

HOUSE BILL NO. 549

INTRODUCED BY GRADY, ANDERSON, T. BECK, STEPPLER,  
RANEY, L. NELSON, ELLIOTT, DRISCOLL, GILBERT,  
M. HANSON, YELLOWTAIL, WEEDING, BENGTSON,  
MCCAFFREE, HAYNE

IN THE HOUSE

FEBRUARY 1, 1991                   INTRODUCED AND REFERRED TO COMMITTEE  
ON AGRICULTURE, LIVESTOCK, & IRRIGATION.

FEBRUARY 2, 1991                   FIRST READING.

FEBRUARY 21, 1991                  COMMITTEE RECOMMEND BILL  
DO PASS AS AMENDED. REPORT ADOPTED.

FEBRUARY 22, 1991                  PRINTING REPORT.

FEBRUARY 23, 1991                  SECOND READING, DO PASS.

FEBRUARY 25, 1991                  ENGROSSING REPORT.

FEBRUARY 26, 1991                  THIRD READING, PASSED.  
AYES, 95; NOES, 4.

TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 27, 1991                  INTRODUCED AND REFERRED TO COMMITTEE  
ON AGRICULTURE, LIVESTOCK, & IRRIGATION.

FIRST READING.

MARCH 12, 1991                    COMMITTEE RECOMMEND BILL BE  
CONCURRED IN AS AMENDED. REPORT  
ADOPTED.

MARCH 14, 1991                    SECOND READING, CONCURRED IN.

ON MOTION, SEGREGATED FROM COMMITTEE  
OF THE WHOLE REPORT.

MARCH 15, 1991                    SECOND READING, CONCURRED IN AS  
AMENDED.

MARCH 16, 1991                    THIRD READING, CONCURRED IN.  
AYES, 48; NOES, 1.

RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

APRIL 9, 1991

RECEIVED FROM SENATE.

SECOND READING, AMENDMENTS  
CONCURRED IN.

APRIL 10, 1991

THIRD READING, AMENDMENTS  
CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 *House* BILL NO. *549*  
 2 INTRODUCED BY *Grady Anderson T. Beck*  
 3 *Rory Nelson*  
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE  
 5 COUNTY NOXIOUS WEED CONTROL LAWS; *Yellowtail Weed* REQUIRING TRAINING FOR  
 6 WEED DISTRICT SUPERVISORS; ESTABLISHING NEW TERMINATION  
 7 DATES FOR INFORMATION AND LIABILITY RESTRICTIONS ON  
 8 HERBICIDE USE; AMENDING SECTIONS 7-22-2109, 7-22-2121,  
 9 7-22-2142, 7-22-2143, 7-22-2145, AND 7-22-2148, MCA, AND  
 10 SECTION 7, CHAPTER 516, LAWS OF 1987; AND PROVIDING AN  
 11 EFFECTIVE DATE."

STATEMENT OF INTENT

12  
 13  
 14 A statement of intent is required for this bill in order  
 15 to provide guidance to the department of agriculture  
 16 concerning the adoption of rules to identify the type and  
 17 level of training a weed district supervisor should obtain  
 18 to properly administer a noxious weed management program. It  
 19 is the policy of the state of Montana to properly control  
 20 and manage noxious weeds in order to protect the  
 21 agricultural economy and natural ecosystems of the state. It  
 22 is also the policy of the state of Montana to properly  
 23 manage pesticides in order to ensure public and worker  
 24 safety and to protect the environment. Weed district  
 25 supervisors need special training and education in order to

1 design and administer weed management programs that  
 2 appropriately implement these policies. The legislature  
 3 recognizes that funding is an important consideration that  
 4 may constrain the level and type of training a weed district  
 5 supervisor may obtain at any one time or in any particular  
 6 year. The legislature directs the department to adopt rules  
 7 that specify the objectives of weed district supervisor  
 8 training and that identify the topics and level of education  
 9 necessary for weed district supervisors to implement  
 10 effective noxious weed management programs and to ensure  
 11 that pesticides are properly managed. The legislature  
 12 further directs the department, in cooperation with the  
 13 Montana state university extension service, to assist in the  
 14 development of a curriculum and a course of training for  
 15 district weed supervisors that will fulfill the objectives  
 16 specified in the department's rules. Within the limitations  
 17 of available funding, county weed boards should ensure, over  
 18 a period of several years if necessary, that district weed  
 19 supervisors obtain proper training as defined in the  
 20 department's rules.

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

Section 1. Section 7-22-2109, MCA, is amended to read:

"7-22-2109. Powers and duties of board. (1) The board may:

1 (a) ~~employ a supervisor and other~~ hire employees as  
2 necessary and provide for their compensation;

3 (b) purchase such chemicals, materials, and equipment  
4 and pay other operational costs as it determines necessary  
5 for implementing an effective weed management program. Such  
6 costs must be paid from the noxious weed fund.

7 (c) determine what chemicals, materials, or equipment  
8 may be made available to persons controlling weeds on their  
9 own land. The cost for such chemicals, materials, or  
10 equipment must be paid by such person and collected as  
11 provided in this part.

12 (d) enter into agreements with the department for the  
13 control and eradication of any new exotic plant species not  
14 previously established in the state which may render land  
15 unfit for agriculture, forestry, livestock, wildlife, or  
16 other beneficial use if such plant species spreads or  
17 threatens to spread into the state; and

18 (e) perform other activities relating to weed  
19 management.

20 (2) The board shall:

21 (a) employ a full-time supervisor;

22 (b) administer the district's noxious weed program;

23 ~~(b)(c)~~ establish management criteria for noxious weeds  
24 on all land within the district; and

25 ~~(e)(d)~~ make all reasonable efforts to develop and

1 implement a noxious weed program covering all land within  
2 the district owned or administered by a federal agency."

