

SENATE BILL NO. 357

INTRODUCED BY HARDING, PINSONEAULT, HOFMAN,  
WESTLAKE, MERCER

IN THE SENATE

FEBRUARY 6, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON AGRICULTURE, LIVESTOCK & IRRIGATION.  FIRST READING.
FEBRUARY 16, 1989	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
FEBRUARY 17, 1989	PRINTING REPORT.
FEBRUARY 18, 1989	SECOND READING, DO PASS.
FEBRUARY 20, 1989	ENGROSSING REPORT.
FEBRUARY 21, 1989	THIRD READING, PASSED. AYES, 45; NOES, 5.  TRANSMITTED TO HOUSE.

IN THE HOUSE

FEBRUARY 21, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON AGRICULTURE, LIVESTOCK & IRRIGATION.  FIRST READING.
MARCH 9, 1989	COMMITTEE RECOMMEND BILL BE CONCURRED IN AS AMENDED. REPORT ADOPTED.
MARCH 11, 1989	SECOND READING, CONCURRED IN.
MARCH 14, 1989	THIRD READING, CONCURRED IN. AYES, 96; NOES, 1.  RETURNED TO SENATE WITH AMENDMENTS.

IN THE SENATE

APRIL 1, 1989

RECEIVED FROM HOUSE.

SECOND READING, AMENDMENTS  
CONCURRED IN.

APRIL 4, 1989

THIRD READING, AMENDMENTS  
CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 *Senate* BILL NO. *357*  
 2 INTRODUCED BY *Harding Russell Hoffman Northlake*  
 3 *Mercer*

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO CONTROL AND PREVENT  
 5 THE SPREAD OF CONTAGIOUS POTATO DISEASES BY PROHIBITING THE  
 6 IMPORTATION OR PLANTING OF NONCERTIFIED SEED POTATOES."  
 7

#### 8 STATEMENT OF INTENT

9 A statement of intent is required for this bill because  
 10 it grants rulemaking authority to the department of  
 11 agriculture. It is the intent of the legislature that the  
 12 department adopt rules to implement the quarantine provision  
 13 contained in [section 3] and the publication provision  
 14 contained in [section 4]. These rules should include but are  
 15 not limited to procedures for:

16 (1) notification to growers of the provisions of [this  
 17 act];

18 (2) inspection of imported seed potatoes, including  
 19 the setting of inspection fees, if necessary;

20 (3) the quarantine of noncertified seed potatoes  
 21 brought into the state;

22 (4) restrictions on the use of quarantined seed  
 23 potatoes;

24 (5) disposition of the quarantined seed potatoes; and

25 (6) publication in counties where seed potatoes are

1 grown of the prohibition on the planting of noncertified  
 2 seed potatoes.  
 3

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

5 NEW SECTION. **Section 1.** Short title. [Sections 1  
 6 through 5] may be cited as the "Seed Potato Disease Control  
 7 Act."

8 NEW SECTION. **Section 2.** Definitions. As used in  
 9 [sections 1 through 5], the following definitions apply:

10 (1) "Certified seed potatoes" means potato seed stock  
 11 that has passed limited field and storage inspections and  
 12 has been grown in accordance with the certification rules  
 13 and regulations of an official seed potato certifying agency  
 14 of the state or country of origin and certified as such.

15 (2) "Department" means the department of agriculture  
 16 provided for in 2-15-3001.

17 (3) "Person" means an individual, firm, partnership,  
 18 corporation, company, association, or separate business or  
 19 legal entity.

20 (4) "Seed potatoes" or "potato seed" means all  
 21 varieties of potato tubers, stems, and other plant parts of  
 22 the herb plant known as *Solanum tuberosum* that are intended  
 23 or used for seed purposes, planting, propagation, or  
 24 reproduction.

25 NEW SECTION. **Section 3.** Imported seed potatoes --

1 restrictions -- exceptions -- quarantine. (1) To control and  
2 prevent the spread of contagious diseases among seed potato  
3 stock:

4 (a) seed potatoes may not be imported into this state  
5 for any commercial or agricultural purpose unless the seed  
6 potatoes are:

7 (i) from seed stock produced as a part of a certified  
8 seed potato crop in the state or country of origin and  
9 certified as being from that stock;

10 (ii) inspected at the Montana receiving point by a  
11 federal or state-federal standard grade inspector;

12 (iii) shipped in a clean, disinfected container or  
13 transportation carrier; and

14 (iv) accompanied by a United States department of  
15 agriculture or state of origin certification of inspection  
16 describing the seed variety, seed class, standard grade,  
17 quality or condition, and seed source and have affixed to  
18 each inspection certificate an official state of origin seed  
19 potato certification tag or label; and

20 (b) seed or commercial potatoes, equipment, machinery,  
21 bags, or containers known to be diseased or contaminated  
22 with bacterial ring rot, nematode, or tuber moth may not be  
23 brought into this state.

