

MINUTES OF THE MEETING
AGRICULTURE COMMITTEE
MONTANA STATE
HOUSE OF REPRESENTATIVES

February 20, 1985

The meeting of the Agriculture Committee was called to order by Chairman Schultz on February 20, 1985 at 5:30 p.m. in Room 317 of the State Capitol.

ROLL CALL: Representatives Devlin, Ellerd, Fritz and Spaeth were excused by the Chairman. All other members were present.

CONSIDERATION OF HOUSE JOINT RESOLUTION NO. 34: Representative Asay, District No. 27, sponsor of the bill, pointed out to the committee that this bill is not looking at agricultural people, but rather investors from outside agriculture that will feel tax programs. These people bust up the land in the \$30 and \$50 range and it is not necessarily good agricultural land; then they get a couple years crop and get the capitol gain. He doesn't think this issue has been addressed in Washington D. C.

PROPOSERS: Ray Beck, representing the Conservation District of Natural Resources, stated they are quite concerned about the break up of the land. Erosion is caused from this type of land break up. It is an important step to bring this issue to the attention of the U.S. Congress.

Dave Donaldson, representing the Montana Association of Conservation Districts, asked the committee for their support to the resolution.

There being no further proponents and no opponents to the resolution, Representative Asay closed stating that if any mining company created near as much trouble, we wouldn't be able to build the jails to keep them in.

DISCUSSION OF HOUSE JOINT RESOLUTION NO. 34: Representative Switzer asked if they were going to make any exception to Page 2, line 21. Representative Asay said that that should not even be in there.

There being no further questions from the committee, Representative Schultz closed the hearing on House Joint Resolution No. 34.

EXECUTIVE SESSION

DISPOSITION OF HOUSE BILL NO. 789: Dave Cogley stated that the Fish and Game receive money and use all license money for its purpose also. Federal money going to the Department can be used for their own land. They cannot use this money on land owned or controlled by the Fish and Game Department.

Representative Ellison stated that if they are going to use it just on their own land, the bill is useless. This is just going to give them an even larger budget.

Representative Cody stated that the purpose of the bill has been lost.

Representative Keller asked if we can somehow have it so some of the money is transferred to the Department of Agriculture. Representative Schultz stated that we have already addressed it and there is no way we can get around it.

Representative Rapp-Svrcek stated that he wished we could get around the federal rules, but we can't. He made a motion to DO NOT PASS House Bill 789. Representative Jenkins seconded the motion. Representative Koehnke made a substitute motion to TABLE House Bill No. 789. A question was called for and the motion CARRIED.

DISPOSITION OF HOUSE BILL NO. 716: Representative Patterson, who chaired the subcommittee on weeds, stated that House Bill 716 is a result of three bills: 716, 659 and 512. The subcommittee had people not to happy that they didn't get what they wanted. The county weed people will have to sit down and go through the bill when they receive it. He further stated that they used Representative Thoft's bill for a base of the three because it was revising the laws and not a new bill. He then went through the gray bill and explained to the committee what they were dealing with.

Representative Bachini stated he had two main concerns with the bill. They are: board authority and the raising of the mill levy. Representative Patterson explained that they left the levy at two mills which would give the electors the choice to have a special election if they need to raise the mill levy.

Representative Rapp-Svrcek moved to DO PASS AS AMENDED House Bill No. 716. A question was called for and the motion CARRIED with Representative Ellison abstaining.

Representative Rapp-Svrcek stated that the subcommittee worked real hard and he thinks that it is real important to stick behind it on the floor.

Keith Kelly commended the people who put alot of work into the bill.

Representative Ellerd moved to adopt the Statement of Intent on February 21, 1985. The motion carried.

DISPOSITION OF HOUSE JOINT RESOLUTION NO. 34: Representative Rapp-Svrcek moved to amend the bill. The motion carried.

Representative Rapp-Svrcek moved to DO PASS AS AMENDED House Joint Resolution No. 34. The motion CARRIED.

DISPOSITION OF HOUSE BILL NO. 506: Representative Thoft and Representative Harper agreed to take out all of section 4. Representative Bachini moved to amend House Bill No. 506. All amendments PASSED. Representative Ellerd moved to adopt the Statement of Intent for House Bill No. 506. Representative Compton seconded the motion. The motion CARRIED.

Representative Rapp-Svrcek moved to DO PASS AS AMENDED House Bill NO. 506. A question was called for and the motion CARRIED.

