ì	Senate BILL NO. 165
2	INTRODUCED BY Salt and David
3	BY REQUEST OF THE DEPARTMENT OF AGRICULTURE
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5	A BILL FOR AN ACT ENTITLED: "AN ACT FOR THE GENERAL
5	REVISION OF THE CROPLAND SPRAYING PROGRAM FOR INSECT CONTROL
7	RELATING TO DEFINITIONS; CROPLAND SPRAYING PROGRAMPOWERS
8	OF DEPARTMENT; CROPLAND SPRAYING PROGRAMDUTIES OF
9	DEPARTMENT; FINANCING OF CROPLAND SPRAYING PROGRAM;
10	COMPUTATION AND COLLECTION OF ASSESSMENTS ON LANDOWNERS;
11	RANGELAND SPRAYING PROGRAMSPOWERS OF DEPARTMENT; AMENDING
13	SECTIONS 3-3501 THROUGH 3-3506, R.C.M. 1947."
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14	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
15	Section 1. Section 3-3501, R.C.M. 1947, is amended to
16	read as follows:
17	#3-3501. Definitions. As used in this chapter <u>the</u>
13	following definitions apply:
19	(1) "Cropland" means land used for the production of
20	food and forage, including the headlands, ditches, and
21	rights-of-way adjacent to such land.
22	(2) "Cropland spraying program" means the application
23	of chemical or other substances to croplands for the purpose
24	of preventing or destroying insect pests.
25	(3) "Conditionofinsectpestinfestation"-means-a

1	condition-whereaninsectpestyasdefinedinsection
2	16-1153y-or-combination-of-such-pestsy-exists-in-cropland-in
3	suchnumbersandatsuchtimesastodestroyor
4	substantiallydamageorthreatentodestroyor
5	substantiallydamage,asignificantpartofthecrop
6	production-in-e-county "Insect pest" includes the
7	grasshopper. cutworm. pale western cutworm. army worms
8	chinch bug, and any other insect or arthropod generally
9	recognized as a destroyer of grain, hay, range, and
10	horticulture crops.
11	(4) *Department*-means-the-departmentofagriculture*
12	"Infestation" means that a pest exists in such numbers:
13	under certain conditions, and at certain times as to destroy
14	or substantially damage or threaten to destroy livestock or
15	other agricultural crops.
16	(5) #Alternativecontrolprogram—-weans-a-system-of
17	controlling-insect-pest-populationsthroughbiologicalor
13	othermeansnotinvolvingtoxicchemicalsw "Department"
19	means the department of agriculture.
20	(6) "Alternative control program" means a system of
21	controlling insect pest populations through biological or
22	other means not involving toxic chemicals.
23	(7) "Emergency" means a Serious insect pest infestation
24	that meets the conditions of 70-2501."
25	Section 2. Section 3-3502, R.C.M. 1947, is amended to

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- #3-3502. Cropłand---spraying---program------powers--of departmentw Insect detection surveillance and control programs. The department may:
- (1) employ permanent and seasonal personnel to administer this chapter:
  - (2) survey pest--infestation---conditions for and maintain surveillance of insect pests during appropriate seasons, and enter upon any croplands in the course of conducting such surveillance;
  - (3) determiney-upon-investigationy-that-a-condition-of insect-pest-infestation-exists-within-a-county; provide insect pest management services to particular agricultural commodity groups for the resolution of special or unusual insect pest problems:
  - (4) operate-or-contract-for-spraying-services-to counteract-s-condition-of-insect-pest-infestationy-having first-determined-that-s-person-contracting-to-supply-such services-is-properly-equipped-to-apply-substances-designated and-approved-by-the-department; determine or assist a county to determine, upon investigation, whather a serious infestation exists or threatens to occur within a county;
- (5) conduct--or--coordinate---simultaneous---cropland
  spraying--programs--in--two-(2)-or-more-contiguous-countiesw
  declare that an insect pest infestation constitutes a

1 <u>serious infestation</u>	i
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- 2 (6) operate, contract for, or assist a county to obtain
  3 spraying or other appropriate services to counteract an
  4 actual or threatening serious infestation, having first
  5 determined that any person contracting to supply such
  6 services is properly equipped to apply substances designated
  7 and approved by the department:
- 8 (7) conduct: cooperate in: or coordinate upon request
  9 by any affected county: insect pest management services for
  10 serious pest infestations in one or more counties:
- 12 insect pest management programs in contiguous countres.\*\*
- Section 3. Section 3-3503, R.C.M. 1947, is amended to read as follows:
- 15 #3-3503. Gropland-spraying-program----duties <u>Outles</u> of
  16 department. The department shall:
- 17 (1) develop and publish a list of substances-approved
  18 for-all-cropland-spraying-programsy-which-shall-be-the-least
  19 harmful-to--beneficial--insects--among--effective--available
  20 substancest pesticides approved for control of insect pests:
- 21 (2) develop and publish technical guidelines for
  22 county-conducted-cropland-spraying-programs; on techniques
  23 of controlling insect pests:
  - (3) publishy-upon-finding-that-a-condition-of-insect
    pest-infestation-exists-within-a-countyy-notice-of-intent-to

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conduct-a-croptand-spraying-program-within-that-countyy-such notice-to-appear-in-a-newspaper-generally-circulating-in-the county+ notify a county of its survey results and state whether the infestation is normal or serious:

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- (4) conduct—s—cropland—spraying—program—within—a countyv—after—notice—of—intent—hos—been—publishedv—unless within—two—(2)—weeks—or—such—lesser—time—as—the—notice—may specifyv—the—board—of—county—commissioners—adopts—a—plan—to conduct—a—cropland—spraying—program—which—is—approved—by—the department; review and comment on or review and approve all county agricultural insect pest management plans as provided by the local government codes and consider whether the plan conforms—to—the technical guidelines of the department and whether implementation of the plan will probably—counteract the condition—of—insect—pest infestation in a timely and proper manner.
- (5) approve--a--county--plan--to--conduct--a--cropland appraying--program--which--is--submitted--in-a-timely-monnery which--conforms--to--the---technical---guidelines---of---the departmenty--and-which-will-counteract-a-condition-of-insect pest-infestation-in-a-timely--manner; consider whether an alternative control program would be as afficient as spraying on a ratio of total costs to total benefits and provide the county with a summary of its findings prior to conducting or approving any cropland spraying program. If

the alternative control program is considered adequate: the department may conduct or approve such a program.