3 NEW SECTION. Section 2. Weed district supervisor  
4 training. Within the limitations of available funds, the  
5 board shall ensure that the weed district supervisor obtains  
6 training to properly implement the noxious weed management  
7 program described in 7-22-2121. The department shall specify  
8 through rulemaking the level and type of training necessary  
9 to fulfill this requirement.

10 Section 3. Section 7-22-2121, MCA, is amended to read:

11 "7-22-2121. Weed management program. (1) The noxious  
12 weed management program must be based on a plan approved by  
13 the board.

14 (2) The noxious weed management plan must:

15 (a) specify the goals and priorities of the program;

16 (b) review the distribution and abundance of each  
17 noxious weed species known to occur within the district and  
18 specify the locations of new infestations and areas  
19 particularly susceptible to new infestations; and

20 (c) specify pesticide management goals and procedures,  
21 including but not limited to water quality protection,  
22 public and worker safety, equipment selection and  
23 maintenance, and pesticide selection, application, mixing,  
24 loading, storage, and disposal; and

25 (d) estimate the personnel, operations, and equipment

1 costs of the proposed program.

2 (3) The board shall provide for the management of  
3 noxious weeds on all land or rights-of-way owned or  
4 controlled by a county or municipality within the confines  
5 of the district. It shall take particular precautions while  
6 managing the noxious weeds to preserve beneficial vegetation  
7 and wildlife habitat. Where at all possible, methods for  
8 such control shall include cultural, chemical, and  
9 biological methods.

10 (4) The board may establish special management zones  
11 within the district. The management criteria in such zones  
12 may be more or less stringent than the general management  
13 criteria for the district."

14 **Section 4.** Section 7-22-2142, MCA, is amended to read:

15 "7-22-2142. Sources of money for noxious weed fund. (1)  
16 The commissioners ~~may~~ shall create the noxious weed fund and  
17 provide sufficient money in the fund for the board to  
18 fulfill its duties, as specified in 7-22-2109, by:

19 (a) appropriating money from the general fund of the  
20 county;

21 (b) or at any time fixed by law for levy and assessment  
22 of taxes, levying a tax not exceeding 2 5 mills on the  
23 dollar of total taxable valuation in ~~such the~~ county, or  
24 both. The tax levied under this subsection must be  
25 identified on the assessment as the tax that will be used

1 for noxious weed control; and

2 ~~(c) --levying a tax in excess of 2 mills if authorized by~~  
3 ~~a majority of the qualified electors voting in an election~~  
4 ~~held for this purpose pursuant to 7-6-2531 through 7-6-2536.~~

5 (2) The proceeds of the noxious weed control tax shall  
6 must be used solely for the purpose of managing noxious  
7 weeds in ~~said the~~ county and ~~shall~~ must be designated to the  
8 noxious weed fund.

9 (3) Any proceeds from work or chemical sales ~~shall~~ must  
10 revert to the noxious weed fund and ~~shall~~ must be available  
11 for reuse within that fiscal year or any subsequent year.

12 (4) The commissioners may accept any private, state, or  
13 federal gifts, grants, contracts, or other funds to aid in  
14 the management of noxious weeds within the district. These  
15 funds must be placed in the noxious weed fund."

16 **Section 5.** Section 7-22-2143, MCA, is amended to read:

17 "7-22-2143. Determination of cost of weed control  
18 program. ~~The~~ Based on the board's recommendations, the  
19 commissioners shall determine and fix the cost of the  
20 control of noxious weeds in the district, whether the same  
21 be performed by the individual landowners or by the board."

22 **Section 6.** Section 7-22-2145, MCA, is amended to read:

23 "7-22-2145. Expenditures from noxious weed fund. (1)  
24 The noxious weed fund ~~shall~~ must be expended by the  
25 commissioners at ~~such the~~ time and in ~~such the~~ manner as is

1 ~~deemed-best~~ recommended by the board to secure the control  
2 of noxious weeds.

3 (2) Warrants upon ~~such~~ the fund ~~shall~~ must be drawn by  
4 the board. ~~No-warrants--shall~~ Warrants may not be drawn  
5 except upon claims duly itemized by the claimant, except  
6 payroll claims ~~which--shall~~ that must be itemized and  
7 certified by the board, and each ~~such~~ claim ~~shall~~ must be  
8 presented to the commissioners for approval before the  
9 warrant ~~therefor--shall--be~~ is countersigned by the  
10 commissioners."

11 **Section 7.** Section 7-22-2148, MCA, is amended to read:

12 "7-22-2148. Tax liability for payment of weed control  
13 expenses. (1) The expenses referred to in 7-22-2124 shall be  
14 paid by the county out of the noxious weed fund, and unless  
15 the sum to be repaid by the person billed under 7-22-2124 is  
16 repaid on or before the date due, the county clerk shall  
17 certify the amount thereof, with the description of the land  
18 to be charged, and shall enter the same on the assessment  
19 list of the county as a special tax on the land. If the land  
20 for any reason is exempt from general taxation, the amount  
21 of such charge may be recovered by direct claim against the  
22 lessee and collected in the same manner as personal taxes.  
23 When such charges are collected, they shall be credited to  
24 the noxious weed fund.

25 (2) In determining what lands are included as land

1 covered by the special tax and are described in the  
2 certificate of the county clerk, it is presumed that all  
3 work done upon any of the land of any one landowner is for  
4 the benefit of all of the land within the district belonging  
5 to ~~such~~ the owner ~~which-was--contiguous--to--or--joined--the~~  
6 ~~parcel-upon-which-the-work-was-done-at-the-time-the-work-was~~  
7 ~~done,~~ together with the parcel upon which the work was done,  
8 and the amount certified becomes a tax upon the whole  
9 thereof."

