



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

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

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

or

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

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

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

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