ADJOURN: There being no further business before the committee, the meeting was adjourned at 7:00 p.m.


JAMES SCHULTZ, Chairman

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DAILY ROLL CALL

Agriculture COMMITTEE

49th LEGISLATIVE SESSION -- 1985

Date 9-20-85

NAME	PRESENT	ABSENT	EXCUSED
<u>James Schultz, Chairman</u>	X		
<u>Gay Holliday, V-Chairman</u>	X		
<u>Bob Bachini</u>	X		
<u>Dorothy Cody</u>	X		
<u>Duane Compton</u>	X		
<u>Gerry Devlin</u>			X
<u>Robert Ellerd</u>			X
<u>Orval Ellison</u>	X		
<u>Harry Fritz</u>			X
<u>Ramona Howe</u>	X		
<u>Loren Jenkins</u>	X		
<u>Vernon Keller</u>	X		
<u>Francis Koehnke</u>	X		
<u>John Patterson</u>	X		
<u>Bing Poff</u>	X		
<u>Paul Rapp-Svrcek</u>	X		
<u>Gary Spaeth</u>			X
<u>Dean Switzer</u>	X		

STANDING COMMITTEE REPORT

Page 1 of 2
HJR 34

February 21, 1935

MR. Speaker

We, your committee on Agriculture

having had under consideration House Joint Resolution Bill No. 34

First reading copy (White)
color

URGING CONGRESS TO REVISE CERTAIN FARM PROGRAM AND INCOME TAX LAWS

Respectfully report as follows: That House Joint Resolution Bill No. 34
BE AMENDED AS FOLLOWS:

1. Page 1, line 23.
Following: "cropland"
Strike: remainder of line 23 and line 24 through "treatment"
Insert: "and allowing the deduction"
2. Page 1, line 25.
Strike: "deductible"
3. Page 2, line 1.
Strike: "ordinary"
Insert: "nonagricultural"
4. Page 2, line 2.
Strike: "program assistance"
Insert: "programs including federal crop insurance programs"

~~DO NOT~~

Continued

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5. Page 2, line 17.
Following: "provisions"
Insert: "and federal farm programs including crop insurance"
6. Page 2, line 18.
Following: "cropland."
Strike: remainder of line 18 through line 24

**ANS AS AMENDED,
DO PASS**

STANDING COMMITTEE REPORT

Page 1 of 2
HB 506

February 21 1935

MR. SPEAKER

We, your committee on AGRICULTURE

having had under consideration HOUSE Bill No. 506

FIRST reading copy (WHITE)
color

ESTABLISHING NOXIOUS WEED MANAGEMENT TRUST FUND AND PROGRAM

Respectfully report as follows: That HOUSE Bill No. 506
BE AMENDED AS FOLLOWS:

1. Title, line 9.
Following: "DATE"
Strike: "; AND PROVIDING AN APPLICABILITY DATE FOR A PORTION
OF THE ACT"
2. Page 3.
Following: line 5
Strike: Section 4 in its entirety
Renumber: subsequent sections
Change internal references:
page 2, line 3
Strike: "through 5"
Insert: "and 4"

page 3, line 2
strike: "6"
Insert: "5"

DEPASS

Continued

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- page 4, line 2
Strike: "7"
Insert: "6"
3. Page 6, line 21.
Strike: "may"
Insert: "shall"
4. Page 6, line 25.
Strike: "eight"
Insert: "nine"
5. Page 7, line 3
Strike: "from a"
Insert: "representing"
6. Page 7, line 4.
Strike: "organization"
7. Page 7, line 5.
Strike: "from an"
Insert: "representing"
8. Page 7, line 6.
Strike: "organization"
9. Page 7, line 10.
Strike: "conservation or"
10. Page 7.
Following: line 10
Insert: "(g) one member representing biological research and
control interests;"
Renumber: subsequent subsections
11. Page 7, line 20.
Strike: "---applicability"
12. Page 7, lines 21 - 25
Following: "approval."
Strike: remainder of section 12 and all of section 13

AND AS AMENDED,
DO PASS

STATEMENT OF INTENT ATTACHED

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STATEMENT OF INTENT FOR HB 506

A statement of intent is required by this bill because rule-making authority is granted to the Montana department of agriculture in section 3.

It is the intent of the legislature that the department of agriculture adopt rules for the orderly administration of the noxious weed management trust fund and collection and administration of revenue as provided in the bill. The department, through reports required of herbicide registrants, shall establish a collection system for the surcharge imposed in section 3, giving notice to the registrant and providing a procedure for the payment of the surcharge.