10 NEW SECTION. **Section 8.** Codification instruction.

11 [Section 2] is intended to be codified as an integral part  
12 of Title 7, chapter 22, part 21, and the provisions of Title  
13 7, chapter 22, part 21, apply to [section 2].

14 **Section 9.** Section 7, Chapter 516, Laws of 1987, is  
15 amended to read:

16 "Section 7. Termination. This act terminates July 1,  
17 ~~1991~~ 1995."

18 NEW SECTION. **Section 10.** Effective date. [This act] is

19 effective July 1, 1991.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0549, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

This bill revises county noxious weed control laws, requires training for weed district supervisors, establishes new termination dates for information and liability restrictions on herbicide use.

ASSUMPTIONS:


1. The Department of Agriculture must adopt rules on weed supervisor training.
2. The department and the Cooperative Extension Service (CES) will develop a curriculum and course of training for weed district supervisors.
3. The \$280 costs for publication of rules will be absorbed within the existing executive recommended budget for the department and this will be accomplished with existing personnel.

FISCAL IMPACT:

No fiscal Impact

EFFECT ON COUNTY OR OTHER LOCAL REVENUE OR EXPENDITURES:

1. County weed districts must employ a full-time weed supervisor. Twenty-six districts have full-time supervisors, 27 districts have part-time supervisors, and 3 counties have no supervisors.
2. County commissions must provide "sufficient" funding for weed programs. They may appropriate general fund and/or levy up to 5 mills. The current levy is up to 2 mills.
3. The weed districts must update weed management plans and provide training for supervisors within available funding.

  
\_\_\_\_\_  
ROD SUNDSTED, BUDGET DIRECTOR                      DATE  
Office of Budget and Program Planning

  
\_\_\_\_\_  
EDWARD GRADY, PRIMARY SPONSOR                      DATE

Fiscal Note for HB0549, as introduced

**HB 549**

APPROVED BY COMMITTEE  
ON AGRICULTURE LIVESTOCK  
& IRRIGATION

HOUSE BILL NO. 549

INTRODUCED BY GRADY, ANDERSON, T. BECK, STEPLER,

RANEY, L. NELSON, ELLIOTT, DRISCOLL, GILBERT,

HANSON, YELLOWTAIL, WEEDING, BENGTSON,

MCCAFFREE, HAYNE

A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE COUNTY NOXIOUS WEED CONTROL LAWS; REQUIRING TRAINING FOR WEED DISTRICT SUPERVISORS; ESTABLISHING NEW TERMINATION DATES FOR INFORMATION AND LIABILITY RESTRICTIONS ON HERBICIDE USE; AMENDING SECTIONS 7-22-2109, 7-22-2121, 7-22-2142, 7-22-2143, 7-22-2145, AND 7-22-2148, MCA, AND SECTION 7, CHAPTER 516, LAWS OF 1987; AND PROVIDING AN EFFECTIVE DATE."

STATEMENT OF INTENT

A statement of intent is required for this bill in order to provide guidance to the department of agriculture concerning the adoption of rules to identify the type and level of training a weed district supervisor should obtain to properly administer a noxious weed management program. It is the policy of the state of Montana to properly control and manage noxious weeds in order to protect the agricultural economy and natural ecosystems of the state. It is also the policy of the state of Montana to properly

manage pesticides in order to ensure public and worker safety and to protect the environment. Weed district supervisors need special training and education in order to design and administer weed management programs that appropriately implement these policies. The legislature recognizes that funding is an important consideration that may constrain the level and type of training a weed district supervisor may obtain at any one time or in any particular year. The legislature directs the department to adopt rules that specify the objectives of weed district supervisor training and that identify the topics and level of education necessary for weed district supervisors to implement effective noxious weed management programs and to ensure that pesticides are properly managed. The legislature further directs the department, in cooperation with the Montana state university extension service, to assist in the development of a curriculum and a course of training for district weed supervisors that will fulfill the objectives specified in the department's rules. Within the limitations of available funding, county weed boards should ensure, over a period of several years if necessary, that district weed supervisors obtain proper training as defined in the department's rules.

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





1       **Section 1.** Section 7-22-2109, MCA, is amended to read:  
 2       "7-22-2109. Powers and duties of board. (1) The board  
 3 may:  
 4       (a) ~~employ--a--supervisor--and--other~~ hire employees as  
 5 necessary and provide for their compensation;  
 6       (b) purchase such chemicals, materials, and equipment  
 7 and pay other operational costs as it determines necessary  
 8 for implementing an effective weed management program. Such  
 9 costs must be paid from the noxious weed fund.  
 10       (c) determine what chemicals, materials, or equipment  
 11 may be made available to persons controlling weeds on their  
 12 own land. The cost for such chemicals, materials, or  
 13 equipment must be paid by such person and collected as  
 14 provided in this part.  
 15       (d) enter into agreements with the department for the  
 16 control and eradication of any new exotic plant species not  
 17 previously established in the state which may render land  
 18 unfit for agriculture, forestry, livestock, wildlife, or  
 19 other beneficial use if such plant species spreads or  
 20 threatens to spread into the state; and  
 21       (e) perform other activities relating to weed  
 22 management.  
 23       (2) The board shall:  
 24       (a) employ a full-time supervisor;  
 25       (b) administer the district's noxious weed program;

1       ~~{b}{c}~~ establish management criteria for noxious weeds  
 2 on all land within the district; and  
 3       ~~{e}{d}~~ make all reasonable efforts to develop and  
 4 implement a noxious weed program covering all land within  
 5 the district owned or administered by a federal agency."  
 6       **NEW SECTION. Section 2.** Weed district supervisor  
 7 training. Within the limitations of available funds, the  
 8 board shall ensure that the weed district supervisor obtains  
 9 training to properly implement the noxious weed management  
 10 program described in 7-22-2121. The department shall specify  
 11 through rulemaking the level and type of training necessary  
 12 to fulfill this requirement.  
 13       **Section 3.** Section 7-22-2121, MCA, is amended to read:  
 14       "7-22-2121. **Weed management program.** (1) The noxious  
 15 weed management program must be based on a plan approved by  
 16 the board.  
 17       (2) The noxious weed management plan must:  
 18       (a) specify the goals and priorities of the program;  
 19       (b) review the distribution and abundance of each  
 20 noxious weed species known to occur within the district and  
 21 specify the locations of new infestations and areas  
 22 particularly susceptible to new infestations; and  
 23       (c) specify pesticide management goals and procedures,  
 24 including but not limited to water quality protection,  
 25 public and worker safety, equipment selection and

1 maintenance, and pesticide selection, application, mixing,  
 2 loading, storage, and disposal; and

3 (d) estimate the personnel, operations, and equipment  
 4 costs of the proposed program.

