

## HOUSE BILL NO. 171

INTRODUCED BY E. TILLEMAN, M. NIKOLAKAKOS, E. ALBUS, W. MCKAMEY, R. MINER, S. MANESS

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING THE ALFALFA SEED INDUSTRY ACT; ELIMINATING THE MONTANA ALFALFA SEED COMMITTEE AND TRANSFERRING DUTIES TO THE DEPARTMENT OF AGRICULTURE; REVISING DEFINITIONS; REVISING ALFALFA SEED ASSESSMENT INCREASE REQUIREMENTS; REQUIRING THE DEPARTMENT OF AGRICULTURE TO HOLD A PUBLIC MEETING EVERY BIENNIUM ON THE CONTINUATION OF THE ALFALFA SEED ASSESSMENT; PROVIDING RULEMAKING AUTHORITY; AMENDING SECTIONS 80-6-1102, 80-6-1103, 80-6-1105, 80-6-1106, 80-6-1108, 80-6-1109, 80-6-1110, 80-6-1111, 80-6-1112, 80-11-303, 80-11-304, 80-11-307, 80-11-309, AND 80-11-310, MCA; REPEALING SECTIONS 2-15-3004, 80-6-1104, 80-11-302, AND 80-11-305, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

**Section 1.** Section 80-6-1102, MCA, is amended to read:

**"80-6-1102. Definitions.** As used in this part, the following definitions apply:

(1) "Bee" means any stage in the life cycle of a bee of the species *Megachile rotundata* (F), commonly known as the alfalfa leaf-cutting bee.

(2) "Certification" means the process of analyzing bees and equipment by the ~~committee~~ department to determine whether they meet required standards.

~~(3) "Chalkbrood" means a fungal disease that attacks larvae of the alfalfa leaf-cutting bee.~~

~~(4) "Committee" means the Montana alfalfa seed committee established in 2-15-3004.~~

~~(5)~~(3) "Department" means the department of agriculture established in 2-15-3001.

~~(6)~~(4) "Equipment" means shelters, trays, incubators, cell removers, tumblers, and other apparatus, except nesting materials, used in rearing bees.

~~(7)~~(5) "Nest destroyer" means any organism that competes with the bee larvae for nest provisions.

~~(8)~~(6) "Nesting materials" means laminates, drilled boards, and other apparatus used in nesting bees.

1           (9)(7) "Parasite" means an organism living in or on any stage of the alfalfa leaf-cutting bee obtaining  
2    nutriment from the body of the bee.

3           (40)(8) "Pathogen" means an organism that causes disease in the alfalfa leaf-cutting bee.

4           (44)(9) "Person" means an individual, association, partnership, or corporation.

5           (42)(10) "Predator" means any organism or insect that preys on, devours, or destroys bees or nests.

6           (43)(11) "Wild trap" means to intentionally trap bees on property not owned or leased by the trapper."

7  
8           **Section 2.** Section 80-6-1103, MCA, is amended to read:

9           **"80-6-1103. Committee-Department responsibilities -- adoption of rules.** (1) The ~~committee~~  
10 department is responsible for the administration of this part.

11           (2) The ~~committee~~ department shall by rule adopt minimum standards for the presence of  
12 pathogens and parasites.

13           (3) The ~~committee~~ department may adopt rules establishing minimum standards for the presence  
14 of predators and nest destroyers in bees to be certified, imported, quarantined, and possessed or controlled in  
15 the state of Montana.

16           (4) The ~~committee~~ department may provide information and services relating to the rearing of  
17 alfalfa leaf-cutting bees and alfalfa seed production.

18           (5) The ~~committee~~ department may enter into agreements with other governmental agencies or  
19 private associations in carrying out the provisions of this part.

20           (6) In performing its duties under this part, the ~~committee~~ department may:

21           (a) enter upon any public or private premises to inspect equipment and sample bees;

22           (b) by rule establish quarantines to regulate the entry of bees, equipment, and nesting material into  
23 areas of Montana specified in the quarantines;

24           (c) quarantine any bees, equipment, or nesting material found to be infected or contaminated at  
25 levels exceeding importation or quarantine standards;

26           (d) order the disinfection, destruction, or removal of any bees, equipment, or nesting material that  
27 does not meet importation or quarantine standards.

28           (7) Upon receiving notification of nesting material or bees that appear to be abandoned, the

~~committee department~~ shall contact the owner as soon as possible to correct the problem. If the owner cannot be found, the nesting material or bees must be considered abandoned and the procedures for disposition of abandoned property set out in Title 70, chapter 9, must be followed.

