

Senate BILL NO. *165*
Holt and Davis

INTRODUCED BY _____
BY REQUEST OF THE DEPARTMENT OF AGRICULTURE

A BILL FOR AN ACT ENTITLED: "AN ACT FOR THE GENERAL REVISION OF THE CROPLAND SPRAYING PROGRAM FOR INSECT CONTROL RELATING TO DEFINITIONS; CROPLAND SPRAYING PROGRAM--POWERS OF DEPARTMENT; CROPLAND SPRAYING PROGRAM--DUTIES OF DEPARTMENT; FINANCING OF CROPLAND SPRAYING PROGRAM; COMPUTATION AND COLLECTION OF ASSESSMENTS ON LANDOWNERS; RANGELAND SPRAYING PROGRAMS--POWERS OF DEPARTMENT; AMENDING SECTIONS 3-3501 THROUGH 3-3506, R.C.M. 1947."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
Section 1. Section 3-3501, R.C.M. 1947, is amended to read as follows:

"3-3501. Definitions. As used in this chapter the following definitions apply:

(1) "Cropland" means land used for the production of food and forage, including the headlands, ditches, and rights-of-way adjacent to such land.

(2) "Cropland spraying program" means the application of chemical or other substances to croplands for the purpose of preventing or destroying insect pests.

(3) "Condition-of-insect-pest-infestation" means a

~~condition where an insect pest, as defined in section 16-1153, or combination of such pests, exists in cropland in such numbers and at such times as to destroy or substantially damage, or threaten to destroy or substantially damage, a significant part of the crop production in a county. "Insect pest" includes the grasshopper, cutworm, pale western cutworm, army worm, chinch bug, and any other insect or arthropod generally recognized as a destroyer of grain, hay, range, and horticulture crops.~~

~~(4) "Department" means the department of agriculture. "Infestation" means that a pest exists in such numbers, under certain conditions, and at certain times as to destroy or substantially damage or threaten to destroy livestock or other agricultural crops.~~

~~(5) "Alternative control program" means a system of controlling insect pest populations through biological or other means not involving toxic chemicals. "Department" means the department of agriculture.~~

~~(6) "Alternative control program" means a system of controlling insect pest populations through biological or other means not involving toxic chemicals.~~

~~(7) "Emergency" means a serious insect pest infestation that meets the conditions of 70-2501."~~

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

1 read as follows:

2 *3-3502. ~~Cropland 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 ~~pest 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;

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 ~~counteract a condition of insect pest infestation having~~
18 ~~first determined that a person contracting to supply such~~
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) ~~conduct or coordinate simultaneous cropland~~
24 ~~spraying programs in two (2) or more contiguous counties~~
25 declare that an insect pest infestation constitutes a

1 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;

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;

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.M. 1947, is amended to
14 read as follows:

15 *3-3503. ~~Cropland spraying program~~ duties Duties of
16 department. The department shall:

17 (1) develop and publish a list of ~~substances approved~~
18 ~~for all cropland 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 ~~pest infestation exists within a county; notice of intent to~~

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

5 (4) ~~conduct a cropland spraying program within a~~
 6 ~~county after notice of intent has been published, unless~~
 7 ~~within two (2) weeks or such lesser time as the notice may~~
 8 ~~specify, the board of county commissioners adopts a plan to~~
 9 ~~conduct a cropland spraying program which is approved by the~~
 10 ~~department; review and comment on or review and approve all~~
 11 ~~county agricultural insect pest management plans as provided~~
 12 ~~by the local government code, and consider whether the plan~~
 13 ~~conforms to the technical guidelines of the department and~~
 14 ~~whether implementation of the plan will probably counteract~~
 15 ~~the condition of insect pest infestation in a timely and~~
 16 ~~proper manner;~~

17 (5) ~~approve a county plan to conduct a cropland~~
 18 ~~spraying program which is submitted in a timely manner,~~
 19 ~~which conforms to the technical guidelines of the~~
 20 ~~department and which will counteract a condition of insect~~
 21 ~~pest infestation in a timely manner; consider whether an~~
 22 ~~alternative control program would be as efficient as~~
 23 ~~spraying on a ratio of total costs to total benefits and~~
 24 ~~provide the county with a summary of its findings prior to~~
 25 ~~conducting or approving any cropland spraying program. If~~