5 (3) The board shall provide for the management of  
 6 noxious weeds on all land or rights-of-way owned or  
 7 controlled by a county or municipality within the confines  
 8 of the district. It shall take particular precautions while  
 9 managing the noxious weeds to preserve beneficial vegetation  
 10 and wildlife habitat. Where at all possible, methods for  
 11 such control shall include cultural, chemical, and  
 12 biological methods.

13 (4) The board may establish special management zones  
 14 within the district. The management criteria in such zones  
 15 may be more or less stringent than the general management  
 16 criteria for the district."

17 **Section 4.** Section 7-22-2142, MCA, is amended to read:

18 "7-22-2142. Sources of money for noxious weed fund. (1)  
 19 The commissioners may ~~shall~~ MAY create the noxious weed fund  
 20 and provide sufficient money in the fund for the board to  
 21 fulfill its duties, as specified in 7-22-2109, by:

22 ~~(a)~~ (A) appropriating money from the general fund of the  
 23 county;

24 ~~(b)~~ (B) or at any time fixed by law for levy and  
 25 assessment of taxes, levying a tax not exceeding 2 5 mills

1 on the dollar of total taxable valuation in such the county,  
 2 or--both. The tax levied under this subsection must be  
 3 identified on the assessment as the tax that will be used  
 4 for noxious weed control; and; AND

5 ~~(c)--levying a tax in excess of 2 mills if authorized by~~  
 6 ~~a--majority--of-the-qualified-electors-voting-in-an-election~~  
 7 ~~held-for-this-purpose-pursuant-to-7-6-2531-through-7-6-2536~~

8 (C) LEVYING A TAX IN EXCESS OF 5 MILLS IF AUTHORIZED BY  
 9 A MAJORITY OF THE QUALIFIED ELECTORS VOTING IN AN ELECTION  
 10 HELD FOR THIS PURPOSE PURSUANT TO 7-6-2531 THROUGH 7-6-2536.

11 (2) The proceeds of the noxious weed control tax ~~shall~~ must  
 12 be used solely for the purpose of managing noxious  
 13 weeds in said the county and shall must be designated to the  
 14 noxious weed fund.

15 (3) Any proceeds from work or chemical sales ~~shall~~ must  
 16 revert to the noxious weed fund and shall must be available  
 17 for reuse within that fiscal year or any subsequent year.

18 (4) The commissioners may accept any private, state, or  
 19 federal gifts, grants, contracts, or other funds to aid in  
 20 the management of noxious weeds within the district. These  
 21 funds must be placed in the noxious weed fund."

22 **Section 5.** Section 7-22-2143, MCA, is amended to read:

23 "7-22-2143. Determination of cost of weed control  
 24 program. The Based on the board's recommendations, the  
 25 commissioners shall determine and fix the cost of the

1 control of noxious weeds in the district, whether the same  
2 be performed by the individual landowners or by the board."

3 **Section 6.** Section 7-22-2145, MCA, is amended to read:

4 "**7-22-2145. Expenditures from noxious weed fund.** (1)  
5 The noxious weed fund shall must be expended by the  
6 commissioners at such the time and in such the manner as is  
7 ~~deemed best recommended~~ by the board to secure the control  
8 of noxious weeds.

9 (2) Warrants upon such the fund shall must be drawn by  
10 the board. ~~No warrants--shall~~ Warrants may not be drawn  
11 except upon claims duly itemized by the claimant, except  
12 payroll claims ~~which--shall~~ that must be itemized and  
13 certified by the board, and each ~~such~~ claim shall must be  
14 presented to the commissioners for approval before the  
15 warrant ~~therefor--shall--be~~ is countersigned by the  
16 commissioners."

17 **Section 7.** Section 7-22-2148, MCA, is amended to read:

18 "**7-22-2148. Tax liability for payment of weed control**  
19 **expenses.** (1) The expenses referred to in 7-22-2124 shall be  
20 paid by the county out of the noxious weed fund, and unless  
21 the sum to be repaid by the person billed under 7-22-2124 is  
22 repaid on or before the date due, the county clerk shall  
23 certify the amount thereof, with the description of the land  
24 to be charged, and shall enter the same on the assessment  
25 list of the county as a special tax on the land. If the land

1 for any reason is exempt from general taxation, the amount  
2 of such charge may be recovered by direct claim against the  
3 lessee and collected in the same manner as personal taxes.  
4 When such charges are collected, they shall be credited to  
5 the noxious weed fund.

6 (2) In determining what lands are included as land  
7 covered by the special tax and are described in the  
8 certificate of the county clerk, it is presumed that all  
9 work done upon any of the land of any one landowner is for  
10 the benefit of all of the land within the district belonging  
11 to such the owner ~~which was--contiguous--to--or--joined--the~~  
12 ~~parcel upon which the work was done at the time the work was~~  
13 ~~done,~~ together with the parcel upon which the work was done,  
14 and the amount certified becomes a tax upon the whole  
15 thereof."