It is the intent of the legislature that the department adopt rules relating to the disbursement of funds generated by this act. Specifically, the department shall use the criteria stated in sections 5 and 6 as the basis for the distribution of the funds. The legislature intends that the money given in the form of grants and contracts be primarily on a cost-share basis. The department shall determine the ratio of cost sharing by considering the entity being given the money, its ability to find other sources of funding, the need for the project for which it receives the money, and the amount of benefit it bestows on the area involved. The legislature intends that projects involving greater community action and benefit receive increased priority.

It is the intent of the legislature that if the trust fund should be terminated by the legislature, the funds to be distributed to the counties must be distributed in an equitable manner, taking

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into consideration the population of the counties, the participation in the program, and the needs of the counties with respect to noxious weed management.

The legislature intends that the department adopt rules identifying any weed which constitutes a new and potentially harmful noxious weed. The department shall take into consideration the possible harm the newly introduced weed will have on the Montana economy, the damage the weed will cause to the existing foliage and environment, and the likelihood that the noxious weed will spread throughout the state. The department shall also establish rules for verifying the existence of the weed. These rules shall take into consideration the scientific methods for verification and proper sampling techniques for determining the extent of the weed outbreak.

It is the intent of the legislature that the decision for the disbursement of the funds for the projects be made by the director of the department of agriculture upon the advice of the noxious weed management advisory council. The directives of the director must be implemented by a noxious weed management coordinator, who shall serve the director. The noxious weed management coordinator shall maintain records on the disbursement of the funds and the progress of the funded projects. He shall make determinations as to the effectiveness of the previously funded projects and provide the director and the advisory council all relevant information necessary to make decisions for future disbursements of funds. He shall also work with and assist county weed districts.

VISITORS' REGISTER

AGRICULTURE

COMMITTEE

BILL NO. HJR 34DATE February 20, 1985SPONSOR Representative Asay

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
Ray Beck	CDD/DARE	X	
Dave Donaldson	Helena - MAED	X	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

STANDING COMMITTEE REPORT

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Page 1 of 13

MR. Speaker

We, your committee on Agriculture

having had under consideration House Bill No. 716

First reading copy (White)
color

GENERALLY REVISING COUNTY WEED CONTROL LAWS

Respectfully report as follows: That House Bill No. 716

BE AMENDED AS FOLLOWS:

1. Title, line 5.

Following: "SECTIONS"

Strike: remainder of line 5 through "7-22-2142" on line 7

Insert: "7-3-4453, 7-14-2131, 7-14-2132, 7-22-2101 THROUGH
7-22-2105, 7-22-2107, 7-22-2108, 7-22-2121, 7-22-2123,
7-22-2124, 7-22-2126, 7-22-2141 THROUGH 7-22-2146,
7-22-2148, 7-22-2150, 7-22-2215, 7-22-4101, AND 77-6-114,
MCA; AND REPEALING SECTIONS 7-22-2122, 7-22-2125,
7-22-2127, AND 7-22-2147"

2. Pages 1 through 5.

Strike: everything following the enacting clause

Insert: (attached sections 1 through 33)

AND AS AMENDED, 

DO PASS

STATEMENT OF INTENT ATTACHED

STATEMENT OF INTENT FOR HB 716

It is the intent of the legislature that the rulesmaking authority of the department of agriculture under [section 1] be employed to designate noxious weeds in a manner consistent with the definition of noxious weeds provided in [section 1] and consistent with the weed management criteria to be developed under [section 6 (2) (b)].

Section 1. Section 7-22-2101, MCA, is amended to read:
 "7-22-2101. Definitions. As used in this part, unless the context indicates otherwise, the following definitions apply:

(1) "Board" means a district weed board created under 7-22-2103.

~~(1)~~(2) "Commissioners" means the board of county commissioners.

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

~~(2)~~(4) "District" means the area included within the boundaries of an organized a weed control--and--weed--seed extermination management district organized under 7-22-2102.