(6)--considery-prior-to-conducting-or-approving-any croptand--spraying--programy--whether-an-atternative-control program-would-be-as-efficient-as--spraying--on--a--ratio--of total-costs-to-total-benefits-and-to-state-a-summary-of-such consideration---in---a--notice--of--intent--published--under subsection-(3)-of-this-sections--if-the-atternative--control program--is--more--efficienty--the-department-may-conduct-or approve-such-a-programs--in-such--eventy--any--reference--to croptand---spraying---program---in--this--act--includes--the atternative-control-programs\*

Section 4. Section 3-3504, R.C.M. 1947, is amended to read as follows:

#3-3504. Financing of croptand---spraying control program. (1) The <u>One-third of the</u> costs of a cropland spraying program or <u>alternative program conducted by the state</u> shall be apportioned one-third-(1/3) to the statev. one-third---(1/3) to the county-where-the-program is conductedy and one-third-(1/3)-to-the-owners-of-cropland-in the--county- Prior to the implementation of any state or county cropland-spraying control program, the department and the board-of-county--commissioners governing body of any county for which the program is proposedy shall enter into a written--squeement an interlocal or management agreement on

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the maximum amount of moneys each shall appropriate or provide toward the proposed program. If either party does not sign and approve the agreement, the program may not be conducted.

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(2) The--board--of--county-commissioners-of-any-county for-which-o-cropland-spraying--program--is--intendedy--shall appoint--a-three-member-insect-evaluation-committee-once-the department-has-published-its-notice-of-intent---The--members shell--be--composed--of--formers--and--ranchers-having-lands within-the-proposed-program-areay--The-committeey--prior--to the-deadline-of-the-notice-of-intent-or-within-seven-days-of publicationy--whichever-is-lessy-shall-review-the-finding-of fact-provided-by-the-department-to-determine-whether-an-area eropland--spraying--program--shall--be--conducted--for---the agricultural--producers-in-the-proposed-program-areas-if-the committee-determines-that-an-area-cropland-spraying--program is--neededy-by-independently-substantiating-the-department's finding-of-fact-that-a-condition-of-insect-pest--infestation existsy-the-county-or-department-shall-call-for-a-meeting-of producersy---landowners---and---other--potentially--affected taxpavers-within-the-proposed-program-areas-The-call-for-the meeting-sholl-include-public-notice-at-least-five--(5)--days in--advance---If--a-majority-of-those-attending-the-meeting approve-the--programy--then--all--producers--and--landowners within-the-proposed-program-area-shall-be-included-in-the

1 spray-program-and--shall--be--subject--to--payment--for--the
2 program\*

Individual farm and ranch landowners may formally petition by written affidavit protesting their inclusion within the proposed cropland spraying program. The department or county commissioners shall refrain from spraying any land petitioned to be excluded. Such excluded land remains subject to assessment under section 3-3505. The governing body of any county for which a control program is intended shall proceed as provided by the local government code.

- (3) If the department conducts the program, the department it shall pay all costs of the program. The county shall pay its share and the landowners landowners share—es-provided—in-section—3—3505» to the department for deposit in the appropriate fund as provided in 3—3505.
- (4) If the county conducts the program, the county it snall pay all costs of the program, including its share. The department shall pay one-third (1/3) of the costs of the cropland spraying program from monies appropriated for that purpose to the county in which the program was conducted. The county treesurer finance administrator shall collect the lendowners—essessments—as—provided—in—section——3—3505 landowners special assessment as provided in 3—3505.\*\*
- Section 5. Section 3-3505, R.C.M. 1947, is amended to

read as follows:

read as follows:

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"3-3505. Computation and collection of assessments on landowners. Each owner of cropland benefited under a cropland spraying program is liable for such portion of the landowners. Indowners share of the program costs as his cropland is a portion of all cropland within the county benefited-by-the-program boundaries of the program. The county treasurer shall compute each such landowner's liability and mail a special assessment therefor to each landowner-or-his-agent owner or occupier of land within the boundaries of the program. Unless otherwise mutually agreed upon: This this assessment is due and payable within thirty-two--(32) days of mailing or thirty-(30) days of receipty if receipt is shown to be more than two--(2) days after mailing. A delinquant assessment is a lien upon the land assessed."

"3-3506. Rangeland spraying control programs. --powers of-department\* The department may enter into agreements with the United States department of agriculture for cooperative programs to control insect pest infestation infestations on rangeland and to share the costs of such programs\* whenever funds have been appropriated and are available for that purpose."

Section 6. Section 3-3506, R.C.M. 1947, is amended to

1 Section 7. There is a new R.C.M. section numbered 2 3-3507 that reads as follows:

3 3-3507. Administrative procedures. The department may
 4 adopt rules necessary to carry out the intent of the act.

Section 8. 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.

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Approved by Committee on Agrivulture Livestock & Irrigation

ı	SENATE BILL NO. 165
2	INTRODUCED BY GALT, DOVER
3	BY REQUEST OF THE DEPARTMENT OF AGRICULTURE
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5	A BILL FOR AN ACT ENTITLED: "AN ACT FOR THE GENERAL
6	REVISION OF THE CROPLAND SPRAYING PROGRAM FOR INSECT CONTROL
7	RELATING TO DEFINITIONS; CROPLAND SPRAYING PROGRAMPOWERS
3	OF DEPARTMENT; CRUPLAND SPRAYING PROGRAMDUTIES OF
9	DEPARTMENT; FINANCING OF CROPLAND SPRAYING PROGRAM;
10	COMPUTATION AND COLLECTION OF ASSESSMENTS ON LANDOWNERS;
11	RANGELAND SPRAYING PROGRAMSPOWERS OF DEPARTMENT; AMENDING
12	SECTIONS 3-3501 THROUGH 3-3506: AND 16-1152. R.C.M. 1947."
t 3	
14	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
15	Section 1. Section 3-3501, R.C.M. 1947, is amended to
16	read as follows:
1 7	"3-3501. Definitions. As used in this chapter the
18	following definitions apply:
19	(1) "Cropland" means land used for the production of
20	food and foragev including the headlands, ditches, and
21	rights-of-way adjacent to such land.
22	(2) "Cropland spraying program" means the application
23	of chemical or other substances to croplands for the purpose
24	of <u>preventing or</u> destroying insect pests.
25	(3) "Gonditionofinsectpestinfestation"-mesna-a