16 NEW SECTION. **Section 8.** Codification instruction.  
17 [Section 2] is intended to be codified as an integral part  
18 of Title 7, chapter 22, part 21, and the provisions of Title  
19 7, chapter 22, part 21, apply to [section 2].

20 **Section 9.** Section 7, Chapter 516, Laws of 1987, is  
21 amended to read:

22 "Section 7. **Termination.** This act terminates July 1,  
23 ~~1991~~ 1995."

24 NEW SECTION. **Section 10.** Effective date. [This act] is  
25 effective July 1, 1991.

HB 0549/02

-End-

## 1 HOUSE BILL NO. 549

2 INTRODUCED BY GRADY, ANDERSON, T. BECK, STEPLER,

3 RANEY, L. NELSON, ELLIOTT, DRISCOLL, GILBERT,

4 HANSON, YELLOWTAIL, WEEDING, BENGTON,

5 MCCAFFREE, HAYNE

6  
7 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE  
8 COUNTY NOXIOUS WEED CONTROL LAWS; REQUIRING TRAINING FOR  
9 WEED DISTRICT SUPERVISORS; ESTABLISHING NEW TERMINATION  
10 DATES FOR INFORMATION AND LIABILITY RESTRICTIONS ON  
11 HERBICIDE USE; AMENDING SECTIONS 7-22-2109, 7-22-2121,  
12 7-22-2142, 7-22-2143, 7-22-2145, AND 7-22-2148, MCA, AND  
13 SECTION 7, CHAPTER 516, LAWS OF 1987; AND PROVIDING AN  
14 EFFECTIVE DATE."  
15

## 16 STATEMENT OF INTENT

17 A statement of intent is required for this bill in order  
18 to provide guidance to the department of agriculture  
19 concerning the adoption of rules to identify the type and  
20 level of training a weed district supervisor should obtain  
21 to properly administer a noxious weed management program. It  
22 is the policy of the state of Montana to properly control  
23 and manage noxious weeds in order to protect the  
24 agricultural economy and natural ecosystems of the state. It  
25 is also the policy of the state of Montana to properly

1 manage pesticides in order to ensure public and worker  
2 safety and to protect the environment. Weed district  
3 supervisors need special training and education in order to  
4 design and administer weed management programs that  
5 appropriately implement these policies. The legislature  
6 recognizes that funding is an important consideration that  
7 may constrain the level and type of training a weed district  
8 supervisor may obtain at any one time or in any particular  
9 year. The legislature directs the department to adopt rules  
10 that specify the objectives of weed district supervisor  
11 training and that identify the topics and level of education  
12 necessary for weed district supervisors to implement  
13 effective noxious weed management programs and to ensure  
14 that pesticides are properly managed. The legislature  
15 further directs the department, in cooperation with the  
16 Montana state university extension service, to assist in the  
17 development of a curriculum and a course of training for  
18 district weed supervisors that will fulfill the objectives  
19 specified in the department's rules. Within the limitations  
20 of available funding, county weed boards should ensure, over  
21 a period of several years if necessary, that district weed  
22 supervisors obtain proper training as defined in the  
23 department's rules.  
24

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

**Section 1.** Section 7-22-2109, MCA, is amended to read:

**\*7-22-2109. Powers and duties of board.** (1) The board may:

(a) ~~employ a supervisor and other~~ hire employees as necessary and provide for their compensation;

(b) purchase such chemicals, materials, and equipment and pay other operational costs as it determines necessary for implementing an effective weed management program. Such costs must be paid from the noxious weed fund.

(c) determine what chemicals, materials, or equipment may be made available to persons controlling weeds on their own land. The cost for such chemicals, materials, or equipment must be paid by such person and collected as provided in this part.

(d) enter into agreements with the department for the control and eradication of any new exotic plant species not previously established in the state which may render land unfit for agriculture, forestry, livestock, wildlife, or other beneficial use if such plant species spreads or threatens to spread into the state; and

(e) perform other activities relating to weed management.

(2) The board shall:

(a) employ a full-time supervisor;

(b) administer the district's noxious weed program;

~~(b)~~(c) establish management criteria for noxious weeds on all land within the district; and

~~(c)~~(d) make all reasonable efforts to develop and implement a noxious weed program covering all land within the district owned or administered by a federal agency."

NEW SECTION. **Section 2. Weed district supervisor training.** Within the limitations of available funds, the board shall ensure that the weed district supervisor obtains training to properly implement the noxious weed management program described in 7-22-2121. The department shall specify through rulemaking the level and type of training necessary to fulfill this requirement.

**Section 3.** Section 7-22-2121, MCA, is amended to read:

**\*7-22-2121. Weed management program.** (1) The noxious weed management program must be based on a plan approved by the board.

(2) The noxious weed management plan must:

(a) specify the goals and priorities of the program;

(b) review the distribution and abundance of each noxious weed species known to occur within the district and specify the locations of new infestations and areas particularly susceptible to new infestations; and

(c) specify pesticide management goals and procedures, including but not limited to water quality protection, public and worker safety, equipment selection and

1 maintenance, and pesticide selection, application, mixing,  
 2 loading, storage, and disposal; and

3 (d) estimate the personnel, operations, and equipment  
 4 costs of the proposed program.

5 (3) The board shall provide for the management of  
 6 noxious weeds on all land or rights-of-way owned or  
 7 controlled by a county or municipality within the confines  
 8 of the district. It shall take particular precautions while  
 9 managing the noxious weeds to preserve beneficial vegetation  
 10 and wildlife habitat. Where at all possible, methods for  
 11 such control shall include cultural, chemical, and  
 12 biological methods.

13 (4) The board may establish special management zones  
 14 within the district. The management criteria in such zones  
 15 may be more or less stringent than the general management  
 16 criteria for the district."