~~(3)~~(5) (a) "Noxious weeds" or "weeds" means Canadian thistle--(*Cirsium arvense*--~~(b.)~~--*scop.*), wild morning glory--or bindweed--(*Convolvulus arvensis*--~~(b.)~~), whitetop--(*Lepidium draba*--~~(b.)~~), leafy spurge--(*Euphorbia virgata*--~~(b.)~~), Russian knapweed--(*Centaurea pteris-pallas*--~~(b.)~~), and such other weeds--as--may--be--defined--and--designated--as--noxious--weeds--by the board of county commissioners of each county, subject to the approval of the county extension agent--or--agricultural experiment--station--at Montana state university. any exotic plant species established or that may be introduced in the state which may render land unfit for agriculture, forestry, livestock, wildlife, or other beneficial uses and which is designated:

(i) as a statewide noxious weed by rule of the department; or

(ii) as a district noxious weed by a board, following public notice of intent and a public hearing.

(b) A weed designated by rule of the department as a statewide noxious weed must be considered noxious in every district of the state.

~~(4)~~--"Seed" or "seeds"--means the seed--of--any--noxious weed.

~~(5)~~--"Supervisors"--means--the--persons--appointed--by--the board of county commissioners to supervise the weed--control and weed seed extermination within the county.

(6) "Person" means an individual, partnership, corporation, association, or state or local government agency or subdivision owning, occupying, or controlling any land, easement, or right-of-way, including any county, state, or federally owned and controlled highway, drainage or irrigation ditch, spoil bank, borrow pit, or right-of-way for a canal or lateral.

(7) "Supervisor" means the person employed by the board to conduct the district noxious weed management program and supervise other district employees.

(8) "Weed management" or "control" means the planning and implementation of a coordinated program for the containment, suppression, and, where possible, eradication of noxious weeds."

Section 2. Section 7-22-2102, MCA, is amended to read:
 "7-22-2102. Weed control--and--weed--seed--extermination management districts established. A weed control--and--weed seed--extermination management district shall be formed in every county of this state and shall include all the land within the boundaries of the county, except that a weed management district may include more than one county through

agreement of the commissioners of the affected counties."

Section 3. Section 7-22-2103, MCA, is amended to read:
"7-22-2103. County District weed board. (1) The board of--county commissioners of--each--county shall appoint a county district weed board consisting of three or five members, and:

(a) if a three-member board, two members shall be rural agricultural landowners within the county district and one member shall be a teacher-of-biology-or--a--person--with-comparable-expertise member at large; or

(b) if a five-member board, three members shall be rural agricultural landowners within the county district, one member shall be a resident of a city or town within the county district, and one member shall be a teacher--of-biology--or--a--person--with--comparable-expertise member at large.

(2) The county extension agent in each county is-an-ex-officio-member and other interested individuals may be appointed to serve as nonvoting members of that county's district's weed board.

(3) The supervisors board members are public officers."

Section 4. Section 7-22-2104, MCA, is amended to read:
"7-22-2104. Term of office. (1) Except as provided in subsection (2), a member of a county district weed board serves a term of 3 years and until the qualification of his successor. The term of office begins January 1.

(2) When a three-member weed board is established, the initial board members serve terms of 1, 2, and 3 years, respectively, as designated by the commissioners. When a five-member weed board is established, two of the initial members serve terms of 1 year, two serve terms of 2 years, and one serves a term of 3 years. After expiration of an initial term of office, the successor serves a 3-year term as provided in subsection (1)."

Section 5. Section 7-22-2105, MCA, is amended to read:
"7-22-2105. Organization of county district weed board and compensation. (1) The board of--weed--control shall organize by choosing a chairman and a secretary. The secretary may or may not be a member of the board.

(2) Salary, per diem, and mileage of such supervisors board members shall be set by resolution of the board-of-county commissioners.

(3) A majority of the board constitutes a quorum for the conduct of business."

NEW SECTION. Section 6. Powers and duties of board.
(1) The board may:

(a) employ a supervisor and other 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) administer the district's noxious weed program;

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

(c) 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.

Section 7. Section 7-22-2107, MCA, is amended to read:

"7-22-2107. Unlawful to willfully permit noxious weeds to go-to-seed propagate. ~~(1) It shall be~~ is unlawful for any person to willfully permit any noxious weed, as named in this part or designated by the board of county commissioners of the respective county, to propagate or go to seed on any lands within the area of any district his land, except that any person who adheres to the noxious weed management program of his district or who has entered into and is in compliance with a noxious weed management agreement is considered to be in compliance with this section.