1	condition where an insect posty as defined in - section
2	46-1153, or combination of such posts, exists in scopland in
3	such numbers and at such times as to destroy or
4	substantially—damage,—or—threaten—to—destroy—or
5	substantially damage, a significant part of the grop
6	production in a county. "Insect pest" includes the
7	grasshopper, cutworm, pale western cutworm, army worm,
8	chinch bug, and any other insect or arthropod generally
9	recognized as a destroyer of grain, hay, range, and
10	horticulture crops.
11	(4) *Department* seams the department of agriculture.
12	"Infestation" means that a pest exists in such numbers,
13	under certain conditions, and at certain times as to destroy
14	or substantially damage or threaten to destroy livestock or
15	other agricultural crops.
16	(5) #Altornative control program scans - a system of
17	controlling-insect-post-populations through biological or
18	other seams not involving texis chemicals. "Department"
19	means the department of agriculture.
20	(6) "Alternative control program" means a system of
21	controlling insect pest populations through biological or
22	other means not involving toxic chemicals.
23	(7) "Emergency" means a serious insect pest infestation
24	that meets the conditions of 79-2501 79-2501.*

Section 2. Section 3-3502, R.C.M. 1947, is amended to

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department. Insect detection surveillance and control programs, The department may:  (1) employ permanent and seasonal personnel to administer this chapter;  (2) survey pest infestation conditions for and maintain surveillance of insect pests during appropriate seasons, and enter upon any croplands in the course of conducting such surveillance;  (3) determine, upon investigation, that a condition of insect pest infestation exists within a county, provide insect pest management services to particular agricultural commodity groups for the resolution of special or unusual insect pest problems;  (4) operate or contract for spraying services to contract a condition of insect post infestation, having first determined that a person contracting to supply such services is proporly equipped to apply substances designated	
programs. The department may:  (1) employ permanent and seasonal personnel to administer this chapter;  (2) survey pest infestation conditions for and maintain surveillance of insect pests during appropriate seasons, and enter upon any croplands in the course of conducting such surveillance;  (3) determine, upon investigation, that a condition of insect post infestation exists within a county; provide insect pest management services to particular agricultural commodity groups for the resolution of special or unusual insect pest problems:  (4) operate or contract for spraying services to contests a condition of insect post infestation, having first determined that a person contracting to supply such services is properly equipped to apply substances designated	#3-3502. Gropland spraying program provers of
(1) employ permanent and seasonal personnel to administer this chapter;  (2) survey pest infestation conditions for and maintain surveillance of insect pests during appropriate seasons, and enter upon any croplands in the course of conducting such surveillance;  (3) determine, upon investigation, that a condition of insect post infestation exists within a county; provide insect pest management services to particular agricultural commodity groups for the resolution of special or unusual insect pest problems;  (4) eperate or contract for spraying services to countered a condition of insect post infestation, having first determined that a person contracting to supply such corvices is proporly equipped to apply substances designated	department. Insect detection surveillance and control
describes is properly equipped to apply substances designated	programs. The department may:
(2) survey pest infestation conditions for and  Baintain surveillance of insect pests during appropriate  seasons, and enter upon any croplands in the course of  conducting such surveillance;  (3) determine, upon investigation, that a condition of  insect post infestation exists within a county; provide  insect pest management services to particular agricultural  commodity groups for the resolution of special or unusual  insect pest problems;  (4) operate or contract for spraying services to  contract a condition of insect post infestation, having  first determined that a person contracting to supply such  corrides is proporly equipped to apply substances designated	(1) employ permanent and seasonal personnel to
8 maintain surveillance of insect pests during appropriate 9 seasons, and enter upon any croplands in the course of 10 conducting such surveillance; 11 (3) determine, upon investigation, that a condition of 12 insect pest infestation exists within a county; provide 13 insect pest management services to particular agricultural 14 commodity groups for the resolution of special or unusual 15 insect pest problems; 16 (4) operate or contract for spraying services to 17 counterast a condition of insect post in cestation, having 18 first determined that a person contracting to supply such 19 services is proporly equipped to apply substances designated	administer this chapter;
seasons, and enter upon any croplands in the course of conducting such surveillance;  (3) determine, upon investigation, that a condition of insect post infectation exists within a county; provide insect pest management services to particular agricultural commodity groups for the resolution of special or unusual insect pest problems;  (4) operate or contract for spraying services to countered a condition of insect post infectation, having first determined that a person contracting to supply such corvices is proporly equipped to apply substances designated	(2) survey pest infestation conditions for and
conducting such surveillance;  (3) determine, upon investigation, that a condition of insect post infestation exists within a county; provide insect pest management services to particular agricultural commodity groups for the resolution of special or unusual insect pest problems;  (4) operate or contract for spraying services to counterast a condition of insect post in cestation, having first determined that a person contracting to supply such services is proporly equipped to apply substances designated	maintain surveillance of insect pests during appropriate
(3) determine, upon investigation, that a condition of insect post infestation exists within a county; provide insect pest management services to particular agricultural commodity groups for the resolution of special or unusual insect pest problems;  (4) operate or contract for spraying services to counteract a condition of insect post in certices to counteract a condition of insect post in certices to counteract determined that a person contracting to supply such corrides is proporly equipped to apply substances designated	seasons, and enter upon any croplands in the course of
insect pest management services to particular agricultural commodity groups for the resolution of special or unusual insect pest problems:  (4) operate or contract for spraying services to counterast a condition of insect post in cestation, having first determined that a person contracting to supply such services is proporly equipped to apply substances designated	conducting such surveillance;
insect pest management services to particular agricultural commodity groups for the resolution of special or unusual insect pest problems:  (4) operate or contract for spraying services to construct a condition of insect post infestation, having first determined that a person contracting to supply such services is proporly equipped to apply substances designated	(3) determine, upon investigation, that a condition of
CORROGITY GROUPS for the resolution of special or unusual insect pest problems:  (4) operate or contract for spraying services to conteact a condition of insect post in cestation, having first determined that a person contracting to supply such services is proporly equipped to apply substances designated	insect post infectation exists within a county; provide
insect pest problems:  (4) operate or contract for spraying services to  construct a condition of insect post in costation, having  first determined that a person contracting to supply such  corrides is proporly equipped to apply substances designated	insect pest management services to particular agricultural
(4) operate or contract for spraying services to  constoract a condition of insect post in cestation, having  first determined that a person contracting to supply such  corrides is proporly equipped to apply substances designated	commodity groups for the resolution of special or unusual
Genterast a condition of insect post in cestation, having  first determined that a person contracting to supply such  sorvices is proporly equipped to apply substances designated	insect pest problems;
first determined that a person contracting to supply such sorvices is proporly equipped to apply substances designated	(4) operate or contract for spraying services to
19 sorvices is proporly equipped to apply substances designated	counterast a condition of insect post in costation, having
	first determined that a person contracting to supply such
	soffices is proporly equipped to apply substances designated
20 and approved by the department; determine or assist a county	and approved by the department; determine or assist a county
21 to determine, upon investigation, whether a serious	
22 infestation exists or threatens to occur within a county:	
23 (5) conduct or coordinate simultaneous cropland	

epraying programs in two (2) or more contiguous counties.