17 **Section 4.** Section 7-22-2142, MCA, is amended to read:

18 "7-22-2142. Sources of money for noxious weed fund. (1)  
 19 The commissioners may ~~shall~~ MAY create the noxious weed fund  
 20 and provide sufficient money in the fund for the board to  
 21 fulfill its duties, as specified in 7-22-2109, by:

22 ~~(a)~~ (A) appropriating money from the general fund of the  
 23 county;

24 ~~(b)~~ (B) or at any time fixed by law for levy and  
 25 assessment of taxes, levying a tax not exceeding 2 5 mills

1 on the dollar of total taxable valuation in ~~such~~ the county;  
 2 ~~or--both.~~ The tax levied under this subsection must be  
 3 identified on the assessment as the tax that will be used  
 4 for noxious weed control;--and; AND

5 ~~(c)--levying a tax in excess of 2 mills if authorized by~~  
 6 ~~a--majority--of--the--qualified--electors--voting--in--an--election~~  
 7 ~~held--for--this--purpose--pursuant--to--7-6-2531--through--7-6-2536~~

8 (C) LEVYING A TAX IN EXCESS OF 5 MILLS IF AUTHORIZED BY  
 9 A MAJORITY OF THE QUALIFIED ELECTORS VOTING IN AN ELECTION  
 10 HELD FOR THIS PURPOSE PURSUANT TO 7-6-2531 THROUGH 7-6-2536.

11 (2) The proceeds of the noxious weed control tax ~~shall~~  
 12 must be used solely for the purpose of managing noxious  
 13 weeds in ~~said~~ the county and ~~shall~~ must be designated to the  
 14 noxious weed fund.

15 (3) Any proceeds from work or chemical sales ~~shall~~ must  
 16 revert to the noxious weed fund and ~~shall~~ must be available  
 17 for reuse within that fiscal year or any subsequent year.

18 (4) The commissioners may accept any private, state, or  
 19 federal gifts, grants, contracts, or other funds to aid in  
 20 the management of noxious weeds within the district. These  
 21 funds must be placed in the noxious weed fund."

22 **Section 5.** Section 7-22-2143, MCA, is amended to read:

23 "7-22-2143. Determination of cost of weed control  
 24 program. The Based on the board's recommendations, the  
 25 commissioners shall determine and fix the cost of the

1 control of noxious weeds in the district, whether the same  
2 be performed by the individual landowners or by the board."

3 **Section 6.** Section 7-22-2145, MCA, is amended to read:

4 "7-22-2145. Expenditures from noxious weed fund. (1)  
5 The noxious weed fund ~~shall~~ must be expended by the  
6 commissioners at such the time and in such the manner as is  
7 ~~deemed best recommended~~ by the board to secure the control  
8 of noxious weeds.

9 (2) Warrants upon such the fund ~~shall~~ must be drawn by  
10 the board. ~~No warrants--shall~~ Warrants may not be drawn  
11 except upon claims duly itemized by the claimant, except  
12 payroll claims ~~which--shall~~ that must be itemized and  
13 certified by the board, and each such claim ~~shall~~ must be  
14 presented to the commissioners for approval before the  
15 warrant ~~therefor--shall--be~~ is countersigned by the  
16 commissioners."

17 **Section 7.** Section 7-22-2148, MCA, is amended to read:

18 "7-22-2148. Tax liability for payment of weed control  
19 expenses. (1) The expenses referred to in 7-22-2124 shall be  
20 paid by the county out of the noxious weed fund, and unless  
21 the sum to be repaid by the person billed under 7-22-2124 is  
22 repaid on or before the date due, the county clerk shall  
23 certify the amount thereof, with the description of the land  
24 to be charged, and shall enter the same on the assessment  
25 list of the county as a special tax on the land. If the land

1 for any reason is exempt from general taxation, the amount  
2 of such charge may be recovered by direct claim against the  
3 lessee and collected in the same manner as personal taxes.  
4 When such charges are collected, they shall be credited to  
5 the noxious weed fund.

6 (2) In determining what lands are included as land  
7 covered by the special tax and are described in the  
8 certificate of the county clerk, it is presumed that all  
9 work done upon any of the land of any one landowner is for  
10 the benefit of all of the land within the district belonging  
11 to such the owner ~~which--was--contiguous--to--or--joined--the~~  
12 ~~parcel--upon--which--the--work--was--done--at--the--time--the--work--was~~  
13 ~~done~~, together with the parcel upon which the work was done,  
14 and the amount certified becomes a tax upon the whole  
15 thereof."

16 NEW SECTION. **Section 8.** Codification instruction.

17 [Section 2] is intended to be codified as an integral part  
18 of Title 7, chapter 22, part 21, and the provisions of Title  
19 7, chapter 22, part 21, apply to [section 2].

20 **Section 9.** Section 7, Chapter 516, Laws of 1987, is  
21 amended to read:

22 "Section 7. **Termination.** This act terminates July 1,  
23 ~~1991~~ 1995."

24 NEW SECTION. **Section 10.** Effective date. [This act] is  
25 effective July 1, 1991.



HB 0549/02

-End-

SENATE STANDING COMMITTEE REPORT

Page 1 of 1  
March 12, 1991


MR. PRESIDENT:

We, your committee on Agriculture, Livestock, and Irrigation having had under consideration House Bill No. 549 (third reading copy -- blue), respectfully report that House Bill No. 549 be amended and as so amended be concurred in:

1. Title, line 11.  
Strike: "7-22-2109,"

2. Page 3, line 1 through page 4, line 5.  
Strike: section 1 in its entirety  
Renumber: subsequent sections

3. Page 8, lines 17 and 19.  
Strike: "2"  
Insert: "1"

Signed:   
Greg Jergeson, Chairman

~~AA~~ 3-12-91  
Amd. Coord.  
SB 3-12 11:35  
Sec. of Senate

HB 549  
SENATE

SENATE COMMITTEE OF THE WHOLE AMENDMENT

March 15, 1991 8:16 am

Mr. Chairman: I move to amend House Bill No. 549 (third reading copy -- blue) as follows:

1. Page 5, line 25.

Following: "2"

Strike: "5"

Insert: "2"

2. Page 6, line 8.

Following: "OF"

Strike: "5"

Insert: "2"

ADOPT

REJECT

Signed: \_\_\_\_\_

*Akkestad*  
Senator Aklestad

*JA* 3-15-91  
And. Coord.