~~(2) This section shall apply to all persons, partnerships, corporations, or companies owning, occupying, or controlling lands, easements, or rights-of-way, as well as all county, state, and federally owned and controlled highways and state lands and also all drainage and irrigation ditches, spoil banks, borrow pits, and rights-of-way for canals and laterals within the district.~~

Section 8. Section 7-22-2108, MCA, is amended to read:

"7-22-2108. Violations. (1) Any person who in any manner interferes with the supervisors or their deputies and employees board or its authorized agent in carrying out the provisions of this part or who refuses to obey an order or notice of a supervisor the board is guilty of a misdemeanor, and upon conviction thereof, he shall be fined not to exceed \$100 for the first offense and not less than \$100 or more than \$200 for each subsequent offense.

(2) All fines, bonds, and penalties collected under the provisions of this part shall be paid to the county treasurer of each county and placed by him to the credit of a fund to be known as the noxious weed fund."

Section 9. Section 7-22-2121, MCA, is amended to read:

"7-22-2121. Weed ~~control~~ 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) estimate the personnel, operations, and equipment costs of the proposed program.

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

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

NEW SECTION. Section 10. Cooperative agreements. (1) Any state agency controlling land within a district, including the department of highways; the department of state lands; the department of fish, wildlife, and parks; the department of institutions; the department of natural resources and conservation; and the university system, shall enter into a written agreement with the board. The agreement must specify mutual responsibilities for noxious weed management on state-owned or state-controlled land within the district.

(2) The board and the governing body of each incorporated municipality within the district shall enter into a written agreement and shall cooperatively plan for the management of noxious weeds within the boundaries of the municipality. The board may implement management procedures described in the plan within the boundaries of the municipality for noxious weeds only. Control of nuisance weeds within the municipality remains the responsibility of the governing body of the municipality, as specified in 7-22-4101.

(3) A board may develop and carry out its noxious weed management program in cooperation with boards of other districts, with state and federal governments and their agencies, or with any person within the district. The board may enter into cooperative agreements with any of these parties.

NEW SECTION. Section 11. Revegetation of rights-of-way and disturbed areas. (1) Any state agency or local government unit approving a mine, major facility, transmission line, solid waste facility, highway, subdivision, or any other development resulting in significant disturbance of land within a district shall notify the board.

(2) Whenever any person or agency disturbs vegetation on an easement or right-of-way within a district by construction of a road, irrigation or drainage ditch, pipeline, transmission line, or other development, the board shall require that the disturbed areas be seeded, planted, or otherwise managed to reestablish a cover of beneficial plants.

(3) (a) The person or agency disturbing the land shall submit to the board a written plan specifying the methods to

be used to accomplish revegetation. The plan must describe the time and method of seeding, fertilization practices, recommended plant species, use of weed-free seed, and the weed management procedures to be used.

(b) The plan is subject to approval by the board, which may require revisions to bring the revegetation plan into compliance with the district weed management plan. Upon approval by the board, the revegetation plan must be signed by the chairman of the board and the person or agency responsible for the disturbance and constitutes a binding agreement between the board and such person or agency.

NEW SECTION. Section 12. Voluntary agreements for control of noxious weeds along roads. (1) Any person may voluntarily seek to enter into an agreement for the management of noxious weeds along a state or county highway or road bordering or running through his land. The supervisor may draft such an agreement upon the request of and in cooperation with the person; however, the agreement must, in the board's judgment, provide for effective weed management. The weed management agreement must be signed by the person and, upon approval of the board, by the chairman. An agreement involving a state highway right-of-way must also be signed by a representative of the department of highways.

(2) The agreement must contain a statement disclaiming any liability of the board and, if applicable, the department of highways for any injuries or losses suffered by the person in managing noxious weeds on the state or county highway right-of-way. The signed agreement transfers responsibility for managing noxious weeds on the specified section of right-of-way from the board to the person signing the agreement. If the board later finds that the person has failed to adhere to the agreement, the board shall issue an order informing the person that the agreement will be void and that responsibility for the management of noxious weeds on the right-of-way will revert to the board unless the person complies with the provisions of the agreement within a specified time period.

Section 13. Section 7-22-2123, MCA, is amended to read:

"7-22-2123. Operation---of---weed---control---program
Procedure in case of noncompliance. (1)-The-supervisors--may
employ--suitable--and--competent--persons--as--assistants--and
employees--as--may--be--necessary--and--provide--for---their
compensation-

(2)--(a)(1) Where complaint has been made and-the
supervisors-have or the board has reason to believe that
noxious weeds described in this part are present upon the
lands a person's land within the district in violation of
the law, they--shall--forthwith-inspect-the-premises. that
person must be notified by mail or telephone of the
complaint and the board may request inspection of such land.
The board or its authorized agent and the landowner or his
representative shall inspect the land at an agreeable time,
within 10 days of notification of the landowner. If after
reasonable effort the board is unable to gain cooperation of
the person, the board or its authorized agent may enter and
inspect the land to determine if the complaint is valid.