declare that an insect pest infestation constitutes a

read as follows:

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1	serious intestation:
2	(6) operate, contract for, or assist a county to obtai
3	spraying or other appropriate services to counteract a
4	actual or threatening serious infestation, having firs
5	determined that any person contracting to suprly suc
6	services is properly equipped to apply substances designate
7	and approved by the department;
8	(7) conduct, cooperate in, or coordinate upon reques
9	by any affected county, insect pest management services fo
0	serious pest infestations in one or more counties;
1	[8] assist counties, upon request, to coordinate count
2	insect pest management programs in contiguous counties."
3	Section 3. Section 3-3503, R.C.M. 1947, is amended to
4	read as follows:
5	#3-3503. Gropland spraying program duties <u>Duties</u> o
6	department. The department shall:
7	(1) develop and publish a list of substances—approve
8	for all-oropland-spraying programs, which shall be the leas
9	harmful-te-beneficial-insects-asong-effective available
0	substances; pesticides approved for control of insect pests
1	(2) develop and publish technical guidelines for
2	county-conducted cropland spraying programs; on technique
3	of controlling insect pests;
4	(3) publish, upon finding that a condition of insec
5	post infestation exists within a sounty, notice of intent-t

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conduct a cropland spraying program within that county, such notice to appear in a newspaper-generally circulating in the county of its survey results and state whether the infestation is normal or serious;

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- (4) conduct a cropland spraying program within a county, after notice of intent has been published, unless within two (2) weeks or such lessor time as the notice may specify, the board of county commissioners adopts a plan to conduct a cropland opraying program which is approved by the department; review and comment on or review and approve all county agricultural insect pest management plans as provided by the local government sode LAW, and consider whether the plan conforms to the technical quidelines of the department and whether implementation of the plan will probably counteract the condition of insect pest infestation in a timely and proper manner;
- spraying program which is submitted in a timely manner, which senforms to the technical guidelines of the department, and which will counterast a condition of insect post infectation in a timely manner; consider whether an alternative control program would be as efficient as spraying on a ratio of total costs to total benefits and provide the county with a summary of its findings prior to conducting or approving any cropland spraying program. If

(6) -- considery -- prior -- to -- conducting -- or -approving -- any oropland spraying program, whether as alternative control program would be as efficient as spraying on a ratio of total costs to total benefits and to ctate a summary of such 7 consideration in a notice of intent -- published -- under cubsection (3) of this section. If the alternative sentral program is more officient, the department -- may -- conduct -- or 10 approve cuch - a program. - In cuch event, any reference to 11 oropland -spraying - program in this -- act -- includes -- the 12 alternative control program." 13 Section 4. Section 3-3504, R.C.M. 1947, is amended to 14 read as follows:

the alternative control program is considered adequate. the

department may conduct or approve such a program.

16 program. (1) The One-third of the costs of a cropland 17 spraying program or alternative program conducted by the 18 state shall be apportioned one-third (1/3) to PAID BY the 19 state, one-third (1/3) to the county where the program is 20 conducted, -- and one-third (1/3) to the cynors of cropland in 21 the county. Prior to the implementation of any state or 22 county gropland spraying control program, the department and the board-of-county-commissioners governing-body BOARD\_OF 23 24 COUNTY COEMISSIONERS of any county for which the program is 25 proposed, shall enter into a written agreement an interlocal

"3-3504. Financing of gropland spraying control

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or management agreement on the maximum amount of moneys each shall appropriate or provide toward the proposed program. If either party does not sign and approve the agreement, the program may not be conducted.

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(2) The board of county consissioners of any county for which a oropland spraying program is intended, shall appoint a three-member incost-evaluation-committee-ence-the department - has published its notice of intent. - The members shall-be-composed of farmers and ranchers having lands withis the proposed program area. The cossittee, prior to the deadling of the motion of intent or within seven days of publication, whichever is loss, chall review the finding -- of fact-provided by the department to determine whether an area Gropland -- spraying -- program -- shall -- be -- conducted -- for -- the agricultural producers in the proposed program-area. If the committee-determines-that-an-area-greeland-opraving-program is meeded, by independently substantiating the department's finding of fact that a condition of insect pust infestation existsy the county or department shall sall for a meeting of producercy -landovners and -- other -- potentially -- affected taxpayors withis the proposed program area. The call for the moeting-shall-include public notice at least five (5) days in advance. If a majority of those attending the secting approve the program, then all producers and landowners within the proposed program area shall be included in the

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spray--procram--and--shall--be--subject--te--payment-for-the 2 PPOGFAR.

3 Individual farm and ranch landowners may formally petition by written affidavit protesting their inclusion within the proposed cropland spraying program. department or county commissioners shall refrain from spraying any land petitioned to be excluded. Such excluded land remains subject to assessment under section 3-3505. The governing body of any county for which a control program is 10 intended shall proceed as provided by the local government 11 code LAW.

- 12 (3) If the department conducts the program, the 13 department it shall pay all costs of the program. The 14 county shall pay its share and the landowners landowner's 15 share, as provided in section 3 3505, to the department for deposit in the appropriate fund as provided in 3-3505. 16
- 17 (4) If the county conducts the program, the county it 18 shall pay all costs of the program, including its share. 19 The department shall pay one-third (1/3) of the costs of the 20 cropland spraying program from monies appropriated for that 21 purpose to the county in which the program was conducted. 22 The county treasurer finance administrator TREASURER shall collect the landowners assessments as provided in sestion 23 3-3505 landowner's special assessment as provided in 25 3-3505."

SE 0165/02 SE 0165/02

Section 5. Section 3-3505, R.C.M. 1947, is amended to read as follows:

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"3-3505. Computation and collection of assessments on landowners. Each owner of cropland benefited under a cropland spraying program is liable for such portion of the landowners! landowners's share of the program costs as his cropland is a portion of all cropland within the county benefited by the program boundaries of the program. The county treasurer shall compute each such landowner's liability and mail a special assessment therefor to each landowner or bio agent owner or occupier of land within the boundaries of the program. Unless otherwise mutually agreed upon. This this assessment is due and payable within thirty two (32) days of mailing or thirty (30) days of receipty if receipt is shown to be more than two (2) days after mailing. A delinquent assessment is a lien upon the land assessed."

18 Section 6. Section 3-3506, R.C.M. 1947, is amended to 19 read as follows:

"3-3506. Rangeland spraying control programs. -- powers of department. The department may enter into agreements with the United States department of agriculture for cooperative programs to control insect pest infestation infestations on rangeland and to share the costs of such programs, whenever funds have been appropriated and are available for that

1 purpose.\*

2 Section 7. There is a new R.C.M. section numbered

3-3507 that reads as follows:

4 3-3507. Administrative procedures. The department may
5 adopt rules necessary to carry out the intent of the act.