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

3 (6) ~~consider prior to conducting or approving any~~
 4 ~~cropland spraying program, whether an alternative control~~
 5 ~~program would be as efficient as spraying on a ratio of~~
 6 ~~total costs to total benefits and to state a summary of such~~
 7 ~~consideration in a notice of intent published under~~
 8 ~~subsection (3) of this section; if the alternative control~~
 9 ~~program is more efficient, the department may conduct or~~
 10 ~~approve such a program. In such event, any reference to~~
 11 ~~cropland 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:

15 "3-3504. Financing of cropland spraying control
 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 the state,
 19 one-third (1/3) to the county where the program is
 20 conducted, and one-third (1/3) to the owners of cropland in
 21 the county. Prior to the implementation of any state or
 22 county cropland spraying control program, the department and
 23 the board of county commissioners governing body of any
 24 county for which the program is proposed, shall enter into a
 25 written agreement an interlocal or management agreement on

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

5 ~~(2) The board of county commissioners of any county
6 for which a cropland spraying program is intended shall
7 appoint a three member insect evaluation committee once the
8 department has published its notice of intent. The members
9 shall be composed of farmers and ranchers having lands
10 within the proposed program area. The committee prior to
11 the deadline of the notice of intent or within seven days of
12 publication, whichever is less, shall review the finding of
13 fact provided by the department to determine whether an area
14 cropland spraying program shall be conducted for the
15 agricultural producers in the proposed program area if the
16 committee determines that an area cropland spraying program
17 is needed by independently substantiating the department's
18 finding of fact that a condition of insect pest infestation
19 exists, the county or department shall call for a meeting of
20 producers, landowners and other potentially affected
21 taxpayers within the proposed program area. The call for the
22 meeting shall include public notice at least five (5) days
23 in advance. If a majority of those attending the meeting
24 approve the program, then all producers and landowners
25 within the proposed program area shall be included in the~~

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

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

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
16 deposit in the appropriate fund as provided in 3-3505.

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 shall collect the
23 ~~landowners' assessments as provided in section 3-3505~~
24 landowner's special assessment as provided in 3-3505."

25 Section 5. Section 3-3505, R.C.M. 1947, is amended to

1 read as follows:

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

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

19 "3-3506. Rangeland ~~spraying control~~ programs, ~~--powers~~
20 ~~of-department~~ The department may enter into agreements with
21 the United States department of agriculture for cooperative
22 programs to control insect pest ~~infestation~~ infestations on
23 rangeland and to share the costs of such programs, whenever
24 funds have been appropriated and are available for that
25 purpose."

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.

5 Section 8. Severability. If a part of this act is
6 invalid, all valid parts that are severable from the invalid
7 part remain in effect. If a part of this act is invalid in
8 one or more of its applications, the part remains in effect
9 in all valid applications that are severable from the
10 invalid applications.

-End-

Approved by Committee
on Agriculture Livestock
& Irrigation

SENATE BILL NO. 165

INTRODUCED BY GALT, DOVER

BY REQUEST OF THE DEPARTMENT OF AGRICULTURE

A BILL FOR AN ACT ENTITLED: "AN ACT FOR THE GENERAL REVISION OF THE CROPLAND SPRAYING PROGRAM FOR INSECT CONTROL RELATING TO DEFINITIONS; CROPLAND SPRAYING PROGRAM--POWERS OF DEPARTMENT; CROPLAND SPRAYING PROGRAM--DUTIES OF DEPARTMENT; FINANCING OF CROPLAND SPRAYING PROGRAM; COMPUTATION AND COLLECTION OF ASSESSMENTS ON LANDOWNERS; RANGELAND SPRAYING PROGRAMS--POWERS OF DEPARTMENT; AMENDING SECTIONS 3-3501 THROUGH 3-3506, AND 16-1152, R.C.M. 1947."

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

Section 1. Section 3-3501, R.C.M. 1947, is amended to read as follows:

"3-3501. Definitions. As used in this chapter the following definitions apply:

(1) "Cropland" means land used for the production of food and forage including the headlands, ditches, and rights-of-way adjacent to such land.

(2) "Cropland spraying program" means the application of chemical or other substances to croplands for the purpose of preventing or destroying insect pests.