(8) (a) Whenever the ~~committee department~~ has reasonable cause to believe a person is in possession of any bees or equipment in violation of this part or rules adopted under it, the ~~committee department~~ may order a quarantine of the suspected bees or equipment and may require any person in possession of the bees or equipment to hold them under specified conditions until notified otherwise in writing by the ~~committee department~~.

(b) The ~~committee department~~ shall release any quarantine upon finding that the bees and equipment are in compliance with this part."

**Section 3.** Section 80-6-1105, MCA, is amended to read:

**"80-6-1105. Alfalfa leaf-cutting bees -- certification.** (1) A person possessing or controlling alfalfa leaf-cutting bees in the state of Montana may annually certify all or part of the person's bees as provided in this section.

(2) To certify bees, a person shall file a completed application form provided by the department, together with a fee set by rule. The applicant shall provide the following:

(a) name and place of residence;

(b) the general location and number of bees to be certified; and

(c) other relevant information as may be required by ~~committee department~~ rule.

(3) After receipt of an application for certification, a sample of the total population of bees to be certified must be selected by the ~~committee department~~ or its agent in a manner prescribed by the ~~committee department~~. The sample must be analyzed for pathogens, parasites, predators, nest destroyers, and live larvae count. If certification standards are met, the sample must be certified.

(4) All bees to be certified may be stored in containers that can be officially sealed after sampling to maintain their certification identity.

(5) When the ~~committee department~~ has in its possession a completed application form, an appropriate fee, and a report that the sample meets certification standards, it may issue a certificate for the

1 bees.

2 (6) The ~~committee~~department shall by rule specify the date by which any applicant shall apply for  
3 recertification the following year."

4

5 **Section 4.** Section 80-6-1106, MCA, is amended to read:

6 **"80-6-1106. Bee laboratory authorized.** The ~~committee~~department or its agent may develop and  
7 maintain a laboratory for the purpose of providing analytical services required to carry out the provisions of this  
8 part. The laboratory may be authorized by the ~~committee~~department to provide services to persons possessing  
9 any bees or equipment on a fee-for-service basis."

10

11 **Section 5.** Section 80-6-1108, MCA, is amended to read:

12 **"80-6-1108. Restrictions on rearing, moving, and trapping of bees and movement of**  
13 **equipment.** (1) A person may not wild trap within 1 mile of registered bees without the written permission of the  
14 registrant.

15 (2) A person may not move any quarantined bee or equipment except by special permit issued by  
16 the ~~committee~~department.

17 (3) A person may not wild trap or attempt to wild trap bees unless that person has been issued a  
18 permit for that activity in accordance with rules adopted by the ~~committee~~department. The ~~committee~~  
19 department shall by rule establish the permit fee."

20

21 **Section 6.** Section 80-6-1109, MCA, is amended to read:

22 **"80-6-1109. Fees to be set by rule -- account established.** (1) Fees authorized to be charged by  
23 this part must be set by ~~committee~~department rule. The fees must be designed, when combined with other  
24 revenue sources available to the ~~committee~~department, to reimburse the ~~committee~~department for costs  
25 incurred in providing services and carrying out its duties under this part.

26 (2) There is an account in the state special revenue fund known as the leaf-cutting bee account for  
27 use by the ~~committee~~department. The account is made up of:

28 (a) fees collected under this part;

(b) money collected as part of the alfalfa seed assessment provided for in 80-11-307 and allocated to the account by the ~~committee~~ department; and

(c) any grants, donations, or gifts made to the ~~committee~~ department and designated by the ~~committee~~ department for the purposes of this part.

(3) The ~~committee~~ department may direct the board of investments to invest money from the account pursuant to the provisions of the unified investment program. The income from investments must be credited to the leaf-cutting bee account."

**Section 7.** Section 80-6-1110, MCA, is amended to read:

**"80-6-1110. Violation -- penalty.** A person who imports, possesses, controls, moves, or wild traps or attempts to import, possess, control, move, or wild trap any bee or equipment in violation of this part or who interferes with or attempts to interfere with the efforts of the ~~committee~~ department or its agent to perform its duty under this part is guilty of a misdemeanor and upon conviction shall be fined not less than \$300 or more than \$500 for the first conviction and not less than \$300 or more than \$1,000 for each subsequent conviction."