6 SECTION 8. SECTION 16-1152, R.C.M. 1947, IS AMENDED TO
7 READ AS FOLLOWS:

8 "16-1152. Tax levy for payment of warrants. The board of county commissioners shall annually determine the amount 10 of such warrants drawn on the general fund for the purposes 11 of controlling insect pests under a greepland - spraying 12 control program approved by the department of agriculture. and the succeeding year, shall levy a tax for the purpose of 13 14 insect pest extermination sufficient in amount to relaburse 15 said general fund for the money so paid out on such warrants, which said tax shall be levied upon all the property in the county and shall not exceed three (3) mills 17 18 on each dollar of assessed taxable valuation. If there be 19 no money in the general fund with which to pay such warrants, they shall be registered and bear interest in the 20 same manner as other county warrants, but in such case the 21 interest shall be computed and added to the amount for which 22 2.3 such tax is levied."

Section 9. Severability. If a part of this act is invalid, all valid parts that are severable from the invalid

\_9\_ SB 165 \_\_10\_\_ SB 165

SB 0165/02

- 1 part remain in effect. If a part of this act is invalid in
- 2 one or more of its applications, the part remains in effect
- 3 in all valid applications that are severable from the
- 4 invalid applications.

-End-

45th Legislature SB 0165/03 SB 0165/03

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2	INTRODUCED BY GALT, DOVER
3	BY REQUEST OF THE DEPARTMENT OF AGRICULTURE
4	
5	A BILL FOR AN ACT ENTITLED: "AN ACT FOR THE GENERAL
6	REVISION OF THE CROPLAND SPRAYING PROGRAM FOR INSECT CONTROL
7	RELATING TO DEPINITIONS; CROPLAND SPRAYING PROGRAM POWERS
8	OF DEPARTMENT; CROPLAND SPRAYING PROGRAM-DUTIES OF
9	DEPARTMENT; PINANCING OF CROPLAND SPRAYING PROGRAM;
10	COMPUTATION AND COLLECTION OF ASSESSMENTS ON LANDOWNERS;
11	RANGELAND SPRAYING PROGRAMS-POWERS OF DEPARTMENT; AMENDING
12	SECTIONS 3-3501 THROUGH 3-3506, AND 16-1152, B.C.H. 1947.*
13	
14	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HONTANA:
15	Section 1. Section 3-3501, R.C.M. 1947, is amended to
16	read as follows:
17	"3-3501. Definitions. As used in this chapter <u>the</u>
18	following definitions apply:
19	(1) "Cropland" means land used for the production of
20	food and forage, including the headlands, ditches, and
21	rights-of-way adjacent to such land.
22	(2) "Cropland spraying program" means the application
23	of chemical or other substances to croplands for the purpose
24	of preventing or destroying insect pests.
25	(3) "Gondition of insect pest infestation" means-a

SENATE BILL NO. 165

1	condition-whore—as—insect—posty—as—defined—in—section
2	46-1153, or combination of such posts, exists in scopland-in
3	such numbers and at such times as to destroy or
4	substantially damage, or threaten to destroy en
5	substantiallydamagoyasignificantpartofthesrop
6	production in a county. "Insect pest" includes the
7	grasshopper, cutworm, pale western cutworm, army worm,
8	chinch bug, and any other insect or arthropod generally
9	recognized as a destroyer of grain, hay, range, and
10	horticulture crops.
11	(4) *Department* seams the department of -agriculture.
12	"Infestation" means that a pest exists in such numbers,
13	under certain conditions, and at certain times as to destroy
14	or substantially damage or threaten to destroy livestock or
15	other agricultural crops.
16	(5) **Alternativecontrolprogram*-means-a-system-of
17	controlling-insect-pest-populations-through-biological-or
18	other means not involving toxic shemicals. *Department
19	means the department of agriculture.

other means not involving toxic chemicals.

(6) "Alternative control program" means a system of

controlling insect pest populations through biological or

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2 \*3-3502. Crepland spraying program powers of
3 department. Insect detection surveillance and control
4 programs, The department may:

- 5 (1) employ permanent and seasonal personnel to 6 administer this chapter;
- 7 (2) survey post infestation conditions for and
  8 maintain surveillance of insect pests during appropriate
  9 seasons, and enter upon any croplands in the course of
  10 conducting such surveillance;
  - (3) determine, upon investigation, that a country provide insect post infestation exists within a country provide insect pest management services to particular agricultural commodity groups for the resolution of special or unusual insect pest problems:
  - (4) eperate or centract for spraying services to sounteract a condition of insect post infestation, having first determined that a person contracting to supply such sorvices is proporly equipped to apply substances designated and approved by the department; determine or assist a county to determine, upon investigation, whether a serious infestation exists or threatens to occur within a county:
- 23 (5) conduct or coordinate simultaneous cropland
  24 cpraying programs in two (2) or more contiguous counties.
  25 declare that an insect pest infestation constitutes a

serious infestation:

2 (6) operate, contract for, or assist a county to obtain
3 spraying or other appropriate services to counteract an
4 actual or threatening serious infestation, having first
5 determined that any person contracting to supply such
6 services is properly equipped to apply substances designated
7 and approved by the department;

6 (7) conduct, cooperate in, or coordinate upon request
9 by any affected county, insect pest management services for
10 serious pest infestations in one or more counties:

(8) assist counties, upon request, to coordinate county

insect pest management programs is contiguous counties."

Section 3. Section 3-3503, R.C.H. 1947, is amended to
read as follows:

\*3-3503. Grepland-spraying program duties Duties of
 department. The department shall:

17 (1) develop and publish a list of substances-approved
18 for all exceptand spraying programs, which shall be the least
19 harmful to beneficial insects among effective available
20 substances; pesticides approved for control of insect pests;

21 (2) develop and publish technical guidelines for
22 county conducted cropland spraying programs; on techniques
23 of controlling insect pests;

24 (3) publish, upon finding that a condition of insect
25 pect infectation exists within a county, notice of intent to

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conduct a cropland spraying program within that county, such
notice to appear in a newspaper generally-circulating in the
county; notify a county of its survey results and state
whether the infestation is normal or serious:

- (4) conduct a cropland opraying program within a county, after notice of intent has been published, unless within two (2) weeks or such lesser time as the notice may specify, the board of county commissioners adopts a plan to conduct a cropland apraying program which is approved by the department; review and comment on or review and approve all county agricultural insect pest management plans as provided by the local government seets the STATUTES, and consider whether the plan conforms to the technical quidelines of the department and whether implementation of the plan will probably counteract the condition of insect pest infestation in a timely and proper manner;
- spraying program which is submitted in a timely manner, which conforms to the technical guidelines of the department, and which will counteract a condition of insect pest infectation in a timely manner; consider whether an alternative control program would be as efficient as spraying on a ratio of total costs to total benefits and provide the county with a summary of its findings prior to conducting or approving any cropland spraying program. If

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- the alternative control program is considered adequate, the
  department may conduct or approve such a program.

