

HOUSE BILL 99

IN THE HOUSE

January 10, 1979

Introduced and referred to
Committee on Agriculture,
Livestock and Irrigation.

January 25, 1979

Committee recommend bill,
as amended, do not pass.

January 26, 1979

Report adopted.

1 *House* BILL NO. *99*
 2 INTRODUCED BY ~~_____~~ *Ellison* *2 Burlington*
 3 *Burt Newwitz*

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR THE
 5 CREATION AND OPERATION OF RODENT CONTROL DISTRICTS; AMENDING
 6 SECTION 77-6-114, MCA."

7
 8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9 NEW SECTION. section 1. Definitions. As used in
 10 [sections 1 through 18 of this act], unless the context
 11 indicates otherwise, the following definitions apply:

12 (1) "board" means the rodent control board for a
 13 district.

14 (2) "Department" means the department or livestock.

15 (3) "District" means a rodent control district created
 16 under the provisions of [sections 1 through 18 of this act].

17 (4) "fund" means the rodent control district fund
 18 authorized by [section 10 of this act].

19 (5) "Governing body" means the governing body
 20 specified in the alternative form of government adopted by a
 21 county.

22 (6) "Rodent" means Columbia and Richardson ground
 23 squirrels, pocket gophers, prairie dogs, striped gophers,
 24 flickertail gophers, field mice, or meadow mice.

25 NEW SECTION. Section 2. Application to state lands.

1 [Sections 1 through 18 of this act] apply to lands owned by
 2 the state.

3 NEW SECTION. Section 3. Rodent control districts
 4 authorized. The governing body of a county may create a
 5 district as provided in [sections 1 through 18 of this act].
 6 A district may not contain any city or town.

7 NEW SECTION. Section 4. Petition to create district
 8 -- hearing. (1) The creation of a district may be initiated
 9 only by a petition:

10 (a) signed by at least 25% of the owners of land
 11 within the proposed district;

12 (b) submitted to the governing body of the county; and

13 (c) accompanied by sufficient funds to defray the cost
 14 of giving notice as required by [section 5 of this act].

15 (2) The petition shall set forth the boundaries of the
 16 proposed district.

17 (3) Upon receipt of the petition, the governing body
 18 shall set a date for a hearing on the petition. The hearing
 19 must be held within 3 weeks of receipt of the petition.

20 NEW SECTION. Section 5. Notice of hearing. Upon
 21 setting a date for the hearing, the governing body shall
 22 give notice of the hearing in the following manner:

23 (1) notice is to be sent by certified or registered
 24 mail to each owner of land within the proposed district at
 25 the last-known address as shown in the county records;

1 (2) notice is to be posted in at least three public
2 places within the proposed district; and

3 (3) notice is to be published in at least two issues
4 of a newspaper of general circulation in the proposed
5 district, with at least 7 days between publications, and the
6 first publication must be at least 10 days before the
7 hearing date.

8 NEW SECTION. Section 6. Objection to district. (1) At
9 any time up to and including the date of the hearing, a
10 landowner may file written objection to the creation of the
11 district with the county clerk. The county clerk shall note
12 the time of receipt on the written protest and shall compute
13 the percentage of land in the proposed district represented
14 by the protesting landowner.

15 (2) If the owners of at least 51% of the land in the
16 proposed district file written objections with the county
17 clerk, the district may not be created.

18 NEW SECTION. Section 7. Hearing -- decision. (1) On
19 the date set for the hearing, the governing body shall hear
20 comments on the proposed district. If objections have been
21 filed by owners of at least 51% of the land within the
22 district, the governing body shall deny the petition request
23 and may not create the district. Prior to creating a
24 district, the governing body shall make a finding that
25 creation of the district is in the best interests of the

1 district lands and residents. Except as provided in
2 subsection (3), the decision on whether to grant or deny the
3 petition request shall be made within 10 days of the
4 hearing.

5 (2) The decision is to be made by an order recorded in
6 the minutes of the governing body. If the district is to be
7 created, the order shall state the name of the district,
8 describe the district boundaries, and provide any other
9 information needed to describe the land included within the
10 district.

11 (3) If the governing body considers it necessary, a
12 survey and study of the proposed district may be ordered and
13 a report may be submitted to the department for review and
14 recommendations. The decision on the petition may be
15 postponed until receipt of the study and the department's
16 review. If a postponement occurs, announcement shall be
17 given at the hearing and the decision is to be made within
18 10 days of receipt of the study or the review.

19 NEW SECTION. Section 8. Rodent control board. (1) A
20 district is governed by an appointed three-member board. The
21 board members are public officers and shall organize each
22 year by choosing a chairman from the board membership and
23 appointing a secretary. Board members must be district
24 residents.

25 (2) The regular term of office is 3 years. The initial

1 appointments to the board of a newly created district shall
2 be made by the governing body so that one term expires on
3 June 30 in each of the succeeding 3 years. Thereafter the
4 governing body will make a 3-year appointment each year,
5 with the term commencing July 1 and ending June 30.

6 (3) A board member may not receive pay for board work
7 but is entitled to \$10 per diem for each day the board is in
8 session and to a mileage allowance as provided in 2-18-503.

9 (4) The county extension agent, if there is one, is an
10 ex officio member of the board, but without a vote.