(3) "~~Condition of insect pest infestation~~" means a

~~condition where an insect pest, as defined in section 16-1153, or combination of such pests, exists in cropland in such numbers and at such times as to destroy or substantially damage, or threaten to destroy or substantially damage, a significant part of the crop production in a county. "Insect pest" includes the grasshopper, cutworm, pale western cutworm, army worm, chinch bug, and any other insect or arthropod generally recognized as a destroyer of grain, hay, range, and horticulture crops.~~

(4) "~~Department~~" means ~~the department of agriculture.~~ "Infestation" means that a pest exists in such numbers, under certain conditions, and at certain times as to destroy or substantially damage or threaten to destroy livestock or other agricultural crops.

(5) "~~Alternative control program~~" means ~~a system of controlling insect pest populations through biological or other means not involving toxic chemicals.~~ "Department" means the department of agriculture.

(6) "Alternative control program" means a system of controlling insect pest populations through biological or other means not involving toxic chemicals.

(7) "Emergency" means a serious insect pest infestation that meets the conditions of 79-2501 79-2501."

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

1 read as follows:

2 ~~"3-3502. Cropland 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 ~~pest 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;

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 ~~counteract a condition of insect pest infestation, having~~
18 ~~first determined that a person contracting to supply such~~
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) ~~conduct or coordinate simultaneous cropland~~
24 ~~spraying programs in two (2) or more contiguous counties.~~
25 declare that an insect pest infestation constitutes a

1 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;

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;

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.M. 1947, is amended to
14 read as follows:

15 "3-3503. ~~Cropland spraying program duties~~ Duties of
16 department. The department shall:

17 (1) develop and publish a list of ~~substances approved~~
18 ~~for all cropland 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 ~~pest infestation exists within a county, notice of intent to~~

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

5 (4) ~~conduct a cropland spraying program within a~~
 6 ~~county, after notice of intent has been published, unless~~
 7 ~~within two (2) weeks or such lesser time as the notice may~~
 8 ~~specify, the board of county commissioners adopts a plan to~~
 9 ~~conduct a cropland spraying program which is approved by the~~
 10 ~~department; review and comment on or review and approve all~~
 11 ~~county agricultural insect pest management plans as provided~~
 12 ~~by the local government code LAW, and consider whether the~~
 13 ~~plan conforms to the technical guidelines of the department~~
 14 ~~and whether implementation of the plan will probably~~
 15 ~~counteract the condition of insect pest infestation in a~~
 16 ~~timely and proper manner;~~

17 (5) ~~approve a county plan to conduct a cropland~~
 18 ~~spraying program which is submitted in a timely manner,~~
 19 ~~which conforms to the technical guidelines of the~~
 20 ~~department, and which will counteract a condition of insect~~
 21 ~~pest infestation in a timely manner; consider whether an~~
 22 ~~alternative control program would be as efficient as~~
 23 ~~spraying on a ratio of total costs to total benefits and~~
 24 ~~provide the county with a summary of its findings prior to~~
 25 ~~conducting or approving any cropland spraying program. If~~

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

3 ~~(6) consider, prior to conducting or approving any~~
 4 ~~cropland spraying program, whether an alternative control~~
 5 ~~program would be as efficient as spraying on a ratio of~~
 6 ~~total costs to total benefits and to state a summary of such~~
 7 ~~consideration in a notice of intent published under~~
 8 ~~subsection (3) of this section. If the alternative control~~
 9 ~~program is more efficient, the department may conduct or~~
 10 ~~approve such a program. In such event, any reference to~~
 11 ~~cropland 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:

15 "3-3504. Financing of ~~cropland spraying control~~
 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 owners of cropland in~~
 21 ~~the county. Prior to the implementation of any state or~~
 22 ~~county cropland spraying control program, the department and~~
 23 ~~the board of county commissioners governing body BOARD OF~~
 24 ~~COUNTY COMMISSIONERS of any county for which the program is~~
 25 ~~proposed, shall enter into a written agreement an interlocal~~