  (6) consider, prior to conducting or approving any
  - (6) consider, prior to conducting or approving any Gropland spraying program, whother an alternative control program would be as efficient as spraying on a ratio of total costs to total benefits and to state a summary of such consideration in a notice of intent published under subsection (3) of this section If the alternative control program in more officient, the department may seadust or approve such a program In such event, any reference to unopland spraying program in this act includes the alternative control program in this act includes the alternative control program in this act includes the alternative control program in this act includes the
- Section 4. Section 3-3504, R.C.M. 1947, is amended to read as follows:
  - program. (1) The One-third of the costs of a cropland spraying program or alternative program conducted by the state shall be apportioned one-third (1/3) to PAID BY the state. one-third (1/3) to the county where the program is conducted, and one-third (1/3) to the county where the program is the county. Prior to the implementation of any state or county cropland spraying control program, the department and the board of county county

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or management agreement on the maximum amount of moneys each shall appropriate or provide toward the proposed program.

If either party does not sign and approve the agreement, the program may not be conducted.

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(2) The board of county commissioners of any county for which a esopland spraying -- program is intended, -- shall appoint -- a three-member-incest-evaluation-committee-once-the department-bas sublished-its-notice-of-intent. The -- sembors shall be gomposed of farmers and reachers having lands within the proceed program area. The consistee. ... Prior -to the deadline of the retice of intert or within seven days of publication, - whichover is less, shall review the finding of fact-provided-by-the-department-to-determine-whether-an-area cropland-openying-program-chall-bo-conducted-for--the agricultural -- producors - in the - proposed - progress - area - If - the consittor-determinos-that-an-area-cropland-spraying--program is -- needed, by -independently-substantiating the -department's finding-of-fast-that-a condition-of-incoot-post--infostation exists, the county or department shall-call for a meeting of producers, -landouners -- and -- other potentially -- affected taxparers within the proposed program area. The call for the secting shall include public notice at least fire (5) - days in -- advance. -- If -- a-majority-of-those-attending-the-accting approve the program, then all producers and landswater within-the-proposed-program-area-shall-be-included-in-the

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1 spray-program and shall be subject to payment for the
2 program

Individual farm and ranch landowners may formally petition by written affidavit protesting their inclusion within the proposed cropland spraying program. The department or county commissioners shall refrain from spraying any land petitioned to be excluded. Such excluded land remains subject to assessment under section 3-3505. The governing body BOARD OF COUNTY COMMISSIONERS of any county for which a control program is intended shall proceed as provided by the local government gode LAN STATUTES.

- (3) If the department conducts the program, the department it shall pay all costs of the program. The county shall pay its share and the landowner's share, as provided in section 3-3505, to the department for deposit in the appropriate fund as provided in 3-3505.
- (4) If the county conducts the program, the sounty it 17 18 shall pay all costs of the program, including its share. 19 The department shall pay one-third (1/2) of the costs of the cropland spraying program from monies appropriated for that 20 21 purpose to the county in which the program was conducted. 22 The county treasurer finance administrator TRFASURER shall 23 collect the landowners -- assessments as - provided in section 24 2-3505 landowner's special assessment as provided in 25 3-3505.

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1 Section 5. Section 3-3505, B.C.B. 1947, is amended to 2 read as follows:

"3-3505. Computation and collection of assessments on 3 landowners. Each owner of cropland benefited under a cropland spraying program is liable for such portion of the landowners! landowner's share of the program costs as his 7 cropland is a portion of all cropland within the sounty benefited by the program boundaries of the program. The county treasurer shall compute each such landowner's liability and mail a special assessment therefor to each 10 landowner or his agent owner or occupier of land within the 11 12 boundaries of the program. Unless otherwise mutually agreed upon. This assessment is due and payable within 13 14 thirty-two-(32) days of mailing or thirty-(30) days of receipt if receipt is shown to be more than two-{2} days 15 after mailing. A delinquent assessment is a lien upon the 16 17 land assessed."

18 Section 6. Section 3-3506, B.C.M. 1947, is amended to 19 read as follows:

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"3-3506. Rangeland apraying control programs, —powers of-department. The department may enter into agreements with the United States department of agriculture for cooperative programs to control insect pest infestation infestations on rangeland and to share the costs of such programs, whenever funds have been appropriated and are available for that

-9-

1 purpose."

2 Section 7. There is a new R.C.E. section numbered

3—3507 that reads as follows:

4 3-3507. Administrative procedures. The department may 5 adopt rules necessary to carry out the intent of the act.

6 SECTION 8. SECTION 16-1152, R.C.H. 1947, IS ABENDED TO
7 READ AS FOLLOWS:

я \*16-1152. Tax levy for payment of warrants. The board 9 of county commissioners shall annually determine the amount 10 of such warrants drawn on the general fund for the purposes 11 of controlling insect pests under a eropland epraying 12 control program approved by the department of agriculture. 13 and the succeeding year, shall levy a tax for the purpose of 14 insect pest extermination sufficient in amount to reimburse 15 said general fund for the money so paid out on such 16 warrants, which said tax shall be levied upon all the 17 property in the county and shall not exceed three (3) mills 18 on each dollar of assessed taxable valuation. If there be 19 no money in the general fund with which to pay such 20 warrants, they shall be registered and bear interest in the 21 same manner as other county warrants, but in such case the 22 interest shall be computed and added to the amount for which 23 such tax is levied."

Section 9. Severability. If a part of this act is invalid, all valid parts that are severable from the invalid

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- 1 part remain in effect. If a part of this act is invalid in
- 2 one or more of its applications, the part remains in effect
- 3 in all valid applications that are severable from the
- 4 invalid applications.

-End-

March 23, 1977

HOUSE COMMITTEE ON AGRICULTURE, LIVESTOCK AND IRRIGATION AMENDMENTS TO SENATE BILL 165, third reading copy.