11 NEW SECTION. Section 9. Board powers. The board may:

12 (1) develop and administer a program for the abatement
13 and alleviation of rodent pest conditions within the
14 district;

15 (2) employ such assistants and employees as are
16 necessary;

17 (3) purchase or lease such equipment, material, or
18 services as are considered necessary for an effective
19 control program;

20 (4) sell or lease such equipment, material, or
21 services to district landowners or residents as are
22 considered necessary to implement the rodent abatement
23 program;

24 (5) cooperate with any corporation, association,
25 group, individual, or state or federal agency in rodent

1 abatement programs;

2 (6) receive gifts or grants for the implementation of
3 a rodent abatement program; and

4 (7) enter district lands in order to survey and study
5 conditions and to implement a rodent abatement program.

6 NEW SECTION. Section 10. Rodent control fund. (1) The
7 governing body shall establish a special fund, to be known
8 as the rodent control district fund, for each
9 district in the county. Money in the fund may be expended
10 only for district administrative costs and the expenses of
11 establishing and implementing a rodent abatement program.

12 (2) The county treasurer is the administrator of the
13 fund and shall draw warrants on the fund by order of the
14 governing body. Warrants shall be ordered by the governing
15 body when so requested by the board.

16 NEW SECTION. Section 11. Mill levy authorized. To
17 administer and implement a rodent abatement program, the
18 governing body may levy a tax, not to exceed 5 mills, on the
19 taxable value of the horticultural, farming, grazing,
20 forest, and railroad lands within the district. The proceeds
21 of the levy are to be placed in the district fund.

22 NEW SECTION. Section 12. Financial operation. (1)
23 Material, equipment, and services purchased or leased by the
24 board are to be paid for by warrants drawn on the fund.

25 (2) Payment received for material, equipment, and

1 services supplied by the board is to be deposited in the
2 fund. Reimbursement payments as provided for in [section 14
3 of this act] and penalties collected under [section 15 of
4 this act] are to be deposited in the fund.

5 NEW SECTION. Section 13. Implementation of rodent
6 control. (1) Whenever the board has reason to believe a
7 rodent control problem exists, it shall inspect the affected
8 land and may issue an order to the landowner to take the
9 appropriate action.

10 (2) If the landowner is unwilling or unable to carry
11 out the necessary rodent control measures, the board shall
12 take the necessary steps to control the rodent problem. The
13 expenses of the board in carrying out these measures shall
14 be paid from the fund upon presentation of an itemized
15 account to the governing body.

16 NEW SECTION. Section 14. Reimbursement of fund. (1)
17 Whenever the board has undertaken rodent control pursuant to
18 [section 13 of this act], the landowner shall reimburse the
19 fund for the expenses related to rodent control on his land.
20 The board may, by written contract with the landowner, agree
21 to extend the reimbursement over a period not to exceed 5
22 years.

23 (2) The agreement may provide for the reimbursement
24 payments to be collected with property taxes, and in this
25 case, the board shall inform the county clerk of the lands

1 to be charged and the amount to be placed on the tax notice.
2 Upon receipt of the payment, the county clerk shall deposit
3 it in the fund.

4 (3) Until paid, the amount due for reimbursement is a
5 lien against the lands of the landowner within the district.
6 The board may institute court actions to recover money due
7 under the provisions of this section.

8 NEW SECTION. Section 15. Penalty. (1) Any person who
9 interferes with the board or its employees or agents is
10 subject to a civil penalty not to exceed \$100. The board may
11 institute a court action to recover the penalty.

12 (2) Penalties assessed under this section are to be
13 deposited in the fund.

14 NEW SECTION. Section 16. Enlargement of district. (1)
15 A district may be enlarged upon presentation of a petition
16 signed by at least 25% of the owners of the land in the area
17 proposed to be annexed to the district. The provisions of
18 [sections 4 through 7 of this act] apply to the annexation
19 petition, with the term "district" in those sections taken
20 to mean the area proposed to be added.

21 (2) Whenever an area is annexed to an existing
22 district, the governing body, in the order approving the
23 annexation, may provide that landowners in the annexed area
24 are required to pay an initial fee to equalize expenditures
25 already made by the landowners of the district.

NEW SECTION. Section 17. Dissolution of a district.

(1) A district may be dissolved by order of the governing body upon receipt of a petition signed by the owners of at least 51% of the land in the district and after a hearing on the petition. Notice of the hearing is to be given by posting notice in at least three public places in the district and by publishing notice at least once in a newspaper of general circulation in the district. If the governing body finds it to be in the best interest of the district lands and residents to terminate the district, the governing body shall so order.

(2) The dissolution order shall provide for a termination date and for liquidating the district assets and liabilities. Any money remaining in the district fund after all assets and liabilities have been liquidated shall be transferred to the county general fund.

NEW SECTION. Section 18. Multicounty districts. A multicounty district may be created by interlocal agreement, as provided in Title 7, chapter 11, part 1, between the governing bodies of the counties involved.

Section 19. Section 17-6-114, MCA, is amended to read:

"17-6-114. Lessee responsible for assessments and taxes for weed control ~~and charges for rodent control.~~ It shall be the duty of the board in leasing any agricultural state land to provide in such lease:

(1) that the lessee of lands so leased lying within the boundaries of any noxious weed control and weed seed extermination district shall assume and pay all assessments and taxes levied by the board of county commissioners for such district on such state lands, and such assessments and tax levy shall be imposed on such lessee as a personal property tax and shall be collected by the county treasurer in the same manner as regular personal property taxes are collected. All such state lessees shall be required under the terms of such lease to pay such assessment and tax levy at the same time and manner as other regular personal taxes are paid; and

~~(2) that the lessee of lands so leased lying within the boundaries of a rodent control district shall be liable for charges imposed pursuant to [section 14 of this act]."~~

NEW SECTION. Section 20. 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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