24 (2) The provisions of this section do not apply to any  
25 unit of the Montana university system when it is importing

1 into this state potato seed for research or educational  
2 purposes.

3 (3) The department shall quarantine seed potatoes  
4 imported into the state in violation of [this section]. The  
5 department shall adopt rules governing quarantines and  
6 regulating the use or disposition of quarantined seed  
7 potatoes.

8 NEW SECTION. **Section 4. Planting noncertified seed**  
9 **potatoes prohibited in certain counties -- restrictions --**  
10 **exceptions.** (1) To control and prevent the spread of  
11 contagious diseases and viruses among seed potato stock, it  
12 shall be unlawful after January 1, 1991, for any person to  
13 plant or produce potatoes, either seed or commercial, from  
14 any seed potato stock unless the seed potatoes are:

15 (a) from seed stock produced as a part of a certified  
16 seed potato crop in the state or country of origin and  
17 certified as being from that stock;

18 (b) inspected at the receiving point by a federal or  
19 state-federal standard grade inspector if from a source  
20 outside the county;

21 (c) shipped in a clean, disinfected container or  
22 transportation carrier; and

23 (d) for each individual lot of seed potatoes,  
24 accompanied by a United States department of agriculture or  
25 state of origin certificate of inspection describing the

1 seed variety, seed class, standard grade, quality or  
 2 condition, and seed source and have affixed to each  
 3 inspection certificate an official state of origin seed  
 4 potato certification tag or label.

5 (2) The provisions of this section apply only to  
 6 counties where Montana certified seed potatoes are produced  
 7 and certified by Montana state university during the  
 8 preceding crop year as provided for in 80-5-301 through  
 9 80-5-305. On or before November 15 of each year, the  
 10 department shall compile from official certification records  
 11 at Montana state university a list of counties affected by  
 12 this section and shall publish the provisions of this  
 13 section throughout those counties.

14 (3) The provisions of this section do not apply to:

15 (a) potatoes grown in home gardens;

16 (b) potato fields of less than 3 acres;

17 (c) potatoes grown by any unit of the Montana  
 18 university system for research or educational purposes.

19 NEW SECTION. **Section 5. Enforcement -- penalty.** (1)  
 20 The department shall administer and enforce the provisions  
 21 of [this act].

22 (2) Any person violating any provision of [this act]  
 23 is guilty of a misdemeanor and upon conviction shall be  
 24 punished as provided in 46-18-212.

25 NEW SECTION. **Section 6. Extension of authority.** Any

1 existing authority to make rules on the subject of the  
 2 provisions of [this act] is extended to the provisions of  
 3 [this act].

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for SB357, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

SB357 would prohibit the importation or planting of noncertified seed potatoes in order to control and prevent the spread of contagious potato diseases.

ASSUMPTIONS:

1. Approximately 3,000 cwt of certified seed will be imported for planting purposes with a federal/state inspection rate of 4 cents per cwt.
2. On-site inspections will be conducted simultaneously with other federal/state inspections.
3. The Department of Agriculture will conduct inspections and annual surveys to determine whether or not counties are exempt from quarantine utilizing existing general fund staff.
4. The Dept. of Agriculture will absorb in its existing budget the cost of approximately \$250 for rule development/printing and distribution of mandatory quarantine notice.
5. There is no quantifiable state fiscal impact.

EFFECT ON COUNTY OR OTHER LOCAL REVENUE OR EXPENDITURES:

If certified seed is not planted, the proposed bill would eliminate commercial potato growers in 1991 in the following four counties: Flathead, Lake, Madison and Broadwater. There are six other counties (Hamilton, Lewis and Clark, Wheatland, Golden Valley and Carbon) that currently show production of commercial potatoes, but that do not have any certified seed producers in the county.