1. Amend page 6, section 4, lines 23, and 24.

Following: "body"

Strike: "BOARD OF COUNTY COMMISSIONERS"

Insert: "governing body"

2. Amend page 8, section 4, line 6.

Following: "or"

Strike: "county commissioners" Insert: "local governing body"

3. Amend page 8, section 4, line 9.

Following: "body"

Strike: "BOARD OF COUNTY COMMISSIONERS"

Insert: "governing body"

4. Amend page 10, section 8, lines 8 and 9.

Following: "The"

Strike: "board of county commissioners" Insert: "governing body of the county"

1	SENATE BILL NO. 165
2	INTRODUCED BY GALT, DOVER
3	BY REQUEST OF THE DEPARTMENT OF AGRICULTURE
4	
5	A BILL FOR AN ACT ENTITLED: "AN ACT FOR THE GENERAL
6	REVISION OF THE CROPLAND SPRAYING PROGRAM FOR INSECT CONTROL
7	RELATING TO DEFINITIONS; CROPLAND SPRAYING PROGRAMPOWERS
8	OF DEPARTMENT; CROPLAND SPRAYING PROGRAMDUTIES OF
9	DEPARTMENT; FINANCING OF CROPLAND SPRAYING PROGRAM;
10	COMPUTATION AND COLLECTION OF ASSESSMENTS ON LANDOWNERS:
11	RANGELAND SPRAYING PROGRAMSPOWERS OF DEPARTMENT; AMENDING
12	SECTIONS 3-3501 THROUGH 3-3506s. AND 16-1152, R.C.M. 1947."
13	
14	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
15	Section 1. Section 3-3501; R.C.M. 1947; is amended to
16	read as follows:
17	"3-3501. Definitions. As used in this chapter <u>the</u>
18	following definitions apply:
19	(i) "Cropland" means land used for the production of
20	food and forage, including the headlands, ditches, and
21	rights-of-way adjacent to such land.
22	(2) *Cropland spraying program* means the application
23	of chemical or other substances to croplands for the purpose
24	of <u>preventing or</u> destroying insect pests.
25	(3) "Eandition-ofinsectpestinfestation"-means-a

ı	condition-whereaninsectpestyasdefinedinsection
2	16-1153y-o <del>r-combinatio</del> n- <del>of-sumb-postsy-exists-in-cropland-i</del> n
3	suchnumbersandatsuchtimesastodestroyor
4	substantiallydamagevorthreatentodestroyor
5	substantiallydamagevasignificantpartofthecrop
6	productioninocounty- #Insect past* includes the
7	grassbopper. cutworm. pale western cutworm. army worm.
8	chinch bug: and any other insect or arthropod generally
9	recognized as a destroyer of grain. have range. and
10	horticulture crops.
11	(4) "Bepartment"-means-the-departmentofagriculture:
12	"Infestation" means that a pest exists in such numbers:
13	under certain conditions, and at certain times as to destroy
14	or substantially damage or threaten to destroy livestock or
15	other agricultural crops.
16	(5) #Alternativecontrolprogram"means-a-system of
17	controlling-insect-post-populationsthroughbiologicalor
18	other-meansnotinvolvingtoxicchemicalsw "Department"
19	means the department of agriculture.
20	(6) "Alternative control program" means a system of
21	controlling insect pest populations through biological or
22	other means not involving toxic chemicals.
23	(7) "Emergency" means a serious insect pest infestation
24	that meets the conditions of 78-2581 19-2591.
25	Section 2. Section 3-3502, R.C.M. 1947, is amended to

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1	read as follows:
2	#3-3502. Croplandsproyingprogrampowersof
3	department. Insect detection surveillance and control
4	programs. The department may:
5	(1) employ permanent and seasonal personnel to
6	administer this chapter;
7	(2) survey pest-infestationconditions for and
8	maintain surveillance of insect pests during appropriate
9	seasonsy and enter upon any croplands in the course of
10	conducting such surveillance;
11	(3) determiney-upon-investigationy-that-a-condition-of
12	insectpostinfestationexistswithina-county: provide
13	insect pest management services to particular agricultural
14	commodity groups for the resolution of special or unusual
15	insect pest problems:
l6	(4) operate-or-contract-for-spraying services to
17	counteractaconditionof-insect-pest-infestationy-having
18	first-determined-that-a-person-contractingtosupplysuch
19	services-is-properly-equipped-to-apply-substances-designated
20	and-approved-by-the-department; determine or assist a county
21	to determine, upon investigation, whether a serious
22	infestation exists or threatens to occur within a county:
23	(5) conductorcoordinatesimultaneouscropland
24	sprayingprogramsintwo-(2)-or-more-contiguous-counties:

declare that an insect pest infestation constitutes a

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	Sections Turestacton:
2	(6) operate, contract for, or assist a county to obtain
3	spraying or other appropriate services to counteract an
4	actual pr threatening serious infestation, having first
-5	determined that any person contracting to supply such
6	services is properly equipped to apply substances designated
7	and approved by the department:
8	(7) conduct. cooperate in. or coordinate upon request
9	by any affected county, insect pest management services for
10	serious pest infestations in one or more countles:
11	(8) assist counties, upon request, to coordinate county
12	insect pest management programs in contiguous counties."
13	Section 3. Section 3-3503, R.C.N. 1947, is amended to
14	read as follows:
15	"3-3503. <del>Cropland spraying program duties</del> <u>Outles</u> of
16	department. The department shall:
17	(1) develop and publish a list of substances-approved
18	for-all-cropland-spraying-programsy-which-shall-be-the-least
19	harmful-tobeneficialinsectsamongeffectiveavailable
20	substances; pesticides approved for control of insect pests:
21	(2) develop and publish technical guidelines for
22	county-conducted-cropland-sproying-programs; on techniques
23	of controlling insect pests:
24	(3) publishyuponfinding-that-a-condition-of-insect
25	pest-infestation-exists-within-e-county-notice-of-intent-to

conduct a cropland spraying program within that county such notice to appear in a newspaper generally circulating in the county notify a county of its survey results and state whether the infestation is normal or serious:

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- (4) conduct—s—cropland—spraying—program—within—a countyy-after notice of intent has—been—publishedy—unless within—two—(2) weeks or such lesser time as the notice may specifyy—the board—of-county commissioners—adopts a plan—to conduct—a cropland—spraying—program—which—is—approved—by—the department; review and comment on or review and approve all county agricultural insect pest management plans as provided by the local government—code thi STATUTES—and consider whether the plan conforms to the technical guidelines of the department—and—whether—implementation—of—the—plan will probably counteract the condition of insect pest infestation in a timely and proper manneri
- (5) approve—a—county—plan—to—conduct—a—cropland

  sproying—program—which—is—submitted—in—a-timely—mannerv

  which—conforms—to—the—technical—guidelines—of—the

  deportmenty—and which—will—counteract—a-condition—of—insect

  pest—infestation—in—a-timely—mannert consider whether an

  alternative control program would be as efficient as

  spraying on a ratio of total costs—to total benefits—and

  provide—the—county with a summary of its findings prior to

  conducting or approving any cropland spraying program— If

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the alternative control program is considered adequate, the
department may conduct or approve such a program.