*SB* 3-15-91 9:15  
Sec. of Senate

SENATE

HB 549

1 HOUSE BILL NO. 549  
 2 INTRODUCED BY GRADY, ANDERSON, T. BECK, STEPLER,  
 3 RANEY, L. NELSON, ELLIOTT, DRISCOLL, GILBERT,  
 4 M. HANSON, YELLOWTAIL, WEEDING, BENGTON,  
 5 MCCAFFREE, HAYNE  
 6  
 7 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE  
 8 COUNTY NOXIOUS WEED CONTROL LAWS; REQUIRING TRAINING FOR  
 9 WEED DISTRICT SUPERVISORS; ESTABLISHING NEW TERMINATION  
 10 DATES FOR INFORMATION AND LIABILITY RESTRICTIONS ON  
 11 HERBICIDE USE; AMENDING SECTIONS 7-22-2109, 7-22-2121,  
 12 7-22-2142, 7-22-2143, 7-22-2145, AND 7-22-2148, MCA, AND  
 13 SECTION 7, CHAPTER 516, LAWS OF 1987; AND PROVIDING AN  
 14 EFFECTIVE DATE."  
 15

16 STATEMENT OF INTENT

17 A statement of intent is required for this bill in order  
 18 to provide guidance to the department of agriculture  
 19 concerning the adoption of rules to identify the type and  
 20 level of training a weed district supervisor should obtain  
 21 to properly administer a noxious weed management program. It  
 22 is the policy of the state of Montana to properly control  
 23 and manage noxious weeds in order to protect the  
 24 agricultural economy and natural ecosystems of the state. It  
 25 is also the policy of the state of Montana to properly

1 manage pesticides in order to ensure public and worker  
 2 safety and to protect the environment. Weed district  
 3 supervisors need special training and education in order to  
 4 design and administer weed management programs that  
 5 appropriately implement these policies. The legislature  
 6 recognizes that funding is an important consideration that  
 7 may constrain the level and type of training a weed district  
 8 supervisor may obtain at any one time or in any particular  
 9 year. The legislature directs the department to adopt rules  
 10 that specify the objectives of weed district supervisor  
 11 training and that identify the topics and level of education  
 12 necessary for weed district supervisors to implement  
 13 effective noxious weed management programs and to ensure  
 14 that pesticides are properly managed. The legislature  
 15 further directs the department, in cooperation with the  
 16 Montana state university extension service, to assist in the  
 17 development of a curriculum and a course of training for  
 18 district weed supervisors that will fulfill the objectives  
 19 specified in the department's rules. Within the limitations  
 20 of available funding, county weed boards should ensure, over  
 21 a period of several years if necessary, that district weed  
 22 supervisors obtain proper training as defined in the  
 23 department's rules.  
 24

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



1 Section 17--Section 7-22-2109, MCA, is amended to read:  
 2 "7-22-2109. Powers and duties of board: (1) The board  
 3 may:  
 4 (a) employ a supervisor and other hire employees as  
 5 necessary and provide for their compensation;  
 6 (b) purchase such chemicals, materials, and equipment  
 7 and pay other operational costs as it determines necessary  
 8 for implementing an effective weed management program. Such  
 9 costs must be paid from the noxious weed fund;  
 10 (c) determine what chemicals, materials, or equipment  
 11 may be made available to persons controlling weeds on their  
 12 own land. The cost for such chemicals, materials, or  
 13 equipment must be paid by such person and collected as  
 14 provided in this part;  
 15 (d) enter into agreements with the department for the  
 16 control and eradication of any new exotic plant species not  
 17 previously established in the state which may render land  
 18 unfit for agriculture, forestry, livestock, wildlife, or  
 19 other beneficial use if such plant species spreads or  
 20 threatens to spread into the state; and  
 21 (e) perform other activities relating to weed  
 22 management;  
 23 (2) The board shall:  
 24 (a) employ a full-time supervisor;  
 25 (b) administer the district's noxious weed program;

1 ~~(b)(c)~~ establish management criteria for noxious weeds  
 2 on all land within the district; and  
 3 ~~(c)(d)~~ make all reasonable efforts to develop and  
 4 implement a noxious weed program covering all land within  
 5 the district owned or administered by a federal agency."  
 6 NEW SECTION. Section 1. Weed district supervisor  
 7 training. Within the limitations of available funds, the  
 8 board shall ensure that the weed district supervisor obtains  
 9 training to properly implement the noxious weed management  
 10 program described in 7-22-2121. The department shall specify  
 11 through rulemaking the level and type of training necessary  
 12 to fulfill this requirement.  
 13 Section 2. Section 7-22-2121, MCA, is amended to read:  
 14 "7-22-2121. Weed management program. (1) The noxious  
 15 weed management program must be based on a plan approved by  
 16 the board.  
 17 (2) The noxious weed management plan must:  
 18 (a) specify the goals and priorities of the program;  
 19 (b) review the distribution and abundance of each  
 20 noxious weed species known to occur within the district and  
 21 specify the locations of new infestations and areas  
 22 particularly susceptible to new infestations; and  
 23 (c) specify pesticide management goals and procedures,  
 24 including but not limited to water quality protection,  
 25 public and worker safety, equipment selection and

1 maintenance, and pesticide selection, application, mixing,  
 2 loading, storage, and disposal; and

3 (d) estimate the personnel, operations, and equipment  
 4 costs of the proposed program.