*Ray Shackleford*

DATE 2/11/89

RAY SHACKLEFORD, BUDGET DIRECTOR  
OFFICE OF BUDGET AND PROGRAM PLANNING

*Ethel M. Harding*

DATE 2-13-89

ETHEL M. HARDING, PRIMARY SPONSOR

Fiscal Note for SB357, as introduced

**SB 357**

APPROVED BY COMMITTEE  
ON AGRICULTURE LIVESTOCK  
& IRRIGATION

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IMPORTATION OR PLANTING OF NONCERTIFIED SEED POTATOES."

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contained in [section 3] and the publication provision  
contained in [section 4]. These rules should include but are  
not limited to procedures for:

(1) notification to growers of the provisions of [this  
act];

(2) inspection of imported seed potatoes, including  
the setting of inspection fees, if necessary;

(3) the quarantine of noncertified seed potatoes  
brought into the state;

(4) restrictions on the use of quarantined seed  
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(5) disposition of the quarantined seed potatoes; and

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of the state or country of origin and certified as such.

(2) "Department" means the department of agriculture  
provided for in 2-15-3001.

(3) "Person" means an individual, firm, partnership,  
corporation, company, association, or separate business or  
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(4) "Seed potatoes" or "potato seed" means all  
varieties of potato tubers, stems, and other plant parts of  
the herb plant known as *Solanum tuberosum* that are intended  
or used for seed purposes, planting, propagation, or  
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 4        stock:

5        (a) seed potatoes may not be imported into this state  
 6        for any commercial or agricultural purpose unless the seed  
 7        potatoes are:

8        (i) from seed stock produced as a part of a certified  
 9        seed potato crop in the state or country of origin and  
 10       certified as being from that stock;

11       (ii) inspected at the Montana receiving point by a  
 12       federal or state-federal standard grade inspector;

13       (iii) shipped in a clean, disinfected container or  
 14       transportation carrier; and

15       (iv) accompanied by a United States department of  
 16       agriculture or state of origin certification of inspection  
 17       describing the seed variety, seed class, standard grade,  
 18       quality or condition, and seed source and have affixed to  
 19       each inspection certificate an official state of origin seed  
 20       potato certification tag or label; and

21       (b) seed or commercial potatoes, equipment, machinery,  
 22       bags, or containers known to be diseased or contaminated  
 23       with bacterial ring rot, nematode, or tuber moth may not be  
 24       brought into this state.

25       (2) The provisions of this section do not apply to any

1       unit of the Montana university system when it is importing  
 2       into this state potato seed for research or educational  
 3       purposes.

4       (3) The department shall quarantine seed potatoes  
 5       imported into the state in violation of [this section]. The  
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 10 80-5-305. On or before November 15 of each year, the  
 11 department shall compile from official certification records  
 12 at Montana state university a list of counties affected by  
 13 this section and shall publish the provisions of this  
 14 section throughout those counties.

15 (3) The provisions of this section do not apply to:

16 (a) potatoes grown in home gardens;

17 ~~(b) potato fields of less than 3 acres;~~

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 21 The department shall administer and enforce the provisions  
 22 of [this act].

23 (2) Any person violating any provision of [this act]  
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 25 punished as provided in 46-18-212.

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17 ~~(b)--potato-fields-of-less-than-3-acres;~~

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-End-

STANDING COMMITTEE REPORT

March 9, 1989

Page 1 of 1

Mr. Speaker: We, the committee on Agriculture, Livestock, and Irrigation report that SENATE BILL 357 (third reading copy -- blue), with statement of intent included, be concurred in as amended.

Signed: Bob Bachini  
Bob Bachini, Chairman

[REP. WESTLAKE WILL CARRY THIS BILL ON THE HOUSE FLOOR]

And, that such amendment read:

1. Page 4, line 13.  
Strike: "1991"  
Insert: "1990"

**HOUSE**

550847SC.HBV

*SB 357*

## SENATE BILL NO. 357

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WESTLAKE, MERCER

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16 (a) potatoes grown in home gardens;

17 ~~{b}--potato-fields-of-less-than-3-acres;~~

18 ~~{c}{B}~~ potatoes grown by any unit of the Montana  
19 university system for research or educational purposes.

20 NEW SECTION. Section 5. Enforcement -- penalty. (1)

21 The department shall administer and enforce the provisions  
22 of [this act].

23 (2) Any person violating any provision of [this act]  
24 is guilty of a misdemeanor and upon conviction shall be  
25 punished as provided in 46-18-212.

1 NEW SECTION. Section 6. Extension of authority. Any  
2 existing authority to make rules on the subject of the  
3 provisions of [this act] is extended to the provisions of  
4 [this act].

-End-