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

5 (2) ~~The board of county commissioners of any county~~
 6 ~~for which a cropland spraying program is intended, shall~~
 7 ~~appoint a three member insect evaluation committee once the~~
 8 ~~department has published its notice of intent. The members~~
 9 ~~shall be composed of farmers and ranchers having lands~~
 10 ~~within the proposed program area. The committee, prior to~~
 11 ~~the deadline of the notice of intent or within seven days of~~
 12 ~~publication, whichever is less, shall review the finding of~~
 13 ~~fact provided by the department to determine whether an area~~
 14 ~~cropland spraying program shall be conducted for the~~
 15 ~~agricultural producers in the proposed program area. If the~~
 16 ~~committee determines that an area cropland spraying program~~
 17 ~~is needed, by independently substantiating the department's~~
 18 ~~finding of fact that a condition of insect pest infestation~~
 19 ~~exists, the county or department shall call for a meeting of~~
 20 ~~producers, landowners and other potentially affected~~
 21 ~~taxpayers within the proposed program area. The call for the~~
 22 ~~meeting shall include public notice at least five (5) days~~
 23 ~~in advance. If a majority of those attending the meeting~~
 24 ~~approve the program, then all producers and landowners~~
 25 ~~within the proposed program area shall be included in the~~

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

3 Individual farm and ranch landowners may formally
 4 petition by written affidavit protesting their inclusion
 5 within the proposed cropland spraying program. The
 6 department or county commissioners shall refrain from
 7 spraying any land petitioned to be excluded. Such excluded
 8 land remains subject to assessment under section 3-3505. The
 9 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
 16 deposit in the appropriate fund as provided in 3-3505.

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
 23 collect the ~~landowners' assessments as provided in section~~
 24 ~~3-3505~~ landowner's special assessment as provided in
 25 3-3505."

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

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

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

20 "3-3506. Rangeland ~~spraying control~~ programs, ~~—powers~~
21 ~~of department.~~ The department may enter into agreements with
22 the United States department of agriculture for cooperative
23 programs to control insect pest ~~infestation~~ infestations on
24 rangeland and to share the costs of such programs, whenever
25 funds have been appropriated and are available for that

1 purpose."

2 Section 7. There is a new R.C.M. section numbered
3 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
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 ~~cropland spraying~~
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."

24 Section 9. Severability. If a part of this act is
25 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-

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 PROGRAM--POWERS
8 OF DEPARTMENT; CROPLAND SPRAYING PROGRAM--DUTIES OF
9 DEPARTMENT; FINANCING 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, 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 the
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) ~~"Condition of insect pest infestation" means a~~

1 ~~condition where an insect pest, as defined in section~~
2 ~~16-1152, or combination of such pests, exists in cropland 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 crop~~
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" means 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) ~~"Alternative control program" means a system of~~
17 ~~controlling insect pest populations through biological or~~
18 ~~other means not involving toxic 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 70-2501 79-2501."

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

THIRD READING

1 read as follows:

2 ~~"3-3502. Cropland 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 pest 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;~~

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 ~~counteract a condition of insect pest infestation, having~~
18 ~~first determined that a person contracting to supply such~~
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) ~~conduct or coordinate simultaneous cropland~~
24 ~~spraying programs in two (2) or more contiguous counties.~~
25 ~~declare that an insect pest infestation constitutes a~~

1 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;

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;

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.H. 1947, is amended to
14 read as follows:

15 "3-3503. ~~Cropland spraying program~~ Duties of
16 department. The department shall:

17 (1) develop and publish a list of ~~substances approved~~
18 ~~for all cropland 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 ~~pest infestation exists within a 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;~~

~~(4) conduct a cropland spraying 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 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~~ LAWS 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 manner;~~

~~(5) approve a county plan to conduct a cropland 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 infestation 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~~

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

~~(6) consider, prior to conducting or approving any cropland spraying program, 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 section. If the alternative control program is more efficient, the department may conduct or approve such a program. In such event, any reference to cropland spraying program in this act includes the alternative control program."~~

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

"3-3504. Financing of ~~cropland spraying control~~ 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 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~~ BOARD OF COUNTY COMMISSIONERS of any county for which the program is proposed, shall enter into a written agreement an interlocal

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

5 ~~(2) The board of county commissioners of any county~~
 6 ~~for which a cropland spraying program is intended, shall~~
 7 ~~appoint a three member insect evaluation committee once the~~
 8 ~~department has published its notice of intent. The members~~
 9 ~~shall be composed of farmers and ranchers having lands~~
 10 ~~within the proposed program area. The committee, prior to~~
 11 ~~the deadline of the notice of intent or within seven days of~~
 12 ~~publication, whichever is less, shall review the finding of~~
 13 ~~fact provided by the department to determine whether an area~~
 14 ~~cropland spraying program shall be conducted for the~~
 15 ~~agricultural producers in the proposed program area. If the~~
 16 ~~committee determines that an area cropland spraying program~~
 17 ~~is needed, by independently substantiating the department's~~
 18 ~~finding of fact that a condition of insect pest infestation~~
 19 ~~exists, the county or department shall call for a meeting of~~
 20 ~~producers, landowners and other potentially affected~~
 21 ~~taxpayers within the proposed program area. The call for the~~
 22 ~~meeting shall include public notice at least five (5) days~~
 23 ~~in advance. If a majority of those attending the meeting~~
 24 ~~approve the program, then all producers and landowners~~
 25 ~~within the proposed program area shall be included in the~~

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

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

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
 16 deposit in the appropriate fund as provided in 3-3505.