(b)(2) If such noxious weeds are found, the supervisors board or supervisor shall cause--written--notice to--be--served--on-the-person-permitting-the-same, directing him-to-comply-with-the-provisions--of--this--part--within--a period--of--time-specified-in-said-notice; notify the person or his representative and seek voluntary compliance with the district weed control program. If voluntary compliance is not possible, notice of noncompliance must be sent to the person by certified mail.

(3) The notice must specify:

(a) the basis for the determination of noncompliance;
(b) the geographic location of the area of noncompliance, by legal description or other reasonably identifiable description;

(c) measures to be undertaken in order to comply with the district's management criteria; and

(d) a reasonable period of time, not less than 10 days, in which compliance measures must be initiated.

(4) A person is considered in compliance if he submits and the board accepts a proposal to undertake specified control measures and is in compliance for so long as he performs according to the terms of the proposal. If the measures proposed to be taken extend beyond the current growing season, the proposal and acceptance must be in writing.

(5) In accepting or rejecting a proposal, the board shall consider the economic impact on the person and his neighbors, practical biological and environmental limitations, and alternative control methods to be used."

Section 14. Section 7-22-2124, MCA, is amended to read:

"7-22-2124. Destruction of weeds by supervisors---report--to--county--clerk board. (1) If the-notice-be-not obeyed corrective action is not taken and no proposal is made and accepted within the time specified in the notice, the supervisors-shall board may forthwith enter upon the person's land and institute appropriate control measures. and--make--report--thereof--to--the--county--clerk,--with--a verified, itemized account of their services and expenses in so--doing--and--a--description--of--the--lands--involved,--and--shall include in said account the necessary cost--and--expense--of chemicals,--man-hours-of-labor,--and--equipment-employed,--at--a rate-paid,--in--the--immediate-vicinity,--for--labor-per-day--and for equipment used for an 8-hour day.

(2)--In--effectively--controlling--such--weeds,--the supervisors-are-authorized-to-take-possession-and-control-of any-infested-tract-of-land-within-their--district,--together with-any-fences-or-ditches-thereon,--and-to-move-any-fence-or ditch-where-necessary-in-order-to-better-conduct-the-control work.--If--any--fence--or--ditch-be-moved,--the-same-shall-be replaced-upon-completion-of-the-control-work-if-requested-by the-landowner. In such case the board shall submit a bill to the person, itemizing man-hours of labor, material, and equipment time, together with a penalty not exceeding 10% of the total cost incurred. Labor and equipment must be valued at the current rate paid for commercial management operations in the district. The bill must specify and order a payment due date of 30 days from the date the bill is sent.

(2) A copy of the bill must also be submitted by the board to the county clerk and recorder."

NEW SECTION. Section 15. Administrative hearing -- appeals. (1) A person adversely affected by any notice, action, or order of the board may request an administrative hearing before the board. The board shall hold a hearing within 30 days of the request. Participants may be represented by legal counsel. The board shall make a record of the proceeding and enter its order and findings within 7 days after the hearing.

(2) An order of the board may be appealed to the commissioners within 30 days from the time the order is entered. The commissioners shall hear such appeal within 30 days after the notice of appeal and shall render their order and findings within 7 days after such hearing. Participants may be represented by legal counsel.

(3) Within 30 days after the commissioners render their order and findings, the person adversely affected may file a petition in district court requesting that the order and findings of the commissioners be set aside or modified. The court may affirm, modify, or set aside the order complained of, in whole or in part.

Section 16. Section 7-22-2126, MCA, is amended to read:

"7-22-2126. Embargo to-prevent-introduction-of-noxious weeds--and--seeds. Whenever--the-supervisors-have-reason-to believe-that-farm-products,-including-seed,-which-will-cause the-spread-of-noxious-weeds-are-about-to-be-introduced--into the-county,-the-supervisors-shall-declare-an-embargo-against the--importation--of--such-farm-products-and-seeds-into-such county The board may establish voluntary embargo programs to reduce the spread of noxious weeds within the district or the introduction of noxious weeds into the district."

