offered for sale for 3 4 seeding purposes; (3) when in store for the purpose of recleaning 5 conditioning or not possessed, sold, or offered for sale for 6 7 seeding purposes within the state." 8 Section 5. Section 80-5-112, MCA, is amended to read: 9 "80-5-112. Enforcement -- rules. The department shall 10 administer and enforce 80-5-101 through 80-5-113. For that 11 purpose, the department may adopt rules. The department may 12 issue and enforce a written or printed "stop sale" order to 13 the owner or custodian of any lot of agricultural seed which the department finds in violation of 80~5~101 through 14 15 80-5-113. The order shall prohibit further sale of the seed 16 until the department has evidence that the law has been complied with. The seed may not be confiscated or destroyed. 17 16 Upon proper correction, by reprocessing reconditioning, labeling, or otherwise, and when, in the judgment of the 19 20 department, the requirements of 80-5-101 through 80-5-113 21 have been met, the stop sale order shall be lifted and the 22 seed may be sold. The department shall adopt all necessary 23 rules relating to the agricultural experiment station's 24 duties under 80-5-101 through 80-5-113."

25 Section 6. Section 80-5-201, MCA, is amended to read:

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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.

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

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

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

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

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

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

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

6 (8) "Seed dealer" means any person who offers for
7 sale, sells, or barters 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 conditioning plant" means any
place of business that repackages, cleans conditions;
blends, treats, or otherwise manipulates agricultural seeds.
16 (11) "Seed warehouseman" means any person owning;
17 controlling, or operating a public agricultural seed
18 warehouse."

19Section 7. Section 80-5-202, MCA, is amended to read:20#80-5-202. Licensing -- issuance -- application -- fee21-- bonding -- insurance. (1) All seed processing22conditioning plants, seed labelers, seed buyers, and public23agricultural seed warehouses shall obtain a license from the24department before doing business in this state; however, a25Montana certified seed grower, when processing conditioning

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or labeling certified seed from his own production; is not
 required to be licensed under this section part. Bin-run
 seed sales from one farmer to another are exempt from this
 part.

5 (2) All licenses are issued on a fiscal-year basis and 6 expire on June 30 of each year. A license may cover any or 7 as many as all four activities: processing conditioning 8 plant, seed labeler, seed buyer, and public agricultural 9 seed warehouse.

(3) Application for license is made in a manner and on 10 forms provided by the department. A nonresident shall file a 11 written power of attorney designating the secretary of state 12 as his agent, and the power of attorney shall be so prepared 13 and in such form as to render effective the jurisdiction of 14 the courts of the state of Montana over the nonresident 15 applicant. A nonresident who has a duly appointed resident 16 agent upon whom process may be served as provided by law is 17 not required to designate the secretary of state as his 18 agent. The department shall be furnished with a certified 19 copy of the designation of the secretary of state or of a 20 resident agent. 21

(4) The department may establish by rule minimum standards for equipment and handling procedures for facilities to be licensed and may carry out inspections during normal business hours to determine that these 1 standards are being adhered to.

2 (5) Each license shall cost no more than \$50 a year.
3 The department may by rule establish license fees which bear
4 a reasonable relationship to the cost of administering this
5 part.

6 (6) Failure on the part of a licensee to comply with 7 the rules issued under the authority of this section is 8 sufficient cause for cancellation of a license by the 9 department, provided the licensee is given a reasonable 10 opportunity to correct inadvertent and nonrecurring 11 deficiencies.

12 (7) The department may by rule establish bonding and
13 insurance requirements for each class of license."

Section 8. Section 80-5-203, MCA, is amended to read: 14 15 "80-5-203. Dealer's license -- exception -- fee -application -- violation. (1) No person may distribute seed 16 without obtaining a dealer's license from the department for 17 each place of business. No license is required of a person 18 19 who distributes seeds only in sealed packages of less than 20 10 pounds, packed by a licensed seed labeler and bearing his 21 name and address. Each dealer's license shall cost no more than \$20 a year and expires on June 30 of each year. The 22 23 department may by rule establish license fees which bear a 24 reasonable relationship to the cost of administering this 25 part. Any-ficensed--processing--pianty--seed--isbeiery--seed

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buyers--or--public--agricultural-seed-warehouse-may-obtain-a

dealer*s-license-without-additional-fees

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(2) Application for a dealer's license shall be made 3 % in a manner and on forms provided by the department. Such 4 forms shall require among other things the name of a person 5 domiciled in this state authorized to receive and accept 6 service or legal notices of all kinds. 7

8 (3) Violation of provisions of this section or the 9 distribution of agricultural seeds not legally labeled 10 constitutes adequate grounds for canceling a license or denying a license to a dealer." 11

12 Section 9. Section 80-5-204, MCA, is amended to read: 13 "80-5-204. Screenings -- restrictions on movements. All screenings whether from seed processing conditioning 14 15 plants or other sources represent both a valuable and potentially hazardous product. Their movements are 16 17 restricted as follows:

18 (1) The viability of prohibited noxious weed seed as 19 defined in 80-5-101(4)(b) shall be destroyed before 20 screenings are utilized in feed or in any other way in which 21 they may propagate their kind. However, if these screenings 22 are sold for feed, it shall be the responsibility of the 23 feed buyer to haul under a tarp cover or other tight container until the provisions of this part are met. 24 25

(2) The department has authority to issue rules to

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restrict or exempt from restriction the holding and movement

of screenings when the public interest is served by so

З doing."

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4 NEW SECTION. Section 10. Effective date. This act is

5 effective on passage and approval.

-End-

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