top-considery-prior-to-conducting-or-approving-any cropland-spraying-programy whether-an-alternative-control program-would-be-as-efficient-as-spraying-on-a-ratio-of total-costs-to-total-benefits-and-to-state-a-summary-of-such consideration--in--a-notice-of-intent--published--under subsection (3)-of-this-sections--if-tha-alternative--control program--is-more-efficienty--the-department-may-conduct-or approve-such-a-programs--in-such--eventy--any--reference--to cropland---spraying---program--in--this--act--includes--the alternative-control-programs--in--this--act--includes---the alternative-control-programs---

Section 4. Section 3-3504, R.C.M. 1947, is amended to read as follows:

w3-3504. Financing of croptend---spraying control program. (1) The One-third of the costs of a croptend spraying program or alternative program conducted by the state shall be apportioned-one-third (1/3) to PAID BY the stateva one-third-(1/3) to the county-where the program is conductedy-and-one-third-(1/3) to the owners-of-croptend-in the--county- Prior to the implementation of any state or county croptend-spraying control program, the department and the board-of-county-commissioners governing-body BBARB-OF ESUNTY--ESUNTSSIONERS GOVERNING BODY of any county for which the program is proposedy shall enter into a---written

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agreement an interlocal or management agreement on the maximum amount of moneys each shall appropriate or provide toward the proposed program. If either party does not sign and approve the agreement, the program may not be conducted.

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(2) The board of county commissioners of any county for-which-a-cropland-spraying--program--is--intendedy--shall appoint--a-three-member-insect-evaluation-compittee-once-the department-has-published-its-notice-of-intenty--The--members shall--be--composed--of--formers--and--ranchers-having-lands within-the-proposed-program-areay--The-cosmitteey--grior--to the-deadline-of-the-notice-of-intent-or-within-seven-days-of publicationy--whichever-is-lessy-shall-review-the-finding-of fact-provided-by-the-department-to-determine-whother-on-area cropland-spraying-program-shall-be-conducted-for---the egriculturel--producers-in-the-proposed program-areau-If-the committee-determines-that-an-area-cropland-spraying--program is--neadedy-by-independently-substantiating-the-department's finding-of-fact-that-a-condition-of-insect-pest-infestation existsy-the-county-or-department-shall-call-for-a-meeting-of producersy---tendowners---end---other--potentialty--affected texpayers-within-the-proposed-program-areas-The-call-for-the meeting-shall-include-public-notice-at-least-five--(5)--days in-advance---If--o-majority-of-those-attending-the-meeting approve-the--programy--then--all--producers--and--landowners within--the--proposed--program-orea-shall-be-included-in-the

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spray-program-and--shall--be--subject--to--payment--for--the Drograme

Individual farm and ranch landowners may formally petition by written affidavit protesting their inclusion within the proposed cropland spraying program. The department or county-commissioners LOCAL GOVERNING BODY shall refrain from spraying any land petitioned to be excluded. Such excluded land remains subject to assessment under section 3-3505. The governing-body 80AR9-8F-68UNTY CONMISSIONERS GOVERNING BODY of any county for which a control program is intended shall proceed as provided by the local government code LAW STATUTES.

- (3) If the department conducts the program, the deportment it shall pay all costs of the program. county shall pay its share and the <del>landowners\* <u>landowner</u>\*s</del> deposit in the appropriate fund as provided in 3-3505.
- (4) If the county conducts the program, the county it shall pay all costs of the programy including its share. The department shall pay one-third (1/3) of the costs of the cropland spraying program from monies appropriated for that purpose to the county in which the program was conducted. The county treasurer finance administrator IREASURER shall collect the landowners\*-assessments-as-provided--in--section 3-3505 landowner's special assessment as provided in

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- 2 Section 5. Section 3-3505, R.C.M. 1947, is amended to read as follows:
- #3-3505. Computation and collection of assessments on 5 landowners. Each owner of cropland benefited under a cropland spraying program is liable for such portion of the <del>landowners\*</del> <u>landowner\*s</u> share of the program costs as his 7 8 cropland is a portion of all cropland within the county benefited-by-the-program boundaries of the program. The 9 10 county treasurer shall compute each such landowner's 11 liability and mail a special assessment therefor to each 12 tendowner--or-his-egent owner or occupier of land within the 13 boundaries of the prodres. Unless otherwise sutually squeed 14 upon. This this assessment is due and payable within thirty-two--+32; days of mailing or thirty-+30; days of 15 16 receipty if receipt is shown to be more than two--- t2; days after mailing. A delinquent assessment is a lien upon the 17 18 land assessed.\*\*
- 19 Section 6. Section 3-3506, R.C.M. 1947, is amended to 20 read as follows:
  - \*3-3506. Rangeland apraying control programs. --powers of-department. The department may enter into agreements with the United States department of agriculture for cooperative programs to control insect pest infestation infestations on rangeland and to share the costs of such programs, whenever

- 1 funds have been appropriated and are available for that
- 2 purpose."
- 3 Section 7. There is a new R.C.M. section numbered 4 3-3507 that reads as follows:
- 5 3-3507. Administrative procedures. The department may 6 adopt rules necessary to carry out the intent of the act.
- 7 SECTION 8. SECTION 16-1152. Rec. M. 1947. IS AMENDED TO 8 READ AS FOLLOWS:
- 9 "16-1152. Tax levy for payment of warrants. The boord of-county-commissioners GOVERNING BODY OF THE COUNTY shall 10 11 annually determine the amount of such warrants drawn on the general fund for the purposes of controlling insect pests 12 13 under a cropland--spraying control program approved by the 14 department of agriculture, and the succeeding year, shall levy a tax for the purpose of insect pest extermination 15 16 sufficient in amount to reimburse said general fund for the 17 money so paid out on such warrants, which said tax shall be 18 levied upon all the property in the county and shall not 19 exceed three (3) mills on each dollar of essessed taxable 20 valuation. If there be no money in the general fund with 21 which to pay such warrants, they shall be registered and 22 bear interest in the same manner as other county warrants, 23 but in such case the interest shall be computed and added to 24 the amount for which such tax is levied.\*
- 25 Section 9. Severability. If a part of this act is

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- 1 invalid, all valid parts that are severable from the invalid
- 2 part remain in effect. If a part of this act is invalid in
- 3 one or more of its applications, the part remains in effect
- 4 in all valid applications that are severable from the
- 5 invalid applications.