**Section 8.** Section 80-6-1111, MCA, is amended to read:

**"80-6-1111. Alfalfa leaf-cutting bees -- registration.** (1) A person may not possess or control alfalfa leaf-cutting bees in this state unless the bees are registered as provided in this section.

(2) To register bees, a person shall file a completed application form provided by the department, together with the registration fee set by rule. The applicant shall provide the following:

(a) the name and place of residence;

(b) the general location of bees to be registered; and

(c) other relevant information as may be required by ~~committee~~ department rule.

(3) A registration is continuous until the registrant notifies the ~~committee~~ department of cancellation."

**Section 9.** Section 80-6-1112, MCA, is amended to read:

**"80-6-1112. Funding limitation.** (1) The ~~committee~~ department shall expend only those funds

1 deposited in the special revenue account provided for in 80-6-1109 for the purposes of this part. In the event  
2 that funds are insufficient to finance the costs of services under this part, the ~~committee~~ department may  
3 reduce services accordingly.

4 (2) The ~~committee~~ department may contract lab services with a qualified person and charge  
5 growers at cost on a per-sample basis.

6 (3) The ~~committee~~ department may levy a fee set by ~~committee~~ department rule not to exceed 30  
7 cents for each 3,000 holes of nesting material deeper than 3 1/2 inches for the purpose of administering this  
8 part and for the sampling and testing of bees. For nesting material 3 1/2 inches deep or less, the fee may not  
9 exceed 16 cents per 2,000 holes of nesting material.

10 (4) Fees must be based on all nesting materials that are in field use on July 15 of each year. Fees  
11 are due on November 1 of each year.

12 (5) The amount of fees paid must be credited against a grower's cost of sampling and certification.

13 (6) Certification fees for drilled boards or loose cells may not exceed ~~committee~~ department cost."  
14

15 **Section 10.** Section 80-11-303, MCA, is amended to read:

16 **"80-11-303. Definitions.** As used in this part the following definitions apply:

17 (1) ~~"Committee" means the Montana alfalfa seed committee established in 2-15-3004.~~

18 (2)(1) "Dealer" means any person, partnership, association, corporation, cooperative, or other  
19 business unit or device that first handles, packs, ships, buys, and sells alfalfa seed or that acts as sales or  
20 purchasing agent, broker, or factor of alfalfa seed.

21 (3)(2) "Grower" means any landowner personally engaged in growing alfalfa seed, a tenant  
22 personally engaged in growing alfalfa seed, or both the owner and the tenant jointly, and includes a person,  
23 partnership, association, corporation, cooperative organization, trust, sharecropper, or any and all other  
24 business units entities, ~~devices~~, and arrangements that grow alfalfa seed or are engaged in the pollination of  
25 alfalfa seed.

26 (4)(3) "Handled in the primary channels of trade" means the time when any alfalfa seed is delivered  
27 under a sales contract, sold, or delivered for shipment and sale."  
28

1           **Section 11.** Section 80-11-304, MCA, is amended to read:

2           **"80-11-304. Powers of the committee Department powers -- rulemaking.** The committee  
3   department may:

4           (1) ~~provide, through the department of agriculture, for the administration and enforcement of this~~  
5   ~~part;~~

6           (2) ~~enter into contracts in the name of the committee;~~

7           (3) ~~authorize the purchase of all office equipment or supplies and incur all other reasonable and~~  
8   ~~necessary expenses and obligations required to carry out the provisions of this part;~~

9           (4) ~~become a member of and purchase membership in trade organizations and subscribe to and~~  
10   ~~purchase trade bulletins, journals, and other trade publications;~~

11          (5) ~~plan and conduct a research program to improve the quality of alfalfa seed, develop and~~  
12   ~~improve control measures for disease and pests that attack alfalfa and alfalfa seed pollinators, improve alfalfa~~  
13   ~~growing culture, disseminate information among the growers and dealers of the state, financially support the~~  
14   ~~alfalfa leaf-cutting bee program provided for in Title 80, chapter 6, part 11, and enter into research contracts~~  
15   ~~and other agreements as necessary;~~

16          (6) ~~plan and conduct a publicity and sales promotion campaign to increase the sale and use of~~  
17   ~~Montana alfalfa seed and enter into publicity and sales promotion contracts and other agreements as~~  
18   ~~necessary;~~

19          (7) ~~in cooperation with the director of the department of agriculture, establish and maintain the~~  
20   ~~executive offices of the committee at any location in the state. The location may be changed at the discretion of~~  
21   ~~the director and the committee.~~

