

1 _____ BILL NO. _____

2 INTRODUCED BY _____

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING DISCLOSURE FOR COMMERCIAL AGRICULTURAL
5 DATA COLLECTION; REQUIRING OPT-OUT PROCEDURES; REQUIRING THE SUBMISSION OF
6 AGGREGATED AGRICULTURAL DATA FOR COMMERCIAL PURPOSES; ASSESSING A SUBMISSION
7 FEE; PROVIDING DEFINITIONS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

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11 NEW SECTION. **Section 1. Definitions.** As used in [sections 1 through 3], unless the context clearly
12 indicates otherwise, the following definitions apply:

13 (1) "Acquisitions data" means data related to the acquisition of capital, land, equipment, inputs,
14 livestock, or any other acquisition of agricultural property.

15 (2) "Aggregated agricultural data" means a summary of individual-level data that has been
16 combined into a single set.

17 (3) "Agricultural data" means acquisitions data, care data, crop production data, cultivation data,
18 field usage data, financial standings data, GPS data, historical yield data, irrigation data, maintenance data,
19 marketing strategy and decisions data, purchase or sale information data, soil data, usage data, and yield data.

20 (4) "Care data" means data related to the acquisition, treatment, or selling of livestock and metrics
21 associated with the transaction.

22 (5) "Crop production data" means data related to the practice of protecting the crop yields from
23 different agents including pests, weeds, plant diseases, and other organisms that may cause damage to
24 agricultural crops.

25 (6) "Cultivation data" means data related to the practice of planting, harvesting, cultivating, or other
26 related crop-rearing practices. The term may include data such as the date an operation occurred, metrics
27 regarding the method of practice, and other personally identifiable related practices.

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

(8) "Field usage data" means data related to commodities planted, land care, irrigation, and land management practices.

(9) "Financial standings data" means data related to financial standings of agricultural production operations, including assets and liabilities, and other related identifiable information.

(10) "GPS data" or "geolocation data" means data related to global positioning systems (GPS) coordinates in farm machinery, decisionmaking software, and all other related systems that utilize GPS in agricultural practices.

(11) "Historical yield data" means data connected to individual parcels of land, including yield metrics related to the success of crops cultivated in individual parcels.

(12) "Irrigation data" means data related to the method, timing, and usage of irrigation resources and equipment.

(13) "Maintenance data" means data related to maintenance actions of equipment, including services, service intervals, and other related personally identifiable data.

(14) "Marketing strategy and decisions data" means data related to transactions of commodities, livestock, and land, including marketing plans, marketing actions, and related metrics.

(15) "Process" or "processing" means an operation or set of operations performed on agricultural data, whether by manual or automated means, such as the collection, use, storage, disclosure, analysis, deletion, or modification of agricultural data.

(16) "Purchase or sell information data" means data related to the acquisition or selling of livestock and metrics associated with the transaction.

(17) "Soil data" means information gathered through soil surveys, which involve the systematic examination, description, classification, and mapping of soils in a specific area.

(18) "Usage data" means data concerning the operation of machinery related to common agricultural practices.

(19) "Yield data" means data connected to the harvest of commodities, including yield and production metrics, as well as date of harvest and other personally identifiable data.

NEW SECTION. Section 2. Agricultural data collection -- disclosures -- opt-out procedures. (1)

1 A person or entity engaged in a business involving, or as part of a business participating in collecting, buying,
2 brokering, exchanging, negotiating, or soliciting the sale, resale, exchange, bailment, processing, aggregation,
3 or transfer of any agricultural data collected in the state shall:

4 (a) provide disclosure at the start of the company's terms of agreement to affected customers that
5 includes the nature and purpose of the data collection;

6 (b) allow affected customers to opt out of any data collection procedures that result in the
7 commercial sale, resale, exchange, bailment, processing, aggregation, or transfer of the agricultural data; and

8 (c) allow affected customers to request a full deletion of any agricultural data that is collected or
9 results in the commercial sale, resale, exchange, bailment, processing, aggregation, or transfer of the
10 agricultural data.

11 (2) This section does not apply to a person's or entity's data collection for the purposes of
12 developing or maintaining machinery or equipment that does not sell, resell, exchange, or transfer the data to
13 another person or entity.

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15 **NEW SECTION. Section 3. Aggregated agricultural data requirements -- fee.** (1) A person or
16 entity engaged in a business involving, or as part of a business participating in collecting, buying, brokering,
17 exchanging, negotiating, or soliciting the sale, resale, exchange, bailment, or transfer of any agricultural data
18 collected in the state shall provide the collected data to the department as it is collected, but at least 1 week
19 prior to any other transaction.

20 (2) As the data is collected and aggregated then copyrighted, the department shall make it
21 available to download on a weekly basis.

22 (3) A person or entity as described in subsection (1) may only engage in business involving
23 aggregated agricultural data.

24 (4) The person or entity shall pay a \$25 filing fee with the department.

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26 **NEW SECTION. Section 4. Codification instruction.** [Sections 1 through 3] are intended to be
27 codified as a new part of Title 30, chapter 14, and the provisions of Title 30, chapter 14, apply to [sections 1
28 through 3].

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2 NEW SECTION. **Section 5. Effective date.** [This act] is effective on passage and approval.

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