



**AN ACT ALLOWING THE DEPARTMENT OF AGRICULTURE TO
PROVIDE SAMPLING SERVICES IN CROP-RELATED DISPUTES;
PROVIDING FOR FEES; AND GRANTING RULEMAKING
AUTHORITY.**

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

1 **Section 1. Plan sampling provided--fees--rulemaking authority.** (1) In a
2 dispute in which a plant sample would serve a useful purpose to clarify,
3 quantify, or settle the dispute, either party may file with the department a
4 request that the department provide sampling services.

5 (2) The department shall charge a fee that covers the costs of providing
6 the sampling service. Costs associated with sampling must be paid by the
7 person who requested the sampling unless:

8 (a) both parties agree to a different assignment of costs through a
9 contractual or settlement agreement;

10 or

11 (b) a different allocation has been ordered through mediation or a court
12 order.

13 (3) The department shall adopt rules to implement this section.

14 **Section 2. Codification instruction.** [Section 1] is intended to be codified
15 as an integral part of Title 80, chapter 2, and the provisions of Title 80, chapter
16 2, apply to [section 1].

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