22          (8) ~~recommend rules and orders to be adopted for the exercise of its power and the performance~~  
23   ~~of its duties, in accordance with the Montana Administrative Procedure Act;~~

24          (1) adopt rules for the exercise of its power and the performance of its duties under this part in  
25   accordance with the Montana Administrative Procedure Act;

26          (9)(2) ~~cooperate with any local, state, or national organization or agency, whether voluntary or~~  
27   ~~created by the law of any state or the United States government, engaged in work or activities similar to the~~  
28   ~~work and activities of the committee and enter into contracts or agreements with the any local, state, or national~~

1 organizations or agencies for carrying on a joint campaign of research, education, product protection, publicity,  
2 and reciprocal enforcement of these objectives; and  
3 ~~(40)(3)~~ accept grants, donations, and gifts from any source for expenditure for any purpose consistent  
4 with Title 80, chapter 6, part 11, or this part, including a purpose specified as a condition of a grant, donation, or  
5 gift."

6  
7 **Section 12.** Section 80-11-307, MCA, is amended to read:

8 **"80-11-307. Assessment on alfalfa seed.** (1) There is hereby levied upon all alfalfa seed grown in  
9 this state and sold through commercial channels an assessment of 1/2 of 1% of the grower's price received at  
10 the point of first sale.

11 (2) If it appears from an investigation that the revenue from the assessment levied under  
12 subsection (1) is inadequate to accomplish the purposes of this part, ~~the committee shall file with the director of~~  
13 ~~agriculture a report showing the necessity of the industry, extent of public convenience, interest, and necessity,~~  
14 ~~and probable revenue from the additional assessment desired to be levied. The the department~~ director of  
15 ~~agriculture may thereupon increase the assessment to a sum not to exceed 1% of the grower's price received~~  
16 ~~at the point of first sale. No An increase may not be made prior to filing of the report and recommendation by~~  
17 ~~the committee to holding a public meeting for input from growers."~~

18  
19 **Section 13.** Section 80-11-309, MCA, is amended to read:

20 **"80-11-309. Refund of assessment.** Any person who has paid assessments to the department may  
21 request the department to refund all or any portion of the assessment levied under the rules of the department  
22 and paid by the ~~producer~~ person. All such requests must be in writing, filed not later than August 1 of each  
23 calendar year for the preceding crop year, and must be on forms to be available without cost to all ~~producers~~  
24 persons who pay assessments."

25  
26 **Section 14.** Section 80-11-310, MCA, is amended to read:

27 **"80-11-310. Deposit and disbursement of funds -- investment -- hearing.** (1) As soon as possible  
28 after receipt, all money received by the department from the assessment levied under 80-11-307 and all other

1 money received must be deposited in the alfalfa seed account in the state special revenue fund.

2 (2) (a) All money referred to in subsection (1) may be appropriated to the ~~committee~~ department  
3 and may be used only for the payment of expenses incurred in carrying out the provisions of Title 80, chapter 6,  
4 part 11, and this part.

5 (b) The ~~committee~~ department may transfer money from the account to the alfalfa leaf-cutting bee  
6 account provided for in 80-6-1109.

7 (c) The ~~committee may be assessed costs by the department~~ may charge the account with all  
8 reasonable and necessary costs for the services it provides ~~upon request or pursuant to 2-15-121~~. The costs  
9 charged must have a substantial relationship to the cost of services supplied.

10 (3) Money received under 80-11-312, 80-11-313, and this section that is not immediately required  
11 for the purposes of Title 80, chapter 6, part 11, and this part must be invested under provisions of the unified  
12 investment program established in Title 17, chapter 6, part 2. The income from the investment must be  
13 deposited in the alfalfa seed account in the state special revenue fund.

14 (4) Money received under 80-11-312, 80-11-313, and this section may be appropriated to the  
15 ~~committee~~ department for the purposes of Title 80, chapter 6, part 11, and this part.

16 (5) The department shall hold at least one public meeting every biennium for the alfalfa industry  
17 and provide input as to the continuation of the assessment and the preferred uses of the money."

18  
19 **NEW SECTION. Section 15. Repealer.** The following sections of the Montana Code Annotated are  
20 repealed:

21 2-15-3004. Montana alfalfa seed committee -- composition -- allocation.

22 80-6-1104. Advisory duty of committee.

23 80-11-302. Findings -- purpose.

24 80-11-305. Compensation -- per diem.

25

26 **NEW SECTION. Section 16. Effective date.** [This act] is effective July 1, 2025.

27 - END -