Section 17. Section 7-22-2141, MCA, is amended to read:

"7-22-2141. Noxious weed fund authorized. (1) The board--of--county commissioners of any each county in this state may shall create a noxious weed control-and-weed--seed extermination management fund, to be designated the "noxious weed fund".

(2) This fund shall be kept separate and distinct by the county treasurer."

Section 18. Section 7-22-2142, MCA, is amended to read:

"7-22-2142. Sources of money for noxious weed fund. (1) The board-of-county commissioners may create the noxious weed fund by either:

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

(b) at any time fixed by law for levy and assessment of taxes, levying a tax not exceeding 2 mills on the dollar of total taxable valuation in such county; and

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

(2) The proceeds of the tax shall be used solely for the purpose of ~~promoting--the-control-of~~ managing noxious weeds or ~~extermination-of-weed-seed~~ in said county and shall be designated to the noxious weed fund.

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

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

Section 19. Section 7-22-2143, MCA, is amended to read:

"7-22-2143. Determination of cost of weed control program. The commissioners shall determine and fix the cost of the control of noxious weeds ~~and--of--extermination--of~~ noxious--weed--seed in weed-districts, the district, whether the same be performed by the individual landowners or by the supervisors board."

Section 20. Section 7-22-2144, MCA, is amended to read:

"7-22-2144. Payment of cost of weed control program. The total cost of such control shall be paid from the noxious weed fund. The cost of controlling such weeds growing along the right-of-way of a state or federal highway shall, upon the presentation by the supervisors board of a verified account of the expenses incurred, be paid from the state highway fund in compliance with 7-14-2132 and any agreement between the board and the department of highways. Costs attributed to other lands within the district shall be assessed to and collected from the appropriate--holder--or owner--of--interest responsible person as set forth in 7-22-2107."

Section 21. Section 7-22-2145, MCA, is amended to read:

"7-22-2145. Expenditures from noxious weed fund. (1) The noxious weed fund shall be expended by the commissioners at such time and in such manner as is deemed best by said supervisors the board to secure the control and extermination of noxious weeds and-weed-seed.

(2) Warrants upon such fund shall be drawn by the supervisors board. No warrants shall be drawn except upon claims duly itemized by the claimant, except payroll claims which shall be itemized and certified by the supervisors board, and each such claim shall be presented to the board of--county commissioners for its approval before the warrant therefor shall be countersigned by the commissioners."

Section 22. Section 7-22-2146, MCA, is amended to read:

"7-22-2146. Financial assistance to landowners persons responsible for weed control. ~~if--in-the-judgment-of-the commissioners-and-supervisors-it-seems-advisable,--they--may agree--to-assist-the-landowners-in-said-district-with-a-part of-the-cost-of-weed-control-on-their-land,--if-this-is-to-be done,--then-in-cases-where-the-landowner-controls--the--weeds and--exterminates--the--weed--seed,--he-shall-present-to-the~~

~~supervisors-a-duly-verified--claim--for--one-third--of--such cost-and-when-the-same-has-been-approved-by-the-supervisors and-commissioners,-it-shall-be-paid-to-such-landowner-out-of the---noxious---weed---fund.~~ (1) The commissioners, upon recommendation of the board, may establish cost-share programs with any person, specifying costs that may be paid from the noxious weed fund and costs that must be paid by the person. Cost-share programs may be established for special projects and for established management zones.

(2) (a) When under the terms of any voluntary agreement, whether entered into pursuant to 7-22-2123 or otherwise, or under any cost-share program entered pursuant to this section a person incurs any obligation for materials or services provided by the board, the board shall submit a bill to the person, itemizing man-hours of labor, material, and equipment time. The bill must specify and order a payment due date not less than 30 days from the date the bill is sent.

(b) A copy of the bill must be submitted by the board to the county clerk and recorder. If the sum to be repaid by the person billed is not repaid on or before the date due, the county clerk and recorder shall certify the amount thereof, with the description of the land to be charged, and shall enter the sum on the assessment list as a special tax on the land, to be collected in the manner provided in 7-22-2148."

Section 23. Section 7-22-2148, MCA, is amended to read:

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

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

Section 24. Section 7-22-2150, MCA, is amended to read:

"7-22-2150. Cooperation with state and federal-aid programs. The ~~supervisors--are~~ board is empowered to cooperate with any state or federal-aid program that becomes available. Under such a plan of cooperation, the direction of the program shall be under the direct supervision of the

supervisors-of-the-county board of the district in which the program operates."