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
 23 collect the ~~landowners' assessments as provided in section~~
 24 3-3505 landowner's special assessment as provided in
 25 3-3505."

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

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

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

20 "3-3506. Rangeland ~~spraying~~ control programs, ~~—powers~~
21 ~~of department~~. The department may enter into agreements with
22 the United States department of agriculture for cooperative
23 programs to control insect pest ~~infestation~~ infestations on
24 rangeland and to share the costs of such programs, whenever
25 funds have been appropriated and are available for that

1 purpose."

2 Section 7. There is a new R.C.M. section numbered
3 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
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 ~~cropland spraying~~
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."

24 Section 9. Severability. If a part of this act is
25 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 PROGRAM--POWERS
 8 OF DEPARTMENT; CROPLAND SPRAYING PROGRAM--DUTIES OF
 9 DEPARTMENT; FINANCING 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, 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 the
 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) ~~"Condition--of--insect--pest--infestation"--means-a~~

1 ~~condition where an insect pest, as defined in section~~
 2 ~~16-1153, or combination of such pests, exists in cropland 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 crop~~
 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" means 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) ~~"Alternative control program" means a system of~~
 17 ~~controlling insect pest populations through biological or~~
 18 ~~other means not involving toxic 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."~~
 25 Section 2. Section 3-3502, R.C.M. 1947, is amended to

1 read as follows:

2 ~~"3-3502. Cropland 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 pest 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;~~

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 ~~counteract a condition of insect pest infestation, having~~
18 ~~first determined that a person contracting to supply such~~
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) ~~conduct or coordinate simultaneous cropland~~
24 ~~spraying programs in two (2) or more contiguous counties~~
25 ~~declare that an insect pest infestation constitutes a~~

1 ~~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;~~

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;~~

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.M. 1947, is amended to
14 read as follows:

15 ~~"3-3503. Cropland spraying program duties~~ Duties of
16 department. The department shall:

17 (1) develop and publish a list of substances approved
18 for all cropland 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 pest infestation exists within a county, notice of intent to

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

5 (4) ~~conduct a cropland spraying program within a~~
 6 ~~county after notice of intent has been published, unless~~
 7 ~~within two (2) weeks or such lesser time as the notice may~~
 8 ~~specify, the board of county commissioners adopts a plan to~~
 9 ~~conduct a cropland spraying program which is approved by the~~
 10 ~~department; review and comment on or review and approve all~~
 11 ~~county agricultural insect pest management plans as provided~~
 12 ~~by the local government code LAW STATUTES, and consider~~
 13 ~~whether the plan conforms to the technical guidelines of the~~
 14 ~~department and whether implementation of the plan will~~
 15 ~~probably counteract the condition of insect pest infestation~~
 16 ~~in a timely and proper manner;~~

17 (5) ~~approve a county plan to conduct a cropland~~
 18 ~~spraying program which is submitted in a timely manner,~~
 19 ~~which conforms to the technical guidelines of the~~
 20 ~~department, and which will counteract a condition of insect~~
 21 ~~pest infestation in a timely manner; consider whether an~~
 22 ~~alternative control program would be as efficient as~~
 23 ~~spraying on a ratio of total costs to total benefits, and~~
 24 ~~provide the county with a summary of its findings prior to~~
 25 ~~conducting or approving any cropland spraying program. If~~

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

3 (6) ~~consider, prior to conducting or approving any~~
 4 ~~cropland spraying program, whether an alternative control~~
 5 ~~program would be as efficient as spraying on a ratio of~~
 6 ~~total costs to total benefits and to state a summary of such~~
 7 ~~consideration in a notice of intent published under~~
 8 ~~subsection (3) of this section. If the alternative control~~
 9 ~~program is more efficient, the department may conduct or~~
 10 ~~approve such a program. In such event, any reference to~~
 11 ~~cropland 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:

15 "3-3504. Financing of cropland spraying control
 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 owners of cropland in
 21 the county. Prior to ~~the~~ implementation of any state or
 22 county cropland spraying control program, the department and
 23 the board of county commissioners ~~governing body~~ BOARD OF
 24 COUNTY COMMISSIONERS GOVERNING BODY of any county for which
 25 the program is proposed, shall enter into a written

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

5 ~~(2) The board of county commissioners of any county~~
 6 ~~for which a cropland spraying program is intended, shall~~
 7 ~~appoint a three member insect evaluation committee once the~~
 8 ~~department has published its notice of intent. The members~~
 9 ~~shall be composed of farmers and ranchers having lands~~
 10 ~~within the proposed program area. The committee, prior to~~
 11 ~~the deadline of the notice of intent or within seven days of~~
 12 ~~publication, whichever is less, shall review the finding of~~
 13 ~~fact provided by the department to determine whether an area~~
 14 ~~cropland spraying program shall be conducted for the~~
 15 ~~agricultural producers in the proposed program area. If the~~
 16 ~~committee determines that an area cropland spraying program~~
 17 ~~is needed, by independently substantiating the department's~~
 18 ~~finding of fact that a condition of insect pest infestation~~
 19 ~~exists, the county or department shall call for a meeting of~~
 20 ~~producers, landowners and other potentially affected~~
 21 ~~taxpayers within the proposed program area. The call for the~~
 22 ~~meeting shall include public notice at least five (5) days~~
 23 ~~in advance. If a majority of those attending the meeting~~
 24 ~~approve the program, then all producers and landowners~~
 25 ~~within the proposed program area shall be included in the~~

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

3 Individual farm and ranch landowners may formally
 4 petition by written affidavit protesting their inclusion
 5 within the proposed cropland spraying program. The
 6 department or county commissioners LOCAL GOVERNING BODY
 7 shall refrain from spraying any land petitioned to be
 8 excluded. Such excluded land remains subject to assessment
 9 under section 3-3505. ~~The governing body BOARD OF COUNTY~~
 10 ~~COMMISSIONERS GOVERNING BODY of any county for which a~~
 11 ~~control program is intended shall proceed as provided by the~~
 12 ~~local government code LAW STATUTES.~~

13 (3) If the department conducts the program, the
 14 department ~~it~~ shall pay all costs of the program. The
 15 county shall pay its share and the landowners' ~~landowner's~~
 16 ~~share, as provided in section 3-3505, to the department for~~
 17 ~~deposit in the appropriate fund as provided in 3-3505.~~

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

1 ~~3-3505.~~"

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

4 "3-3505. Computation and collection of assessments on
5 landowners. Each owner of cropland benefited under a
6 cropland spraying program is liable for such portion of the
7 ~~landowners' landowner's~~ share of the program costs as his
8 cropland is a portion of all cropland within the county
9 ~~benefited-by-the-program boundaries of the program.~~ The
10 county treasurer shall compute each such landowner's
11 liability and mail a special assessment therefor to each
12 ~~landowner--or-his-agent owner or occupier of land within the~~
13 ~~boundaries of the program. Unless otherwise mutually agreed~~
14 ~~upon.~~ This ~~this~~ assessment is due and payable within
15 ~~thirty-two--{32} days of mailing or thirty--{30} days of~~
16 ~~receipt if receipt is shown to be more than two--{2} days~~
17 ~~after mailing. A delinquent assessment is a lien upon the~~
18 ~~land assessed."~~

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

21 "3-3506. Rangeland ~~spraying control~~ programs, ~~--powers~~
22 ~~of-department.~~ The department may enter into agreements with
23 the United States department of agriculture for cooperative
24 programs to control insect pest ~~infestation infestations~~ on
25 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, R.C.M. 1947, IS AMENDED TO
8 READ AS FOLLOWS:

9 "16-1152. Tax levy for payment of warrants. The board
10 ~~of-county-commissioners~~ GOVERNING BODY OF THE COUNTY shall
11 annually determine the amount of such warrants drawn on the
12 general fund for the purposes of controlling insect pests
13 under a ~~cropland--spraying control~~ program approved by the
14 department of agriculture, and the succeeding year, shall
15 levy a tax for the purpose of insect pest extermination
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 ~~assessed 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.