5 (3) The board shall provide for the management of  
 6 noxious weeds on all land or rights-of-way owned or  
 7 controlled by a county or municipality within the confines  
 8 of the district. It shall take particular precautions while  
 9 managing the noxious weeds to preserve beneficial vegetation  
 10 and wildlife habitat. Where at all possible, methods for  
 11 such control shall include cultural, chemical, and  
 12 biological methods.

13 (4) The board may establish special management zones  
 14 within the district. The management criteria in such zones  
 15 may be more or less stringent than the general management  
 16 criteria for the district."

17 **Section 3.** Section 7-22-2142, MCA, is amended to read:

18 "7-22-2142. Sources of money for noxious weed fund. (1)  
 19 The commissioners ~~may shall~~ MAY create the noxious weed fund  
 20 and provide sufficient money in the fund for the board to  
 21 fulfill its duties, as specified in 7-22-2109, by:

22 ~~(a)~~ (A) appropriating money from the general fund of the  
 23 county;

24 ~~(b)~~ (B) or at any time fixed by law for levy and  
 25 assessment of taxes, levying a tax not exceeding 2 5 2 mills

1 on the dollar of total taxable valuation in such the county,  
 2 or both. The tax levied under this subsection must be  
 3 identified on the assessment as the tax that will be used  
 4 for noxious weed control; and; AND

5 ~~(c) --levying a tax in excess of 2 mills if authorized by~~  
 6 ~~a majority of the qualified electors voting in an election~~  
 7 ~~held for this purpose pursuant to 7-6-2531 through 7-6-2536~~

8 (C) LEVYING A TAX IN EXCESS OF 5 2 MILLS IF AUTHORIZED  
 9 BY A MAJORITY OF THE QUALIFIED ELECTORS VOTING IN AN  
 10 ELECTION HELD FOR THIS PURPOSE PURSUANT TO 7-6-2531 THROUGH  
 11 7-6-2536.

12 (2) The proceeds of the noxious weed control tax shall  
 13 must be used solely for the purpose of managing noxious  
 14 weeds in said the county and shall must be designated to the  
 15 noxious weed fund.

16 (3) Any proceeds from work or chemical sales shall must  
 17 revert to the noxious weed fund and shall must be available  
 18 for reuse within that fiscal year or any subsequent year.

19 (4) The commissioners may accept any private, state, or  
 20 federal gifts, grants, contracts, or other funds to aid in  
 21 the management of noxious weeds within the district. These  
 22 funds must be placed in the noxious weed fund."

23 **Section 4.** Section 7-22-2143, MCA, is amended to read:

24 "7-22-2143. Determination of cost of weed control  
 25 program. ~~the~~ Based on the board's recommendations, the

1 commissioners shall determine and fix the cost of the  
 2 control of noxious weeds in the district, whether the same  
 3 be performed by the individual landowners or by the board."

4 **Section 5.** Section 7-22-2145, MCA, is amended to read:

5 "7-22-2145. Expenditures from noxious weed fund. (1)  
 6 The noxious weed fund ~~shall~~ must be expended by the  
 7 commissioners at such the time and in such the manner as is  
 8 ~~deemed--best~~ recommended by the board to secure the control  
 9 of noxious weeds.

10 (2) Warrants upon such the fund ~~shall~~ must be drawn by  
 11 the board. ~~No--warrants--shall~~ Warrants may not be drawn  
 12 except upon claims duly itemized by the claimant, except  
 13 payroll claims ~~which--shall~~ that must be itemized and  
 14 certified by the board, and each such claim ~~shall~~ must be  
 15 presented to the commissioners for approval before the  
 16 warrant ~~therefor---shall---be~~ is countersigned by the  
 17 commissioners."

18 **Section 6.** Section 7-22-2148, MCA, is amended to read:

19 "7-22-2148. Tax liability for payment of weed control  
 20 expenses. (1) The expenses referred to in 7-22-2124 shall be  
 21 paid by the county out of the noxious weed fund, and unless  
 22 the sum to be repaid by the person billed under 7-22-2124 is  
 23 repaid on or before the date due, the county clerk shall  
 24 certify the amount thereof, with the description of the land  
 25 to be charged, and shall enter the same on the assessment

1 list of the county as a special tax on the land. If the land  
 2 for any reason is exempt from general taxation, the amount  
 3 of such charge may be recovered by direct claim against the  
 4 lessee and collected in the same manner as personal taxes.  
 5 When such charges are collected, they shall be credited to  
 6 the noxious weed fund.

7 (2) In determining what lands are included as land  
 8 covered by the special tax and are described in the  
 9 certificate of the county clerk, it is presumed that all  
 10 work done upon any of the land of any one landowner is for  
 11 the benefit of all of the land within the district belonging  
 12 to such the owner ~~which--was-contiguous-to-or-joined-the~~  
 13 ~~parcel-upon-which-the-work-was-done-at-the-time-the-work-was~~  
 14 ~~done~~, together with the parcel upon which the work was done,  
 15 and the amount certified becomes a tax upon the whole  
 16 thereof."

17 NEW SECTION. **Section 7.** Codification instruction.  
 18 [Section 2 1] is intended to be codified as an integral part  
 19 of Title 7, chapter 22, part 21, and the provisions of Title  
 20 7, chapter 22, part 21, apply to [section 2 1].

21 **Section 8.** Section 7, Chapter 516, Laws of 1987, is  
 22 amended to read:

23 "Section 7. **Termination.** This act terminates July 1,  
 24 ~~1991~~ 1995."

25 NEW SECTION. **Section 9.** **Effective date.** [This act] is

HB 0549/03

1 effective July 1, 1991.

-End-