Section 25. Section 7-3-4453, MCA, is amended to read:
 "7-3-4453. Assessments for snow, ice, weed, and rubbish removal. The commission shall have the power to provide by ordinance for assessing against the abutting property the cost of removing from the sidewalks all accumulation of snow and ice and for assessing against the property the cost of cutting and removing therefrom obnoxious nuisance weeds and rubbish."

Section 26. Section 7-14-2131, MCA, is amended to read:

"7-14-2131. Reseeding of right-of-way. (1) Whenever the natural sod cover on right-of-way areas is disturbed by construction of county roads, irrigation ditches, drain ditches, or otherwise, the board of county commissioners shall require ~~that such disturbed areas be seeded to an adaptable perennial grass or combination of perennial grasses and legumes. Every effort shall be made to establish a sod cover on the disturbed area.~~

~~(2) All seed used shall meet certified standards.~~

~~(3) Time and method of seeding, fertilizing practices, and grass species shall be those recommended by the Montana extension service. the person or agency responsible for the disturbance to comply with [section 11]."~~

Section 27. Section 7-14-2132, MCA, is amended to read:

"7-14-2132. Control of weeds along roads and highways. (1) The district weed board of weed control and weed seed extermination supervisors shall control noxious weeds on the county roads.

(2) If the department of highways does not control noxious weeds on state and federal highways in any county, the supervisors district weed board shall control them. Upon presentation by the supervisors board of a verified account of the expenses incurred, the costs of control shall be paid by the department."

Section 28. Section 7-22-2215, MCA, is amended to read:

"7-22-2215. Rodent control board. (1) A governing body creating a rodent control district shall appoint a rodent control board composed of not less than three or more than five members. The county extension agent is an ex officio member of the board. Each member of the board must be an elector and reside within the district.

(2) Board members serve 3-year staggered terms. Of the members first appointed to a board, at least one shall serve a 1-year term and at least one shall serve a 2-year term.

(3) Each member of the board is entitled to:

(a) a mileage allowance as provided in 2-18-503 for the distance actually and necessarily traveled to perform official duties; and

(b) per diem expenses established by the governing body.

(4) The county district weed board appointed under 7-22-2103 may be appointed by the governing body to also

serve as the rodent control board, in which case the qualifications, terms, compensation, mileage, and expenses of the rodent control board are the same as those of the county district weed board and subsections (1) through (3) do not apply."

Section 29. Section 7-22-4101, MCA, is amended to read:

"7-22-4101. Control of noxious nuisance weeds within municipality. (1) The city or town council has power to:

(1)(a) declare and determine what vegetation within the city or town shall be noxious nuisance weeds;

(2)(b) provide the manner in which they shall be exterminated;

(3)(c) require the owner or owners of any property within said city or town to exterminate or remove noxious nuisance weeds from their premises and the one-half of any road or street lying next to the land or boulevard abutting thereon; and

(4)(d) provide, in the event the owner or owners of any of said premises neglect to exterminate or remove the noxious nuisance weeds therefrom, for levying the cost of such extermination or removal as a special tax against the property.

(2) A noxious weed as defined in 7-22-2101 may not be declared a nuisance weed under this section."

Section 30. Section 77-6-114, MCA, is amended to read:

"77-6-114. Lessee responsible for assessments and taxes for weed control. It shall be the duty of the board in leasing any agricultural state land to provide in such lease that the lessee of lands so leased lying within the boundaries of any noxious weed control ~~and--weed--seed~~ extermination district shall assume and pay all assessments and taxes levied by the board of county commissioners for such district on such state lands, and such assessments and tax levy shall be imposed on such lessee as a personal property tax and shall be collected by the county treasurer in the same manner as regular personal property taxes are collected. All such state lessees shall be required under the terms of such lease to pay such assessment and tax levy at the same time and manner as other regular personal taxes are paid."

NEW SECTION. Section 31. Codification instruction. Sections 6, 10 through 12, and 15 are intended to be codified as an integral part of Title 7, chapter 22, part 21, and the provisions of Title 7, chapter 22, part 21, apply to sections 6, 10 through 12, and 15.

NEW SECTION. Section 32. Repealer. Sections 7-22-2122, 7-22-2125, 7-22-2127, and 7-22-2147, MCA, are repealed.

NEW SECTION. Section 33. Severability. If a part of this act is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this act is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.